HOUSE OF REPRESENTATIVES—*Thursday, September 18, 1997*

The House met at 10 a.m.

The Reverend Betty McWhorter, St. Patrick's Episcopal Church, Washington, DC, offered the following prayer:

Almighty God, You are the creator and lover of all life. We give You thanks for bringing us safely through the night into the glory of this new day. As a nation, You have honored and blessed us with great resources both in the land and in the people. From these blessings come those who are called to serve in the ways of leadership. We ask You to bless and endow these men and women who serve in the House of Representatives with Your holy wisdom, with the strength of Your powerful courage, and with Your all embracing compassion so that people everywhere may some day live in the world You intended, a world of peace, equality, and justice for all. In Your most holy name we pray. Amen.

THE JOURNAL

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

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

Mr. DOGGETT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alabama [Mr. ADERHOLT] come forward and lead the House in the Pledge of Allegiance.

Mr. ADERHOLT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 134. Concurrent resolution authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2264. An act 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, and

H.R. 2378. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2264) "An Act 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," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GORTON, Mr. BOND, Mr. GREGG, Mr. FAIRCLOTH, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. HARKIN, Mr. HOLLINS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2378) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. KOHL, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 101–445, the Chair, on behalf of the President pro tempore, appoints Charles H. White, of Mississippi, to the National Nutrition Monitoring Advisory Council.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize ten 1-minutes on each side after recognizing the gentleman from West Virginia.

INTRODUCING GUEST CHAPLAIN REV. BETTY McWHORTER

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, it gives me great pleasure and it is a great privilege to introduce to the House the Reverend Betty McWhorter of St. Patrick's Episcopal Church here in Washington, DC.

Betty grew up in Birmingham, AL, and graduated from Auburn University with a degree in mathematics. Early in her marriage to Jim, the family grew to include three children as they lived in Tennessee, Michigan, Georgia, California, New York, North Carolina, Texas, and now Virginia.

She received her masters of divinity degree from the Roman Catholic University of St. Thomas in Houston, TX. Ordained now for 10 years, she has served churches in Texas and Virginia before becoming rector of St. Patrick's Episcopal Church in Washington in 1995.

Betty has been a spiritual leader in every sense for the St. Patrick's community, greatly strengthing the parish and its successful day school. Outreach is important to Betty both in the church and the community. We are fortunate to have her with us today.

Mr. Speaker, I yield to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the gentleman from West Virginia [Mr. WISE] for yielding.

I also want to welcome Reverend McWhorter to the House. My children also attend St. Patrick's Episcopal Day School. Also, Reverend McWhorter and I share an affinity in that we share the alma mater of the University of St. Thomas in Houston.

So I congratulate her on her appearance here today. I thank the gentleman from West Virginia [Mr. WISE] for yielding.

Mr. WISE. As one who went to the University of Houston, I also have some affinity but also, most importantly of all, attend Reverend McWhorter's church and feel privileged to do so.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MEXICO'S PERFORMANCE FIGHTING DRUGS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, recent news reports out of Mexico indicate that a counter-drug radar surveillance site in southern Mexico monitoring drug-laden flights from Colombia into Mexico may have actually been a nest of drug support, not drug suppression. All the Mexican officials at the site were arrested for drug trafficking related offenses.

The Mexican radar base was part of the Mexican attorney general's antidrug operations to stem the flow of more than 70 percent of the drugs entering the United States, much of it from Colombia. Our DEA's concern about no one to deal with in confidence in Mexico was more fully illustrated by these latest arrests. Mexico's own DEA leader himself was arrested earlier this year.

The Clinton administration reported to Congress this week on Mexico's, and I quote, "improved" performance fighting drugs, a promised report used to respond to congressional efforts to decertify last March. Congress did not buy the administration's earlier "fully cooperating" drug rating given Mexico, and will not buy more fluff this time either.

The contrast last March was especially vivid in light of the decertification of Colombia, whose real, incorruptible antidrug cops, fighting and dying in the war on drugs, actually took down the powerful Cali and Medellín cartels, and are not helping move drugs north.

PREVENT BOB DORNAN FROM RETURNING TO HOUSE FLOOR

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republican majority in this House has done a disservice to the country in its continual effort to go after the gentlewoman from California [Ms. SANCHEZ], who was duly elected and certified by the State of California.

But one of the saddest consequences of the Republican witch hunt of this Hispanic Member has been to encourage former Congressman Bob Dornan into believing that he is still a Member of this body. Mr. Dornan has no business being on the floor of this House. I know the rules currently allow it, but he has violated that privilege by his conduct most recently when he accosted my colleague, the gentleman from New Jersey [Mr. MENENDEZ].

I urge all my colleagues to support the motion of the gentleman from New Jersey [Mr. MENENDEZ] to prevent Bob Dornan from returning to the House floor. But I fault the Republican leadership even more than Mr. Dornan that we have come to this sad state of affairs. They are to blame for encouraging Mr. Dornan, who has clearly lost the election but persists in thinking otherwise.

NATIONAL MAMMOGRAPHY DAY

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, today I am introducing a House resolution in support of the goals of National Mammography Day. National Mammography Day was founded by breast cancer and health care organizations to increase awareness about the critical importance of regular mammography screening and to make available education and low-cost mammograms to underserved women.

The resolution complements those efforts to help increase awareness about the importance of regular mammography screening. It also recognizes the significant contributions of community organizations to women's health and urges all women to take an active role in the fight against breast cancer by all means available to them, including regular mammograms.

Mr. Speaker, 180,200 women in America will be diagnosed with breast cancer this year; 43,900 will die because of the disease. We do know that early detection and prompt treatment of breast cancer could result in a third fewer breast cancer deaths each year. Mammograms are the single best method of detecting breast cancer in its earliest stages.

I urge my colleagues to join me in cosponsoring this resolution which I will introduce today.

THEY DID NOTHING WRONG

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when it comes to Chinese money, nobody did anything wrong. Manlin Foung and Joseph Landon said, "I did nothing wrong." David Wang and Xiping Wang said, "I did nothing wrong." Yufang Chu said, "I did nothing wrong." Charlie Trie said, "I did nothing wrong." John Huang said, "I did nothing wrong." Even three Buddhist nuns said, "I did nothing wrong."

Tell me, Mr. Speaker, if all these people did nothing wrong, why are they all demanding immunity? Beam me up, Mr. Speaker. With Chinese trade surpluses now over $50 billion, something stinks. And I guarantee one thing, these people were not just sleeping in the Lincoln bedroom. I suspect they were playing monopoly in the Oval Office. Tell it the way it is. They look guilty, guilty, guilty. Congress should get to the bottom of this Chinese money business.

□ 1015

IN MEMORY OF CONGRESSMAN ALBERT LEE SMITH

(Mr. RILEY asked and was given permission to address the House for 1 minute.)

Mr. RILEY. Mr. Speaker, I rise today filled with both grief and gratitude over the death of former Congressman Albert Lee Smith.

Congressman Smith was a man with an incredible strength of character, enormous integrity, and a rock solid dedication to his convictions. He exemplified what a leader should be. He, along with his wife Eunie, have fought for years for conservative ideals, strong family values, and the moral beliefs this country was founded on. Congressman Smith could always be counted on to do what he believed to be right, regardless of the political consequences.

Although his death is a cause of sadness, I am very grateful for Albert Lee Smith, for his life, his leadership, and his friendship. Alabama and America have truly lost one of their finest sons.

CAMPAIGN FINANCE REFORM AND TOBACCO

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, yesterday, like every day in America, 3,000 more young Americans began the path on their addiction to nicotine.

And three other significant things happened concerning the plague of nicotine addiction, the most significant cause of preventable death in this country. The first was a positive one. President Clinton called for a comprehensive strategy to address youth smoking as we evaluate this tobacco settlement.

The second was also positive in a way. This House, which, along with the Senate, had snuck into the balanced budget agreement a $50 billion tax break for the tobacco industry under the claim of small business protection, quickly repealed that when it became known to the public at large.

And the third thing that happened was that this House adjourned at the end of the day and a private jet from a U.S. tobacco company came over and took a plane-load of our colleagues to a Republican fund-raiser in New York. We need to address the campaign finance issue at the same time we address tobacco usage.

SUPPORT TAXPAYER DIVIDEND ACT

(Mr. GIBBONS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Republican Congress has done what many of our liberal colleagues have thought impossible. We balanced the Federal budget while at the same time providing much-needed tax relief for hard-working families of this country. To top it off, the Congressional Budget Office says that we will actually show a surplus as a result of this historic agreement.

Mr. Speaker, I urge my colleagues not to take their eye off that ball. Any tax surplus generated represents too much money the Federal Government has taken from the hard working American people. This money must be used either to reduce the national debt or return to the people in the form of additional tax benefits.

I would like to commend the gentleman from Ohio [Mr. BOEHNER] for introducing the Taxpayer Dividend Act, which will ensure that this very important goal is met. I urge my colleagues to join me in cosponsoring this important bill.

PRIVILEGED RESOLUTION REGARDING FORMER MEMBER

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. I come before the House today to urge my colleagues to do what they know is right.

As many of my colleagues personally witnessed, Robert Dornan, a former Member of this House, verbally assaulted me on the House floor yesterday. He used profane language, accused me of religious bigotry, called my integrity into question, and by tone of voice and the context of his remarks clearly attempted to lure me off the floor into a physical altercation.

I offered a privileged resolution to make clear that behavior like Mr. Dornan's is never acceptable on the House floor. Now there is some talk that some may seek to table the resolution when it comes to the floor today. With the American people watching us on C-SPAN, what kind of message does that send to the public about this institution? What kind of standards does that set for this House? What kind of example does that set for our children, that profanities and threats are the way to solve differences of opinion?

Mr. Speaker, I hope and trust that, as a body, we truly are above that and that my colleagues will vote against any motion to table. Vote for the resolution and for maintaining the highest standard of conduct and decorum in the House.

ONE YEAR ANNIVERSARY: UTAH'S SCHOOLS SHOULD NOT CONTINUE TO PAY FOR CREATION OF NATIONAL MONUMENT

(Mr. CANNON asked and was given permission to address the House for 1 minute.)

Mr. CANNON. Mr. Speaker, today is the 1-year anniversary of President Clinton's declaration of the massive Utah monument in my district. Within the monument are 175,000 acres of school trust lands. They contain vast deposits of coal, large quantities of oil, gas, and hard rock minerals. The total value is in the billions of dollars.

A year ago, the President stood in Arizona and promised that creating this national monument should not and will not come at the expense of Utah's children and vowed to create a working group, including Utah's congressional delegation, to find equivalent lands for exchange. A year later, no working group exists, no member of the Utah delegation has been contacted, and the Utah School Trust has been unable to open negotiations.

Mr. President, I ask for your help. With 48 of my colleagues, I am sending you today a letter asking for the creation of the promised working group. The burden of your decision to create the monument should not, and it must not, fall on Utah's schoolchildren.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HEFLEY). The Chair would remind the gentleman that Members should address the Chair and not the President.

BRING UP THE MENENDEZ RESOLUTION

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Mr. Speaker, I come today as a member of the Committee on House Oversight who, for 9 months, has been looking into scheduling special meetings for the investigation of the gentlewoman from California [Ms. SANCHEZ].

I come to Members today to ask that the integrity of the House be maintained, that we bring up today the Menendez resolution, and that we put this 9-month investigation to rest. It is imperative, Mr. Speaker, and I call on the gentleman from California [Mr. THOMAS], the chairman of our Committee on House Oversight, who has scheduled a meeting next Wednesday to discuss the Sanchez investigation, come to a close.

The results show that the gentlewoman from California won the election favorably. It is very unfortunate that a former colleague would come on this floor and insult the integrity of this House. I urge the Speaker and Members of the Congress, bring up the Menendez resolution today. Do not table it. Let us get on with the business of the American people.

INTRODUCTION OF MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today to ask bipartisan support for a new legislative initiative called the Marriage Tax Elimination Act, legislation which will bring substantial tax relief to over 21 million American working couples who have been penalized with higher taxes just because they are married.

Let me ask this question of my colleagues on both sides of the aisle. Is it fair that the tradition of our most basic institution in society, marriage, is punished under our current Tax Code? And is it fair, is it right, that it is really to a married couple's advantage to divorce and to live together because they would save money on taxes?

That is the current situation, Mr. Speaker. Twenty-one million American couples pay about $1,400 a year in higher taxes just because they are married. That is approximately equal to 6 months' worth of car payments, tuition for a child's education in parochial school, or for mom or dad to go back to a community college and pursue education. It is unfair. It is wrong. Let me share an editorial in the Kankakee Daily Journal, a paper in my district. "The marriage tax is an unfair imposition. The Code should be rewritten to eliminate it."

I ask bipartisan support, and I ask my colleagues to join with the 180 cosponsors of the Marriage Tax Elimination Act.

SUPPORT THE MENENDEZ RESOLUTION

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the purpose of our democracy is to debate our differences in an open and civil manner. Without respectful disagreement, there can be no freedom. When we lose elections or when we lose battles in this Chamber, we understand that this is the will of the people. These are the hallmarks of our society, and they are the reason that our democratic system has survived for over 200 years.

Mr. Speaker, these principles are under attack. A former Member of this body has chosen to violate the principles that have governed this House for so long. He has used his floor privileges to advance his personal agenda.

He has verbally attacked a Member of this Congress, and he has disrupted the democratic process.

I rise today to support the privileged resolution being offered by the gentleman from New Jersey [Mr. MENENDEZ]. We must not allow any former Member of Congress, of any party, to set foot in this Chamber if it discredits and violates the integrity of this House.

EDUCATION SAVINGS ACCOUNTS

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, some education reforms weaken the control of parents over their children's education while others strengthen them. For those interested in increasing the control of the Federal Government over the education of children, A-plus accounts will be something you will want to attack.

A-plus accounts put more power in the hands of parents to ensure what is best for their kids. And what is best for their kids always includes a school where kids can feel safe, where teachers are dedicated to giving students the best education possible, and, most of all, where children are surrounded by an environment that inspires hope and confidence that a bright future belongs to them. This is not the case for millions of children across America today.

A-plus accounts are education savings accounts that will give hope and a better education for many of those children who are trapped in schools that rob them of a bright future. If letting more children share in the American dream is more than a slogan, then A-plus accounts should be supported by Republicans and by Democrats alike.

IN SUPPORT OF MENENDEZ RESOLUTION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise in support of the privileged resolution being offered this afternoon by the gentleman from New Jersey [Mr. MENENDEZ].

Yesterday, I stood on the floor of this House and I listened to my colleague be verbally accosted by a former Member of this body. This former Member has pressing business pending before this House, and he should not even be allowed on this floor while the matter is being considered. This is the U.S. Congress, the people's House. This is no place for this sort of language and for this sort of behavior.

If this body is to retain any integrity, we must bar all former Members from the floor when they have any matter pending before this body. The American people have lost so much faith and confidence in this body over the course of the last several years. Let us not give them another reason to lose any more.

KEEP THE HOUSE FLOOR FREE OF INTIMIDATION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I wanted to come to this side of the Chamber because I wanted to speak especially to my Republican colleagues.

Later today, the House will consider a privileged resolution regarding the conduct of a former Member of this House. I do not want to get into the particulars of what the former Member said and did during his visit on the House floor yesterday. What I want to do is to appeal to my Republican friends to stand up for the integrity, order, and decorum of this House when a vote is taken on this resolution.

No Member of this House should be subjected to verbal abuse, harassment, or intimidation by anyone, not on the floor of the House of Representatives. This vote goes to the heart of this beloved democratic institution. I appeal to my Republican colleagues to stand up and later vote for the privileged resolution. Send a message that offensive language, threats, and intimidation will not be tolerated on the floor of the House of Representatives.

□ 1030

COVERING UP FOR THE WHITE HOUSE AND THE DNC

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Mr. Speaker, as always, I was inspired by the talk of the gentleman from Georgia [Mr. LEWIS]. He was a leader in the sixties. I think he still is a leader here. I want to come to this side of the aisle to impress upon my friends on the Democratic side to start moving forward and doing things to clean up their own house on campaign finance before they go to the other side and talk about how we need to reform laws that they are not even obeying.

Today, Bob Woodward writes, "New documents provide stark new evidence that the party advertising in the Democratic scheme was illegal." On the front page of the New York Times, not regularly a Republican supporter, it says in one instance, "blatant improper lobbying of the President's security council, Ms. Heslin, told of her amazement that the chairman of the Democratic National Committee, Donald L. Fowler, dared to call in October 1995 to say that a CIA agent would be telephoning" to lobby to let this dangerous international criminal into the White House. Of course, we know the rest of this shady scheme.

What this is amounting to on the side of the Democrats is covering up for the White House and the Democratic National Committee. Do your job. Do the American people's job. Clean up this mess.

SUPPORT PRIVILEGED RESOLUTION TO BAR FORMER MEMBER FROM FLOOR

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, if there is any principle that Republican-Democratic Members of Congress should be able to agree upon, it is that no outside person should be allowed to walk onto this floor and verbally attack in crude vulgar language any Member of this House. For that reason, I want to urge all Members, from both parties, to support today the privileged resolution to bar former Member Robert Dornan from floor privileges.

Mr. Speaker, if I used in this statement the crude language used by Mr. Dornan against our colleague yesterday, my words would be struck from the House RECORD and I would be denied the right to speak, even though I am a sitting Member.

Why should an outside member, someone not an elected Member of this body, be treated any differently?

Mr. Speaker, this historic House should be a sanctuary of democracy, where all elected Members from both parties should be able to exercise their constitutional obligations to be the voice of their constituents. No Member should exercise that authority and that right with fear of being attacked by an outside member of this body. Vote for this privileged resolution today.

DO NOT LOSE SIGHT OF EDUCATION

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, as much as I appreciate my colleagues on the other side of the aisle putting so much energy into debate over an alleged slight against a Member, I prefer to expend my energies talking about things that are of national importance.

One of the most important things Congress ought to be addressing is the issue of education, because we are denying our children throughout this country the opportunity to get a decent education in many schools that are substandard, and are in such sorry State that no Member of this House

would ever dare to send their own children there.

Every Member of this House will have an opportunity soon to cast a vote that will count for the future. There is a bill by the gentleman from Pennsylvania [Mr. PITTS] to ensure that 90 cents on every education dollar goes directly into the classroom. The time has come for us to say no more to teachers having to pay for pencils and paper and basic supplies out of their own pocket because we feed a bureaucracy stealing money from our children and classrooms. If we would spend more time focusing on that issue today, our time would be better spent.

PUT ELECTION CONTEST BEHIND

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I would like to thank my colleague for mentioning education. It sounds like a pretty good idea. If they would quit trying to cut education funding, then maybe we could get 90 cents of every dollar to there. My kids did go to public schools, and I am proud that they did, and they had a great education.

But today I am concerned about what happened yesterday. We had an incident yesterday in the House that brought ridicule to this House. We had a former Member confront a current elected Member of Congress on this floor while the House was in session.

The election challenge to the gentlewoman from California [Ms. SANCHEZ] must be completed and put to rest now. We have more important things to address, like they said, like education, like campaign finance reform, instead of letting something like that get in the way of the action of this House. That is why it needs to be put to rest.

We should never allow something like this to disrupt what Congress has to do in dealing with enforcing the Balanced Budget Act and providing educational opportunity. Yet, what we see is just continuing festering of that election contest. Let us put it to rest.

THE CONSTITUTION, A UNIQUE DOCUMENT

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, this week we celebrated the 210th anniversary of the Constitution. The Constitution is different than any other document that was ever devised as a framework for Government on this continent or any other, and the difference in the Constitution is found in the first three words, "We the people."

No other document ever purported to be the framework for Government and get its right to govern from the people. The Magna Carta started, "We the Barons of England." The Articles of Confederation started, "We the States."

This document has been the framework that has lasted longer than any other document that has been the framework for Government. It has been copied by country after country.

One of the major tenets of the Constitution is the importance of State governments, the importance of communities, the importance of a Federal Government that acts appropriately in this Federal system we have.

We will be bringing bills to the House later this year, as the gentleman from California [Mr. ROGAN] has pointed out, that I am a cosponsor of, that we have cosponsors of from both sides of the aisle, that talk about giving more decisionmaking back to States, back to communities, and education. I look forward to that debate.

PASS MEANINGFUL CAMPAIGN FINANCE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the American people are talking about the Republican leadership, and the Republican leadership just is not listening.

The people are telling this Congress that they are sick and tired of big money flooding the Halls of their government. They are fed up with special interests taking priority over the national interests. Most of all, Mr. Speaker, they are fed up that the Republican leadership still refuses to act.

Mr. Speaker, let us hold hearings, review all of the good bills that have already been drafted, and pass meaningful campaign finance reform legislation.

Mr. Speaker, they say that "if it ain't broke, don't fix it." But, Mr. Speaker, I say that our campaign finance system is broke and it needs fixing.

MOTION TO ADJOURN

Mr. DOGGETT. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore (Mr. HEFLEY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DOGGETT].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 41, nays 370, not voting 22, as follows:

[Roll No. 405]

YEAS—41

Allen
Berry
Bonior
Clyburn
Conyers
Coyne
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Evans
Filner
Ford
Frank (MA)
Gejdenson
Hastings (FL)
Kaptur
Lewis (GA)
Lowey
Martinez
McCarthy (NY)
McDermott
McNulty
Miller (CA)
Mink
Olver
Pallone
Pelosi
Slaughter
Stark
Stupak
Tierney
Torres
Towns
Vento
Waters
Waxman
Woolsey

NAYS—370

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood

Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Owens
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Becerra
Bonilla
Burr
Clayton
Davis (FL)
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hinchey
Hunter
Largent
Meek
Moran (VA)
Oberstar
Oxley
Rangel
Ros-Lehtinen
Schiff
Yates

□ 1056

Messrs. GUTKNECHT, BONO, FORBES, LEWIS of California, BOEHLERT, and BOYD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 78, not voting 18, as follows:

[Roll No. 406]

AYES—337

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fawell
Flake
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Vento
Walsh
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—78

Abercrombie
Becerra
Borski
Brady
Brown (CA)
Canady
Chabot
Chambliss
Clay
Clyburn
Costello
DeFazio
Doggett
English
Ensign
Everett
Fattah
Filner
Fox
Frank (MA)
Franks (NJ)
Gejdenson
Gibbons
Gillmor
Gutknecht
Hall (OH)
Hefley
Hilleary
Hilliard
Hulshof
Kilpatrick
Kucinich
LaHood
Levin
Lewis (GA)
LoBiondo
Maloney (NY)
Manzullo
Markey
McDermott
McIntosh
McNulty
Menendez
Metcalf
Miller (CA)
Moran (KS)
Nussle
Pallone
Pickett
Pitts
Pombo
Poshard
Quinn
Ramstad
Roukema
Ryun
Sabo
Salmon
Sanford
Schaffer, Bob
Shadegg
Snowbarger
Souder
Stenholm
Strickland
Stupak
Sununu
Taylor (MS)
Thompson
Thune
Traficant
Velázquez
Visclosky
Wamp
Waters
Watts (OK)
Weller
Yates

NOT VOTING—18

Andrews
Bonilla
Burr
Fazio
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hunter
Meek
Oberstar
Paxon
Peterson (MN)
Rangel
Roybal-Allard
Rush
Schiff

□ 1113

Mr. BRADY changed his vote from "aye" to "no."

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H. RES. 168, IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force. The first reading of the resolution shall be dispensed with. General debate shall be confined to the resolution and shall not exceed one hour equally divided and controlled by Representative Livingston of Louisiana and Representative Cardin of Maryland or their designees. After general debate the resolution shall be considered for amendment under the five-minute rule. The resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the resolution and amendments thereto to final adoption without intervening motion or demand for division of the question except one motion to recommit.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I want to begin by commending the two cochairmen of the bipartisan Task Force on House Ethics Reform, both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], two of the most respected Members of this body, who have put in an enormous amount of time and effort into producing the proposal that is before us today.

They have negotiated at length over every single word and phrase in this recommendation of the task force. It has been a difficult job. It has been an extremely thankless job, as the two of them can tell, and myself as a member of that committee knows, from all the abuse that we have taken from Members who are not satisfied with our final product.

This Ethics Reform Task Force was bipartisan, consisting of six Republicans and six Democrats, and those of us who did serve on the task force, including four members of the Committee on Rules, can attest that all the task force members put in long hours of hearings and markup sessions over a period going back all the way to last February.

The House established this task force back on February 12 of this year in order to recommend reforms in the House standards process to try to take the politics out of the issues that we have before us. There are many of us who feel the existing process did not function in the last Congress and needs substantial improvement and, in my opinion, the bill before us is substantial improvement.

At the same time this task force was established, the House also approved a moratorium on the filing of new ethics complaints which, as a result of a number of extensions, remained in effect until, I think, September 10 of last year.

This resolution provides for the consideration of the recommendations of the bipartisan House Ethics Reform Task Force, providing 1 hour of general debate equally divided between the two highly respected cochairmen of the Ethics Reform Task Force, and then makes in order the consideration of four bipartisan amendments.

The first is a bipartisan manager's amendment offered by the two cochairmen of the task force. It clarifies that any complaints filed after the September 10 expiration of the moratorium on filing of ethics complaints will be considered under the new procedures in this resolution rather than under the old procedures that did not work.

The manager's amendment will be debatable for just 10 minutes, since it is noncontroversial, and that is all the time that was requested by the two cochairs.

This rule then provides for the consideration of three additional amendments to be debatable for 30 minutes each. These amendments respond to the three major concerns which have been raised about this package from Members from both sides of the aisle.

The first concern is the filing of complaints by nonmembers of the House. That will be the first amendment. The second concern is over what happens in case of a tie vote, and that is always contentious and we are trying to work out a workable system that will make it work. And the third concern is over the power of an investigative subcommittee to expand the scope of the investigation and issue subpoenas without approval of the full committee.

These are all legitimate issues which deserve consideration by this House. When the package was taken to the Republican Conference and to the Democrat Conference, these were the three issues that raised more concern than all of the others, and believe me, there were a lot of concerns about a lot of other areas in the package.

So, in order to be as fair as we could, we have taken only those bipartisan amendments, and there were a number of partisan amendments requested but we did not make any of those in order. We only made in order the bipartisan amendments that had substantial support on both sides of the aisle, and those are what will be voted on here today.

So as we begin this debate, there are a couple of points that should be made about the functions of the Committee on Standards of Official Conduct, the so-called ethics committee.

First, the committee, my colleagues, is not a court of law. Members of Congress, like any other citizens, are already answerable in the courts for any violations of law. Any Member of Congress is answerable for any violation of the law and especially since we convened the 104th Congress, when we brought this Congress and its Members under the same laws, all of the laws, that the rest of the American public have to live under, and that was a great accomplishment in my estimation.

The Committee on Standards of Official Conduct is a peer review mechanism. Let me just say this. The U.S. Constitution in article I provides, and I would hope that all of those that are listening either here in the Chamber or off the Chamber would pay attention to this, article I of the Constitution says, "Each House may punish its Members for disorderly behavior and, with the concurrence of two-thirds of its Members, they may even expel a Member of Congress." And we have done that in the years past.

I would like to emphasize that the Constitution says that each House may punish its Members. That is right, each House may punish its Members. It does not say that some outside group will have the authority to punish Members of Congress.

It should also be noted that the House of Representatives' Code of Official Conduct sets a much higher standard than just conforming to the laws. Take a look at all of the rules of the House that we live under and then the ethics rules that are placed even on top of those House rules.

For example, under the code of conduct a Member, an officer, an employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect credibility on this House of Representatives.

My colleagues, it is a privilege for us to be able to serve here, and at all times we should hold ourselves as high as we possibly can in order to establish credibility for each and every one of us in the eyes of not only just the people that each of us represent but all of the American people.

The Committee on Standards of Official Conduct is the mechanism by which Members should hold themselves

to that higher standard, and that is why this bill before us today is so terribly, terribly important.

The resolution which is before the House today is a controversial matter. Members have different opinions and hold those opinions very strongly. Many of my colleagues are very opinionated. I know I am and my colleagues all know I am, and that is why every Member ought to have the opportunity to work his will on the floor of this House.

I recall saying back in the beginning of the 104th Congress, 3 years ago, that this committee, under the jurisdiction of myself as the chairman of the Committee on Rules, would at all times be as fair to the Democrat minority as they were to us when we Republicans were in the minority, and more often than not even more fair. And that is exactly what we are doing here today. We are taking those amendments that had truly bipartisan support by truly respected and credible Members of this House and making those in order so that the House could work its will today.

So having said all that, we need to remember to respect the opinions of other Members, even though we disagree. So, in order to permit the House to consider this bill and these amendments, I would urge support for the rule and support for the bill when it comes to the floor.

I would just say this; that even though I did not get my way in the committee, none of us did, we all had to give a little, that whether or not these three amendments, which are controversial, pass, I will be voting for the package no matter what because it was put together, I think, after due diligence by all members of the committee. So I hope the amendments do pass, I will vote for them, but if they do not, I will support the final package.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague and my dear friend from New York [Mr. SOLOMON], for yielding me the customary half-hour.

Mr. Speaker, what began as a sincere bipartisan effort to improve the House ethics process has disintegrated into one more political sham. On February 12 Democrats and Republicans agreed to a moratorium on ethics complaints and they stuck to it. Neither side filed any new charges until a bipartisan task force had the chance to examine the ethics process and suggest improvements. But like other truly bipartisan efforts before it, this agreement has been destroyed and the ethics moratorium seems to have served only to bolster the image of a few besieged Members.

For 9 months, 10 Members of this House, myself included, met and negotiated on every single aspect of the House ethics process. For 9 months we worked, buoyed by the promise that long hours and tiresome negotiations would eventually amount to something and that no amendments would be allowed, I repeat, no amendments would be allowed unless they were approved by the Democratic and Republican cochairs.

Let me repeat that, Mr. Speaker. During the task force negotiations, there was no talk whatsoever about bipartisan amendments. So let us not at this date try to rewrite history. The leadership on the task force agreed that only amendments approved by the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON] would be allowed, but only one of the four amendments we will vote on today has been approved by those two gentlemen and the rest have not.

Democratic Members kept their word by agreeing not to file ethics complaints, and Republican Members went back on their word by allowing Members to make serious changes in our work. So, Mr. Speaker, after 9 months of hard labor, the only thing the House ethics task force is giving birth to is some very bad feelings and some very destructive amendments.

Today, this Republican leadership becomes the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. Once again, Mr. Speaker, it is the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. The Republican leadership has put political expediency before all else, and that, Mr. Speaker, is a shame.

Let me remind my colleagues, Mr. Speaker, we are talking about an ethics task force, not a task force on education, not a task force on transportation, not a task force on defense, but a task force on ethics.

□ 1130

We are talking about a task force created ostensibly to improve the way the House of Representatives governs itself. And I think we did a pretty good job. We came up with recommendations with which 11 of the 12 members of the task force agreed. We came up with ways to make our ethics process quicker. We came up with a way too make our ethics process more efficient. We came up with a way to make our ethics process more fair.

But there was something about our improvements that the Republican leadership did not like. There was something about our improvements that scared someone. So here we stand, 3 months after the Republican leadership refused to consider the recommendations, to find that they have exposed very fragile agreements to some particularly significant and particularly dangerous amendments.

Mr. Speaker, make no mistake about it, these amendments will not make this institution more respected in anyone's eyes. These amendments will make our ethics process much more partisan, more decentralized and more suspect in the eyes of every single American citizen.

I cannot believe that that is what we want, Mr. Speaker, because the recommendations as adopted by the task force would pass the House overwhelmingly if given the chance for an up-or-down vote. Mr. Solomon himself said if these amendments are not adopted he would absolutely vote for the package. So if nearly every Member of the House would vote to pass the recommendations, why on earth are we at this time changing them?

Mr. Speaker, I strongly urge this House, leave well enough alone. The task force worked long and hard to come up with these recommendations that would improve the ethics process of the House and repair the reputation of the House, and those recommendations at this time should not be altered.

So I urge my colleagues to join me in opposing the previous question in order to uphold the agreement of the ethics task force. Mr. Speaker, if the previous question is defeated, we will replace this rule with a rule to provide for an up-or-down vote on the task force recommendations and make in order only amendments agreed to by the cochairs, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Speaker, it was a pleasure to be a member of that task force. It was a pleasure to see the way that Chairman LIVINGSTON and Cochairman CARDIN worked together, coming from opposite poles and really working hard to make something work. They took politics out of this process, and it is a shame at this stage to put it back in.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the ranking member of the Committee on Rules knows how fond I am of him. He is truly a respected member of this body. But I am just somewhat taken aback by his taking the floor today and saying that we should not be open and we should not allow the House to work its will.

The last count had this year alone, the gentleman has taken the well 21 times and said we must keep these rules open, we must let the House work its will. If there are meaningful, credible amendments they ought to be allowed on the floor. So this is exactly what I have been heeding, his advice. After 21 times, I am going to take the gentleman's advice.

Having said that, let me yield to a gentleman who I equally respect because he and another respected Member on the other side of the aisle headed up the task force to reform this House of Representatives. He did a magnificent job, and he is the vice chairman of my Committee on Rules.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend the gentleman from New York [Mr. SOLOMON] for yielding me this time frame.

I rise in strong support of this rule, and I do so to say that it is not with a great deal of enthusiasm that I strongly support it, because of the fact that we were not able to make an amendment in order that the gentleman from Indiana [Mr. HAMILTON] and I offered.

But having said that, I think in further defense of the gentleman from New York's [Mr. SOLOMON] position, the amendments that are moving forward we have addressed in a bipartisan way, which is one of those guidelines that he set forth. We obviously need to reform the ethics process. The confidence in this institution by our colleagues, people in the media, and more important, the American people is higher than it has been in the past, but clearly there is a credibility problem and I think that is what led to the formation of this task force.

The gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules, just mentioned the fact that the gentleman from Indiana [Mr. HAMILTON] and I co-chaired the Joint Committee on the Organization of Congress back during the 103d Congress in 1993. We spent time looking at this issue of ethics reform and a wide range of other reforms, many of which were introduced and passed in a bipartisan way on the opening day of the 104th Congress.

But we still were not able to bring about the kind of reform that this bipartisan panel has successfully come to an agreement on. So while this may not be exactly what everybody wants, I think that it will take very, very strong and positive steps in the direction of bringing about a level of credibility that is, I think, needed.

So I am going to urge my colleagues to vote "yes" in favor of the rule, and I will join with the gentleman from New York [Mr. SOLOMON] in saying that when we come to the end, regardless of how the amendments come out on this, I will join in supporting the package because of the regard I have for the gentleman from Alabama [Mr. LIVINGSTON] and the gentleman from Massachusetts [Mr. MOAKLEY] and others who labored long and hard and even suffered through testimony that I gave before their task force.

So I want to say that I join and am happy to be here, of course, with the chairman of the Committee on Standards of Official Conduct [Mr. HANSEN] who has spent a long time addressing this issue, and I look forward to finally seeing us pass a very positive measure.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Maryland, Mr. CARDIN, the task force cochair, who really did an outstanding job in working so closely with Chairman LIVINGSTON.

I am very, very proud to have served on that task force just for the opportunity to observe these two gentlemen, and especially the gentleman from Maryland [Mr. CARDIN] in action, and how they came from one extreme and met in the middle to fashion a bill that would really do this House well.

Mr. CARDIN. Mr. Speaker, I want to thank my friend, the gentleman from Massachusetts [Mr. MOAKLEY], for not only yielding me this time but for the kind comments that he made about my service on this joint committee. The gentleman from Massachusetts [Mr. MOAKLEY] served that task force with distinction, as did the gentleman from New York [Mr. SOLOMON], and we thank both of them for their help and leadership on these ethics issues.

I think this body should understand that we had the services of leaders in this House on this bipartisan task force: The gentleman from California [Mr. THOMAS], the gentleman from Florida [Mr. GOSS], the gentleman from Delaware [Mr. CASTLE], the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentlewoman from California [Ms. PELOSI], and the gentleman from California [Mr. BERMAN], in addition to the gentleman from Louisiana [Mr. LIVINGSTON] and myself. It was a task force that took its work seriously. I am I proud of the work of our task force.

I also want to compliment Mr. Leong and Mr. Laufman, our staff, for the excellent work that they did. We have a good product. I am pleased that we have a rule before the House that will allow us to vote on that package. And I am hopeful that if this rule is adopted, that the package from the task force will be approved, the three amendments that the rule makes in order will be rejected.

I agree with the comments of the gentleman from Massachusetts [Mr. MOAKLEY] that these three amendments would do violence to the bipartisan spirit in which this package was developed.

Every Member of this House had an opportunity to appear before our task force. Many Members took that opportunity to work with us, to submit their ideas and to work with the task force. It is interesting to point out that the three controversial amendments that would be made in order by this rule, each of those amendments were discussed in full by the task force and rejected by the task force.

We did not take that lightly. We tried to bring out a package that makes sense, that moves forward the ethics process, that deals with the bipartisan nature in which the committee needs to operate, that deals with a more efficient committee, that adds time limits so that the Members are not hanging out there with complaints against them, that gives the chairman and ranking member more power in order to manage the workload, involves more Members of the House in the process. We went through each of these points and we had different views.

The leadership of the gentleman from Louisiana [Mr. LIVINGSTON] was critical in bringing Democrats and Republicans together and focusing us on our final product. I said yesterday in the Committee on Rules, and I will repeat here, there are not many fringe benefits for serving on the Committee on Standards of Official Conduct or the task force, but one that I enjoyed was getting to know and respect the gentleman from Louisiana [Mr. LIVINGSTON] and his leadership and love for this institution. The two of us worked together so that we could come forward with a package that makes sense.

And what we asked the membership to do, we had 3 months to read the report, these amendments will do violence to the ethics recommendations. We have always worked in a bipartisan manner. We need to continue to work in a bipartisan manner.

Let me just, if I might, in the time that has been allotted to me, talk about one of the amendments that would be made in order. It would prohibit any direct filing by any outside individual. Since we adopted ethics rules in this house in 1968, we have allowed outsiders to file complaints with our Committee on Standards of Official Conduct. If that amendment were to be adopted, it would be the first time that we would shut out outsiders from bringing matters before us.

The current rule is one that I particularly do not like, where you need to get three Members to refuse to file a complaint for an outsider to be able to file directly. Our task force said that does not make a lot of sense; let us come up with a better way to do it.

So we looked to the other body and we developed their procedure, where we require a person not a Member to have personal knowledge before that person can file a matter with us, or they must have information directly from another source. We make it specific that a person cannot use a newspaper article to file a complaint if they are not a Member of this house. Then we give the chairman and ranking member, any

one of them can stop the matter from being considered as a complaint if it does not meet the standards. We are mindful of the concern about abuse of the process, so we put those provisions in our package.

Mr. Speaker, I am concerned that in the time that the Members have today to consider these issues with this rule making that amendment in order, some Members, well-intended, may cast their votes for that amendment not realizing the history of this institution, not realizing what is in the body of our report. It is for those reasons that we are concerned that this rule makes in order amendments that may sound like they improve the process, but will do violence to the process.

Let me just give you an example. Let us say that one of our staff people alleges that a Member asks sexual favors in order for that staff person to get a promotion. How does that staff person bring that matter to our attention? How does that staff person bring that matter forward, if that amendment that is made in order were to be adopted? Does she have to shop to get another Member of the House to certify it is being filed in good faith? Do we really want to put that requirement on that staff person? That is what that amendment would do that was made in order by this rule.

That is wrong. We should allow for direct filing of complaints if the person has personal knowledge. We are saying, yes, that we want to be able to judge our own Members; we want to represent to the American public that we can police ourselves. But should we shut everybody else out of the process? No that is why we get concerned about the amendments that were made in order under this rule. I am not so sure that we are going to have enough time to articulate those changes.

I could go on to another amendment, I will, I guess, in the 1½ minutes that remains; an amendment that would call for automatic dismissal for matters pending 180 days after a vote in the committee. That is just going to encourage partisan action in this House.

It is very easy to delay when we have a matter that has gotten divided on a partisan basis. It would not be difficult for a committee that has equal membership of Democrats and Republicans to delay a matter 180 days in order to get a dismissal. We are not doing a favor to this institution or to this Member if we allow the ethics process to have an automatic dismissal on a tie vote.

Let me remind my colleagues, on the most difficult days of the Committee on Standards of Official Conduct, the most difficult days, we were able to resolve every matter that was brought before us because we went back and worked together. If we had a time limit it would have been dismissed and there would be a cloud hanging over a Member. That is not right.

□ 1145

Mr. Speaker, I urge the Members of the House, we have a historic opportunity to improve the ethics process today. I hope we will take advantage of that opportunity and approve the work of our task force without the amendments that would be made in order by this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The time will come when the amendment the gentleman was just talking about will come for debate. I have some concerns about the present system. I was a victim of the present system. It seems that a year or two ago that the chairman of a State conservation committee, a pretty powerful position, he happened to be a Democrat, was using his clout as a chairman of this committee to come into my congressional district, where we already have practically no jobs, we never have recovered from the recession that this country has been in, and he was literally threatening a major manufacturer in my district and threatening those jobs.

I am of Scottish background. My grandfather used to tell me and his father before him that, "Son, you ought to be horsewhipped if you do something wrong." I wrote this chairman of this committee and I said, "Mr. Chairman, you ought to be horsewhipped for coming into my district and threatening these jobs." I went on to say to him, "Suppose I used my clout as chairman of the Committee on Rules and I went into your district?"

Lo and behold, this gentleman thought that I was physically threatening him by saying, "You ought to be horsewhipped." I do not know about the rest of my colleagues, but that is an old saying. You can go back, and I will be glad to show you all of our Scottish mores and writings to show that that is true.

But to get to the point here, he went to three Members of this Congress. Under the old system, it is called the three blind mice. I think one of them was the gentleman from California [Mr. MILLER], one of them might have been the gentleman from Massachusetts [Mr. FRANK], and I forget who the other one was. But under the rule, they have to refuse to file the complaint against JERRY SOLOMON.

So once they did that, this is the subterfuge that exists in the system, then that complaint from the outsider was automatically laid against JERRY SOLOMON. That was wrong, but yet that was the system we were under.

Under the proposed amendment, and I am sure that the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Pennsylvania [Mr. MURTHA] will come over, bipartisan, and argue that if that chairman of that committee wanted to file a complaint, that he ought to come to a Member of Congress.

I am sure that the gentleman from California [Mr. MILLER] or the gentleman from Massachusetts [Mr. FRANK] or someone would say, "All right, I'll file that amendment on your behalf." And that is exactly what the amendment before us does. I will let them defend their amendment when it comes up.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], perhaps one of the most respected Members of this body. He has one of the toughest jobs, being chairman of the Committee on Appropriations, and yet he took on the assignment. He was dragged, kicking and screaming, to accept this position and did such an admirable job along with the gentleman from Maryland [Mr. CARDIN].

Mr. LIVINGSTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to commend the Committee on Rules for carefully deliberating on this issue and reaching what I think is a fair conclusion.

There were several amendments, I think 11, 12, or 13 amendments offered. As a matter of fact, the Committee on Rules has only accepted four amendments, one of which is offered in bipartisan fashion by the gentleman from Maryland [Mr. CARDIN], the chairman of the task force, and myself as cochair. Then there are three other amendments, all offered in bipartisan fashion.

I think it is a good rule. It allows serious amendments to be deliberated by this body in a bipartisan fashion to a package which was confected in superlative fashion and in bipartisan fashion as well.

I want to pay special tribute to the incredibly gifted and hard work and talent of the gentleman from Maryland [Mr. CARDIN], my counterpart, my cochair in this effort. There was no majority-minority in this task force. We worked together. I cannot say we were always in agreement. The gentleman from Maryland [Mr. CARDIN] is a gifted lawyer and a tough person to deal with in terms of a hard negotiator, but he is also a fine and valued Member of the House. He stuck by his beliefs. I stuck by mine. The rest of the members of the committee likewise spoke up in valiant fashion.

I think we have an excellent product. Whether or not amendments are ultimately adopted to this package, we have a magnificent improvement on the last bipartisan revision of the ethics rules.

The fact is that all of the members of the task force, the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. THOMAS], the gentleman from Florida [Mr. GOSS], the gentleman from Delaware

[Mr. CASTLE], the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentlewoman from California [Ms. PELOSI], the gentleman from Utah [Mr. HANSEN], the gentleman from California [Mr. BERMAN], who, unfortunately for them, have to take over as the new chair and cochair of the Committee on Standards of Official Conduct.

All of us worked very hard, together with the gentleman from Maryland and myself, to pound out from February through June a bill and a report which reaped, I think, a product that is a significant improvement over previous rules.

Mr. Speaker, there was great disenchantment over the administration of the rules of procedure governing standards of official conduct in the last Congress. I think everybody recognizes it. Regardless of party or political affiliation, there were grave misgivings over the net product and performance under those rules as they were administered. They were revised in 1989.

In fact, the whole process actually began in the aftermath of Watergate and has been improved from time to time since then. But they broke down, and they broke down on partisan grounds. The whole purpose of this task force was to try to rid partisanship from this issue and return to the days when we could judge our own Members and have peer review of our own Members without political influence, without political causes, from outside influences coming in and interacting for sheerly partisan reasons. I think we have got a package that does that.

But I have to say that there are deeply held feelings by certain Members on both sides of the aisle that we did not present a perfect package. The fact is, we will never present a perfect package. In fact, I have to say that most witnesses that testified before the task force said that no rules will be perfect if, in fact, the people who administer the rules are going to use those rules for their own partisan or personal purposes. In fact, the whole process would break down under those circumstances. So we have to hope that that does not take place.

Mr. Speaker, we have given a package that, hopefully, will result in no future partisan breakdowns. But there are Members who believe that partisan breakdown is enhanced or actually the chances of such a breakdown are increased if, in fact, these other amendments are not adopted. I do not know whether they are right or wrong.

I will say that there is strong sentiment among Members of both sides that we ought to go back to the pre-1989 rules, when outside personnel could not file by simply getting press reports and submitting their names on them and sending in to the Committee on Standards of Official Conduct complaints against Members of Congress. That will be debated.

I think there is a strong argument on behalf of those who believe that we ought to go back to the original rule, before 1989, when we adopted that "three blind mice" rule that says three Members refuse and anything can come in.

There is another amendment that prevents deadlock. Never before in the ethics process has there ever been a rule that says if there is deadlock, it is automatically kicked out. I happen to think that that practice is questionable, because if in fact you have very strong, well-motivated, highly documented charges that are kicked out simply because there is a partisan breakdown, I do not think that that serves the interest of the House.

And then there is another amendment that kind of complicates the procedure by defusing the power of subpoena and expansion of the investigative powers. I think that that can easily be debated and fall either way.

My point is that these are real issues. They should be debated in the House. It is not a partisan move to simply ask that they be debated. I commend the Committee on Rules for entertaining these amendments, and I look forward to the debate on these issues as they go forward. I urge the adoption of the rule, and I urge the adoption of the bill.

Mr. MOAKLEY. Mr. Speaker, I have great respect for the gentleman who just took a seat. He did a great job in being Chair of the task force. But I have to correct him. The three-Member refusal, the "three blind mice," has been in place since 1968. It was part of the original Ethics Committee.

Mr. Speaker, I yield 9 minutes to the gentlewoman from California [Ms. PELOSI], the gentlewoman who made a wonderful contribution to the bipartisan task force.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Massachusetts, ranking member on the Committee on Rules, for yielding me this time and commend him for his service on the Committee on Rules.

But apropos of today on the task force, I want to join him in commending the gentleman from Louisiana [Mr. LIVINGSTON], our distinguished chairman, and the gentleman from Maryland [Mr. CARDIN] for their service as chairs, for their balance, for the respect they had for Members, for listening to us, and for producing a consensus document that has as one of its virtues the balance that we were all striving to have to produce a bipartisan consensus.

I am disappointed this morning that we have this rule before us which has within it the potential to unravel the work of the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN]. For 4 months, the task force worked together to iron out our differences, to carefully review the options before us. When you put a package like this together, it has a oneness, an integrity, a comprehensiveness. If you take this piece out, you lose balance.

That is why I was hoping that the Committee on Rules would afford to the task force, in light of the work that was invested and the careful attention to all the considerations that was given, that we would be able to have a rule that would call for a vote up or down on the comprehensive package. That was what was appropriate in 1989 when the ethics package came before the House.

This is the proposal, not this, cannibalized by taking chunks out of it, because we have to compare this to the status quo, and this product of the task force is better than the status quo. But if amended as allowed under this rule, we will be making a step backward.

Why is this package so worthy of the consideration, without amendment, of this body? First of all, because of the responsibility that is attached to it. The Constitution requires and the American people expect Congress to uphold a high ethical standard. The public expects us, again, and the Constitution requires us to be able to judge our own Members. We have a responsibility to uphold the highest ethical standards to protect the integrity of the House of Representatives.

This Chamber, in which we serve, should be a sacred room. We also have a responsibility to protect our Members from the kinds of assaults without foundation that they are susceptible to, as we are all susceptible to as public figures. That balance between upholding the integrity of the House and respecting the rights and the reputations of our Members is exactly what this task force proposal does.

In the report that is sent to the House in this rule, there is the potential to, as I say, go backward in this debate and once again incur the unhappiness of the American people about how Congress judges itself. The time limit that is allowed to be voted up or down here would be an invitation to no action taken on legitimate complaints that are placed before the committee.

I oppose the consideration of the subpoena being kicked up to the full committee, because the ethics process is based on a bifurcated process: Part of the committee investigates; the other part of the committee adjudicates. The investigative committee does its investigation confidentially, and then it presents its report to the other members of the adjudicatory committee for its adjudication, as the word says, for its judgment.

But if the full committee is participating in the debate on subpoenas,

then the confidentiality that Members should be entitled to in the investigative committee, of course, is blown to the wind, completely undermined, and, as has been said, does violence to the system.

□ 1200

Let me just address one of the other amendments, which talks about who can file a complaint.

I think the bill strikes a balance in that regard. Many people on the outside are disappointed that our bill places a higher threshold on outside complaints instead of keeping the status quo as it was before or being similar to the Senate, where anyone can file a complaint.

We add the threshold that that person, an outside person, must have personal knowledge. I think that that is appropriate in the interests of the Members and the integrity of the House.

It also affords the opportunity, as the amendment to this bill does not, for staff members in the House to be able to bring complaints. I thank my colleague from Maryland [Mr. CARDIN]. I praised both chairmen before. Particularly I want to praise the gentleman from Maryland [Mr. CARDIN] for his sensitivity to the issue of sexual harassment, which would be affected by the raised threshold, for further raising the threshold for nonmember complaints.

In any event, for these reasons, any one of these amendments, if they pass, would not chip away, but undermine the integrity of the project that we are bringing forward. Any one of these would undermine the proposal that we are bringing here today. The three of them would call for a no vote on the package, the final package, if those amendments were to pass.

Once again, in conclusion, I would like to commend the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for their leadership and all that that word implies. This was a difficult task. They brought us to consensus. I think out of respect for their hard work, Members should support the package that they are presenting.

I am disappointed that this Committee on Rules did not regard their work product in a way that honored the tradition of the ethics process of giving an up or down vote to the proposals that are put forth on an ethics package.

I urge my colleagues to vote "no" on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. BERMAN], the ranking member of the Committee on Standards of Official Conduct, who has made a wonderful contribution to the task force.

Mr. BERMAN. Mr. Speaker, I rise in support of the ethics task force report that my distinguished colleagues, the gentleman from Louisiana [Mr. LIVINGSTON], and the gentleman from Maryland [Mr. CARDIN], have chaired, a panel on which I have served, an effort that took a great deal of time, that raised my esteem for both of these gentleman tremendously by the sincerity with which they approach the issue, by the difficulty and complexity of the questions that were raised.

What they have come up with is a proposal that in every aspect of the process makes the process better. It does more to promote the due-process rights of people who are accused in this process; it does more to promote the confidentiality of the process; it does more to promote the discretionary ability of the chair and the ranking member and their flexibility to deal with the issues that come before this committee in a fair and sensible fashion; it does more to be honest with the American people. Getting rid of this three-refusal rule, that is a disingenuous measure by which people who want to see a complaint come before the committee are forced to write a letter refusing to file the complaint in order to allow outsiders to do it. That is scrapped, and a limited-outside-complaint provision is substituted for that decision.

It does more to enhance the bifurcation of the process, so that the people who are investigating a complaint where a complaint should be investigated are different and separate from the people who will be deciding whether or not in fact there were violations of ethical standards of conduct and what the sanctions for those violations should be.

In every aspect of the process, this task force made sensible, relatively modest, but important changes to enhance, I think, both what will ultimately be, I hope, the public regard for the process, the credibility of the process, and the protection of the Members who are brought into this process.

There are three amendments that this rule allows that are being proposed that were rejected by the task force. I would urge my colleagues to oppose those three amendments, because in each case they weaken what the task force was trying to do.

In one particular case, that is the effort that mandates a dismissal after 180 days of any complaint on which there is a tie vote, it works directly against everything that the gentleman from Utah [Mr. HANSEN], the chair of this committee, and I are trying to do.

We want to restore nonpartisanship to this committee. We want to have judgments based on facts. We want to operate in collegial fashion, that allows sensible and correct decisions to be made.

The 180-day automatic dismissal process, I think not because of the intent of the authors, their intent is a noble intent, but the mechanism they have chosen to achieve their intent is wrong, because it incentivizes partisanship. It tells people of the party, of the person who is accused to hang in there, stall, delay, because after a certain number of days a complaint will automatically be dismissed.

Trust me. What the intent of the people who are offering this amendment is is to not let a Member hang on with great damage to his reputation, with great cost, with great personal suffering, while a committee sits around and dawdles and refuses to come to a decision.

I deeply understand the desire to not have that happen. I feel that very strongly. It is my notion we should proceed expeditiously and be very sensitive to Members' protections and how much they can be damaged and unfairly damaged by this process. But the moment you try to institutionalize a result that has an automatic dismissal, you are incentivizing everything you do not want to happen.

Let me just give you a hypothetical, if I may. You have a close question that is before the committee. A difficult complaint has been filed, the answer has been received, the chair and ranking member have investigated, and it is coming before the full committee now to decide whether to create the investigative subcommittee.

There is debate, there is discussion, there is a motion, and it happens to break down to a tie vote. The clock starts ticking under this amendment. If 180 days pass, it is automatically dismissed.

I am telling you, if the Members are operating in good faith, if they are not taking direction from their leadership on both sides, but seriously trying to deal with this issue, if the question is close and I am on the side of those who want to create an investigative subcommittee and proceed with this complaint, but I see that this deadlock is sincere, it has not promoted bipartisanship on either side, I personally would switch my vote for dismissal, rather than leave a Member hanging, forget 180 days, but for 60 or 90 days, if that is what it takes to get a clean result so that a Member does not have to live through the entire term of this Congress or future Congresses with this hanging over him because the deadlock cannot be broken.

But leave it to the good faith of the members of the committee, and I believe it will be there. I know who is being talked about for this committee. I believe that this committee will approach this with that kind of an attitude. Leave it for the informal processes of the committee to protect that right, because, I guarantee you, the moment we institutionalize a time certain for a dismissal, we promote the likelihood of deadlocks, partisan bickering, and we lose the confidence of the Members and the public in this process.

Mr. Speaker, I strongly urge opposition to that amendment.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to my good friend the gentleman from California [Mr. BERMAN] before he sits down, I hope everyone was listening, because if they were, they will know why the gentleman from California [Mr. BERMAN] is one of the most respected Members of this House and why we on this side have no concern at all about his becoming the cochairman or the ranking member on the Committee on Standards of Official Conduct, because he is perceived as being a very fair person, and I am sure he will be.

The gentleman drives the point home that as long as he is that ranking member, he would see to it that these complaints were not laid out there for an indefinite period of time, and I believe the gentleman and respect him for that.

Unfortunately, we are not talking about just placing the trust in the gentleman from California [Mr. BERMAN] for these 2 years. We are talking about changing the rules of the ethics of this House.

Just to use a hypothetical suggestion, the gentleman from California [Mr. BERMAN] may just very well run for the Senate in the other body from the State of California. Should that happen, he no longer would be the ranking member, and then we might just be put into a position where I believe personally in the past we have had partisan politics played in the Committee on Standards of Official Conduct, and we are trying to prevent that. That is the reason for this amendment.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I would be more than glad to yield to the person I respect highly.

Mr. BERMAN. I thank my friend for yielding.

Mr. SOLOMON. Do not tell me you are not going to run for the Senate.

Mr. BERMAN. No, I was wondering whether I should disclose the fact that I gave you those inauguration tickets for President Reagan's second inauguration as the initiator for those kind remarks?

Mr. SOLOMON. Now you know why I really respect you.

Mr. BERMAN. But I deeply appreciate the gentleman's comments.

My point is when you create institutionally a reason for a deadlock, it does not matter what the motivations of the leadership or the Members are. We are human beings. We have a very difficult process. We are judging our peers, our friends, our colleagues, about matters that may be very serious, or may not seem so serious to us. None of us have the ability to overcome the institutional problems that this time certain creates.

I do not know that I want to be part of a process which incentivizes the breakdown of it. The only reason I said yes to the request from my own leadership to take this position was because the challenge of seeing if this process could work on a bipartisan, nonpartisan basis. This one amendment really eviscerates our ability to do that. That is why I feel so very strongly about this particular unit.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, the gentleman's points are well taken. I was glad to yield him the time.

I would say to the gentleman from Massachusetts [Mr. MOAKLEY], I intend to close with a short statement, if the gentleman would like to yield back his time.

Mr. MOAKLEY. Mr. Speaker, would you please inform my dear friend the gentleman from New York [Mr. SOLOMON] and myself how much time is remaining?

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Massachusetts [Mr. MOAKLEY] has 2 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge Members to defeat the previous question. If the previous question is defeated, I will offer an amendment to provide that House Resolution 168, the recommendation of the Bipartisan Task Force on Ethics, will be considered under a modified closed rule that allows only one amendment, only if authored by the cochairs of the task force, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN].

Mr. Speaker, in my opening statement I said, and I want to repeat, today this Republican leadership becomes the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. Those are very strong words, Mr. Speaker, but they happen to be the truth.

This task force met nearly every day for over 3 months to reach a genuinely bipartisan agreement on a very extreme, sensitive, and difficult issue. During final consideration of the task force recommendations, many of us had amendments that we thought would produce a better product.

□ 1215

However, we also realized that any further changes could seriously threaten any chance for a bipartisan agreement. Therefore, we agreed not to amend the package any further unless it was agreed to and offered jointly by Cochairs LIVINGSTON and CARDIN.

Members of this House deserve an opportunity for an up-or-down vote on the work of this task force. These killer amendments made in order by the rule not only will ruin the resolution supported by the task force, they will prevent Members from having the chance to vote for a clean version of the task force recommendation.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and support the hard work of the task force. I include for the RECORD at this point the text of the previous question amendment:

TEXT OF PREVIOUS QUESTION AMENDMENT TO HOUSE RESOLUTION 168 RECOMMENDATIONS OF THE BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Strike all after the resolving clause and insert in lieu thereof the following:

"*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and any amendment thereto to final passage without intervening motion or demand for division of the question except: (1) one hour of debate on the resolution, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) one motion to amend by Representative Livingston of Louisiana with the concurrence of Representative Cardin of Maryland, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to commit."

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time, just to point out that we in the Committee on Rules always have a difficult time trying to be fair to all Members.

When we were approached by Members from the other side of the aisle, Democrats, liberals like the gentleman from Hawaii [Mr. ABERCROMBIE], who I have great respect for; moderates like the gentleman from Pennsylvania [Mr. MURTHA], a good former Marine who I have great respect for as well, they, representing two wings of their own party, had serious concerns about it. We were approached by the same kind of moderates on our side of the aisle, conservatives on our side of the aisle, and they asked to be heard on three important issues which were so contentious when our task force was meeting.

I at that point made a decision to ask the Committee on Rules to only make in order those amendments that were truly contentious and of a bipartisan nature. We had some 10 or 12 amendments with names attached to them filed with the Committee on Rules by very respected Members, but many of them were partisan; they did not have bipartisan cosponsors. We had about 12 other amendments that were delivered to us anonymously with no names, and those we simply took a look at but

threw in the trash basket. We did not even give them any consideration.

Mr. Speaker, what we have on the floor today is what we have promised on this side of the aisle, and that is the ability for this House to work its will when there are contentious issues, especially when they have bipartisan support. That is what we have today, and I would just hope that Members would come over now, vote for this previous question, vote for the rule, vote for all three amendments, including the manager's amendment, so four amendments, and then vote for this bill. It is a good bill that will bring back some credibility to this House.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time for any electronic vote, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 191, not voting 15, as follows:

[Roll No. 407]

YEAS—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Flake
Ford
Frost
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—15

Bonilla
Boswell
Fattah
Foglietta
Furse
Gephardt
Gonzalez
Goss
Johnson, Sam
Largent
Meek
Oberstar
Schiff
Stupak
Weldon (PA)

□ 1236

Mr. McNULTY and Mr. DINGELL changed their vote from "yea" to "nay."

Mr. BONO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous-consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 168 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

The SPEAKER pro tempore. Pursuant to House Resolution 230 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the resolution, House Resolution 168.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force, with Mr. COMBEST in the chair.

The Clerk read the title of the resolution.

The CHAIRMAN. Pursuant to the rule, the resolution is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and the

gentleman from Maryland [Mr. CARDIN] will each control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise to recommend to the House the work product of a very hardworking task force on ethics rules reform.

Mr. Chairman, in the aftermath of Watergate, the House felt compelled to engage and apply certain rules of conduct to enforce the provisions of the Constitution that say that the Members of the House will police its own Members. They were known as the ethics rules, administered by the Committee on the Standards of Official Conduct. Those rules evolved with time, and were revised as recently as 1989, roughly 8 years ago, and have, by and large, worked pretty well over the years.

In the last Congress, it was felt by many Members on both sides of the aisle that there had been a partisan breakdown; that regardless of individual cases, the fact was that Members of the House were engaging in the war of politics by utilizing the rules of the Committee on Standards of Official Conduct to their own purposes.

If that charge is warranted or not, the fact is that the leadership of both Houses were called upon to decide whether or not that type of activity should be encouraged and continued or whether or not we should make a good-faith effort to stop that sort of conduct and encourage Members to understand that the rules of the House are sacred, they reflect on the integrity of the House, and that we, as the Members of the House of Representatives, should respect the roles which we hold and administer and that we should, indeed, police ourselves in a bipartisan fashion.

□ 1245

Pursuant to the directives of the leadership, the bipartisan leadership of the House, a task force was confected, comprised of myself and the gentleman from Maryland, Mr. BEN CARDIN, as co-chair, coequals, in charge of the task force comprised of the gentleman from New York, JERRY SOLOMON, the gentleman from California, Mr. BILL THOMAS, the gentleman from Florida, Mr. PORTER GOSS, the gentleman from Delaware, Mr. MIKE CASTLE, and the gentleman from Utah, Mr. JIM HANSEN, on the Republican side; and the gentleman from Ohio, Mr. LOU STOKES, the gentleman from Massachusetts, Mr. JOE MOAKLEY, the gentleman from Texas, Mr. MARTIN FROST, the gentlewoman from California, Ms. NANCY PELOSI, and the gentleman from California, Mr. HOWARD BERMAN, on the Democrat side.

We began our deliberations in early February. We held hearings; gained a lot of testimony from a lot of witnesses, both in public and private forums; called Members to give us their experiences, without concentrating on individual cases, but asking for their recommendations in generic form for rules of the House which could be administered without partisanship, without undo rancor, and fairly.

The task force conducted its activities throughout February, March, April, May, and into June on the substance of the bill which we have now brought to the House and on the report. Every line, every word, sometimes often syllables, were debated strenuously. It was a hard fought package, but we finally came up with a product that I think every Member has to understand is a significant improvement over previous rules.

One might say that, in part, certain segments are no greater improvement. In fact, in many instances we left intact provisions of the previous rules of the committee or of the House. But we tried to at least marginally improve those sections which we thought were in need of a change and, in many instances, such as the section on due process, we, I think, substantially, improved the product of the 1989 task force, which was also a bipartisan task force.

We could not have succeeded in reaching our conclusions without the benefit of the hard work of all of the Members, and I commend again the gentleman from Maryland, [Mr. CARDIN] and all the members of the task force for the diligent attention to our very difficult responsibilities. There were tremendous pressures on every Member, but I think we came up with a good product.

But in addition to the Members, we could not have accomplished what we did without the significant help of the staff, headed up by Richard Leon, Special Counsel to the committee; David Laufman, who is on loan to us from the staff of the Committee on Standards of Official Conduct and served as Assistant to the Special Counsel; and individual staff, my own staff member Stan Skocki; the staff member of the gentleman from Maryland, Michelle Ash; and all of the other individual staff who contributed so mightily, both from the personal staffs of the various Members and from the Committee on Standards of Official Conduct, the Committee on Rules, and the various other committees which participated in this effort.

I am pleased, very pleased with the work product. We will talk about amendments, which have just been made in order, to the work product later on at the appropriate time. I think it is proper that Members who were not on the task force have some input, and as I have already stated in the debate on the rule, that if they come to us in bipartisan fashion, their concerns should be dealt with and they will be.

But let me say that the work product that we have before the Members, before the amendments are undertaken or considered, the work product that we have before the House has been considered, debated and written about and even testified about by people on the outside. Mr. Gary Ruskin of the Congressional Accountability Project and a colleague of Ralph Nader's does not think it goes far enough, and he has attacked the work product because he thinks it makes it too tough for outside people to testify. Miss Ann McBride of Common Cause likewise has not liked our work product because she thinks it is too hard for outside people to bring complaints against individual Members.

On the other hand, David Mason of the Heritage Foundation, Norm Ornstein of American Enterprise Institute, and Thomas Mann of Brookings have written articles and testified on behalf of the package because they think in its comprehensive form that this is a significant improvement under past rules.

I would say that I am proud about the package for a number of reasons. For one thing it does, in my opinion, offer tougher standards with which to file complaints; at the same time abolishing the three blind mice rule, which I call a canard, unworkable. That is a rule which we brought into fashion or we adopted in the 1989 revision, and I have to say that I was on that task force as well, and that I thought it was a good idea at the time, whereby an outside person, not a Member of the Congress, would go to three Members of the House of Representatives and ask them if they wanted to file this complaint, he would say no; then the second one would be asked if they wanted to file, they said no; and then they would go to the third one and get the same answer, and then they could file anything they wanted before the House as a complaint against a Member of Congress.

We thought that that was absolutely inappropriate; that it was being misused and that it should actually be abandoned. In its place what we did was adopt a personal knowledge standard that said, A, that no person outside the Congress can file anything on the basis of newspaper or press clippings or press reports; but, second, that they had to have personal knowledge of the complaint or of the subject matter of the complaint in order to file information with the committee for the purposes of a complaint.

Also, they either had to be reviewing personal or business or government records and have reached conclusions on the basis of their personal review of those records, or they had to be a participant or had seen the incident in question, or they had been told by one

person who had seen or participated in the event for which they were complaining.

We thought that was a pretty good standard. There are those Members who do not believe that is strong enough and would like very much to go back to the pre-1989 rule that says a Member of Congress has to put his stamp of approval, his name, on any incoming complaint. We will debate that later on. I think those Members have some very good arguments to back their amendment up, but we will discuss that later on, but I do think that the committee did a pretty good job in establishing a threshold before complaints can be filed by people not Members of the Congress.

So nonmembers can file directly under our provision. Complaints filed directly by nonmembers cannot be exclusively based on newspaper articles. Members may sponsor nonmember complaints only if they certify that the complainant is acting in good faith; that is, they can put their stamp of approval, but at this point they have to say that the person in their opinion is acting in good faith and that the matter described in the complaint warrants review of the committee; and bipartisan support necessary for a filing to officially constitute a complaint is necessary; and there is a prohibition on frivolous filings and complaints expressly provided for in the House rules.

Let me stress on that one so that it is clearly understood. Never before have we entertained a prohibition about unfrivolous filings. And it is strongly felt by Members on both sides of the aisle that there have been frivolous attempts to misuse the rules with frivolous complaints. We have a prohibition against that that says it is within the latitude of the committee, by majority vote, to sanction Members or even disregard complaints from outside nonmembers if those complaints are frivolous.

Most importantly in this package is the fact that there is due process for Members. There is a right to review evidence prior to voting of a statement of alleged violations. There is a right to review and comment on the subcommittee and full committee reports prior to transmittal to the full committee in the House. Settlement negotiations are now confidential and not admissible as evidence, even though they had been in the past. There is a right to notice of any expansion of the investigation and/or the statement of alleged violations. There are deadlines established for determining whether information filed constitutes a complaint, and whether the complaint should be forwarded to an investigative subcommittee; and there is a right to notice of any unsuccessful vote to forward complaints to the investigative subcommittee.

The standards for charging a person used to be that the committee only had a reason to believe that a Member had committed a violation. That standard has been raised. Now the committee has to establish a substantial reason to believe, and we think that is a significant improvement.

Most importantly, the whole process is made less partisan and, in fact, nonpartisan in many respects by the changing of the rules. The committee's staff is required, with all members on the Committee on Standards of Official Conduct, to file nondisclosure oaths. The intent of that is to discourage leaks outside the committee. Nonpartisan professional staff are required by the committee rules.

There is increased latitude to the chairman and the ranking member to speak to the press if the committee is being unjustifiably attacked in their eyes, and they are entitled to go out, after consultation with their counterpart, to go out to the press and make a claim.

And there is increased confidentiality of the committee proceedings in the votes, in that in the past all meetings have been deemed open unless closed by the majority; now they are closed unless opened by the majority in the early stages of the investigation. But that is not the adjudicatory stage. In that case, if there is an adjudication or a trial of a Member on the charges, then that is always open and will continue as such.

The task force hopes that these recommendations will not be viewed in microscopic isolation but rather that the whole package, the whole fabric of the package, will be considered as part of a system to accomplish multiple objectives.

First, that they be less partisan; second, that they be more confidential; third, that they provide greater due process for the Members; and fourth, that they provide greater involvement by more Members, because we are creating a jury pool to alleviate the very difficult responsibilities entrusted upon the Members of the standards of official conduct.

We have shrunk the committee from 12 Members to 10 Members, but we have encouraged more reliance on the subcommittees to diffuse so that individual subcommittees of four or six Members can do the work on individual cases and the full committee will not be required to do all of the work on all of the cases and be chained down in the basement of the Capitol to spend all of their waking hours on matters dealing with standards of official conduct.

Mr. Chairman, our ultimate goal is that this bill and the administration of the rules of the House with respect to Members and charges of violations of conduct against them be nonpartisan. Our objective is that this be a true peer review system; that we judge our colleagues with the trust and the confidence of both the Members of the House in bipartisan fashion and the American people. I think that we have done an excellent job toward achieving those goals, and I urge the adoption of this package.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join the gentleman from Louisiana [Mr. LIVINGSTON] in the compliments he has paid to the Members of this body that have served on this joint committee on ethics reform and to the staff that helped us in order to reach this time.

I am very proud of the result of the task force. We have an opportunity today to approve that product, and I hope that this body will take that opportunity and approve the work of our task force.

The gentleman from Louisiana provided tremendous leadership in this body to bring together different people of different views. We worked very hard to compromise issues without compromising principles, and we think the end result is in the best interests of this House. The challenge that we have is to restore confidence with the public that we can carry out our constitutional responsibility to monitor the conduct of our Members. It is a difficult responsibility.

□ 1300

This body owes a debt of gratitude to those Members who are willing to serve on the committee that sits in judgment. Several are on the floor here, and I applaud their efforts, the gentleman from Ohio [Mr. SAWYER], the gentleman from Utah [Mr. HANSEN], and others who have stepped forward to carry out that awesome responsibility. Because, regardless of what rules we have, ultimately it depends upon the willingness of Members of this House to step forward, to serve this body, to judge its Members, and for us collectively to carry out that awesome responsibility.

I believe that the recommendations of our bipartisan task force will make it easier for us to carry out that awesome responsibility. It makes improvements that are important to allow us to judge the conduct of our Members. Let me just, I guess, emphasize some of the points that the gentleman from Louisiana [Mr. LIVINGSTON] has already commented on.

The recommendations, if approved, will make it easier for us to have a nonpartisan operation of the ethics process. The resolution specifically provides that the staff will be nonpartisan and cannot engage in partisan political activities. The recommendations give the chairman and ranking member equal opportunity to set the agenda of the committee.

The recommendations improve the confidentiality of the work of the committee, which is so important to maintain the integrity of the process. The

meetings of the investigative committees will be closed. All members of the committee and staff will be required to file confidentiality oaths. And for the first time, we will allow the committee to directly refer to a Federal agency, without having to come to the House floor and disclose matters, matters that should be referred to other Federal agencies that affect a Member, requiring an extraordinary vote of the committee itself.

We have improved the system for filing of complaints. I know there is going to be an amendment offered later, and I would hope that each Member would understand the current rules and how we have improved them. I agree with the gentleman from Louisiana [Mr. LIVINGSTON] that the three-Member refusal does not make sense. But the answer is not to exclude outsiders the opportunity to submit information or complaints to our Committee on Standards of Official Conduct. The answer is to make it more rational to the need that is out there, and that is what we did in a compromise.

In an appropriate compromise, we require that an outside individual, whether it be a staff person or whether it be an outside person, to bring a complaint must have personal knowledge, a higher standard. It is similar to the standard in the other body. We think that makes sense. By the way, we also raised the standard for a Member transmitting a complaint from a non-Member by requiring the Member to certify in good faith that this complaint should be reviewed by the committee.

So we were mindful of the concerns that a complaint is a very serious matter against a Member, and we have improved the manner in which legitimate matters can come before the Committee on Standards of Official Conduct by non-Members. We have improved the efficiency, the administration of the committee itself, the initial factfinding, which has been very difficult for the committee. It is now delegated to the Chair or ranking member, so they can get better control over getting information earlier to the committee and act earlier with the committee.

The subpoenas and the expansion of scope of an investigation will be handled by the subcommittee where it should be handled. We have an amendment later that tries to reverse that. But let me remind my colleagues that the bifurcated system whereby one group of Members investigate another group, by requiring those that are doing the investigation to go back to those who ultimately have to make judgment and disclose information in order to justify an expansion of scope, compromises the objectivity of the process and the fairness of the adjudicative process.

It also, by the way, compromises we think confidentiality and makes it more time consuming in order to reach conclusions, which is a major concern to the Members of this House. We improve the due process that the gentleman from Louisiana [Mr. LIVINGSTON] spoke to, many new procedures that we put in so that people get adequate due process.

A Member will have advanced notice on any statement of alleged violation that the subcommittee intends to propose. We give notice to Members at every phase of the ethics investigation or action. We have greater involvement by the Members of this House in the ethics process by having a pool of Members who can assist in investigations and by having a limit of 4-year service on the Ethics Committee. I know that the gentleman from Ohio [Mr. SAWYER] and I would have hoped that that would be retroactive. But no, it cannot be retroactive, but at least a Member's term on the committee cannot exceed 4 years, and we have rotation to assure experienced Members will always be on the committee.

And importantly, we have made the process move quicker, in a more timely way, by establishing a 14-day time limit on the initial action on a matter that is filed as a complaint by the chairman and ranking member, giving the chairman and ranking member much more discretion in managing the workload of the committee and in recommending early action on complaints that are filed and filing time limits on getting into initial factfinding.

If we take a look at the full package, I believe we will find that it addresses the concerns that have been raised by the Members of this House. I agree with the gentleman from Louisiana [Mr. LIVINGSTON], we hope that our colleagues will not use a microscope to try to look at each individual section and say "Why does this make sense?" Look at the total package. The package makes sense. It should be approved by this body.

I would hope that my colleagues would have confidence in the committee, the work that we did. Reject the three amendments that will be offered later on this debate. Those three amendments, and we will have a chance to talk about them a little bit later in general debate, each will compromise the manner in which this package was put together, and we will have a chance to talk about that a little later.

It is a good product. I am proud to be associated with it. I hope it will be approved by the House, but I hope it will not be modified by the three amendments that will be offered.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Utah [Mr. HANSEN], who is going to be entrusted with the responsibility of administering this new package when and if it is adopted, the forthcoming chairman of the Committee on Standards of Official Conduct, and a very valued member of this task force, as well.

Mr. HANSEN. Mr. Chairman, I am very grateful to the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for the great work they did on the task force. They worked very diligently, very hard work. It is amazing we got this far, candidly; and I am glad we are here.

I rise today as the chairman of the House Committee on Standards of Official Conduct. I previously served on this committee from 1981 to 1993. In those 12 years that I served, we handled some of the most significant and contentious cases of the Congress. My colleagues may recall, I started when Abscam was still going, and the last case I was part of was the check cashing case. Tough cases. Twenty-nine cases, all of them tough ones.

Yet, in those 12 years on the committee, we did not have one partisan vote. In those 12 years, the chairman and ranking member worked closely together to set the agenda for the committee. I cannot recall one time that the chairman and the ranking member did not bring a joint recommendation before the full committee. In those 12 years, we rarely had a leak of committee information; and when we did, we investigated and found out the source and took appropriate action.

As chairman of the committee, I intend to operate by the standards I knew then as a member of the committee when I was its ranking member and my good friend, the gentleman from Ohio [Mr. STOKES], was chairman of the committee.

I did not know the gentleman from California [Mr. BERMAN], the current ranking member. He considers himself a liberal, which I say in the finest sense of the word. I am considered a conservative. But I found that he is a good man to deal with. We have built a trust, and I think it is essential that we do that if the committee is to act in a bipartisan manner.

I have often stated that it does not matter what rules are adopted to govern the ethics process; without the right people assigned to the committee, it just does not work anyway. I asked my leadership not to appoint people who want to use the ethics process to get even with other Members, not to appoint those who cannot keep confidences, and not to appoint Members who do not have respect for this institution. They have listened to my requests and have selected four outstanding Members.

The Committee on Standards of Official Conduct will investigate aggressively those who have violated our

rules. We will seek to honor the trust that has been placed in us by our leadership and our colleagues. And that is a two-way street.

I have to say I would be terribly disappointed if Members from either side of the political aisle file complaints against other Members strictly for political purposes. I would be very disappointed if people who want to bring charges before the committee do so in a press conference rather than in a confidential manner.

We are not here for political sport or trying people in the mass media. We are here to protect the integrity of the institution and maintain the respect of the American people in our ability to rule on the conduct of our peers. We are a peer review process. If Members want to see a colleague—one of their friends—behind bars, write to the Department of Justice. If they want to nab someone for an election violation, write to the Federal Election Commission. If someone has violated the rules of the House, then write the Committee on Standards of Official Conduct.

I support the task force proposal, and I support the amendments that have been made in order. The amendments guarantee a peer review process rather than complaints by political opponents or ideological enemies. They guarantee that an issue will not linger in the committee because of a partisan deadlock, and they preserve the power of a full committee in the conduct of an investigation. I urge their adoption.

I thank those who have worked so diligently on this task force. I hope we can get this thing behind us. I hope we can get the committee together. I hope we can look at these things and do it truly in the way it was intended to be done instead of a circus that we have seen in some instances.

Mr. CARDIN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. STOKES] who has been a valuable member of the task force and added great expertise to the work of the product that is before us.

Mr. Chairman, I thank the gentleman from Maryland [Mr. CARDIN], my distinguished colleague and cochairman of the task force, for yielding to me.

At the outset I want to take just a moment to commend both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], who were cochairs of our task force, for the excellent manner in which they conducted the business of this ethics task force reform group.

When we started out with the tasks assigned to us, I think it was important for me to be able to see the kind of bipartisan leadership that the two of them gave this committee, because I came to this task force with the experience of having chaired the Ethics Committee of the House on two specific occasions in the past, as well as having served on a previous task force and from time to time having been called to the Ethics Committee for the purpose of serving there on special assignment.

The one thing that I know about the Committee on Standards of Official Conduct is that it is the toughest job any Member of the House can be asked to perform. I think any Member who serves there does so with the realization that they have a very special responsibility both to the public and to the Members of this institution.

I think it is better for the Members of this institution to police themselves through the Committee on Standards of Official Conduct of the House. But I also think it is important that we approach that responsibility on a bipartisan basis. Partisanship cannot be a part of that process. To the credit of both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], they approached their task and gave the leadership to us in that manner.

Mr. STOKES. Mr. Chairman, this task force worked diligently and I think they produced an excellent product. They listened to many groups, both in closed hearings and in open hearings. I think that the committee tried to improve upon the current situation.

First, I think we should all realize that the committee is no better than the rules under which it operates. But as long as we have good rules, and I think we have provided a good package here, both in terms of improving the due process aspects of the ethics procedure as well as the provision for non-Members to be able to file complaints with the committee.

I would urge the Members of the House to accept this package that was produced by this task force report and urge them to pass it without the additional amendments.

□ 1315

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I mentioned that we are deeply indebted to all the staff of the various committees that contributed their hard and great efforts to this task force and all of the personal staff as well.

I neglected to point out also that we had a valiant and tremendous amount of help from Bob Weinhagen, senior counsel of the Office of Legislative Counsel, as well as from the Parliamentarian, Charlie Johnson and John Sullivan were of great, great help to all of us.

I just want to go on record as expressing my deep appreciation to them for being with us over long periods of time and being on demand at the strangest of times but always giving us conscientious, thorough, and professional advice. I appreciate their input.

I would like also to take just a moment to stress something that needs some enlargement. The gentleman from Maryland [Mr. CARDIN] and I have both touched on it in previous arguments. The fact is, one of the most significant accomplishments of this package is to provide Members of Congress with the knowledge of the charges that might be lodged against them to provide them with the opportunity to respond to those charges.

In past practices, there have been concerns that, in the rush of political fervor surrounding a particular case, that the rights of the respondent have been in times pushed aside. That is not going to be the case if and when these rules are adopted. The respondent is entitled to a copy of a draft statement of the statement of alleged violation against him. And all evidence that the committee intends to introduce against him or her prior to a vote on the statement of alleged violation must be produced, unless the committee votes by majority to withhold evidence to protect the identity of a witness for some confidential reasons.

The settlement agreement, if, in fact, there is an arrangement between a Member who wishes to dispose of the charges against him and enters into an agreement and utters comments pursuant to that settlement agreement, cannot be used against him. It is required to be in writing, unless the respondent requests otherwise. That way, he is not encouraged into discussions and all of a sudden lured into a situation that works against him in the long run.

The respondent is entitled to immediately review any new evidence which arises after a statement of alleged violation. Settlement discussions are confidential and are not admissible as evidence or includable in the subcommittee or committee reports unless the respondent agrees otherwise.

A report is required where the statement of alleged violation is voted and an adjudicatory hearing is waived. And the respondent is entitled to review and propose changes to the subcommittee report prior to its transmittal to the full committee and to have his proposals attached to the subcommittee report.

Finally, the respondent is entitled to provide additional views, to be attached to the final report along with any comments previously made regarding the subcommittee report.

These are provisions which may sound technical to the average layman, but in a court of law these would be taken for granted. These are rights afforded criminals in any criminal proceeding. It would seem proper that these sorts of protections be granted Members of Congress if they are in the dock and threatened with charges that might, ultimately, not only ruin their careers but ruin their lives.

These are basic statements of fairness which are incorporated in these rules so that no one will be run roughshod over. No one will be subject to a runaway prosecutor who seeks to deny him the basic essentials for due process.

Finally, of course, there is an incorporation of a rule in this package which specifically condemns the filing of frivolous complaints or frivolous information with the committee. If a person, either outside of the Congress or a Member of Congress, uses the rules simply for harassment purposes, without substantial evidence to ground the charges that he or she might be making against another Member of Congress, now it is codified that under these rules the committee can take note of those frivolous charges and take action against the people filing them. We think that that is a significant improvement from the former rules.

There are lots of other individual items, some arcane, some not, which improve the overall package, but I think that in the general debate it is sufficient to say that this is a good package in and of and by itself. It does not need amendment.

That is not to say that the amendments that have been offered cannot improve upon it, but I think that every Member, regardless of their party affiliation or their philosophical judgment, should examine each of these amendments carefully and determine for him or herself whether or not he or she would want those amendments to apply to him or her if, in fact, charges were lodged against that Member.

With that, Mr. Chairman, I will simply say that this package was concluded without the final unanimous vote of the task force members. We did close it to amendment by a vote of 12 to zero, and that was significant. But when the report was written and the chips were down, 11 members either formally or informally decided to put their stamp of approval on the final package and submit it.

One member, the gentleman from California [Mr. THOMAS], did not, and he, I am sure, will be free to explain his reasons. Actually, they were explained in his minority views in the report, and they were incorporated as part of the report. I urge every Member to take a look at his views, because the gentleman from California was a very significant, hardworking, contributing member to the task force and we do appreciate his effort.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to first compliment the work of the task force, in particular the efforts of the gentleman from Maryland and also the gentleman from Louisiana for their leadership in this regard. I think that today we have in front of us a work of a bipartisan task force made up of Members who have done an excellent job in trying to set a set of rules forward in which this House could have and conduct an appropriate peer review process, and so I rise in support of it.

I think that it is of note, even though it has been mentioned, I will mention it again, the due process additions and changes that have been made that further provide to Members of the House, I think, appropriate due process. The bifurcation of the investigative and judgmental phases of the work, I think, is also an important addition.

As we grapple with the amendments that are to follow, I do not want us to lose the point that the task force's work is work that should and could and, hopefully, will be able to stand on its own merit and that this Committee on Standards of Official Conduct will have an opportunity anew in this Congress to try to set an appropriate and, hopefully, reasoned and measured approach to looking at what are fairly difficult issues from time to time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to again agree with the points that the gentleman from Louisiana [Mr. LIVINGSTON] has made concerning what is in the resolution before us. It contains many, many changes that we think will improve the legislative process.

I would like to spend a few minutes, if I might, on the three amendments that will be offered later, because I think if Members look at the changes that we have made, they will agree that these amendments should be rejected. The reason I say that is that we have in our task force considered each of these three issues and we rejected it.

It is also important, as has been pointed out by Members on both sides of this aisle, that changes in the ethics process be made in a bipartisan way. There is clearly, clearly, a lack of bipartisan agreement on each of the three amendments that will be offered. For that reason alone, they should be rejected.

The first, that would deny outside persons the opportunity to file an ethics complaint, would change the practice of this House since we instituted an ethics committee back in 1968. We have always allowed non-Members to file complaints. This would be the first time we would deny it.

We are charged with the constitutional responsibility to judge the conduct of our Members. Are we so afraid to allow outsiders to bring charges that we deny them access to bring those charges before our committee? I would hope not.

The resolution before Members provides a new standard for that issue. It requires that a non-Member have personal knowledge. The person must either know the information himself or herself or have received it directly from another. It is not adequate, as the gentleman from Louisiana [Mr. LIVINGSTON] has pointed out, to use a newspaper as a basis for a complaint by a non-Member. You just cannot use speculation or what might be in a newspaper article.

We have raised the bar on non-Members. It would be wrong for us to deny them complete access. We also add additional protection for unjust charges brought against a Member. The chairman and ranking member are given additional powers to be able to stop a matter from being considered a complaint that clearly does not comply with our rules.

So we have protected the institution, we have protected the Member, but we have allowed information to come forward as I hope all my colleagues would agree we should. If you adopt the amendment that is offered, you would not only be eliminating these new tests, you would not only be eliminating the current rule that allows for non-Member filing, you would also be raising the bar on a Member transmitting a complaint from a non-Member by adding an additional requirement.

Mr. Chairman, that is a bit much, and I hope the Members would agree with me that is an overkill of a situation that would really be perceived, and rightly so, as us trying to close off this process to any outside people. I could give my colleagues several examples that could come to light that would show exactly why that amendment would be ill advised.

Let us use as an example, and this is strictly an example, that suppose a staff member has been inappropriately approached by a Member asking sexual favors in exchange for promotion. What does that staff person do? Under the resolution before us, that staff person can bring that matter directly to the ethics committee. Do we want that staff member to have to shop for a Member of this House to certify that that is an appropriate complaint?

And suppose it is a Democrat or a Republican. Is this a partisan issue? Where is the dignity of the process? Do we really want to close ourselves to that type of matter being brought to our ethics committee? I would hope not.

I could give my colleagues many more examples as to why it would be wrong for us to close out legitimate problems coming to our ethics committee from non-Members. That amendment, as well intended as it may be, would do that. Reform should open up the process, not move backward. That amendment would take us backward.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would inform the Members that the gentleman from Louisiana [Mr. LIVINGSTON] has 4½ minutes remaining and the gentleman from Maryland [Mr. CARDIN] has 12½ minutes remaining.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Michigan [Mr. LEVIN].

□ 1330

Mr. LEVIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would sincerely like to congratulate the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for their work on this, and all the Members who have worked with them. I think what the gentlemen are doing is meeting the demand of the public, but also what should be our own demands.

This House needs a strong ethics structure. The public demands it, but so does our own sense of public service, of self-esteem.

We want to serve in this body, proud of our service, and part of that pride requires a system so that when ethics are violated, there is a responsible response.

This bipartisan agreement would create a strong ethics structure. The gentleman from Maryland [Mr. CARDIN] has addressed, as the gentleman from Louisiana [Mr. LIVINGSTON] has, amendments, and there will be further discussion. In my judgment, as has been explained, two of these amendments would erode a strong ethics structure. Indeed, I think it would blow holes right through the fabric.

I think it is especially regrettable they would be offered here, because there was agreement to pursue this issue in a bipartisan manner. If any area deserves a bipartisan approach, it is ethics standards of this House.

So I urge a "no" vote on those two key amendments. I also suggest if they would carry, I would vote against the bill, because I would feel that it had become instead of an adequate response, a very inadequate one.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will take the time now to talk about the two other amendments that were made in order under the rule. One, I think Mr. BERMAN covered very adequately, about the automatic dismissal if a matter pending a vote on an investigation is not carried. If the matter is still pending for another 180 days, there would be an automatic dismissal. Under one of the amendments that was made in order.

We should be aware that the current rules of the committee provide for no such action. Mr. BERMAN pointed out, and I concur, that when you put a deadline in a split vote causing a dismissal, you are encouraging that action.

It is not difficult for a committee equally divided, Democrats and Republicans, to do nothing for 6 months, particularly if there is tremendous pressure from one of the political parties.

If you have a person who is perceived to be the target of a political complaint, regardless of how meritorious that complaint might be, there will be tremendous pressure on the committee to break according to party line.

Mr. Chairman, we had some difficult times over the past couple years; some very difficult matters appeared before our committee. But we were able to resolve all those issues, because we knew we had to get a bipartisan vote, that we could not just split along partisan lines.

We resolved the issue. Should they have been done sooner? You bet they should have been done sooner, and our rule changes provide for much faster action. The chairman and ranking member must act within 14 days on a complaint. There is a limit as to when one must start in an investigation. So we provide for a more timely investigation. We deal with the problem. But if we just say it is going to be a dismissal, we have not dealt with the problem. In fact, we have done a disservice to the Member because it is likely there is going to be another complaint filed, another complaint filed, everybody is going to be yelling it is partisan. Does this institution look good in that circumstance? Does the Member look good? No.

We need to resolve our issues. We have heard from the ranking member. We have heard from the chairman of the Committee on Standards of Official Conduct. They are going to work together. Let us have a little confidence that we can do our constitutional responsibility. I would urge Members to reject that amendment.

There is a third amendment, which would take away from the subcommittee the ability to expand the scope of an investigation or to issue subpoenas. That would be a mistake.

We have gone to great lengths to protect the bifurcation of the system. The people who do the investigation should be separated from those who sit in judgment. If we had to go back to those who sit in judgment in order to explain why we want to expand the scope, we are compromising the objectivity of those that ultimately will sit in judgment.

Before we reached this point under the rules that we have, we will have passed at least three bipartisan hurdles, three bipartisan hurdles will already have been passed. First, there will be action of the chairman and ranking member that we have a legitimate complaint. Second, the chairman and ranking member will have gone through the initial factfinding and got even into an investigation through the approval of either the chairman or ranking member of the committee. And third, by a bipartisan vote of the investigative committee, we will have gone into an investigative stage.

So this is not a situation of a partisan problem. This is a situation of protecting the integrity of the process. For the reasons stated, I would urge the Members to reject all three amendments on substance. They were rejected by the task force, and, just as importantly, they open up partisan wounds. That would be a mistake on this day when we can move forward on the ethics process in a bipartisan manner.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Delaware [Mr. CASTLE], a member of the task force who was extremely valuable to the deliberations of our work product.

Mr. CASTLE. Mr. Chairman, I thank the distinguished gentleman from Louisiana for yielding me this time. I cannot say enough about the work that he and the gentleman from Maryland [Mr. CARDIN], did on this task force. They are tenacious, they are highly understanding of this process, and I think without their leadership, frankly, this would not have been done.

I am a supporter of the product which came from this committee. I was the only one on it who has never served on the Committee on Standards of Official Conduct, and, frankly, I hope never to serve on it, based on what I have seen. But, having said that, hopefully we have made it easier for those who will serve in the future.

While there are some areas that are contentious, such as should outsiders be allowed to do this, I realized 15 minutes into the proceedings we are not going to please everybody, it is impossible to do that, so some hard decisions had to be made.

In fact, every decision made was hard. There are many, many decisions, literally in the hundreds, that had to be made by the committee, and virtually in every case I think we improved the product, which is the rules and procedures for the Committee on Standards of Official Conduct.

We reduced the potential for partisanship, which has not been talked about too much, but the committee staff shall be nonpartisan, professional, and available to all as a resource. That is an important change.

We have standards now for timely resolution of matters before the Committee on Standards of Official Conduct by setting time limits for determining whether a complaint is properly filed or should go to subcommittee. That did not exist before and that is a very significant change.

We have dealt with providing safeguards as to providing adequate and timely information to Members who might be accused of standards violations so they have the ability to defend themselves against complaints filed against them. That is important. That has not been done in the past, and that is a significant change.

I believe this package contains many more items like that, most done on a bipartisan basis.

As far as the amendments are concerned, I hope Members, staff, and the public in general looking at the amendments would consider them very, very substantially and cautiously before casting any votes, particularly in favor of them. They are in a position to be very disruptive to the process of what this committee has done, and I think that needs to be kept in mind. But the bill should be adopted.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, once again I encourage Members to please review the work of our task force. I agree with the gentleman from Delaware [Mr. CASTLE], please look at these amendments carefully.

We have a bipartisan product. Ethics reform must be done in a bipartisan manner. The amendments that will be offered will not be supported in a bipartisan way. I can give you the policy reasons why the task force rejected them. I have already done that. But I think it is important for this institution, for the credibility of this institution, for us to move the ethics process as far as we can in a bipartisan manner.

As the gentleman from Louisiana [Mr. LIVINGSTON] knows, there are many provisions in this package that I would have liked to have seen differently. I did not offer amendments to change the package to meet my individual agenda. I did that because of the respect for our product and the process that was used, a fair process. It is now important for this House to ratify that process.

Today we can make major progress in improving the ethics procedures in this body by supporting the work of the task force and by resisting the amendments that will be offered.

I urge my colleagues to reject the three amendments, to support the final report, and to let us move forward to move the ethics process and improve the credibility of this institution in the eyes of the public.

Mr. Chairman, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Louisiana is recognized for 2½ minutes.

Mr. LIVINGSTON. Mr. Chairman, once again I want to commend the gentleman from Maryland [Mr. CARDIN], all the members of the task force, and all the staff who have contributed so mightily to this work product. It is a fine work product, something we can be proud of.

I take issue to my friend from Maryland only to the extent that I attribute only good faith to those Members who in bipartisan fashion are proposing amendments to this task force product.

I would say that there is concern on behalf of some Members with regard to the second amendment we will consider dealing with, whether or not outside nonmembers can file complaints with the Committee on Standards of Official Conduct. I would say in response to the gentleman's concern that, a sexually harassed member of a staff could not have any avenue for response, they can still come to the Committee on Standards of Official Conduct. Even if that amendment were to pass, the Committee on Standards of Official Conduct can still entertain that complaint of sexual harassment.

Even if they did not want to do that, since Congress applied all of the laws of the Nation to ourselves, she can even go to the EEOC, or any other avenue that any other American citizen can go to, to complain of sexual harassment. I just do not buy that argument.

So Members in bipartisan fashion have to consider, do we want outsiders to come in and complain against us, or do we want to leave that responsibility to ourselves? I think that is a legitimate question and one that should be answered by the majority of the Members in bipartisan fashion.

Apart from that, I think we have a great package. I am proud of the work product and the association I have had with all of the people that contributed to it, and I urge the adoption of the package.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise today in support of House Resolution 168, a resolution that would implement the recommendations of the bipartisan House Ethics Reform Task Force. I would also like to commend the bipartisan task force for its dedication and commitment to developing new standards for the Committee on Standards of Official Conduct to follow. They have had an extremely difficult assignment to do, and I believe they have done an admirable job. Their legislation represents an important initial step toward restoring public confidence in the House of Representatives.

Unfortunately, I am committed to speaking before over 1,000 people at the African Association of Physiological Sciences [AAPS] and the African Regional Training Center/Network for the Basic Medical Sciences [AFRET] in Durban, South Africa. If I had been present, I would have voted in favor of this measure which I am confident will help repair a ethics process that has been properly criticized by both Members of Congress and the American people.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the resolution is considered read for amendment under the 5-minute rule.

The text of House Resolution 168 is as follows:

H. RES. 168

Resolved,

SECTION 1. USE OF NON-COMMITTEE MEMBERS.

(a) RULES AMENDMENT.—Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3)(A) At the beginning of each Congress—

"(i) the Speaker (or his designee) shall designate a list of 10 Members from the majority party; and

"(ii) the minority leader (or his designee) shall designate a list of 10 Members from the minority party;

who are not members of the Committee on Standards of Official Conduct and who may be assigned to serve as a member of an investigative subcommittee of that committee during that Congress. Members so chosen shall be announced to the House.

"(B) Whenever the chairman and ranking minority member of the Committee on Standards of Official Conduct jointly determine that Members designated under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, they shall each select the same number of Members of his respective party from the list to serve on that subcommittee.".

(b) CONFORMING RULES AMENDMENT.—Clause 6(b)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following new sentence: "Service on an investigative subcommittee of the Committee on Standards of Official Conduct pursuant to paragraph (a)(3) shall not be counted against the limitation on subcommittee service.".

SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

The second sentence of clause 6(a)(2) of rule X of the Rules of the House of Representatives is amended to read as follows: "No Member shall serve as a member of the Committee on Standards of Official Conduct for more than two Congresses in any period of three successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that a Member having served on the committee for two Congresses shall be eligible for election to the committee as chairman or ranking minority member for one additional Congress. Not less than two Members from each party shall rotate off the committee at the end of each Congress.".

SEC. 3. COMMITTEE AGENDAS.

The Committee on Standards of Official Conduct shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

SEC. 4. COMMITTEE STAFF.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that:

(1)(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member.

(F) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of Committee on House Oversight, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(3) Outside counsel may be dismissed prior to the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) Only subparagraphs (C), (E), and (F) of paragraph (1) shall apply to shared staff.

(b) ADDITIONAL COMMITTEE STAFF.—In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee on Standards of Official Conduct, the chairman and ranking minority member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

SEC. 5. MEETINGS AND HEARINGS.

(a) HOUSE RULES.—(1) Clause 4(e)(3) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(3)(A) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or any subcommittee thereof shall occur in executive session, unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting to the public.

"(B) Notwithstanding clause 2(g)(2) of rule XI, hearings of an adjudicatory subcommittee or sanction hearings held by the Committee on Standards of Official Conduct shall be held in open session unless the subcommittee or committee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.".

(2)(A) The first sentence of clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(B) The first sentence of clause 2(g)(2) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(b) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that—

(1) all meetings of the committee or any subcommittee thereof shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

SEC. 6. CONFIDENTIALITY OATHS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(4) Before any member, officer, or employee of the Committee on Standards of Official Conduct, including members of any subcommittee of the committee selected pursuant to clause 6(a)(3) and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House. This subparagraph establishes a standard of conduct within the meaning of subparagraph (1)(B). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.".

SEC. 7. PUBLIC DISCLOSURE

The Committee on Standards of Official Conduct shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.

(a) RECORDS.—The last sentence in clause 2(e)(1) of rule XI of the Rules of the House of Representatives is amended by adding before the period at the end the following: ", except that in the case of rollcall votes in the Committee on Standards of Official Conduct taken in executive session, the result of any such vote shall not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee".

(b) REPORTS.—Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to votes taken in executive session by the Committee on Standards of Official Conduct.".

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by striking "or submitted to", by inserting "(I)" after "(i)", by striking "a complaint" and inserting "information offered as a complaint", and by adding after subdivision (I) the following new subdivision:

"(II) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee, or".

(b) DIRECT FILING.—Clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, directly from an individual not a Member of the House.".

SEC. 10. REQUIREMENTS TO CONSTITUTE A COMPLAINT.

(a) PROCEDURAL REQUIREMENTS.—The Committee on Standards of Official Conduct shall amend its rules regarding procedural requirements governing information submitted as a complaint pursuant to clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives to provide that—

(1) an individual who submits information to the committee offered as a complaint must either have personal knowledge of conduct which is the basis of the violation alleged in the information, or base the information offered as a complaint upon—

(A) information received from another individual who the complainant has a good faith reason to believe has personal knowledge of such conduct; or

(B) his personal review of—

(i) documents kept in the ordinary course of business, government, or personal affairs; or

(ii) photographs, films, videotapes, or recordings;

that contain information regarding conduct which is the basis of a violation alleged in the information offered as a complaint;

(2) a complainant or an individual from whom the complainant obtains information will be found to have personal knowledge of conduct which is the basis of the violation alleged in the information offered as a complaint if the complainant or that individual witnessed or was a participant in such conduct; and

(3) an individual who submits information offered as a complaint consisting solely of information contained in a news or opinion source or publication that he believes to be true does not have the requisite personal knowledge.

(b) TIME FOR DETERMINATION.—The Committee on Standards of Official Conduct shall amend its rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the committee's rules for what constitutes a complaint.

SEC. 11. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the chairman and ranking minority member determine that information

filed meets the requirements of the committee's rules for what constitutes a complaint, unless the committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the committee extend the applicable 45-calendar day or 5-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(b) HOUSE RULES.—Clause 4(e)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)", by striking "and no" and inserting "and, except as provided by subdivision (ii), no", and by adding at the end the following:

"(ii)(I) Upon the receipt of information offered as a complaint that is in compliance with this rule and the committee rules, the chairman and ranking minority member may jointly appoint members to serve as an investigative subcommittee.

"(II) The chairman and ranking minority member of the committee may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the chairman or ranking minority member has placed on the committee agenda the issue of whether to establish an investigative subcommittee.".

(c) DISPOSITION OF PROPERLY FILED COMPLAINTS BY CHAIRMAN AND RANKING MINORITY MEMBER IF NO ACTION TAKEN BY THEM WITHIN PRESCRIBED TIME LIMIT.—The Committee on Standards of Official Conduct shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee rules for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subsection (a), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(d) HOUSE RULES.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentences:

"If a complaint is not disposed of within the applicable time periods set forth in the rules of the Committee on Standards of Official Conduct, then the chairman and ranking minority member shall jointly establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee,then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

SEC. 12. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT.

The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements for what constitutes a complaint set forth in the committee rules, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the committee's rules; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEES.

The Committee on Standards of Official Conduct shall adopt rules providing that—

(1)(A) investigative subcommittees shall be comprised of 4 Members (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee; and

(B) adjudicatory subcommittees shall be comprised of the members of the committee who did not serve on the investigative subcommittee (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee;

(2) at the time of appointment, the chairman shall designate one member of the subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee; and

(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

SEC. 14. STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION.

The Committee on Standards of Official Conduct shall amend its rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the committee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred.

SEC. 15. SUBCOMMITTEE POWERS.

(a) SUBPOENA POWER.—

(1) HOUSE RULES.—Clause 2(m)(2)(A) of rule XI of the Rules of the House of Representatives is amended—

(A) in the second sentence by striking "The" and inserting "Except as provided by the next sentence, the"; and

(B) by inserting after the second sentence the following new sentence: "In the case of the Committee on Standards of Official Conduct or any subcommittee thereof, a subpoena may be authorized and issued by the committee only when authorized by a majority of the members voting (a majority being present) or by a subcommittee only when authorized by an affirmative vote of a majority of its members.".

(2) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(b) EXPANSION OF SCOPE OF INVESTIGATIONS.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation without the approval of the committee.

(c) AMENDMENTS OF STATEMENTS OF ALLEGED VIOLATION.—The Committee on Standards of Official Conduct shall adopt rules to provide that—

(1) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(2) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the committee's rules;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if

the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

SEC. 17. COMMITTEE REPORTING REQUIREMENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives; and

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subparagraph (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.

Clause 4(e)(1)(C) of rule X of the Rules of the House of Representatives is amended by striking "with the approval of the House" and inserting "either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee".

SEC. 19. FRIVOLOUS FILINGS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, deems appropriate in the circumstances.

"(B) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.".

SEC. 20. TECHNICAL AMENDMENTS.

The Committee on Standards of Official Conduct shall—

(1) clarify its rules to provide that whenever the committee votes to authorize an investigation on its own initiative, the chairman and ranking minority member shall establish an investigative subcommittee to undertake such investigation;

(2) revise its rules to refer to hearings held by an adjudicatory subcommittee as adjudicatory hearings; and

(3) make such other amendments to its rules as necessary to conform such rules to this resolution.

The CHAIRMAN. No amendment to the resolution is in order except those printed in House Report 105–250. Those amendments may be offered only in the order printed in the report and by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–250.

AMENDMENT NO. 1 OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer amendment No. 1, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LIVINGSTON:

At the end, add the following new section:

SEC. 21. EFFECTIVE DATE.

This resolution and the amendments made by it apply with respect to any complaint or information offered as a complaint that is or has been filed during this Congress.

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Louisiana [Mr. LIVINGSTON] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. CARDIN] be allowed to control 5 minutes, whether or not he is opposed.

The CHAIRMAN. Without objection, the gentleman from Maryland [Mr. CARDIN] will be recognized for 5 minutes.

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, actually this amendment is offered by the gentleman from Maryland [Mr. CARDIN] and myself in bipartisan fashion. Basically it serves to overcome an anomaly that might have been created were it not adopted, in that the moratorium, the ninth moratorium on the filing of complaints to the Committee on Standards of Official Conduct, expired last week, and unless we adopt this amendment, frankly, what it means is that the filings which came in to the committee between the ending of the moratorium and the time which these rules were amended might be considered under the old rules, or they might be considered under the new rules, but, frankly, nobody would really know, and especially the counsel for respondents would be in a disastrous position if they were required to respond to allegations against their clients under both sets of rules.

□ 1345

So this is an attempt to clear that up and would simply make sure that everyone knows that any complaints coming up to the point of the adoption of this new package will be considered under this new package.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would inquire of my colleague, does this amendment resolve the issue of whether or not the new rules will apply, in whole or in part, to those complaints filed in prior Congresses that may be carried over to this Congress?

Mr. LIVINGSTON. Mr. Chairman, reclaiming my time, the amendment does not specifically relate to that.

However, it is our expectation, and the understanding of all of the task force members, that in accordance with precedent the Committee will determine by majority vote which, if any, complaints filed in the previous Congress will be considered in the current term. Once accepted, it is the intent of the task force that such complaints shall be treated in all respects as if they had been accepted under the new rules, which shall then govern accordingly.

Mr. CARDIN. Mr. Chairman, if the gentleman would yield further, I agree with my cochairman's interpretation. Complaints that carry over by an affirmative vote of the committee would be considered as being in the same status as they were in the previous Congress when it adjourned. They would then proceed under the new rules in this Congress, which I believe is our understanding.

Mr. LIVINGSTON. In order to simplify that, Mr. Chairman, let me simply say that I appreciate my friend's comments, and if he has no further requests for time, I would simply say, this is a clarifying, technical amendment to make all concerned know that any further disposition of complaints will be utilized and enforced by the new rules and no preceding rules that govern Congress.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] is recognized for 5 minutes.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, staff just pointed out, and let me just clarify again so it is clear, under the amendment that we have before us, although it does not directly deal with it, it is our understanding that if the committee votes to carry over a complaint, that that complaint would be considered properly filed. It would then proceed under the new rules in this Congress in the status it was at the adjournment of the last Congress.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield, that is correct, assuming that the committee votes by majority to accept the complaint previously filed.

Mr. CARDIN. Mr. Chairman, I concur with the cochairman's interpretation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, answered "present" 1, not voting 12, as follows:

[Roll No. 408]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—12

Bonilla
Conyers
Furse
Gephardt
Gonzalez
Goss
Granger
Meek
Neumann
Oberstar
Pickering
Schiff

□ 1405

Ms. CARSON and Mr. SUNUNU changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–250.

AMENDMENT NO. 2 OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MURTHA:

Page 9, strike line 16 and all that follows thereafter through page 10, line 10, and insert the following new section:

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of Rule X of the rules of the House of Representatives is amended by striking "or submitted to", by striking "a complaint" and inserting "information offered as a complaint", and by amending clause (ii) to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee.

Page 10, strike line 12 and all that follows thereafter through page 11, line 23, and on line 24, strike "(b) TIME FOR DETERMINATION.—."

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Pennsylvania [Mr. MURTHA] and a Member opposed each will control 15 minutes.

Does the gentleman from Maryland [Mr. CARDIN] rise in opposition?

Mr. CARDIN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me explain what I am trying to do, so Members will understand the thrust of the amendment that I am offering.

What I am concerned about, having been before the Ethics Committee and having been cleared by the Ethics Committee in a unanimous vote, a lot of people said they were on the Ethics Committee. I was before the Ethics Committee, and the process, I thought, worked very well. I was cleared with a bipartisan vote, overwhelming vote, that cleared my charges. I went through a long process. Naturally, anybody that is accused goes through a difficult process.

But I was also on the Ethics Committee for a period of time, and we had a number of cases. As some people have said in the past, most of those cases were handled in a bipartisan manner. It took a lot of argument, it took a lot of back and forth, but they were all handled fairly expeditiously.

What I worry about is frivolous complaints offered by outside groups. I am not talking about responsible outside groups. We have a lot of groups that call themselves watchdogs and so forth, and they have a legitimate status. I do not think those particular organizations would offer a frivolous complaint. But there are partisan organizations on both sides of the aisle that would offer an amendment right during an election cycle that could be very harmful to the Member.

We do not notice the publicity in Washington in most cases. There is one story about a complaint being filed, and we do not see much more about it. But that person that is accused goes through a tremendous process of news, as if the person has been indicted and convicted.

As soon as there is a newspaper report that a charge has been made, the hometown newspapers focus on that individual, and they do not say the individual is guilty, but they intimidate people and they make people believe he is guilty, and it costs tremendous amounts of money to defend yourself, because you are portrayed as the guilty person.

What I would like to see is, a Member would have to make the complaint. Now, we established the Ethics Committee for one reason. That is to police ourselves. We should police ourselves. But a Member should be convinced to offer the complaint. It is an information until the two, the chairman and vice chairman, cochairman, whatever we call the ethics top leaders now, decide on them.

I believe that one more process, due process, is important. I believe somebody on the outside should be forced to go to a Member and convince that Member. I thought it was a sham before, when you go to three Members and they do not sign a complaint. They say, I will not sign a complaint.

I believe that we have a responsibility to bring a complaint forward if we have knowledge of something that is wrong. I think Members of the House will take that responsibility. There is no question in my mind that the Members can police themselves under every circumstance.

The rules of the House are very complicated. I think a Member should take the responsibility if there is any problem, if there is information found. Too many times, a person takes a newspaper report, they take information they know nothing about, and they send it in as a frivolous report, and it means all kinds of problems for that elected official.

We have to run every 2 years. Nobody asks us to run, but our reputation is on the line. I absolutely believe it is important that, to give an individual due process, we should have to convince a Member of Congress to offer the information or the complaint.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the deepest respect for the author of this amendment. He is a person who has fought long and hard to improve the credibility of this institution. I disagree with this amendment. I think it moves in the wrong direction.

The gentleman from Pennsylvania [Mr. MURTHA] mentioned a couple of points that I would like to directly respond to. First, he says it takes too long for us to consider complaints. I agree with him. That is why, in our resolution, we have provided to the chairman and ranking member to have but 14 days to determine whether a matter is a complaint or not, while we have 45 days of initial factfinding, and then they must do something with the complaint, so it cannot sit there indefinitely.

□ 1415

I agree with the sponsor of the amendment in that regard. The problem is that his amendment does not fit into the work of our committee. There are some additional powers that we gave the chairman and ranking member that quite frankly would not have been there but for the fact that we have direct filing of outside complaints. Those provisions are unaffected by the Murtha amendment. The amendment does not fit. It is going to cause problems for the process.

The sponsor mentioned newspaper accounts. We have a specific resume which adopts, by the way, the practice of the other body that says a newspaper account cannot be the basis of personal knowledge. So an outsider cannot use a newspaper article as the basis of filing a complaint. We specifically provide for that.

Since we have had a Committee on Standards of Official Conduct, since we have adopted the ethics rules in this House, we have permitted nonmembers to file complaints. If this amendment is adopted, it will be the first time in the history of this Chamber since we have adopted ethics procedures that we will close the doors to outsiders. I think that is wrong.

During general debate I mentioned an example of a person, staff person, and this is just a hypothetical, who has been solicited by her boss to do sexual favors for promotion. Does any of us want that person to have to shop a Member of the House in order to bring that complaint? Should that matter not be directly able to come to the Committee on Standards of Official Conduct as a complaint? Where is the dignity of a person who has a problem with a Member of being able to present it to the Committee on Standards of Official Conduct?

I know that they can present and they have other legal recourse here. That is legal recourse. We are talking about the ethical standards for Members of the House and we want our Committee on Standards of Official Conduct to be able to judge the conduct of Members of the House. As well intended as this amendment is, it denies that ability for us to be able to adequately judge our Members.

The Murtha amendment not only takes away direct filing, but it changes the current rules of the House where outside groups can have one of two ways of getting a complaint filed. One is eliminated, the other is changed by the Murtha amendment. The three-Member refusal is gone. This amendment stops it. And even the transmittal by a Member of a non-Member's complaint is changed if the Murtha amendment is adopted, because under the current rule a Member can transmit a complaint by a non-Member. Under these rules, under this amendment it would require the certification of a Member.

Once again, is it right to demand that a person who has a legitimate problem have to search out and find a Member of the House?

Let me give my colleagues one more example. A constituent receives a mailing from a Member on official stationery soliciting money for a campaign. Clearly against our rules. Now, if that constituent goes, if that happens to be a Democratic Member of Congress and it goes to another Democrat to try to transmit the amendment, we put a Democrat in a very difficult position. Goes to a Republican, it is partisan.

Why should they have to get the stamp of approval before they transmit to us and then we make the judgment? What are we afraid of? We have given the power to the chairman and ranking member, why should we close the doors after all these years?

I urge my colleagues, in the sense of fairness, we have raised the bar for non-Members filing complaints, and properly so. We have reached a fair compromise. Let us not slam the door totally and pretend that we only can present information against a Member. That is wrong. We will lose the confidence of the outside world, and rightly so. I urge my colleagues to reject the Murtha amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding me this time, and I will take only a brief period of time to point out to the gentleman from Maryland in his argument that, in fact, the hypothetical that he presented does cause some concern. That is, for example, a staff member having some concern about the activities of the Member, up to and including, we hope not, some type of sexual harassment. But the dilemma that the gentleman placed us in is simply not there.

Perhaps the gentleman does not realize that when Republicans took majority control the very first act, the Congressional Accountability Act, 104th Congress—Public Law 104–1—set up the Office of Compliance so that the staff and the Member would not have to deal with this at the ethics level. The act deals with the professional employment relationships and Republicans will not tolerate a Member treating an employee in that fashion, nor should they have to go to the Committee on Standards of Official Conduct to get a solution. It is the Office of Compliance that would deal with employee complaints.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I appreciate the gentleman yielding to me, and I support the effort as it relates to the legal aspects, but that committee has no authority to discipline the Member as far as that Member's activity on the floor of this House. Only the body can do that.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I understand that, but the gentleman's argument is one that poses a dilemma which is not there. I happen to believe that the standards of official conduct, it is not called ethics, is for peer group review. And I have in the past examined materials brought to me, and when I thought it reached a particular level I sent it on to the committee. That is part and parcel of our responsibility.

Any reasonable proposal will not stop prior to reaching the Committee on Standards of Official Conduct.

My only response was to the gentleman in his hypothetical dilemma, I thought he needed to know that at the beginning of last Congress, when Republicans took control, we solved his problem.

Mr. CARDIN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. PELOSI], a member of the bipartisan task force.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this issue. It is with the highest regard for the gentleman from Pennsylvania [Mr. MURTHA], and he knows I mean that when I say this, that I regretfully rise in opposition to his amendment and for the following reasons:

The task force strove to strike a balance in terms of protecting this institution and the reputation of the Members of this institution, but having a process that was fair and open. I want my colleagues to know where we are now, what this task force does and why I think it is preferable to what the gentleman from Pennsylvania is proposing.

Right now an outside person or group can file a complaint against a Member on the strength of a newspaper article. The gentleman from Pennsylvania rightfully said in his comments that outsiders should not be able to wreak havoc on the reputations of Members of Congress on the basis of a newspaper article.

The task force agrees. That is why the task force says that in order for an outsider to file a complaint against a Member that person must have personal knowledge of the offense that he or she is complaining about. Nonmembers who file a complaint on the basis of a newspaper article do not qualify. We say it positively and we say it negatively in here.

And then an outside person can file a complaint, if they give it to a Member, if the outsider does not have personal knowledge. Members who sponsor a nonmember's filing of information offered as a complaint shall certify that the complaint is acting in good faith and that the matter described in the filing warrants the attention of the committee.

So the task force also agreed with the gentleman from Pennsylvania that the Member should have to certify to the validity of the complaint. The language the gentleman from Pennsylvania is offering, if passed by this body, would be tantamount to preventing outsiders from offering amendments unless the Member of Congress went even further.

I believe we have struck a balance. We are taking heat from both sides. The outside community thinks that the task force went too far in raising the bar for outside complaints; some Members think that that bar should be raised higher. We think the task force struck the appropriate balance, which is fair to Members, respects the reputation of the House of Representatives. With that I urge a "no" vote on the Murtha amendment.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], the chairman of the Committee on Standards of Official Conduct.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman from Pennsylvania giving me the opportunity to speak to this amendment. I rise in strong support of this amendment. This, in my opinion, is the most important amendment we will consider. It maintains the ethics process as peer review, as our Founding Fathers envisioned it to be.

Without this amendment, each Member will be subject to complaints filed for political purposes and by election opponents and by ideological foes for the sole purpose of a headline or perhaps, more sinister, to destroy someone's reputation.

In Washington we have seen that if a legislator's agenda, based on merit or majority vote, cannot be stopped by someone, they can succeed by attacking their ethics, their reputation. The media is often a willing partner in pursuing the scandal for ideological purposes or as a way to sell their product.

Let me give my colleagues an example. In 1982, we had the big sex scandal here, where a reporter for one of the large organizations got our poor little pages back there, programmed them, got them to thinking there was all this stuff going on, and every night every one of us was subject to the idea of who are these rotten people here? Who are the bad guys?

Then what happened? After we spent $2 million of the taxpayers' dollars, these kids bowed their head and said we made it all up. The question was asked, where did you get the names to make it all up? We got them from a reporter from CBS. Did we see CBS stand up and say, gee, we're sorry we spent all that money; it was all a lie; it was all a mistake? Anyone remember seeing that? I cannot remember seeing

that. To this day people do not even know that.

So it kind of bothers me, this strong, strong fourth estate who has no accountability to us at all, who will come and see us with sweet and light and nice things to say about us, then write bitter and vicious things about us. Where is their accountability? Let me say we have to make those people somewhat accountable, if we possibly can. And if we cannot, this amendment is the only salvation we have. In my opinion, this is the most important amendment I have seen brought up to this.

Article I, section 5 of the Constitution clearly provides for the Congress to punish its Members. Only Members of Congress may present a privileged resolution to this floor concerning a fellow Member. It is appropriate in an internal peer review process that House Members and only House Members are allowed to properly file complaints before the committee.

This does not mean that citizens and others are denied access to the committee. The door is not shut, contrary to what my friend from Maryland said. They are not. Anyone in the country can send information to the committee, bringing to our attention information regarding a Member or a staffer of the House.

And the committee can, keep this in mind, the committee can self-initiate a complaint against a Member when they are so inclined to do it. Two of the three investigations voted by the committee for the last Congress were initiated by information brought to the committee attention rather than by properly filed complaints to the committee.

As chairman of the committee, I do not want this agenda set by outsiders who have established a fundraiser base in Washington by writing and filing complaints against Members of Congress.

Mr. CARDIN. Mr. Chairman, I yield myself 2 minutes.

I appreciate the comments of the chair of the committee, but I think it is a bit naive to expect that if we close the door to direct filing of complaints that we are going to all of a sudden not get newspaper articles or not get matters that are brought to the public's attention through press conferences or the like about the conduct of Members of this body. That is just plain naive.

I also think we do a disservice to the Member if we do not have a reasonable process to be able to resolve the issue within our ethics process. By closing the door we tell the public we do not want to hear from them. We are a restricted group and we will take care of our own problems. That is just going to make it worse for the Members of this institution and worse for the institution.

My friend from California, Mr. THOMAS, talked about the process that we have for the violation over employee rules. That is fine, but a person who has gone through this matter should have a choice of forum. If they want to bring the matter as an ethics issue, that employee should have the opportunity to do it, and for us to say no is just plain wrong.

□ 1430

Or to say that that employee has got to shop to find a Member of the House to certify is putting an unreasonable requirement. Please look at the underlying resolution. We changed the current rules significantly in this regard. We made a lot of progress.

I just urge my colleagues who think that this will provide better protection against unwarranted complaints, I think just the opposite will occur, that they will be closing the process, removing the public confidence, and making it more likely than less that scandals will go unabated.

We have an obligation to listen to all parties. We made a reasonable requirement for additional standards for non-Members to file complaints. It is reasonable. Please accept the bipartisan results. Let us try it. It is in the best interest of the House.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. MURTHA] for yielding me the time.

I just heard an amazing statement that the gentleman from Utah [Mr. HANSEN], the chairman of the Ethics Committee, that he might be naive, because he said the Committee on Standards can initiate its own inquiry given enough information and the disposition to do so.

The fear that I have with the initiative of the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON] is that they will politicize the ethics process in an election year. Every campaign check a Member gets is going to raise a flag.

Now, they think they are immunizing the process from frivolous complaints by saying "You must have personal knowledge, not a newspaper account." We have the telephone. We read something in the paper. We pick up the phone. We call somebody who is quoted. We have personal knowledge, we have the Freedom of Information Act to provide the requisite knowledge.

The fact is, if outside people can file these ethics complaints in an election year, we will have a blizzard of them filed. I do not know how the committee is going to deal with them all as they pile up. Perceptions are everything in politics. "He is under investigation by the Ethics Committee." That is all they have to say, and we have got to spend weeks defending ourselves. It is wrong.

When do we start to take into consideration the real world? Information is available from any source on the globe. The committee, which is bipartisan, Democrat and Republican, can initiate a complaint if nobody wants to do it or will do it. But we are opening the door to a flood of partisan ethics complaints in an election year. The struggle for power, the negative campaigning, all of this comes into the mix. I think we are doing a disservice to Members, because the accusations are going to be there and the truth will have a difficult time catching up with them.

Someone said that "charges and allegations fly on falcons' wings, but truth shuffles along in wooden shoes." I am just suggesting this is a serious mistake. We are injecting a political layer into what ought to be depoliticized. I think we will live to regret the consequences.

So please vote for the Murtha amendment. Take politics out of this process by supporting the Murtha amendment.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

I hate to correct the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary. This amendment does not take us back to status quo. It does not. Currently there are procedures for non-Members to file complaints. That is eliminated. The three-Member refusal is gone. The transmittal by a Member automatically is gone.

These changes move us backward. They do not maintain the status quo. If this amendment maintained status quo, I would not have anywhere near the objection that I have. But it takes us backward, before the beginning of any rules in this House, as to the access that non-Members have in filing complaints with Congress. It is for that reason that I am so much opposed to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 2½ minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I hope all the Members will pay some attention to these remarks because they are personal. Every bit of the discussion to this point has been in the abstract. But I have been through this.

I have had someone attack me for no other reason than personal, political gain. I have had to go through the process of being sued for slander by someone who attacked me, who attacked my integrity, who came after me for no purpose other than to try to destroy me politically, and I had to go through it. I had to have an attorney.

Anybody who stands here and talks about an outside group being able to come into this House and make a complaint, as if we are cutting off access, people who have no desire other than to come and to take them apart, not

just politically but destroy them as a person.

I am willing to submit myself at any point to the judgment of my peers in this House. But I am unwilling to open up the floodgates of the crime of slander and libel against a Member that will surely come with this. I have been through it.

I ask any Member to think about what it is like when all of this is put out in the newspapers and people ask them about it and the attack is on them, and they wake up in the middle of the night in frustration and rage, knowing that they are innocent.

I was attacked by somebody who altered a tape on the grounds that he knew what I was really saying, so he had altered the tape to make sure that everybody else would know it. He found an attorney that could come after me. And the day before the trial started, after all the depositions, after all the accusations, the suit was withdrawn. I was left to hang. And do my colleagues know what the attorney said to me? "If you want to counter sue, you are going to have to pay for that." This was done for no other purpose than for political attack.

I respect the work that was done with this. Believe me, where the gentleman from Maryland [Mr. CARDIN] is concerned, where the gentleman from Louisiana [Mr. LIVINGSTON] is concerned, no one respects them more. They have the most thankless job. I sincerely mean that. I respect this.

But the gentleman from Utah [Mr. HANSEN], the chair of the committee, has said that this will provide an agenda set by outsiders; and I guarantee my colleagues, that is what is going to happen.

The gentleman from Illinois [Mr. HYDE], the chair of the Committee on the Judiciary, has said that we have to prevent the injection of politics. And I tell my colleagues, if we do not have this amendment, we will have the injection of politics with a vengeance.

The CHAIRMAN. The Chair would indicate that the gentleman from Pennsylvania [Mr. MURTHA] now has 30 seconds remaining, and the gentleman from Maryland [Mr. CARDIN] has 4½ minutes remaining.

Mr. MURTHA. Mr. Chairman, who has the right to close?

The CHAIRMAN. It is the perception of the Chair that the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], serving as managers of the bill under the terms of House Resolution 230, will have the right to close in the event that they control time in opposition to an amendment.

Mr. MURTHA. Mr. Chairman, I yield the remaining time to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Chairman, I rise not in defense of any one of my colleagues who might be charged with an ethics complaint, certainly not in defense of myself should I ever suffer that fate.

I rise in defense of this institution. If my colleagues think this institution already belongs to special-interest groups because of the money that flows into politics, then dare they turn this institution to outside groups, who can hold each one of them hostage with a threat of an ethics complaint in order to get their way on this House floor?

If they want to turn this body over to the outside groups, vote against the Murtha amendment. That will do it.

If they want to preserve in this House our own obligation to police ourselves, then vote for the Murtha amendment.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we are not turning over anything to anybody outside of this institution. We are not turning over anything. The resolution before us restricts the rights of non-Members to file complaints. It is more restricted than the current rules. So let us please stick to what the facts are.

We have, we think, imposed reasonable standards on what non-Members should have to comply with in order to file a complaint with our committee. We used as precedent the rules of the other body, and in the other body non-Senators can file complaints based upon personal knowledge. They cannot be based upon newspaper accounts.

We think that is the appropriate way. We believe it is an improvement over the current system.

Mr. Chairman, we have been operating under these procedures since we adopted ethics rules in this House. Every time we have had a bipartisan effort to reform the process, we have tried to improve the process.

If this amendment is adopted, I will make two observations: It will be the first major change in our ethics rules that will be done on a partisan basis because it did not go through the bipartisan operation that we had agreed with. And it will be the first major retreat, the first major retreat and pullback of ethics procedures in this House. That would be, I think, a sad day for the House of Representatives.

I understand the frustration that the gentleman from Hawaii [Mr. ABERCROMBIE] expressed on the floor of this House. It was not an ethics complaint that caused this frustration. But I understand his frustration to be unjustly accused.

All of us have gone through being unjustly accused. All of us who serve in public life have subjected ourselves and our families to unjust accusations because, just because, of our public service. That is wrong.

The Constitution gives us the right to judge our own Members. We should require non-Members to pass a certain knowledge test before they can activate a complaint. But how we conduct the ethics process in this House is very important. And for us to say that we are going to reform it by denying direct filings, to me, is a major mistake.

I would urge each Member, as they come over to vote, to please consider what is in the best interest of this institution. We have worked in a bipartisan manner to try to reform this process. It is important that that bipartisanship continue. A vote for this amendment, I regret, will work against the bipartisan cooperation that we have had on our task force.

I urge my colleagues to vote against the Murtha amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURTHA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 193, answered "present" 1, not voting 11, as follows:

[Roll No. 409]

AYES—228

Abercrombie	Cox	Herger
Aderholt	Crane	Hill
Archer	Crapo	Hilleary
Armey	Cubin	Hobson
Bachus	Cunningham	Hoekstra
Baker	Deal	Horn
Ballenger	Delahunt	Hostettler
Barr	DeLay	Houghton
Barrett (NE)	Diaz-Balart	Hulshof
Bartlett	Dickey	Hunter
Barton	Doolittle	Hyde
Bass	Dreier	Inglis
Bateman	Duncan	Istook
Bereuter	Dunn	Jenkins
Bilbray	Ehlers	Johnson, Sam
Bilirakis	Ehrlich	Jones
Bishop	Emerson	Kanjorski
Bliley	English	Kasich
Blunt	Ensign	Kelly
Boehlert	Everett	King (NY)
Boehner	Ewing	Kingston
Bono	Farr	Klink
Borski	Fawell	Knollenberg
Boucher	Flake	Kolbe
Brady	Foglietta	LaHood
Bryant	Foley	Largent
Bunning	Forbes	Latham
Burr	Fowler	LaTourette
Burton	Frelinghuysen	Lazio
Buyer	Gallegly	Lewis (CA)
Callahan	Ganske	Lewis (KY)
Calvert	Gekas	Linder
Camp	Gibbons	Lipinski
Campbell	Gilchrest	Lucas
Cannon	Gillmor	Manzullo
Chambliss	Gilman	McCrery
Chenoweth	Goodlatte	McDade
Christensen	Goodling	McInnis
Clay	Graham	McIntosh
Clement	Granger	McKeon
Coble	Gutknecht	Metcalf
Coburn	Hall (OH)	Mica
Collins	Hansen	Miller (FL)
Combest	Hastert	Mink
Condit	Hastings (WA)	Mollohan
Cook	Hayworth	Moran (VA)
Cooksey	Hefley	Murtha

Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Towns
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—193

Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Canady
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Goode
Gordon
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (KS)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—11

Bonilla
Furse
Gephardt
Gonzalez
Goss
McCollum
Meek
Neumann
Oberstar
Schiff
Weldon (PA)

□ 1501

Mr. FOX of Pennsylvania and Mr. DICKS changed their vote from "aye" to "no."

Mr. CLEMENT changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–250.

AMENDMENT NO. 3 OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TAUZIN:

Page 14, line 21, after the period, add the following new sentence: "If 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the complaint shall be dismissed without prejudice.".

Page 15, line 12, before the quotation marks, add the following new sentence: "If 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the complaint shall be dismissed without prejudice.".

Page 22, line 16, strike "and", on line 20, strike the period and insert "; and", and after line 20, insert the following new paragraph:

(9) if 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the committee shall send a letter to the complainant and the respondent stating that the complaint has been dismissed without prejudice.

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Louisiana [Mr. TAUZIN] and a Member opposed each will control 15 minutes.

Does the gentleman from California [Mr. BERMAN] rise in opposition to the amendment?

Mr. BERMAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] will control 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first congratulate the House on the last vote, and also simultaneously congratulate the committee on the fine work it did in bringing this package to the floor. I believe the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] have done this House a great service, and all committee members, in the work they have done.

However, the last vote points out that the House Members do see a need to make additional improvements in the package, and the strong vote just occurred to make sure that this process is as depoliticized as possible is an indication that Members in fact have that intent today.

I hope Members have the same intent as you examine the next issue that is embodied in this amendment.

Mr. Chairman, I think it is time we faced an ugly fact, and that ugly fact is that the ethics process over the last several Congresses, perhaps reaching back even beyond the last several, has become heavily politicized. It is one thing for honest ethics complaints to be made and addressed by our Committee on Standards of Official Conduct and eventually by the Members on this floor; it is another thing for ethics complaints to be filed purely for political purposes, meant to discredit and disarm and to take away people's credibility in this Chamber as we try to debate the issues of national import.

The ethics process is supposed to be an internal process whereby we honestly in a bipartisan manner examine the complaints that are honestly raised about Members' conduct in order to serve ethically in this Chamber.

When that process is politicized, as it has been over the last several Congresses, and I say perhaps even beyond that, to the point that ethics complaints amount to tens, and even sometimes multiples of tens complaints against Members, most of which are found to have no merit, many of which just hang around with the tie vote of Democrats and Republicans on the committee, never having that ethics complaint resolved because in fact it is tied up as a political complaint, that I think you get the picture of how badly the process dissolves into anarchy.

If we want to make this process secure, we have to reach some balances in it. We have to ensure that honest ethical complaints do in fact have time to mature at the committee, that the committee has a chance to investigate them, that information can flow in, to either decide for the committee that it must move forward on that complaint, or that it should reject it as a frivolous or political charge. That time necessary for this to happen is debatable, but this amendment speaks of it in about a 6-month time period.

It says in effect that after over 6 months of hearings or intense examination by the committee, if an ethics complaint is still deadlocked, something ought to be done. If it is clearly a real and substantial complaint, that 6-month time period will not stop its refiling nor stop its consideration by the committee. But if it is a frivolous one, tied up on a tie vote based upon politics, Democrats voting one way, Republicans voting the other way, because it is a political complaint, then

it seems to many of us in this Chamber that after 6 months something ought to happen.

Now, what ought to happen? I want to point out, I did not enter this debate because I am a member of the committee. I got involved because many Members have expressed concerns about this package and have asked us to try to work to perfect it even more. I would urge Members to please follow this debate, because it is critical to the integrity of this institution and our ethics process.

Mr. Chairman, what should happen after 6 months? Should a complaint be automatically dismissed with prejudice because it is tied up on a tie vote politically? The answer is no, it should not be automatically dismissed with prejudice, because in fact it may be a good complaint. It may be that we simply cannot get past our partisan nature to deal with it, to move forward on it. So dismissing it with prejudice is, I think, a wrong option, and I have not chosen that option in this amendment.

What we have suggested in this amendment is that after 6 months, if a complaint is tied up on a tie vote, the committee cannot move forward nor backwards on it, something ought to happen. What we suggest is that it ought to be dismissed without prejudice, that a letter ought to go out to the person who is accused saying we cannot go forward or backwards; we are dismissing it without prejudice.

What happens then? If it is a frivolous complaint, it is very likely it will not get refiled the next day. If it is a serious complaint, it is very likely somebody will refile it the next day and insist that the committee take it up, and perhaps provide additional information to make sure the committee can possibly break this political deadlock.

If it is a frivolous complaint and one is the subject of that frivolous complaint, at least he will have a letter saying that after 6 months the committee could not decide to move forward or backwards on it. He has something in his hand to say that this is likely politics. If it is filed again the next day because somebody believes it is serious enough, he is going to have to deal with it again, and rightly so.

It is simply an attempt to set some time limits on these deadlocked ethics complaints that hang over one like the sword of Damocles, constantly reminding people that you perhaps may not be ethical, constantly shadowing and overshadowing your efforts to have a credible debate in this House.

I suggest there is no better way to discredit someone in politics today than to discredit them personally. That is the subject of our campaigns lately. We do not argue ideas any more. We do not argue how good we might serve in public office. Too often our campaigns are how bad the other person is and how rotten they are personally.

The ethics process has now become a part of that. We ought to deplore that trend in our ethics system in this body, because it denigrates from the integrity of this body itself.

What we are saying is if this thing is going to continue to be politicized, if frivolous political complaints are going to continue to be filed, they ought not hang out over people indefinitely. Someone in this Chamber ought to eventually get a letter saying we cannot break the deadlock, it is tied up politically at the committee, and unless someone is willing again to refile and reinstitute it, that you at least have a letter saying so, so you can properly deal with it and move on with your life and public service.

Now, is that a protection for the Member alone? The last amendment and this amendment that Members are suggesting to this package are not just designed to protect a Member against frivolously or politically motivated attacks or charges. This amendment is designed to protect this institution, because as the ethics process itself is supposed to weed out those unethical characters who arrive here, it is also designed and it is supposed to protect this institution from the political processes that have become so ugly in America, that tend to destroy the integrity and the credibility of all of us who try to work in the interests of our constituents and the national good.

I suggest to you this is a very modest amendment. It does not end a complaint that is valid. It simply after 6 months sends a letter out to the person saying at this point we are dismissing it without prejudice so that you and everybody else can know that the committee has deadlocked, it has not moved forwards or backwards. I suggest this is a good, valid improvement on the package, and I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1515

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is my hope to yield time both to the chairman and the ranking member of the task force on this issue, and then to close myself in perhaps some more detail.

I just want to start off this discussion by saying that I view this amendment fundamentally differently than the other amendments that are coming before us, in that to me, I understand fully the intentions of the authors of this amendment, but in reality, when we come right down to it, if one is totally cynical and defeatist about the ability of this House to have peer review, if your commitment to the ideological and partisan battles that this House is engaged in and that this Nation is engaged in is so important that they obliterate any notions of guilt or innocence, and should it permeate and invade the entire ethics process, then you vote for this amendment.

But if we still have some hope that people of goodwill can isolate themselves from the partisan pressures and the ideological battles, and can make judgments even about their peers based on the facts in front of them and the established rules of conduct, we never want to say that by a certain period of time, either guilt or innocence automatically comes by operation of law.

This is an amendment that I think kills the ethics process in terms of what we want, because it promotes and incentivizes partisanship and deadlock throughout the whole process. So I really hope my colleagues will look at this amendment a little bit differently than we have looked at some of the other amendments that are coming before us.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

In response to my friend, let me point out, this amendment does not establish guilt or innocence. It does not say after 6 months one is either guilty or innocent. That is why the provisions of dismissal without prejudice are included in this amendment. Without prejudice means the committee makes no decision of guilt or innocence. It says, "We are deadlocked, we cannot decide." Unless one is really serious about this complaint and refiles it, we cannot handle it.

Let me make this simple statement and I hope my colleagues take it to heart. Dishonest, politically motivated complaints brought before our Committee on Standards of Official Conduct do as much damage to the integrity of this House and the political process in America as do honest complaints that are not properly handled. Dishonest, politically motivated complaints brought before our Committee on Standards of Official Conduct that hang out there, undecided, with no message coming out of the Committee on Standards of Official Conduct about what is going on, do more damage to the integrity of our process than an honest complaint that is mishandled. I believe that is true.

If we have any doubts about how ugly and how awful our politics have gotten, go back and read, I think it was a Time magazine essay several years ago which talked about the nature of our politics in America today. It said, in effect, that if we have spent all of these years on television and all of these years on 1-minutes denigrating one another personally, talking about each other's motives, talking about how awful we personally are in this process, then we have done a great job because Americans tend not to believe us all.

I used to joke when the gentleman from Louisiana [Mr. LIVINGSTON] and I ran for Governor of Louisiana, that he went around the State for a year telling people how I would make a terrible Governor, and I went around the State for a year telling them what a terrible Governor he would make, and they ended up believing both of us and they elected Buddy Roemer.

The fact of the matter is that as Democrats and Republicans talk so evil about each other, as our campaigns and our ethics complaints become so politically motivated, we destroy not just the person we attack, we destroy the entire process and the integrity of our institutions.

The Time magazine article went on to say that if Burger King and McDonald's had spent 10 years on television not telling us about how good their hamburgers were, but if they had spent 10 years on television telling us how the other guy's hamburgers were going to kill us, we would not stop eating the other guy's hamburgers, we would not eat hamburgers anymore.

That is what is happening in the American political process. Americans are convinced by Democrats that Republicans are rotten and convinced by Republicans that Democrats are rotten, and we wonder why more people are registering Independent, and we wonder why only 49 percent of Americans even chose to vote in the last Presidential election. We wonder why Americans are turned off. It is because our processes promote the kind of ugly political slander that so many of these charges before the Committee on Standards of Official Conduct have now come to represent.

All I am saying is that after 6 months the Committee on Standards of Official Conduct cannot even decide to go forward or backward on a complaint, it ought to issue this letter, not of guilt or innocence, a simple letter saying that, without prejudice, we no longer consider this complaint before us, unless somebody re-brings it because they really think it is serious. That is the least we ought to do to begin cleaning up this process, depoliticizing it, and returning to some kind of comity and respect for one another, not only as human beings but as people who dedicate their lives and their careers to public service.

I happen to enjoy my service here not just because of what I do. I happen to enjoy it because I am able to work with some of the best people I know in this country, people who sacrifice their families, their time, their money, their possibilities of great careers in other adventures in this country to spend time here in Washington debating the great issues of the day. I am proud of the great majority of my colleagues for that. I am proud and, indeed, I am excited about getting to know my colleagues and having shared this experience in public service.

Why do we keep denigrating this House? Why do we allow our ethics process to become a political process instead? Do we not have enough ugly politics in America that we have to bring it into the Committee on Standards of Official Conduct in this House? Can we not end it? Can we not adopt this little amendment that says after 6 months, if we are tied up politically over an ethics complaint, that somebody ought to get a letter saying we are tied up politically and we cannot move forward or backward and we dismiss it, without prejudice, until and unless somebody brings it forward with credible evidence, for somebody on one side or the other to agree to move forward or backward on the complaint. This is just one small effort to bring some sense, some common sense and some dignity back into our process.

Please take this amendment seriously. Please consider voting for it.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am proud to yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the task force and a man who I think has established during his tenure here his concern for the institution and for the process.

Mr. LIVINGSTON. Mr. Chairman, first of all I would like to say to the gentleman from Louisiana [Mr. TAUZIN], my friend, that the people in Louisiana made a terrible mistake back in the Governor's election. They should have chosen one of us. Second, I would say that I take my hat off to the gentleman for not only a wonderful speech but for contributing mightily to this process.

The fact is that as the gentleman from Maryland [Mr. CARDIN], my cochair, and other members of this task force have pointed out, we have sweated blood, sweat, and tears in the confection of this bill to come up with what I believe to be a very conscientious and well intentioned bill to provide protection for the Members. We do have due process rights for the Members, and at the same time provide a fabric of rules by which the standards of official conduct could be adjudicated for the whole world to see, so that it would maintain the integrity or the confidence of the American people in the integrity of the system.

I cannot say we did a perfect job. In fact, the majority of the House has now determined that we could have done a little better if we had not allowed the filing from outside Members of complaints against Members. I think that that is a significant issue to be determined by the full House and that is why I supported the rule. I do not think that was an issue that should have been handled just by even a bipartisan task force of 12 members such as we did and have that serve as the final word.

So I was delighted, especially after my friend from Louisiana came to me with very significant arguments on the merits of that particular issue and convinced me that that ought to be debated and evaluated by all the Members of the House. I commend the gentleman from Louisiana [Mr. TAUZIN] for his analytical work on not only that issue, but on this one as well. His passion surpasses anything I have heard in recent times about the need to restore faith and integrity in this body; about the need to get away from partisan politics, and it was exactly that sentiment that motivated I think most, no, all of the members of the task force, all of the staff that contributed to the product that is with us today.

I think that the gentleman from Louisiana [Mr. TAUZIN] has absolutely correctly identified the problem that has been recognized by all of the previous task forces which have devised ethics rules to be administered by the House of Representatives. Ever since the invocation of the first body of rules, I will tell my colleagues that this deadlock rule has been around.

Well, what happens if we have half of the members on one side and half of the members on the other side? Every task force up until this date has said we cannot resolve that. It does not happen very often. I dare say if we go back and talk to the members of the Committee on Standards of Official Conduct, we will find that up until this last Congress it really did not happen very frequently at all. It did happen a lot in the last Congress, and that was wrong, and it is a problem. But what do we do about it?

I say that the gentleman's solution is a significant one, but it is not one that I can endorse at this time because if it were imposed, in effect what we would have is yes, if a frivolous charge were brought against a member of one party and he were a popular member of that party, and he were able to prevail, Lord help us, on the members of the Committee on Standards of Official Conduct on his side, then they would go side with him saying it is frivolous. And the members of the other party would say that it was meaningful, and if nothing happened after 180 days it would be kicked out.

If, in fact, it were a frivolous charge, that might be a good solution, but what if it was a significant charge? What if it was a meritorious charge? What if it was a concrete, ironclad, deadlock charge, but the guy was so popular that the members of the Committee on Standards of Official Conduct decided to divide on partisan lines and do nothing?

In that case, in that case, I think an automatic dismissal of that charge, no matter how meritorious but simply because it was deadlocked, would bring

disrepute upon the House of Representatives, and for that reason I cannot support it.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, if that is what this amendment did, I would not support it either. However, the amendment does not provide for automatic dismissal. In fact, it provides that if it is a major, hard rock, absolutely grounded charge, that that Member who filed it can file it the next hour, the next day. He can refile it. It simply is a process to get rid of those frivolous ones that I know my colleagues want to get rid of.

No, the gentleman from Louisiana [Mr. LIVINGSTON] has not found a good solution. Maybe I have.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. BUNNING. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Kentucky.

Mr. BUNNING. Mr. Chairman, there is a solution to a deadlocked Committee on Standards of Official Conduct. It was suggested over the last 2 years many times how to get out of the dilemma of having a 5 to 5 or a 2 to 2 vote, and that was to bring the full force of the House of Representatives to decide whether it was a frivolous or whether it was a serious complaint, to bring it to the floor of the House of Representatives for a disposition of the complaint.

Unfortunately, when we brought that up at the Committee on Standards of Official Conduct, we also deadlocked on bringing it to the floor. So the fact of the matter is, there is a solution, but even then the majority or the minority, depending on who was in the majority or minority, did not want to bring it to the floor for resolution. I say that because that is a continuing problem.

Mr. TAUZIN. Mr. Chairman, my friend points out again the need for us to move to a solution.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], the Chairman of the Committee on the Judiciary.

□ 1530

Mr. HYDE. Mr. Chairman, I will have to talk faster than I usually do.

Mr. Chairman, I say to the gentleman from California, Mr. HOWARD BERMAN, in a jury trial, if the jury is deadlocked and the judge keeps calling them out asking, Have you reached a verdict? Can you reach a verdict? After some period of time, he dismisses the jury, and the State's attorney can bring the charges again or forget it. That is what this process is doing.

Now, is 6 months too short? Do we want it 8 months? But at some period, when the jury is hung, you can't let the charges hang there forever.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the gentleman makes my point. The judge does not start off the jury deliberations by saying, guys, I want a verdict in x time, and if it is not, it is automatically dismissed, because if he would, he would guarantee that the initial positions, or particularly the positions on the side of acquittal, would never change, because they know that if they hold out until that time certain, that is the result that would happen. That is why the gentleman makes my point.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. But, Mr. Chairman, the fact is, a hung jury, and the court says, can you reach a verdict? and the foreman says, Your Honor, we are hopelessly deadlocked. The judge does not keep the thing pending, he declares a mistrial, and the State's attorney can either bring the case again or go on to bigger and better things.

But bring this thing to finality, to closure, instead of keeping the jury in the jury room indefinitely.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree with the gentleman completely. That is why I pledge to the gentleman and to this House that, No. 1, if we are 180 days into this process and we are deadlocked, we have already failed.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, can the gentleman change the rules to accomplish what we wish to accomplish by amendment by rule?

Mr. BERMAN. The one thing I know is that if we say in the rules at the beginning that this is what will happen after 180 days, we are raising the likelihood of the deadlock massively.

And what I have told several people, and I repeat here on the floor, is that if I am in a committee meeting and we are in deadlock and people are acting in good faith, and it is a close question, because if it is a frivolous issue, the gentleman from Utah [Mr. HANSEN], the chairman of the committee, and I have dismissed it before it ever got to that full committee level, because under this task force report we have the ability to do that; but if it is a close question and we are deadlocked and we cannot work it out, long before those 180 days, this particular Member, if he is on the side of going forward with an investigation, changes his vote, because he does not want to see members hanging out to dry week after week, month after month, understanding what this means to them, their political and personal futures, and their families.

All I am saying is, 180 days or any time certain works against solving those kinds of problems.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. CARDIN], the ranking member or cochair of the task force, who has done a tremendous job on this whole issue.

Mr. CARDIN. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, the underlying resolution makes it much less likely that we are going to have a deadlock vote in the committee. We have given the chairman and ranking member a lot more ability to manage the work load of the committee. So I think the prospect of a hung jury, in all due respect, is much less under the procedures that we have in the underlying resolution.

I might also point out, as a result of the last amendment that was adopted, we are now talking about complaints filed by members. We showed a mistrust for the public in the last amendment that we adopted. Now we are saying we cannot even really have confidence that our members will bring proper complaints. Therefore, we have to have some automatic dismissal process.

Enough is enough. We have not had a hung jury in the work of the Ethics Committee since I have been on it in the last 6 years. Did we take too long to resolve issues? We did. The rules package before us deals with those concerns. On frivolous complaints, we handled them quickly. There has not been a problem there.

The ranking member is right. If you have a 6-month deadline, if you have a complaint filed against a highly visible Member of this House, that Member is not going to find it difficult to convince the members from his or her party to delay matters in order to get a dismissal. We may say it is a dismissal without prejudice, but he has this letter to wave, and the person is going to believe that the matter has been resolved. If it is not resolved, we have not done a favor to the Member.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

I have just made a suggestion to the gentleman from California [Mr. BERMAN], and he seemed favorably disposed. The problem is the date certain. It encourages gridlock if you have to wait for a certain date.

Let us remove the date and just say that in the pendency of a complaint, if

the chairman and the ranking member together agree that a disposition is unlikely, then they shall dismiss without prejudice the pending claim. That leaves it up to you to decide, and you do not have that incentive to deadlock.

Mr. CARDIN. Mr. Chairman, reclaiming my time, the chairman and ranking member already have that power under the rules to take whatever motion they want to to the full committee.

I assume that the chairman and ranking member supporting it were not going to have a partisan deadlock in the committee, so therefore they will be able to resolve it through whatever motion they want to take to the full committee. If they want to dismiss without prejudice, the chairman and ranking member can take it to the full committee without prejudice.

Mr. HYDE. I would ask the gentleman, May we agree to make this amendment in order?

Mr. CARDIN. They do not need the amendment. They already have the power within the rules package to do it.

Mr. Chairman, for all the reasons that we have said, this well-intended amendment would only add more likelihood rather than less likelihood that we will run into a partisan deadlock.

We have provided in these rules that the chairman and ranking member have the power that the distinguished chairman of the Committee on the Judiciary would like to now reemphasize by an additional amendment. It is not necessary. The power is within the committee to so act. We have provided a lot more tools for them to be able to do it. We do not wish to put an arbitrary deadline. It will only encourage gridlock and a problem.

The last point I want to maintain, and I know the gentleman from Louisiana is well intended in his amendment, frivolous complaints have been handled quickly by this committee. To refer otherwise is just not accurate. Many of the complaints have been well debated. We came back and reached conclusions.

We have not been deadlocked in the committee. In each case it may have taken too long, but we were able to reach conclusions. If we had an automatic dismissal, it would have prevented us from continuing to do our work until we were able to reach a conclusion.

I urge my colleagues to reject the amendment.

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would first like to deal with the issue raised by the gentleman from Illinois [Mr. HYDE].

Let us go through an orderly examination of the House rules and the committee rules, and then what I tell the gentleman is that his suggestion, the notion of the chair and ranking member coming forward to dismiss without prejudice, we can put that into our committee rules at our first meeting, if there is a first meeting of a full committee of the Committee on Standards of Official Conduct, and incorporate the gentleman's suggestion into those committee rules, because, to me, the gentleman's suggestion makes sense.

The gentleman from Maryland [Mr. CARDIN] says, and I think he probably is right, but I want to look at it closely, that the current rules allow that result.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Let me first thank the gentleman for his offer to do that, Mr. Chairman. With the gentleman's consent, let me take the time he has yielded to compliment him and the committee personally. This committee is one I think most of us have great confidence in.

I cannot say that about the last committee. The concern I have is, while I think the whole House has great confidence in these gentlemen, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON], and others who serve on the committee currently, the problem is that they are not always going to be here. They are not always going to be there to make sure this process does work the way it was intended. The problem is, it can get politicized again, as it was in the last committee.

All I am trying to suggest is that at some point when the gentleman is not there and when we have a committee that is more partisan than, thank God, the gentlemen have been in the way they have handled this business, what do we do after 180 days when, as the gentleman says, they have already failed and there is no disposition?

Mr. BERMAN. Reclaiming my time, I would just say, while I very much appreciate the comments and intention behind them, I am not a great believer in the "great man" theory of history. The last committee had the most difficult issue I could ever contemplate to deal with. I do not know that it pays to spend a lot of time looking at it.

All I want to say is that the gentleman is either terribly hurting the process with his amendment or he is doing very little in this automatic dismissal without prejudice.

Mr. Chairman, I urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 236, answered "present" 1, not voting 15, as follows:

[Roll No. 410]

AYES—181

Aderholt	Fawell	Norwood
Archer	Foley	Nussle
Armey	Fowler	Oxley
Bachus	Gallegly	Parker
Baker	Ganske	Paul
Ballenger	Gibbons	Paxon
Barr	Gilchrest	Pease
Barrett (NE)	Gillmor	Peterson (PA)
Bartlett	Gilman	Pickering
Barton	Goodlatte	Pitts
Bass	Goodling	Pombo
Bateman	Graham	Portman
Bilbray	Granger	Pryce (OH)
Bilirakis	Gutknecht	Radanovich
Bliley	Hansen	Redmond
Blunt	Hastert	Regula
Boehlert	Hastings (WA)	Riggs
Boehner	Hayworth	Riley
Bono	Hefley	Rogan
Boucher	Herger	Rogers
Brady	Hill	Rohrabacher
Bryant	Hilleary	Ros-Lehtinen
Bunning	Hobson	Royce
Burr	Hoekstra	Ryun
Burton	Horn	Salmon
Buyer	Hostettler	Sanford
Callahan	Houghton	Schaefer, Dan
Calvert	Hunter	Sessions
Camp	Hutchinson	Shadegg
Campbell	Hyde	Shuster
Canady	Istook	Sisisky
Cannon	Jenkins	Skeen
Chambliss	Johnson, Sam	Skelton
Chenoweth	Jones	Smith (MI)
Christensen	Kasich	Smith (NJ)
Coble	Kelly	Smith (OR)
Coburn	King (NY)	Smith (TX)
Collins	Kingston	Snowbarger
Combest	Knollenberg	Solomon
Condit	Kolbe	Souder
Cook	LaHood	Spence
Cooksey	LaTourette	Stearns
Cox	Lazio	Stump
Crane	Lewis (KY)	Sununu
Crapo	Linder	Tauzin
Cubin	Lucas	Taylor (NC)
Cunningham	Manzullo	Thomas
Davis (VA)	McCollum	Thornberry
Deal	McDade	Thune
DeLay	McHugh	Tiahrt
Diaz-Balart	McInnis	Traficant
Dickey	McIntosh	Upton
Doolittle	McKeon	Watkins
Dreier	Metcalf	Watts (OK)
Dunn	Mica	Weldon (FL)
Ehlers	Miller (FL)	Weller
Ehrlich	Moran (KS)	White
English	Murtha	Whitfield
Ensign	Myrick	Wicker
Everett	Ney	
Ewing	Northup	

NOES—236

Abercrombie	Chabot	Engel
Ackerman	Clayton	Eshoo
Allen	Clement	Etheridge
Andrews	Clyburn	Evans
Baesler	Conyers	Farr
Baldacci	Costello	Fattah
Barcia	Coyne	Fazio
Barrett (WI)	Cramer	Filner
Becerra	Cummings	Flake
Bentsen	Danner	Foglietta
Bereuter	Davis (FL)	Forbes
Berman	Davis (IL)	Ford
Berry	DeFazio	Fox
Bishop	DeGette	Frank (MA)
Blagojevich	Delahunt	Franks (NJ)
Blumenauer	DeLauro	Frelinghuysen
Bonior	Dellums	Frost
Borski	Deutsch	Gejdenson
Boswell	Dicks	Gekas
Boyd	Dingell	Goode
Brown (CA)	Dixon	Gordon
Brown (FL)	Doggett	Green
Brown (OH)	Dooley	Greenwood
Capps	Doyle	Gutierrez
Cardin	Duncan	Hall (OH)
Carson	Edwards	Hall (TX)
Castle	Emerson	Hamilton

Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Nethercutt
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Skaggs
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—15

Bonilla
Clay
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Largent
Meek
Neumann
Oberstar
Porter
Schiff
Weldon (PA)
Young (AK)

□ 1557

Messrs. COSTELLO, WALSH, and SHIMKUS changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–250.

AMENDMENT NO. 4 OFFERED BY MR. BUNNING

Mr. BUNNING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BUNNING:

Page 17, strike line 22 and all that follows thereafter through page 18, line 9, and insert the following: amended in the first sentence by inserting before the period the following: ", except in the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only when authorized by an affirmative vote of a majority of its members".

Page 18, line 21, strike "without the approval" and insert "when approved by an affirmative vote of a majority of the members".

□ 1600

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Kentucky [Mr. BUNNING] and a Member opposed each will control 15 minutes.

Does the gentleman from Louisiana [Mr. LIVINGSTON] rise in opposition to the amendment?

Mr. LIVINGSTON. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will control 15 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise, along with the gentleman from Hawaii [Mr. ABERCROMBIE], my Democratic colleague, to offer an amendment. The amendment is simple. And although it might seem a little technical, it gets right to the core of how an ethics investigation complaint is handled.

For my colleagues who have never had the rare pleasure of serving on the Ethics Committee, let me just quickly review how it deals with complaints.

After the committee reviews an initial complaint, it can just dismiss the complaint or it can decide that it merits deeper examination, and the committee then begins what is known as a PI, or a preliminary inquiry. In doing so, the committee forms an investigative subcommittee and outlines the scope of the subcommittee's investigative authority. But later, after digging into the complaint, if the subcommittee decides it wants to go beyond the original scope of authority granted to it, the rules are not really concise on how to proceed.

This is where our amendment comes in. The task force package would give the subcommittee power to issue subpoenas and the ability to expand its inquiry by a majority vote of the subcommittee members. Our amendment says that the subcommittee, if it decides it wants to expand its inquiry, it has to get the approval of the full committee. We also require the subcommittee to get full committee approval before issuing subpoenas.

Let me tell my colleagues how it works presently. If a subcommittee that is investigating an inquiry comes back and decides they want to issue a subpoena, the chairman and ranking member are consulted; and if the chairman and ranking member sign off, there is no vote of the full committee.

The problem occurs when the ranking member and chairman disagree on the scope and expansion or issuing a subpoena. That has happened in the last 2 years. When that occurred, the chairman brought the expanded request to the full committee. And since the investigative subcommittee had already voted to expand their scope, when we got to the full committee there was enough votes, including the subcommittee, to expand the inquiry by going back to the full committee.

Mr. Chairman, launching an Ethics Committee investigation is very weighty stuff. Expanding the scope or deciding to issue subpoenas are significant and delicate decisions that ought to be made by more than three people. It ought to be made by the full committee. They can just about be the most important decisions made in any case before the Ethics Committee. And these are calls that the entire committee needs to make, not just a handful or three members.

It is up to the full committee to decide whether or not to investigate a complaint in the first place. If the subcommittee decides to branch off into new, unchartered waters, it is hard to see why the full committee should not have to sign off on it, too.

Let me remind my colleagues that the integrity of the subcommittee in the ethics process is not jeopardized by asking the full committee to include and approve of the investigation going forward in expansion, because we are not making any judgments on the complaints that will be brought back by the full subcommittee for adjudication before the full committee.

As a 6-year veteran of the Ethics Committee, I can tell my colleagues we have wrestled with these questions over the years. They are very important. To his credit, the gentleman from Florida [Mr. GOSS], my colleague and head of the investigative subcommittee working on the Speaker's case, came back to the full committee in the last Congress when his subcommittee wanted to expand its scope. There was a difference of opinion between the chairperson and ranking member on what to do, so the chairperson brought to the full committee whether we should expand or whether we should not expand. It was definitely the right thing to do, and it is the way things ought to be handled in the future.

As I said at the outset, this probably seems like a small, even nitpicking amendment to some members. But it really gets to the heart of how the Ethics Committee works and how it investigates complaints.

Mr. Chairman, I urge very strong adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I reluctantly rise in opposition to the amendment of my friend, the gentleman from Kentucky [Mr. BUNNING], because I think that, however well-intentioned his amendment is, it does complicate the process

and fly in the face of an expeditious administration of committee business as well as the fair administration of committee business.

Basically, this amendment deals with two issues: One, the expansion of the scope assigned to the subcommittee for investigation. This takes place all before the matter ever gets to the full committee for adjudication of whether or not the person did what he is charged with doing. It is the investigation of the significant issues at hand.

Now, by this time, the chairman and the ranking member have either personally agreed that it constitutes a complaint within the jurisdiction of the committee, or by action of the full committee there is agreement that it is a complaint for the purposes of investigation. So they know that there is going to be an investigation here; and the question is whether or not to expand the scope of the investigation once they have gotten so far into it, whether or not to consider more counts.

Now, under the existing rules, which have not yet been replaced by the package before us today, the rules are very vague, the rules say the subcommittee can expand if they want to expand. There really is no limitation. So we thought that was too loose. The task force believed it was proper to tighten that up. Let us make it a majority, not of the members present in the subcommittee, because if two people showed up, that would mean one person decides to expand the scope; we said, no, let us have a majority of all the members on the subcommittee.

Now, presumably, a subcommittee is comprised of either four people, two of each party. Let us make it a majority of all the people on the subcommittee. That means that we would have to have either three out of four members of the four-member subcommittee in order to expand the scope. That is a real majority. That means a bipartisan agreement to expand the scope. Otherwise, there would be no expansion of the scope.

Now, they say on expansion of scope that that is not good enough; they ought to go to the full committee and it ought to be the decision of the full committee. Why is that a bad idea? Because it flies in the face of this whole bifurcated argument.

If there is one complaint that we have heard time and time again from every Member who has ever been assigned to the task of serving on the Ethics Committee, it is "It is too much work. We cannot do it. We are down there in the basement adjudicating on this and that and everything else."

The majority of the committee was doing every case; in fact, 20 cases before the Committee on Standards of Official Conduct, every Member weighing every nuance, issuing every subpoena, weighing every little dot and jot of every single case. We said, please free us from this intolerable task.

So in 1989, the task force created subcommittees, the idea being those would be investigative subcommittees. Unfortunately, the rules were not explicit enough, and the subcommittees were kicking back the investigation to the full committee and the full committee was still doing all the cases. To this very day, they are still doing all the cases.

If the gentleman gets his way, if the amendment passes, the expansion of the scope of the issues before the subcommittee will have to go to the full committee; and, therefore, the full committee is going to have to look at the whole case anyway and they are all going to be down there with balls and chains, tied to a desk, never seeing light of day, because the whole committee is going to be doing the work that the subcommittee should be doing.

I think it is a bad idea and it destroys bifurcation. Because the subcommittee cannot investigate and then turn the adjudication of the charge over to the full committee, there is no division because the full committee already knows all the facts.

Second, the issue of subpoenas. Under the old rules, the right to issue subpoenas again was offered; well, it was a subcommittee in conjunction with the chairman and ranking member. And in this case, we are not too different; actually, the gentleman's amendment is not too different.

But we thought we would strengthen it; we would say no, let us keep the chairman or ranking member, if they are not on the subcommittee, and certainly they could serve on the subcommittee if they wanted to, and they appoint the members of the subcommittee in any event, so they know those members are going to be subject to their concerns. But if they are not actively involved in the issues being investigated in the subcommittee, let us keep them apart and let us let the subcommittee by an actual majority vote determine whether or not subpoenas should be issued, majority vote—of not the people present—but of the full subcommittee.

So, again, it has to be three out of four of the subcommittee to vote on whether or not to issue subpoenas.

Today a majority of the people present can decide, "Well, we want to issue a subpoena. We will call the chairman. If he rubber stamps it, then it is done." We actually have strengthened the process beyond what the previous rules required.

If the Bunning amendment passes, we have got to have not only a majority of the members present, but we have got to also have the consent of the chairman and the ranking member. And since they are not serving on the subcommittee in most cases, that again strikes at the heart of bifurcation.

My objections do not go strenuously to that as much as to the expansion, because I think that the expansion argument is probably the more prevalent. If the expansion argument under the Bunning amendment were accepted, in effect, we would have no bifurcation. And every member of the full committee, which has been downsized from 12 to 10, every member of the full committee will be taking an interest in every single issue and every single aspect of every single case, and they will never see the light of day because they will be locked and chained to their desk down there in the Committee on Standards of Official Conduct.

□ 1615

I do not think that is a good idea.

Mr. Chairman, I reserve the balance of my time.

Mr. BUNNING. Mr. Chairman, I yield myself 1 minute.

First of all, the way it works is that the ranking member and chairman OK subpoenas presently if a subpoena is asked for by the subcommittee chairman and ranking member.

Six years we did not have too much work. We spent too much time spinning our wheels. We did not have too much work. The work that we had, we could not resolve issues. Seventy-one of them were resolved on one Member. The subcommittee, the only time I have ever known a six-person subcommittee, was on the bank issue. All subcommittees have been four-person subcommittees over the last 2 years.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BUNNING. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. That is why we created a jury pool, which is part of the new rule to create a four-member subcommittee.

Mr. BUNNING. I understand that. I am not objecting to the six-member jury pool.

The scope of what is investigated is determined prior to the formation of the subcommittee, not after the fact but prior to the fact.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. I appreciate the gentleman yielding me this time.

Mr. Chairman, I rise in strong support of this amendment and urge its adoption. This amendment requires that any expansion of the scope of an investigation be approved by the full committee. This will protect the integrity of the investigation and ensure that all members are treated the same.

Without this amendment, I can envision a situation where members being investigated for the same issue are treated differently in different subcommittees. We protect against that by requiring the full committee to approve any expansion of investigation as

well as vesting subpoena power with the full committee chairman and ranking member.

Mr. Chairman, we have heard a lot about the idea that, "Oh, this is a bifurcated system. It follows the idea of a grand jury." Come on; let us get real. It does not follow bifurcation at all. I have served on that committee for 12 years. I have played it both ways. We did it all; we did it otherwise.

It is nice to pontificate on these things, but the reality is this: What happens is, they pick a subcommittee. The other members of the committee do not stand away in a new jury. They know what is going on. Of course they do.

So we could have some runaway subcommittee go ahead, they are mad at somebody, and so they are subpoenaing, they are adding things, they are expanding their scope. Somewhere there has to be a check. We have in the Constitution a check and balance. The courts check with us, and we check with the executive branch. We are back and forth on this thing. This is not the idea at all. This is to give some control over a subcommittee. Subcommittees are created by the full committee with the charter to investigate. Any time they want to deviate from that charter, they should have the approval of the full committee.

It was former Speaker Jim Wright who criticized the committee for investigating far beyond the parameters of the complaint that was filed against him. After his resignation, the ethics process was changed so that you have one group function as a grand jury and the other function as the jury. But the dangers faced by Jim Wright still exist if this amendment is not adopted.

This amendment stands for the principle that an expansion of the initial charge to an investigative subcommittee must be justified to the full committee and have its approval. Without this amendment, you risk having runaway investigations without full committee approval. Without this amendment, subcommittees examining the same issues but on different Members may, by necessity, treat different members differently.

This is an extremely important amendment. I applaud the gentleman from Kentucky [Mr. BUNNING], the sponsor of the amendment, for offering it. He speaks from experience as a former member of the subcommittee and as a former chairman of an investigative subcommittee. I strongly urge the adoption of this amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI], one who has contributed vitally to the product of the task force.

Ms. PELOSI. Mr. Chairman, I thank the chairman of our subcommittee for yielding me this time and for his leadership in the bipartisan task force.

Today is a happy day for me, Mr. Chairman, because it marks the end of my service on the task force since February but, more importantly, three terms before that, 6 years and 7, 8 months in the service of promoting the ethics of the House of Representatives. From that experience, I rise in opposition to the Bunning amendment.

We have heard the word "bifurcation" around here today. For those members who have not been paying attention before but maybe are now, that means that Congress previously agreed that we would divide the process into investigation and adjudication in terms of the work of the members of the committee. The bifurcation, or the subcommittee to do the investigation, ensured confidentiality, protected against delay, and preserved the integrity of the independent adjudication later should there have been charges brought.

I think it is very, very important for us to preserve the separation of functions within the committee. Confidentiality is served, the integrity of the investigation is served, and fairness to the Member is ensured.

With that, I urge my colleagues to vote "no".

Mr. LIVINGSTON. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN], my cochair on the task force.

Mr. CARDIN. Mr. Chairman, let me thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding me this time. I agree with the points that he has made.

The gentleman from Kentucky [Mr. BUNNING] has been a very valuable member of the Ethics Committee. I know that his amendment is sincere. We just disagree as to what would be the most efficient way and the fairest way in which to operate the Ethics Committee.

One thing I would like to point out is that there are underlying changes that we have made in the rules that will deal with many of the problems that the gentleman from Kentucky [Mr. BUNNING] brought to our attention. Let me try to explain.

Before we have reached the point of expanding the scope of an investigation, there will have been at least three votes in the committee or by the chairman and ranking member, to protect, to make sure that this is a serious matter and certainly one that is proceeding in a nonpartisan or a bipartisan manner.

First, the chairman and ranking member have already determined that the information that was submitted is a complaint. Either one could have stopped it, but they have mutually agreed that we have a legitimate complaint that complies with the rules.

Second, the chairman and ranking member will have completed the initial factfinding and will have determined that it either should go forward for investigation or have taken it to the full committee, and the full committee has voted for it to go to investigation. So we have had a second opportunity to make sure that there is bipartisan support to proceed with an investigation.

Third, the subcommittee will have had to take action to initiate investigative powers. It cannot do it by two, it has to do it by a majority. It has to be a bipartisan issue. At each phase of that process, the respondent will have gotten written notice.

I underscore that because the gentleman from Utah [Mr. HANSEN] pointed out, and rightly so, the procedures that were available when the rules were applicable against the former Speaker Jim Wright. When those rules were in effect, there were no notice requirements to the respondent.

We have put in these rules that the respondent will know at every stage, including when a complaint is determined to be a complaint, when it goes to investigation, when the investigative powers are going to be used by the subcommittee, when the scope is being expanded; at each of those times, the respondent is entitled to written notice. That is part of the due process that has been written into these new rules.

During the Wright investigation, we did not have a bifurcated process. There was nothing to be lost by the full committee being involved in that process.

Members really need to ask themselves, what are they achieving by placing another obstacle into the subcommittee's work? What are they achieving? And what are they risking? If they require full committee action to expand scope, they risk the bifurcation.

The bifurcation means that those who investigate is a different group than those who judge. A Member is entitled to have an independent jury make the final determination whether the rules were violated or not.

The members that do the investigation cannot participate in that determination. But yet if we require the subcommittee to go to the full committee, those who are going to make the decision as to innocence or guilt on the rules violation, the subcommittee, by necessity, is going to have to disclose information that should not be disclosed and we are not going to have an objective pool in order to make judgment.

That is what the gentleman from Louisiana [Mr. LIVINGSTON] has brought out, and it does violate the bifurcation process and the due process to the Member.

The second is that when we involve more people, we run the risk for confidentiality problems.

The third risk is, it is a delay. Particularly, you have to bring the full

committee back, you may be in recess, you do not know, but it is a delay. We have been talking on the floor over and over again, we do not want complaints hanging over members' heads. You want us to move more rapidly in resolving these issues.

I think the Bunning amendment, as well intended as it is, runs the risk of jeopardizing bifurcation, runs the risk of compromising confidentiality, and runs the risk of delay. What do we achieve by it? Very, very little.

Yes, there is some protection to go back to the full committee, I would grant that. But at this point, when we have already had at least three opportunities with the full Ethics Committee to have done some action on this in a bipartisan way, I think the time has come that the risks involved in confidentiality, in expediting the matter, and in protecting an independent jury pool outweigh the gain that it would be to go back to the full committee.

For all those reasons, I would urge my colleagues to reject the Bunning amendment, and let us go forward with the process that we have put into place. It will allow for a more timely consideration. It does protect the due process of a Member. We have provided much more due process to the Member than we had before these rules were adopted. I urge my colleagues to reject the amendment.

Mr. BUNNING. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the amendment.

Dear friends, we are getting to the end of this discussion, and I do not think we have ever actually taken a look at what it is we are discussing. Here it is, 1,299 closely spaced pages of small print.

I am sure the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] have seen this volume. They probably see it in their dreams at night, tumbling off shelves and burying them. But the fact of the matter is that this contains the Constitution, Jefferson's Manual, and the rules and practices of the House of Representatives. That is what we are talking about.

That is why I think that this amendment that the gentleman from Kentucky [Mr. BUNNING] and I are bringing forward deserves your favorable consideration. We should have the full committee if you are dealing with the two fundamental issues, whether the scope should proceed forward or whether there should be subpoenas issued, to be dealt with in the manner in which it has been discussed with this amendment.

I have been told, and I see that the Judiciary chairman is here, that if this is an amendment sponsored by the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Hawaii [Mr. ABERCROMBIE], it should either pass unanimously or be defeated unanimously.

I am not quite sure how that will work out, but I think what it indicates is that this is not a partisan consideration. We are putting this forward because we believe it is in the interest of the House as an institution, because we love this body, because we have sworn an oath to uphold and defend the Constitution, and when you defend the House of Representatives, when you defend the basic fundamental integrity of the House, you are defending this Constitution, you are defending these rules. This book is as sacred as we get in a secular context in our House of Representatives in our country.

Therefore, I would like to say at this point, then, that the members, especially the gentleman from Maryland and the gentleman from Louisiana, deserve our thanks for their hard work, their levelheadedness, and I want to say their largeness of spirit. The manner in which this has been conducted is proof of that, and I am very, very grateful for this opportunity to speak on it.

All we are saying here is that only the subcommittee authority be renewed from its source when it moves into new areas of investigation. By clarifying that point, we strengthen the measure before us, we strengthen the Ethics Committee and its work, we strengthen the integrity of this House, we strengthen democracy. On that basis, dear friends, I ask for your favorable consideration of this amendment.

□ 1630

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 2½ minutes remaining, the gentleman from Kentucky [Mr. BUNNING] has 2¼ minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has the right to close.

Mr. BUNNING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, there is no delaying the process by taking the request of the subcommittee back to the full committee. It may take 2 hours. In fact, that is exactly how long it took the last time the subcommittee came back and asked for expansion of powers. It took 2 hours to discuss it before the full committee, and we disposed of it and granted the expansion.

Second, there is no possible chance that the bifurcation, or someone investigating and someone adjudicating, would be confused or compromised by this process, because the expansion of the investigation just says to the full committee, here are the facts, we want to go forward on these facts.

The gentleman from Maryland [Mr. CARDIN] brought up the fact that there are three times that the ranking member and the chairperson, whoever it is, has agreed to an investigation; once on the complaint, once on factfinding, and one other time when they send it to the subcommittee. That is true. But that does not mean that when the subcommittee finds additional information that they want to investigate, that the full committee has ever seen it.

I say that as nicely as I can, because in the determination of one case last time, the determination on punishment and compromise and settlement was made by four people. The rest of the Committee on Standards of Official Conduct did not get a chance to even hear what the settlement was and what happened, and, therefore, as a member of the Committee on Standards of Official Conduct, I knew nothing about what happened on the subcommittee level.

The respondent can be notified. I think that is a wonderful thing that they have in the Committee on Standards of Official Conduct report that we have before us.

Let me tell members, we have to make sure that the Committee on Standards of Official Conduct and its process remains. All I urge is a "yes" vote on the Bunning-Abercrombie amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Louisiana is recognized for 2½ minutes.

Mr. LIVINGSTON. Mr. Chairman, I want to compliment all the members that have come to the well to debate what I think is an incredibly important subject and which ultimately governs the way this Congress polices its own. It is not a pleasant process, but it is a necessary one, and I think that the product of the votes so far have been fair and well thought out by the membership at large.

I compliment my friend, the gentleman from Kentucky [Mr. BUNNING] for his amendment. However well-intentioned it is, I think under the old rules and under the experiences that the gentleman has had under the old rules it may have been necessary, but I do not think it is necessary in the context of the package that is before the House today.

We have provided respondents subject to ethics complaints more due process than has ever been imagined before. The fact is there is ample notification, warning, opportunities for counsel and instruction, opportunities for finding out the charges against you, opportunities for agreeing to or negotiating with the people in charge of the complaints without the fear that those negotiations would be used against you. All of these various forms of due process have been built into the system so that this amendment becomes unnecessary.

If this amendment were adopted, we will see the bifurcation process disturbed and we will see a complication in the free flow of the process that becomes, I think, in some circumstances, unworkable and encourages a partisan breakdown.

For that reason, Mr. Chairman, I really think this amendment is unnecessary. I do not feel as strongly about it as I have in other instances, but I do believe that it is not necessary simply by view of the fact that we have adopted in this package wonderful due process mechanisms to serve the benefit of individual members who might be charged.

For that reason I urge the amendment be defeated and that the entire package be adopted. I understand there is going to be a motion to recommit. I would, obviously, if I get a chance to debate that, urge that it not be adopted.

Mr. Chairman, I thank all members once again for their undivided attention and cooperation in this debate.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 194, answered "present" 1, not voting 17, as follows:

[Roll No. 411]

AYES—221

Abercrombie
Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (KY)
Linder
Lucas
Manzullo
Markey
Martinez
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stokes
Stump
Sununu
Tanner
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (FL)

NOES—194

Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clement
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Goode
Gordon
Green
Gutierrez
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (VA)
Morella
Nadler
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tauscher
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—17

Baker
Bonilla
Clay
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Weldon (PA)
Young (AK)

□ 1652

Messrs. STOKES, PACKARD, and BILBRAY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. CAMP] having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 168), to implement the recommendations of the bipartisan House Ethics Reform Task Force, pursuant to House Resolution 230, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

MOTION TO RECOMMIT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. CARDIN. I reluctantly oppose the resolution.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CARDIN moves to recommit the resolution H. Res. 168 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

SECTION 1. USE OF NON-COMMITTEE MEMBERS.

(a) RULES AMENDMENT.—Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3)(A) At the beginning of each Congress—

"(i) the Speaker (or his designee) shall designate a list of 11 members from the majority party; and

"(ii) the minority leader (or his designee) shall designate a list of 11 members from the minority party;

who are not members of the Committee on Standards of Official Conduct and who may be assigned to serve as a member of an investigative subcommittee of that committee during that Congress. Members so chosen shall be announced tothe House.

"(B) Whenever the chairman and ranking minority member of the Committee on Standards of Official Conduct jointly determine that members designated under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, they shall each select the same number of members of his respective party from the list to serve on that subcommittee.".

(b) CONFORMING RULES AMENDMENT.—Clause 6(b)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following new sentence: "Service on an investigative subcommittee of the Committee on Standards of Official Conduct pursuant to paragraph (a)(3) shall not be counted against the limitation on subcommittee service.".

SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

The second sentence of clause 6(a)(2) of rule X of the Rules of the House of Representatives is amended to read as follows: "No Member shall serve as a member of the Committee on Standards of Official Conduct for more than two Congresses in any period of three successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that a Member having served on the committee for two Congresses shall be eligible for election to the committee as chairman or ranking minority member for one additional Congress. Not less than two members from each party shall rotate off the committee at the end of each Congress.".

SEC. 3. COMMITTEE AGENDAS.

The Committee on Standards of Official Conduct shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

SEC. 4. COMMITTEE STAFF.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that:

(1)(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member.

(F) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of Committee on House Oversight, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(3) Outside counsel may be dismissed prior to the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) Only subparagraphs (C), (E), and (F) of paragraph (1) shall apply to shared staff.

(b) ADDITIONAL COMMITTEE STAFF.—In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee on Standards of Official Conduct, the chairman and ranking minority member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

SEC. 5. MEETINGS AND HEARINGS.

(a) HOUSE RULES.—(1) Clause 4(e)(3) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(3)(A) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or any subcommittee thereof shall occur in executive session, unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting to the public.

"(B) Notwithstanding clause 2(g)(2) of rule XI, hearings of an adjudicatory subcommittee or sanction hearings held by the Committee on Standards of Official Conduct shall be held in open session unless the subcommittee or committee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.".

(2)(A) The first sentence of clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(B) The first sentence of clause 2(g)(2) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(b) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that—

(1) all meetings of the committee or any subcommittee thereof shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

SEC. 6. CONFIDENTIALITY OATHS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(4) Before any member, officer, or employee of the Committee on Standards of Official Conduct, including members of any subcommittee of the committee selected pursuant to clause 6(a)(3) and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House. This subparagraph establishes a standard of conduct within the meaning of subparagraph (1)(B). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.".

SEC. 7. PUBLIC DISCLOSURE.

The Committee on Standards of Official Conduct shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.

(a) RECORDS.—The last sentence in clause 2(e)(1) of rule XI of the Rules of the House of Representatives is amended by adding before the period at the end the following: ", except that in the case of rollcall votes in the Committee on Standards of Official Conduct taken in executive session, the result of any such vote shall not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee".

(b) REPORTS.—Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to votes taken in executive session by the Committee on Standards of Official Conduct.".

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by striking "or submitted to", by inserting "(I)" after "(i)", by striking "a complaint" and inserting "information offered as a complaint", and by adding after subdivision (I) the following new subdivision:

"(II) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee, or".

(b) DIRECT FILING.—Clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, directly from an individual not a Member of the House.".

SEC. 10. REQUIREMENTS TO CONSTITUTE A COMPLAINT.

(a) PROCEDURAL REQUIREMENTS.—The Committee on Standards of Official Conduct shall amend its rules regarding procedural requirements governing information submitted as a complaint pursuant to clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives to provide that—

(1) an individual who submits information to the committee offered as a complaint must either have personal knowledge of conduct which is the basis of the violation alleged in the information, or base the information offered as a complaint upon—

(A) information received from another individual who the complainant has a good faith reason to believe has personal knowledge of such conduct; or

(B) his personal review of—

(i) documents kept in the ordinary course of business, government, or personal affairs; or

(ii) photographs, films, videotapes, or recordings;

that contain information regarding conduct which is the basis of a violation alleged in the information offered as a complaint;

(2) a complainant or an individual from whom the complainant obtains information will be found to have personal knowledge of conduct which is the basis of the violation alleged in the information offered as a complaint if the complainant or that individual witnessed or was a participant in such conduct; and

(3) an individual who submits information offered as a complaint consisting solely of information contained in a news or opinion source or publication that he believes to be true does not have the requisite personal knowledge.

(b) TIME FOR DETERMINATION.—The Committee on Standards of Official Conduct shall amend its rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the committee's rules for what constitutes a complaint.

SEC. 11. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the chairman and ranking minority member determine that information filed meets the requirements of the committee's rules for what constitutes a complaint, unless the committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the committee extend the applicable 45-calendar day or 5-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(b) HOUSE RULES.—Clause 4(e)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)", by striking "and no" and inserting "and, except as provided by subdivision (ii), no", and by adding at the end the following:

"(ii)(I) Upon the receipt of information offered as a complaint that is in compliance with this rule and the committee rules, the chairman and ranking minority member may jointly appoint members to serve as an investigative subcommittee.

"(II) The chairman and ranking minority member of the committee may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the chairman or ranking minority member has placed on the committee agenda the issue of whether to establish an investigative subcommittee.".

(c) DISPOSITION OF PROPERLY FILED COMPLAINTS BY CHAIRMAN AND RANKING MINORITY MEMBER IF NO ACTION TAKEN BY THEM WITHIN PRESCRIBED TIME LIMIT.—The Committee on Standards of Official Conduct shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee rules for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subsection (a), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(d) HOUSE RULES.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentences:

"If a complaint is not disposed of within the applicable time periods set forth in the rules of the Committee on Standards of Official Conduct, then the chairman and ranking minority member shall jointly establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee,then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

SEC. 12. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT.

The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements for what constitutes a complaint set forth in the committee rules, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the committee's rules; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEES.

The Committee on Standards of Official Conduct shall adopt rules providing that—

(1)(A) investigative subcommittees shall be comprised of 4 Members (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee; and

(B) adjudicatory subcommittees shall be comprised of the members of the committee who did not serve on the investigative subcommittee (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee;

(2) at the time of appointment, the chairman shall designate one member of the subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee; and

(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

SEC. 14. STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION.

The Committee on Standards of Official Conduct shall amend its rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the committee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred.

SEC. 15. SUBCOMMITTEE POWERS.

(a) SUBPOENA POWER.—

(1) HOUSE RULES.—Clause 2(m)(2)(A) of rule XI of the Rules of the House of Representatives is amended—

(A) in the second sentence by striking "The" and inserting "Except as provided by the next sentence, the"; and

(B) by inserting after the second sentence the following new sentence: "In the case of the Committee on Standards of Official Conduct or any subcommittee thereof, a subpoena may be authorized and issued by the committee only when authorized by a majority of the members voting (a majority being present) or by a subcommittee only when authorized by an affirmative vote of a majority of its members.".

(2) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(b) EXPANSION OF SCOPE OF INVESTIGATIONS.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation without the approval of the committee.

(c) AMENDMENTS OF STATEMENTS OF ALLEGED VIOLATION.—The Committee on Standards of Official Conduct shall adopt rules to provide that—

(1) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(2) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the committee's rules;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

SEC. 17. COMMITTEE REPORTING REQUIREMENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives; and

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subparagraph (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.

Clause 4(e)(1)(C) of rule X of the Rules of the House of Representatives is amended by striking "with the approval of the House" and inserting "either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee".

SEC. 19. FRIVOLOUS FILINGS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, deems appropriate in the circumstances.

"(B) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.".

SEC. 20. TECHNICAL AMENDMENTS.

The Committee on Standards of Official Conduct shall—

(1) clarify its rules to provide that whenever the committee votes to authorize an investigation on its own initiative, the chairman and ranking minority member shall establish an investigative subcommittee to undertake such investigation;

(2) revise its rules to refer to hearings held by an adjudicatory subcommittee as adjudicatory hearings; and

(3) make such other amendments to its rules as necessary to conform such rules to this resolution.

SEC. 21. EFFECTIVE DATE.

This resolution and the amendments made by it apply with respect to any complaint or information offered as a complaint that is or has been filed during this Congress.

Mr. CARDIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD; and pending that, I ask unanimous consent that the motion to recommit be debatable for 4 minutes, equally divided and controlled by myself and a Member in opposition thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Without objection, the motion is considered as having been read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. CARDIN] is recognized for 2 minutes.

Mr. CARDIN. Mr. Speaker, the motion to recommit will return the rule to the original resolution approved by the bipartisan task force. It would include the manager's amendment, but none of the other amendments. It will give this House a chance to vote on the rules package that was approved in a bipartisan manner.

Mr. Speaker, this will be the last opportunity that this House will have to reform the ethics process in a bipartisan manner. We have had a good debate on the floor. I think the issues

have been well debated. I would hope that in the end the Members of this House would understand that it is not in our interests to amend the rules when the amendments are being passed by such a lopsided, partisan majority. That does not further the process. Ethics changes should be worked out in a bipartisan manner.

There is a lot of good in this resolution. The original report is what should be approved by this House. I would urge my colleagues to support the motion to recommit so that we can pass a bipartisan change in our rules package.

Mr. Speaker, I yield back the balance of my time.

□ 1700

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the views of my friend, who has served so diligently as cochair of this incredibly tough task force. Had I had it within my power to go back and reverse time, I would never have served on this task force. But I have.

At various times in this debate, I have had Members on the other side of the aisle say they would never vote for the final package if some amendments passed, and have had Members on this side say, I would never vote for this vital package if other amendments passed, or did not pass.

The fact is, this body, in bipartisan fashion, has tackled three tough amendments and has voted. Members on both sides have voted for and against all three amendments. It is impossible to say that what has happened today has been a partisan diatribe.

We now have the first bipartisan revision of the task force rules, of the rules for the Committee on Standards of Official Conduct, that have passed the House of Representatives since 1989. We have a solid revision. We have one that provides for expedited processing and enhanced due process, it raises the standard to charge that a violation has occurred to a substantial standard, and prohibits frivolous filings.

It is an important package. It is a bipartisan package. I believe that it is the best package, now that the Members have had a chance to vote on all three amendments, regardless of the outcome. I urge the defeat of the motion to recommit and the passage of the final package.

The SPEAKER pro tempore (Mr. CAMP). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he may reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 176, noes 236, answered "present" 1, not voting 20, as follows:

[Roll No. 412]

AYES—176

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—236

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—20

Baker
Bonilla
Clay
Flake
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Hilliard
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Weldon (PA)
Young (AK)

□ 1717

Messrs. KINGSTON, GILLMOR, ARMEY, and DICKS changed their vote from "aye" to "no."

Mr. MORAN of Virginia changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP.) The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 154, answered "present" 1, not voting 20, as follows:

[Roll No. 413]

AYES—258

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (FL)

NOES—154

Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Buyer
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Franks (NJ)
Gejdenson
Goode
Gordon
Green
Gutierrez
Hamilton
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Owens
Pallone
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—20

Abercrombie
Baker
Bonilla
Clay
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastert
Hastings (FL)
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Weldon (PA)
Young (AK)

□ 1732

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 413, I was unavoidably detained at a committee hearing. Had I been present, I would have voted "aye."

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105-255) on the resolution (H. Res. 232) waiving points of order against the conference report to accompany 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, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, September 18, 1997, to file a conference report on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PRIVILEGES OF THE HOUSE—RESTRICTING FLOOR PRIVILEGES OF FORMER REPRESENTATIVE ROBERT DORNAN PENDING RESOLUTION OF ELECTION CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. MENENDEZ. Pursuant to clause 2 of rule IX and by agreement with the majority leader, Mr. ARMEY, I hereby give notice of my intention to offer a privileged resolution.

The form of the resolution is as follows:

HOUSE RESOLUTION 233

Whereas the privilege of admission to the Hall of the House or rooms leading thereto is subject to the requirements of proper decorum;

Whereas concern has arisen that the privilege of admission to the Hall of the House or rooms leading thereto has become the subject of abuse;

Whereas Representative Menendez of New Jersey has given notice pursuant to clause 2 of rule IX of his intention to offer a question of the privileges of the House addressing that concern;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal commitment to the principle that every person who exercises the privilege of admission to the Hall of the House or rooms leading thereto assumes a concomitant responsibility to comport himself in a

manner that properly dignifies the proceedings of the House; Therefore be it

Resolved, That the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the forty-sixth district of California is resolved.

The SPEAKER. Pursuant to rule IX, the Chair determines that this is the appropriate time to call up the resolution.

Mr. MENENDEZ. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

PREFERENTIAL MOTION OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. STEARNS moves to lay the resolution offered by Mr. MENENDEZ on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 291, answered "present" 3, not voting 53, as follows:

[Roll No. 414]

AYES—86

Aderholt
Barr
Bartlett
Barton
Bilbray
Bono
Burton
Buyer
Calvert
Campbell
Chabot
Chenoweth
Cox
Crane
Crapo
Cubin
Cunningham
Doolittle
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Foley
Gekas
Hefley
Herger
Hostettler
Hunter
Hyde
Johnson, Sam
Kim
Kingston
Largent
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
McCollum
McIntosh
McKeon
Metcalf
Mica
Nethercutt
Norwood
Packard
Paul
Paxon
Pease
Pickering
Pombo
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Tauzin
Thomas
Thornberry
Tiahrt
Weldon (FL)
Whitfield
Wicker
Wolf

NOES—291

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Cardin
Carson
Castle
Christensen
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Lewis (GA)
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tauscher
Taylor (MS)
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
Wise
Wynn
Yates
Young (FL)

ANSWERED "PRESENT"—3

Ehlers
Ney
Sanchez

NOT VOTING—53

Archer
Baker
Ballenger
Berry
Bilbray
Bonilla
Bryant
Bunning
Burr
Callahan
Cannon
Chambliss
Clay
Coble
Coburn
Collins
Cooksey
Cramer
Deal
Foglietta
Fowler
Furse
Gallegly
Ganske
Gephardt
Gonzalez
Goss
Hastings (FL)
Hinchey
LaTourette
Levin
Lipinski
Luther
Manton
McCrery
McInnis
Meehan
Meek
Moakley
Myrick
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Tanner
Taylor (NC)
Thompson
Wamp
Weldon (PA)
White
Woolsey
Young (AK)

□ 1756

Mr. CAMP, Ms. RIVERS, and Mr. FOX of Pennsylvania changed their vote from "aye" to "no."

Messrs. LINDER, CUNNINGHAM, and PAXON changed their vote from "no" to "aye."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 30 minutes.

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to 20 minutes equally divided and controlled by myself and the gentleman from New York [Mr. SOLOMON] for the purposes of debate only.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first thank all of my colleagues on both sides of the aisle who did not permit the motion to table to take place, to pass, so that we could have this opportunity. Failure to do so would have not allowed a Member to be able to pursue the only vehicle that a Member of this body has to enforce the decorum of the House. I want to ask for Members' further support of this resolution so that we make clear for ourselves and to the American people watching us that profanities, insults, and name-calling are not under any circumstance or for any reason accepted in this House or inside this Chamber ever.

□ 1800

Working with the Republican leadership, I changed the resolution I originally introduced in order to depersonalize the language, because when the rules of the House are broken, it is not just personal, it affects the whole institution.

Yesterday, nothing less than the integrity of the House was undermined by former Congressman Dornan. In the

course of representing my constituents, exercising my rights as an elected representative of the people and a Member of this House to debate on the House floor, and asking a valid parliamentary inquiry that did not name any individual by name, Mr. Dornan verbally assaulted me. He used profane language, accused me of religious bigotry, called my integrity into question, and, by the tone of his voice and the context of his remarks, clearly attempted to lure me off the floor into a physical altercation.

By doing so, Mr. Dornan abused his privileges as a former Member of the House of Representatives and conducted himself on the floor in a manner which brings discredit to the House.

Now, earlier today some of my colleagues called the event alleged, implying the facts of the case are in doubt. But I would remind my colleagues that there were several witnesses, and many of you have come over on the Republican side of the aisle to tell me that you not only saw, but heard what I have said. And those included on my side of the aisle the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from Colorado [Mr. SKAGGS], among others.

Even beyond that, the Los Angeles Times reported today that Mr. Dornan admitted to using a profane term, called me an anti-Catholic and a coward, and that conduct alone, to which Mr. Dornan has publicly admitted, publicly admitted, is enough to constitute a gross violation of the House rules. So the event in question, my colleagues, is not alleged, it is publicly admitted to by Mr. Dornan himself.

Now, if this were not bad enough, Mr. Dornan further admitted to asking me to step outside the Chamber with him. On that last count we have a difference of opinion. He believes he just wanted to have a civil conversation. But if all he wanted was a civil conversation, why would he have used the insults and profanity preceding that request? In that context, with the tone of voice he used, no reasonable person could interpret Mr. Dornan's remarks as anything other than a lure into a physical fight.

Another Member took to the floor earlier today and said we should just realize that "Dornan is Dornan." But that implies that each Member or former Member can set his or her own standard of conduct, depending on their personality or how big a temper they might have. In this House, I believe there is one standard of conduct that applies to all of us.

Others praise Mr. Dornan's record of fighting communism, and I do not dispute that. But I, too, have dedicated much of my public life to fighting communism. Members of my family were persecuted by Communists. They came to this country fleeing persecution, because they knew America was the birthplace of modern democracy. I grew up in awe of this Congress and had no prouder day, save the birth of my children, than when I took my oath of office in this Chamber for the very first time.

I have spent much of my public life fighting oppression and intimidation, at home and abroad, using our great institutions as shining examples of freedom and integrity and democracy in action, and I believe my colleagues who have worked with me on both sides of the aisle on these issues know the depth of my sincerity and commitment. That is why it is hard to think of a sadder moment in my public life than when I was accosted on the House floor in the very exercise of democratic debate on behalf of the people I represent, not sad because of what Bob Dornan said to me but because of what Bob Dornan did to this institution we all care about so deeply and to what it stands for.

An assault against a Member of this body in the practice of his or her democratic duties is an assault against the whole House, the whole institution, not just one Member; and if we allow it to stand, we have lessened the standards of the whole institution. Not just the honor of a single representative is lessened.

In fact, the standards we set here send a message that travels far beyond the halls of this House. How can we talk about family values if we allow this sort of behavior to stand on the House floor? What kind of example does that set for our children, that profanities and threats are the way to solve differences of opinion? I must believe that we are all above that.

For the sake of this House, to preserve our standards and our rules of conduct, to set a worthy example for all of our children, I ask all of my colleagues to stand with me today in support of this resolution; to say that we will never tolerate insults, profanity, name-calling or threats in this Chamber, from anyone of either party, former Member or current Member.

Should there be a vote to once again table this resolution, it would in essence take away a Member's right to have the rules of the House enforced. When I made parliamentary inquiries and ultimately conferred, this is the only way I am told I get to enforce, or Members get to enforce someday if they are unfortunate to have a circumstance, the decorum of the House.

If we table it, no Member can ever get to that point. Our rules only have meaning if we stand behind them and are willing to enforce them.

Our standard of behavior is only as good as our willingness to uphold it. This is a vote to decide where we stand on the integrity of this House. A vote for a motion to table or against the ultimate resolution is a vote to turn our backs on the rules of decorum in the conduct of this institution.

A vote against a motion to table and for the resolution affirms that only the highest standards of conduct and decorum and respect for democracy are allowed in this Chamber. That is what this House should stand for; that is what I expect my colleagues to join with me in voting for.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I would rise to claim the time, and yield myself such time as I may consume, wearing two hats, and they are difficult hats at best.

I rise in one capacity having been on the floor and having witnessed the questionable behavior of my good friend, and he is a good friend, Mr. Dornan, and another good friend the gentleman from New Jersey [Mr. MENENDEZ], who I have worked with on many issues, and because of witnessing that behavior I support the resolution, all except the last two words of the resolution.

First of all, I think that Mr. Dornan should be removed from the Chamber because his action, his behavior, was not that of a Member of this Congress or a former Member who respects all Members of this body, and if we are going to serve in this body, we must always remember to do that.

However, there is another issue, and I rise as chairman of the Committee on Rules to point it out to Members. This is the concern that I have, because in the last two words of the resolution we are changing the rules of the House.

We are not changing the rules of the House for one Member or one former Member, but we are changing the rules of the House for an individual, who may or may not have been a Member or former Member, but a contestant in an election.

Let me just read to you the resolve clause. It says, "Resolved that the Sergeant at Arms is instructed to remove former Representative Bob Dornan from the Hall of the House and rooms leading thereto," et cetera, et cetera, "until the election contest concerning the 46th District of California is resolved."

Now, we all know when there is a contested election, under rule XXXII of the House, and this has been the rule for as long as I have been here, for 20 years, and for many years before that, the rule states, "The persons hereinafter named and none other shall be admitted to the Hall of the House," and it lists various officers of this body. Then it goes on to say, "and contestants in election cases during the pendency of their cases in the House."

Mr. Speaker, in a court of law, and I am not a lawyer, but one has a right to representation, one has a right to be heard; and this resolution, my concern about it is that we are not just removing Mr. Dornan from the floor of this Congress as a former Member, but we

go that one big step further and we remove him even on the day that this matter might come before this body and be contested, and that person, whoever that person might be, he may never have been a Member of Congress or a former Member, but that person has the right to be here on the floor to argue for his case.

I do not know what can be done about the resolution at this late date. I want to support the resolution. I support all of the "Whereas's," I support the "Resolved."

As a matter of fact, if I could just take one last minute to read a portion of the letter from Mr. Dornan to the Speaker, Speaker GINGRICH, it says, "To avoid any further opportunity for Members to demagogue my legitimate contest, I will not use my floor privileges until the House Oversight Committee has ruled on my challenge and the case moves to the full House for consideration."

In other words, he already, as Members all saw when I escorted him off the floor after that incident took place, agreed not to come back on this floor until that time.

So, Mr. Speaker, I do not know what can be done about it. I guess I will have to vote against the resolution, because it contains the clause "is resolved," which means he could not be here as an individual American citizen to argue his case on the floor, should that ever come to pass.

I guess I would just ask the gentleman from New Jersey [Mr. MENENDEZ] if he would consider amending those last two words to instead of saying "is resolved," if he could just say "is taken up on the floor of the House of Representatives."

That means Mr. Dornan could not have the opportunity or the right to come on this floor if and until the matter ever came to the floor to be argued on that particular day.

Mr. MENENDEZ. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. First of all, I appreciate the gentleman's comments as they relate to the overall question of the decorum of the House. I appreciate on that day his assistance, so to speak, to make sure that we did not have a worse set of events.

I read that "resolved" clause in a different way. It does not say anybody else. It specifically refers to Mr. Dornan. Clearly if the Committee on House Oversight determines that there is to be an election contest, in my view that is a resolution, in which case his rights under the statute or under the rules would be preserved.

It is not my intention to prohibit him from an election contest, should the Committee on House Oversight determine in fact that there is an election contest to take place, which it has not determined. It was my intention, and that is why I believe when I say "is resolved," it would be resolved once the committee determines either there is no contest or there is a contest, and then when there is a contest he would, in fact, have the right to be able to pursue his rights as a contestant, not as a former Member. That is the intention and the manner in which we have worded it.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, if I might not use any more of my time, because I have other Members that want to be heard, but propound a question to the Chair: Is it the Chair's understanding that should a resolution be brought to this floor, where there would be a contested election on the floor of this body, that this individual, this American citizen, then would be allowed to be on the floor to argue his case?

The SPEAKER. The Chair may have the option at that time of relying on the legislative history of the debate as it is occurring. The gentleman who offered the privileged resolution has explained in the RECORD his interpretation of that resolution, that it would not block a contestant in that contest from being on the floor during pendency of a resolution on that day in an appropriate manner. Therefore, the Chair will certainly take it under advisement at that time and believes it is helpful.

Mr. SOLOMON. I thank the Speaker.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was going to say something, but I think the Speaker has clarified the interpretation the Chair will make. I will say in terms of a record, though I have not had the opportunity of conferring with the gentleman from Connecticut [Mr. GEJDENSON] and I have conferred with the gentleman from New Jersey [Mr. MENENDEZ], it was clearly not the intent of the resolution, as I understand from Mr. MENENDEZ, to obviate any contestant's right to appear on the floor at the time the contest is considered. We agree with the chairman of the Committee on Rules in that regard.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I certainly appreciate the cooperation, because I just do not believe we ought to be changing the rules of the House for anyone, any contestant, that would have the opportunity to come to this floor.

□ 1815

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I wonder if the gentleman from New Jersey [Mr. MENENDEZ] might consider a slight modification, and that is if, by unanimous consent, we could strike the words "is resolved," and replace those words "is resolved" with the words, "except during the pendency of the contest."

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I presume what the gentleman is talking about is pendency of the contest itself actually on the floor, because obviously the contest is pending now.

I would suggest, as I understand the Speaker's ruling, the Speaker would specifically interpret what the gentleman from Texas [Mr. ARMEY] has suggested, and therefore, the gentleman would suggest that in light of the record as referred to by the Speaker that has been made here on the floor, that the resolution itself need not be changed, when we clearly have agreement that during the contest itself, under the Federal Contest Election Act, and under the Rules of the House, as pointed out by the chairman of the Committee on Rules, Mr. Dornan could in fact have the privilege of his presence.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield in response to his question.

Mr. SOLOMON. Mr. Speaker, I would like to yield to the gentleman from Massachusetts [Mr. FRANK] just briefly.

Mr. FRANK of Massachusetts. Mr. Speaker, I think there is a point that pendency may be broader than was intended, but I think there was agreement that what we are talking about, and let me say I was thinking of those words, "during the consideration of the committee's report," that during consideration of the committee's report on the floor of the House, if that could be redone by unanimous consent, that that would solve it; that there would be a bar except during consideration of the committee report on the floor, while the report is itself the pending matter of business on the floor of the House, and I would think that would be sufficient.

Mr. SOLOMON. Mr. Speaker, I would inquire of the gentleman from New Jersey [Mr. MENENDEZ] if he would support that.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield, I think that as the Speaker stated, the legislative history here is clear. It is my clear intention not to have that take place, but I do not want to start amending and worrying about the extent to which we broaden the scope beyond what is intended under the statute, which as the gentleman from Massachusetts [Mr. FRANK] just discussed, I am in complete agreement with what he just discussed, as long as it is during the actual contest on the floor.

Mr. SOLOMON. Would the gentleman then accept that amendment?

Mr. MENENDEZ. At this time I do not know the exact wording.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield.

The SPEAKER. The time of the gentleman from New York [Mr. SOLOMON] has expired.

The gentleman from New Jersey [Mr. MENENDEZ] has 2½ minutes.

Mr. SOLOMON. Mr. Speaker, since we have been involved in a colloquy, and all of our time was used during that colloquy, I would ask that I be allowed an additional 3 minutes to work out this agreement, and 30 seconds additional to the gentleman from New Jersey [Mr. MENENDEZ].

The SPEAKER. The chairman of the Committee on Rules may of course ask unanimous consent for each side to have 3 additional minutes, and then the House will decide whether his unanimous consent request is honored.

Mr. SOLOMON. Mr. Speaker, I would propound such a unanimous consent request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. I object, Mr. Speaker.

The SPEAKER. The Chair is slightly confused, so the Chair will repeat the question.

Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Each side has 3 additional minutes.

The gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and the gentleman from New Jersey [Mr. MENENDEZ] has 5½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I think we are in agreement with respect to intent here, and I should just make the point that should the occasion present itself where there would be a consideration of this matter on the floor, I would, if it was deemed advisable, present to the body a resolution that would protect Mr. Dornan's rights under those circumstances to be present on the floor.

Mr. HOYER. Mr. Speaker, if the gentleman would yield, I think that resolves the matter.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized.

Mr. MENENDEZ. Mr. Speaker, I think we have laid out the case. The record is clear as it relates to this one concern. I ask my colleagues to join us in preserving the dignity of the House, I would be happy to yield back my time, if that is the reality of the other side.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are many of us who want to support this resolution, myself included, but the unanimous consent propounded by the gentleman from Massachusetts [Mr. FRANK] was exactly what we have agreed to, and it would make it so much better, I think, for the comity of the House.

Mr. FRANK of Massachusetts. Mr. Speaker, would the gentleman from New Jersey [Mr. MENENDEZ] yield?

Mr. MENENDEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that, but let me say I think we have reached an agreement in this sense: Everyone is here, just about everybody here now understands that there is agreement in the resolution on the contest, if it ever comes to that, because I hope it does not, ever comes to the floor. If one does, and the Speaker is asked to rule on the presence of Mr. Dornan, I would think the ruling would be that during the actual consideration on the floor there would be no obstacle, and we would all uphold that ruling, and that has clearly been established now.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. Does the gentleman yield for a parliamentary inquiry?

Mr. MENENDEZ. I do not yield for a parliamentary inquiry.

The SPEAKER. The gentleman does not yield, and he controls the time at this point.

Mr. MENENDEZ. I agree with the comments of the majority leader. I think the Speaker has made it very clear, and unless the gentleman seeks to still have speakers, I am ready to yield back the balance of my time if the gentleman is ready to yield back the balance of his time.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York for yielding.

Let me make one real quick point. If we accept this and vote on it right now, and it never comes to the floor, Bob Dornan can never come to the floor again because it will never be resolved.

Let me also point out, there have been between 20,000 and 30,000 Members of this body in the history of the United States of America. In my very brief study of the RECORD, and admittedly it is brief, we have never barred any other former Member from the floor. This is a terrible precedent to set.

It says nothing about the despicable behavior that Mr. Dornan exhibited toward our colleague, but there are other remedies. We could have a Sense of the Congress resolution where we all vote unanimously deploring that.

I have watched the majority leader of the Democratic Party and Congressman Dan Lungren engage in fisticuffs right outside the Chamber. They were not barred. They were not barred.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would say two things. One, it says until the issue is resolved. Once it is resolved, it no longer has standing, as I understand it.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, if it is never resolved, we have barred one former Member in the history of the Nation from ever coming back on the floor of the House, and that is wrong.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let us settle everything down here for a minute. It has been established, it is my understanding that it has been established that we have an understanding that if and when this contested election is brought to this floor, that the affected contestant, in this case Mr. Dornan, would be allowed to come on this floor.

The gentleman from Massachusetts [Mr. FRANK] has verified that, that the understanding is clear on the other side of the aisle. If that is clear with the Speaker, then I would be prepared to yield back the balance of my time.

The SPEAKER. The Chair will render final judgment should the occasion arise. However, the Chair would note that if debate is about to end, the Chair has seen all the debate, and that would strike the Chair in terms of this debate as a reasonable assumption.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MENENDEZ. Mr. Speaker, does the resolution, as it is worded, bar Mr. Dornan in perpetuity?

The SPEAKER. This resolution is only binding on this Congress, and therefore could not be in perpetuity.

Mr. MENENDEZ. I thank the Speaker.

I ask my colleagues to join us in preserving the dignity of the House, and I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MENENDEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 65, answered "present" 7, not voting 72, as follows:

[Roll No. 415]

AYES—289

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Canady
Capps
Cardin
Carson
Castle
Christensen
Clayton
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Leach
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Northup
Nussle
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
Wise
Woolsey
Yates
Young (FL)

NOES—65

Ballenger
Barr
Bartlett
Barton
Bilirakis
Bliley
Bono
Brady
Burton
Buyer
Camp
Campbell
Chabot
Chenoweth
Cox
Crane
Crapo
Cubin
Cunningham
Doolittle
Dreier
Duncan
Everett
Gekas
Hall (TX)
Hefley
Herger
Hostettler
Hunter
Hyde
Johnson, Sam
Kim
Kingston
Lewis (CA)
Lewis (KY)
McCollum
McIntosh
McKeon
Norwood
Packard
Paul
Paxon
Pickering
Pombo
Radanovich
Redmond
Riggs
Rogan
Rohrabacher
Royce
Ryun
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Shadegg
Smith (NJ)
Snowbarger
Spence
Stearns
Stump
Tiahrt
Whitfield
Wicker
Wolf

ANSWERED "PRESENT"—7

Ehlers
Mica
Ney
Sanchez
Solomon
Thomas
Traficant

NOT VOTING—72

Archer
Baker
Berman
Berry
Bilbray
Blumenauer
Bonilla
Bryant
Bunning
Burr
Callahan
Calvert
Cannon
Chambliss
Clay
Clement
Coble
Coburn
Collins
Cooksey
Cramer
Deal
Fawell
Foglietta
Foley
Fowler
Furse
Gallegly
Ganske
Gephardt
Gonzalez
Goss
Gutknecht
Hastings (FL)
Hinchey
Hoekstra
Klug
Largent
Latham
LaTourette
Levin
Linder
Lipinski
Manton
McCrery
McInnis
Meehan
Meek
Moakley
Neumann
Oberstar
Obey
Pickett
Porter
Pryce (OH)
Salmon
Schiff
Sensenbrenner
Sessions
Shuster
Smith (MI)
Smith, Adam
Smith, Linda
Stenholm
Tanner
Taylor (NC)
Thompson
Wamp
Weldon (PA)
White
Wynn
Young (AK)

□ 1842

Mr. CUNNINGHAM changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1845

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, on rollcall vote 413 I was unavoidably detained.

Had I been present I would have voted "yes."

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I have asked to address the House in order to enter into a dialog with the majority leader to ascertain the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased, more pleased, Mr. Speaker, than anyone can imagine, to announce that we have concluded our legislative business for the week.

The House will next meet on Monday, September 22, at 12 noon for a pro forma session.

On Tuesday, September 23, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that no recorded votes will be held before 5 p.m.

On Tuesday of next week the House will consider a Corrections Day bill, H.R. 2343, the Thrift Depositor Protection Oversight Act; a number of suspension bills, a list of which will be distributed to Members' offices; the conference report to accompany H.R. 2160, the Agriculture Appropriations Act for Fiscal Year 1998; and motions to go to conference on H.R. 2264, the Labor-HHS Appropriations Act and H.R. 2378, the Treasury-Postal Appropriations Act.

On Wednesday, September 24 and the remainder of the week, the House will consider the following bills, both of which are subject to a rule:

H.R. 2267, the Commerce, Justice, State and the Judiciary Appropriations Act for Fiscal Year 1998; and H.R. 901, the American Land Sovereignty Protection Act.

It is my understanding that the conferences on appropriations are proceeding well, and we may have additional conference reports ready next week.

Mr. Speaker, the meeting times for next week are as follows: On Wednesday, September 24 and Thursday, September 25 the House will meet at 10 a.m., and on Friday, September 26 we will meet at 9 a.m. We will expect to conclude legislative business by 2 p.m. next Friday.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could inquire of the leader, will there be votes on the following Monday?

Mr. ARMEY. If the gentleman will continue to yield, the gentleman is speaking of Monday, as we say it in the South, Monday a week? The following Monday?

Mr. FAZIO of California. Mr. Speaker, that is not the way they say it in North Dakota, but——

Mr. ARMEY. Let me see if we can get this correct, the Monday following September 23, Friday of next week. Yes, I think we do expect votes that week.

Mr. FAZIO of California. After 5?

Mr. ARMEY. After 5.

Mr. CONDIT. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California [Mr.

CONDIT], who has some concerns about the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, if I may ask a question of the majority leader. I know we have had a discussion that he has made a commitment to try to change the Suspension Calendar a little bit to work it out so maybe it has a little more balance to it. I would like to ask what kind of progress he understands that we have made.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that inquiry. As the gentleman from California has suggested, we are receiving information about the record of bills being reported from committee. We want to review that, and we intend to make adjustments to see that all Members have a fair and equitable consideration of their access to the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, I thank the leader.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I have no further speakers, and I yield back.

ADJOURNMENT TO MONDAY, SEPTEMBER 22, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 23, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 22, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, September 23, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL PROPERTY ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mr. HORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, after line 8 insert:

(D)(i) The administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

(ii) For purposes of this subparagraph, the term "disability" has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

Page 4, line 9, strike out "(D)" and insert "(E)".

Mr. HORN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. HORN] is recognized for 1 hour.

Mr. HORN. Mr. Speaker, H.R. 680 is a bill to enhance charitable activities by authorizing the transfer of surplus property to organizations that provide assistance to impoverished individuals. This bill offers a helping hand to the neediest in our society at virtually no cost to the taxpayers.

The Senate amendments make a point of clarification that improves the bill. It ensures that no person will be prevented from meeting certain matching eligibility requirements due to disability.

Currently, Federal agencies declare excess over $6 billion a year in Federal personal and real property. They declare that excess, what we call surplus. Although some of this property is used by other Federal agencies, much of it is donated to a select list of eligible groups. H.R. 680 expands the list of eligible groups to include charities that provide services to poor families. These groups, including self-help housing groups, such as Habitat for Humanity, and groups such as food and clothing banks, will be eligible for the property on the same basis as State and local government agencies.

By granting private charities and the food and clothing banks the same status as State and local government agencies, H.R. 680 will help these organizations to provide items such as school supplies, blankets, clothing to poor people and other items that would help the charities accomplish their mission.

Mrs. MALONEY of New York. Mr. Speaker, earlier today H.R. 680, as amended by the Senate, passed the House by unanimous consent. H.R. 680 as amended makes two important changes in the law governing the donation of Federal property no longer needed by the Federal Government. These changes have been agreed to in a bipartisan manner, both in this House and in the other body.

The first change allows the donation of surplus personal property to organizations which help all property-stricken people, not only the homeless as currently permitted. Passage of this measure is long overdue. It passed the House in the 103d Congress, only to miss final clearance because of adjournment. This provision will help charities like Habitat for Humanity and food banks better assist this Nation's needy.

In my own State of New York, I have been assured by the State surplus property agency that this law will help get clothing and other necessities into the hands of The Phoenix House, Day Top Village, and local branches of the Salvation Army, where the real war on poverty is waged. Congressman LEE HAMILTON, the author of this bill, deserves all of our thanks for his effort to achieve this clearly needed change to help the impoverished.

H.R. 680, as amended, will also allow for the donation of Federal surplus real property to nonprofit groups which provide housing to low-income individuals and families, groups like Habitat for Humanity, founded by former President Jimmy Carter. Such donations would be permitted only if the families receiving assistance contribute a significant amount of labor toward the construction of the homes, and all local building codes would have to be met. The other body has amended H.R. 680 to ensure that this provision will not unfairly discriminate against those with mental or physical disabilities. H.R. 680 preserves the General Services Administration's central role in the disposal process and has been carefully crafted to prevent any future abuse.

Mr. HORN. Mr. Speaker, I ask that this bill be passed, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the Senate amendments are concurred in.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transporation and Infrastructure be discharged from further consideration of the bill, H.R. 2443, to designate the Federal building located at 601 Fourth Street, NW., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Ms. NORTON. Mr. Speaker, reserving the right to object, however, I do not intend to object, and I ask the gentleman from California, [Mr. KIM] for an explanation of the bill.

Mr. KIM. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. KIM. Mr. Speaker, I thank the gentlewoman for yielding.

H.R. 2443 designates the Federal Bureau of Investigation field office located on Fourth Street in the District of Columbia as the Federal Bureau of Investigation Washington Field Office Memorial Building.

The designation of this building is to honor five Federal Bureau of Investigation agents who were killed in the line of duty while assigned to the Bureau's Washington, DC, field office. These five agents are: William H. Christian, Jr.; Martha Dixon Martinez; Michael J. Miller; Anthony Palmisano; and Edwin R. Woodriffe.

In 1995, Special Agent Christian was murdered in his car while on a surveillance assignment; in 1994, Agents Martinez and Miller were gunned down in the Metropolitan Police Department headquarters while conducting official business; and in 1969, Agents Palmisano and Woodriffe were killed while attempting to arrest an escaped prisoner from Lorton.

These agents gave their lives in the war against crime in the District. It is fitting that this field office headquarters be designated in their honor. This tribute is a small measure of our appreciation for their efforts and ultimate sacrifice. I support the measure and urge my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, continuing my reservation of objection, I want to join the gentleman from California [Mr. KIM] in supporting H.R. 2443, a bill I introduced with strong bipartisan support from the gentlemen from Virginia, Mr. DAVIS, Mr. MORAN, and Mr. WOLF as well as the gentlemen from Maryland, Mr. HOYER and Mr. WYNN and the gentlewoman from Maryland, Mrs. MORELLA.

The bill would designate the new FBI Washington Field Office at 601 Fourth Street, NW., in honor of the five FBI agents who have been slain in the line of duty. The building will be officially dedicated on Friday, September 26, with the surviving families and friends as the honored guests.

These FBI agents were our friends and neighbors who lived in Maryland, Virginia, and the District of Columbia. They were parents, sons, brothers, and sisters. Agent Palmisano and Agent Woodriffe were partners. Both were born and raised in the New York City metropolitan area.

Agent Woodriffe was the first African-American agent killed in the line of duty.

Martha Martinez was a young woman of 35 years of age who was married to FBI Agent George Martinez and was an acknowledged expert at electronic surveillance methodology.

Agent Mike Miller was a native of Prince Georges County and was educated at local schools.

Agent William Christian, also a Maryland native, was a graduate of Loyola College. He consistently received superior performance evaluations and numerous commendations for his outstanding work. He was killed doing undercover work.

It is most fitting and proper that we honor the sacrifices of these brave agents with this designation, Mr. Speaker.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the gentleman from California for working to report out this very, very appropriate piece of legislation which will recognize five brave Americans, five of our friends and neighbors who we asked to risk their lives on a daily basis.

We like to think that in asking that risk that there will never come a time when the ultimate sacrifice will be made, but we know full well from history that there will come times when some of these brave law enforcement officials who are on the front lines of protecting our communities, our families, our safety will lose their lives in that effort. These five individuals are Americans who have worked and sacrificed to ensure that freedom and justice prevails in this land.

I particularly, Mr. Speaker, want to rise to mention Special Agent Michael John Miller. He was but 41 years of age when he lost his life. He lived in Prince Georges County, born in Prince Georges County and lived in Upper Marlboro, MD. He had two children, Benjamin and Dale, age 10 and 8. They will know their father was a hero but nothing can replace their father, nothing can ease their pain nor that of his wife, Wanda. But it is important that they know, and the families of the other four agents know, that as we name these buildings for them, it is not simply a ceremonial act, it is an act of deep gratitude, of deep respect, and deep appreciation.

Mr. Speaker, I again thank the gentlewoman for yielding.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his moving remarks and for his support of this bill, and I would also like to thank the chairman of the subcommittee, the gentleman from California [Mr. KIM], for his cooperation in allowing us to get this bill out on a very short timeframe and for his strong support of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2443

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

SECTION 1. PURPOSE.

The purpose of this Act is to designate the Federal building referred to in section 2 in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe, who were slain in the line of duty.

SEC. 2. FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING.

(a) DESIGNATION.—The Federal building located at 601 Fourth Street, NW., in the District of Columbia, shall be known and designated as the "Federal Bureau of Investigation, Washington Field Office Memorial Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Federal Bureau of Investigation, Washington Field Office Memorial Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGAINST THE MENENDEZ RESOLUTION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I hesitate to get up here and speak today, but I am sitting here listening to these comments about a great American named Bob Dornan.

Back in the 1970's, this country was drifting toward socialism and communism; it was spreading itself all over Central America; it was spreading itself all over Europe and Asia. And

Bob Dornan, a man named Ronald Reagan, and JERRY SOLOMON, and others stood up to those on the other side of the aisle who were sending out "Dear Commandante" letters siding with the socialist movement in this country. Bob Dornan, among all of the others, had the temerity, the guts, to stand up here and fight communism to its bitter end.

I just hesitate to speak, but when Members say that he came on this floor and he was assaulting or abusing other Members, we all know Bob Dornan. He has served here for many, many, many years. Dornan is Dornan. He would never do anything to be disrespectful of another Member intentionally. You all know that, so why do you not stop this business?

Mr. Speaker, I ask my colleagues, including those on the other side of the aisle, does anyone really believe Bob Dornan would assault anyone, let alone a Member of Congress on or off the floor?

We have more important things to do than take up time to attack the reputation of a true American patriot.

Back in the 1970's and 1980's, it appeared that communism was triumphant everywhere, and the wave of the future. Before Ronald Reagan threw his vision and leadership on to the scales and tipped the balance toward freedom all over the world, there were few soldiers in the trench with us. Bob Dornan was there from the beginning.

Bob Dornan was there to object when Members of this body, some of the people attacking him today, wrote the infamous "Dear Commandante" letter supporting the marxist dictators of Nicaragua against the Central American policies of President Reagan.

That was Bob Dornan, always there to stand up and fight against his country's enemies.

And in spirit of Bob Dornan, I'm going to "tell it like it is." This is nothing more than an attempt to distract this House and the American people, not only from the growing scandals surrounding the White House, but from Bob Dornan's legitimate demand that the scandal surrounding his alleged defeat last November be investigated.

I ask my colleagues on the other side of the aisle to drop this privileged motion and get back to work on issues that really matter to the American people.

CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 2209), making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–254)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment number 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,750,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $804,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,815,500, to be disbursed by the Chief Administrative Officer of the House.

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including; (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each to not exceed nine assistants on the basis heretofore provided for such assistants; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,266,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employees benefits, $70,955,000, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $3,099,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1998 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 110. Amounts appropriated for fiscal year 1998 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 111. (a)(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capital Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b)(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the armed forces;

(I) advance of annual leave or sick leave after a member or civilian employee have used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c)(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the armed forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the armed forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Service Office, $1,991,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than forty individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,479,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,797,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $36,977,000, of which $7,500,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,116,000, of which $745,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $52,021,000, of which $13,200,000 shall remain available until expended: Provided, That appropriations under this heading for management personnel and miscellaneous restaurant expenses hereafter shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under Public Law 87–82, approved July 6, 1961, as amended (40 U.S.C. 174j–4), and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

And after line 4, page 2, of the House engrossed bill, H.R. 2209, insert the following:

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $77,254,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,612,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $371,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,388,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,221,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,061,000 for each such committee; in all, $2,122,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $409,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,077,500 for each such committee; in all, $2,155,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $260,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $13,306,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPERS

For Office of the Sergeant at Arms and Doorkeeper, $33,037,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,165,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $19,208,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,605,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $966,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $75,600,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,511,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $64,833,000, of which $7,000,000 shall remain available until September 30, 1999.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,905,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $228,600,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000, to remain available until September 30, 1999.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Senate is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 2. (a) Upon the written request of the Majority or Minority Whip of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the heading "Salaries, Officers and Employees" and "Offices of the Majority and Minority Whips", such amount as either whip shall specify to the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(b) The Majority and Minority Whips of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such whip shall be paid from the amount transferred pursuant to subsection (a) by such whip and upon vouchers approved by such whip.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsection (a) and (b).

SEC. 3. (a) Effective in the case of any fiscal year which begins on or after October 1, 1997, clause (iii) of paragraph (3)(A) of section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

"(iii) subject to subparagraph (B), in case the Senator represents Alabama, $182,567, Alaska, $251,901, Arizona, $197,079, Arkansas, $168,282, California, $468,724, Colorado, $186,350, Connecticut, $160,903, Delaware, $127,198, Florida, $299,746, Georgia, $210,214, Hawaii, $279,512, Idaho, $163,335, Illinois, $266,248, Indiana, $194,770, Iowa, $170,565, Kansas, $168,177, Kentucky, $177,338, Louisiana, $185,647, Maine, $147,746, Maryland, $173,020, Massachusetts, $195,799, Michigan, $236,459, Minnesota, $187,702, Mississippi, $168,103, Missouri, $197,941, Montana, $161,725, Nebraska, $160,361, Nevada, $171,096, New Hampshire, $142,394, New Jersey, $206,260, New Mexico, $166,140, New York, $327,955, North Carolina, $210,946, North Dakota, $149,824, Ohio, $259,452, Oklahoma, $181,761, Oregon, $189,345, Pennsylvania, $266,148, Rhode Island, $138,582, South Carolina, $170,451, South Dakota, $151,450, Tennessee, $191,954, Texas, $348,681, Utah, $168,632, Vermont, $135,925, Virginia, $193,467, Washington, $214,694, West Virginia, $147,772, Wisconsin, $191,569, Wyoming, $152,438, plus".

(b) Subsection (a) of the first section of Public Law 100–137 (2 U.S.C. 58c) is amended by adding at the end the following:

"(6) Effective on and after October 1, 1997, the Senator's Account shall be available for the payment of franked mail expenses of Senators.".

(c)(1) Section 12 of Public Law 101–520 is repealed.

(2) The amendment made by paragraph (1) shall be effective on and after October 1, 1997.

(d) Nothing in this section affects the authority of the Committee on Rules and Administration of the Senate to prescribe regulations relating to the frank by Senators and officers of the Senate.

SEC. 4. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $401,635 for the period March 1, 1997, through September 30, 1998, and

(2) by $994,150 for the period March 1, 1998, through February 28, 1999.

(b) This section is effective on and after October 1, 1997.

SEC. 5. Effective on and after October 1, 1997, each of the dollar amounts contained in the table under section 105(d)(1) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1) shall be deemed to be the dollar amounts in that table on December 31, 1995, increased by 2 percent on January 1, 1996, and by 2.3 percent on January 1, 1997.

SEC. 6. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $125,000 for the period March 1, 1997, through September 30, 1998; and

(2) by $175,000 for the period March 1, 1998, through February 28, 1999.

(b) Funds in the account, within the contingent fund of the Senate, available for the expenses of inquiries and investigations shall be available for franked mail expenses incurred by committees of the Senate the other expenses of which are paid from that account.

(c) This section is effective for fiscal years beginning on and after October 1, 1997.

SEC. 7. Section 1101 of Public Law 85–58 (2 U.S.C. 46a–1) is amended by adding at the end the following: "Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.".

And on page 9, after line 15, of the House engrossed bill, H.R. 2209, insert:

"SEC. 107. Title 5, United States Code, is amended by striking "the Speaker of the House of Representatives" each place it appears in sections 5532(i)(2)(B), 5532(i)(3), 8344(k)(2)(B), 8344(k)(3), 8468(h)(2)(B), and 8468(h)(3) and inserting "the Committee on House Oversight of the House of Representatives".

SEC. 108. (a) For fiscal year 1998 and each succeeding fiscal year, the Chief Administrative Officer of the House of Representatives is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on House Oversight of the House of Representatives.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 109. (a) There is hereby established an account in the House of Representatives for purposes of making payments of the House of Representatives to the Employees' Compensation Fund under section 8147 of title 5, United States Code.

(b) Notwithstanding any other provision of law, payments may be made from the account established under subsection (a) at any time after the date of the enactment of this Act without regard to the fiscal year for which the obligation to make such payments is incurred.

(c) The account established under subsection (a) shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a))."

And on page 20, line 19, of the House engrossed bill, H.R. 2209, strike "$37,181,000" and insert "*$36,610,000*"; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $33,932,000, of which $1,650,000 shall remain available until expended: Provided, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1998.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise

and extend the Annotated Constitution of the United States of America, $64,603,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: Provided further, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,669,000, of which $11,017,000 shall be derived by transfer from the Government Printing Office revolving fund under section 309 of title 44, United States Code: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1998".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,016,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $227,016,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1998, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: Provided further, That of the total amount appropriated, $9,619,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, $5,584,000 is to remain available until expended for the acquisition and partial support for implementation of an integrated library system (ILS).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $34,361,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1998 under 17 U.S.C. 708(d), and not more than $5,086,000 shall be derived from collections during fiscal year 1998 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: Provided, That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,426,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $46,561,000, of which $12,944,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1998, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $100,490,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. (a) ESTABLISHMENT.—Effective October 1, 1997, there is established in the Treasury of the United States a revolving fund to be known as the Cooperative Acquisitions Program Revolving Fund (in this section referred to as the "revolving fund"). Moneys in the revolving fund shall be available to the Librarian of Congress, without fiscal year limitation, for financing the cooperative acquisitions program (in this section referred to as the "program") under which the Library acquires foreign publications and research materials on behalf of participating institutions on a cost-recovery basis. Obligations under the revolving fund are limited to amounts specified in the appropriations Act for that purpose for any fiscal year.

(b) AMOUNTS DEPOSITED.—The revolving fund shall consist of—

(1) any amounts appropriated by law for the purposes of the revolving fund;

(2) any amounts held by the Librarian as of October 1, 1997 or the date of enactment, whichever is later, that were collected as payment for the Library's indirect cost of the program; and

(3) the difference between (A) the total value of the supplies, equipment, gift fund balances, and other assets of the program, and (B) the total value of the liabilities (including unfunded liabilities such as the value of accrued annual leave of employees) of the program.

(c) CREDITS TO THE REVOLVING FUND.—The revolving fund shall be credited with all advances and amounts received as payment for purchases under the program and services and supplies furnished to program participants, at rates estimated by the Librarian to be adequate to recover the full direct and indirect costs of the program to the Library over a reasonable period of time.

(d) UNOBLIGATED BALANCES.—Any unobligated and unexpended balances in the revolving fund that the Librarian determines to be in excess of amounts needed for activities financed by the revolving fund, shall be deposited in the Treasury of the United States as miscellaneous receipts. Amounts needed for activities financed

by the revolving fund means the direct and indirect costs of the program, including the costs of purchasing, shipping, binding of books and other library materials; supplies, materials, equipment and services needed in support of the program; salaries and benefits; general overhead; and travel.

(e) ANNUAL REPORT.—Not later than March 31 of each year, the Librarian of Congress shall prepare and submit to Congress an audited financial statement for the revolving fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

SEC. 208. AUTHORITY OF THE BOARD TO INVEST GIFT FUNDS.—Section 4 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 160), is amended by adding at the end the following new undesignated paragraph:

"Upon agreement by the Librarian of Congress and the Board, a gift or bequest accepted by the Librarian under the first paragraph of this section may be invested or reinvested in the same manner as provided for trust funds under the second paragraph of section 2.".

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and ground, $11,573,000, of which $3,910,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,077,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1996 and 1997 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, that not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,550 workyears: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, that the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: Provided further, That expenses for attendance at meetings shall not exceed $75,000: Provided further, That $1,500,000 may be expended on the certification of the Public Printer, for reimbursement to the General Account office, for a management audit.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 908(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $339,499,000: Provided, That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1998: Provided further, That an additional amount of $4,404,000 shall be available by transfer from funds previously deposited in the special account established pursuant to 31 U.S.C. 782: Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1998: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1998 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter or public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. (a) Section 713(a) of title 18, United States Code, is amended by inserting after "Senate," the following: "or the seal of the United

States House of Representatives, or the seal of the United States Congress,".

(b) Section 713 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

"(d) Whoever, except as directed by the United States House of Representatives, or the Clerk of the House of Representatives on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States House of Representatives, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

"(e) Whoever, except as directed by the United States Congress, or the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Congress, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.".

(c) Section 713(f) of title 18, United States Code (as redesignated by subsection (b)(1)), is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

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

"(3) in the case of the seal of the United States of Representatives, upon complaint by the Clerk of the House of Representatives; and

"(4) in the case of the seal of the United States Congress, upon complaint by the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly.".

(d) The heading of section 713 of title 18, United States Code, is amended by striking "and the seal of the United States Senate" and inserting the following: "the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress".

"(e) The table of sections for chapter 33 of part I of title 18, United States Code, is amended by amending the item relating to section 713 to read as follows:

"713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress.".

SEC. 309. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1997" and inserting "1998".

SEC. 310. (a) SEVERANCE PAY.—Section 5595 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (D) by striking "and" after the semicolon; and

(B) by adding after subparagraph (E) the following new paragraph:

"(F) the Office of the Architect of the Capitol, but only with respect to the United States Senate Restaurants; and";

"(2) in subsection (a)(2)—

"(A) in clause (vii) by striking "or" after the semicolon;

"(B) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

"(viii) an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, who is employed on a temporary when actually employed basis; or"; and

(3) in subsection (b) by adding at the end the following: "The Architect of the Capitol may prescribe regulations to effect the application and operation of this section to the agency specified in subsection (a)(1)(F) of this section.".

(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) voluntarily separates from service on or after the date of enactment of this Act and before October 1, 1999; and

(B) on such date of separation—

(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

"(ii) has completed 20 years of such service and is at least 50 years of age.

(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) and 8414(b) of title 5, United States Code.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term "employee" means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

(C) an employee who is employed on a temporary when actually employed basis.

(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage not more than 50 eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act through September 30, 1999.

"(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

(4)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(B)(i) If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term "employment" includes employment under a personal services contract with the United States.

(5) The Architect of the Capitol may prescribe regulations to carry out this subsection.

(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) is involuntarily separated from service on or after the date of the enactment of this Act and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

(3) This subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee's separation from service described under paragraph (1)(A).

(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term "employee"—

(A) means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol; and

(B) shall not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(ii) an employee who is employed on a temporary when actually employed basis.

(2) The architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

(3) A former employee may not participate in a program established under this subsection, if—

(A) the former employee was separated from service with the United States Senate Restaurants of the Office of the Architect of the Capitol for more than 1 year; or

(B) the separation was by removal for cause on charges of misconduct or delinquency.

(4) Retraining costs for the program established under this subsection may not exceed $5,000 for each employee or former employee.

(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

(A) may use employees of the Office of the Architect of the Capitol to establish and administer programs and carry out the provisions of this section; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

(i) not subject to the 1 year of service limitation under such section 3109(b); and

(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.

SEC. 311. (A) RATE OF PAY FOR DIRECTOR OF ENGINEERING.—Section 108(a) of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b(a)) is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5, United States Code, for the locality involved".

(b) APPLICABLE RATE OF PAY.—Section 108(b)(1) of such Act (40 U.S.C. 166b–3b(b)(1)) is amended—

(1) by striking the second sentence; and

(2) by striking "the maximum rate allowable for the Senior Executive Service" each place it appears in subparagraphs (A) and (B) and inserting the following: "the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5, United States Code, for the locality involved".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods beginning on or after January 1, 1998.

And on page 38, line 15 of the House engrossed bill, H.R. 2209, strike "SEC. 309" and insert "*SEC. 312*" ; and the Senate agree to the same.

JAMES T. WALSH,
BILL YOUNG,
R. DUKE CUNNINGHAM,
ZACH WAMP,
TOM LATHAM,
BOB LIVINGSTON,
JOSÉ E. SERRANO,
VIC FAZIO,
MARCY KAPTUR,
DAVID OBEY,
Managers on the Part of the House.

ROBERT F. BENNETT,
TED STEVENS,
LARRY E. CRAIG,
THAD COCHRAN,
BYRON L. DORGAN,
BARBARA BOXER,
ROBERT BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Amendment No. 1: The Senate deleted several provisions of the House bill and inserted substitute provisions. Several items in both House and Senate bills are identical and are included in the conference agreement without change. With respect to those items in amendment number 1 that differ between House and Senate bills, the conferees have agreed to the following:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Appropriates $461,055,000 for Senate operations instead of $460,622,000 as proposed by the Senate and contains several administrative provisions. Inasmuch as this item relates solely to the Senate and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

HOUSE OF REPRESENTATIVES

The managers on the part of the House have asked the Senate conferees to agree to the addition of three House administrative provisions. The first transfers authority for granting retirement waivers from the Speaker to the Committee on House Oversight; the second authorizes the Chief Administrative Officer to make advance payments for certain goods and services; and the third authorizes available funds to be used for reimbursing the Department of Labor for workmen's compensation payments. Inasmuch as this item relates solely to the House and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

JOINT ITEMS

JOINT COMMITTEE ON PRINTING

Appropriates $804,000 for the Joint Committee on Printing as proposed by the House instead of $807,000 as proposed by the Senate.

JOINT COMMITTEE ON TAXATION

Appropriates $5,815,500 for the Joint Committee on Taxation instead of $5,907,000 as proposed by the House and $5,724,000 as proposed by the Senate. This level of funding provides resources for an additional 2.5 FTE's over the current level. The conferees agree that the Joint Committee on Taxation, a joint item that supports both the House and the Senate equally, serves a critical role in preparing tax and revenue estimates for Members of Congress. The conferees expect the Joint Committee staff to be fully responsive in assisting with revenue estimates for Members of Congress who are not members of the tax committees. Upon the request of any Member of Congress, the Joint Committee shall expeditiously provide a revenue estimate, describe all assumptions it makes in performing its calculations and provide all primary and secondary source materials to Members or their designees. The Joint Committee shall also state the assumptions and source material in a manner that will allow the calculations for the revenue estimate to be replicated by Members or their designees. The conferees note that such revenue estimates are needed in a timely manner and are critical to the consideration of legislation and amendments. The conferees expect the Joint Committee to be both responsive and timely in its responses to Members of Congress who do not serve on the revenue committees. It is the intent of the conferees to carefully monitor the responsiveness of the Joint Committee to determine if statutory language will be required next year.

OFFICE OF THE ATTENDING PHYSICIAN

In the appropriating paragraph for the "Office of the Attending Physician", restores a colon inserted by the House and stricken by the Senate, restores the designation "Office of the Attending Physician" as proposed by the House and stricken by the Senate instead of "Attending Physician's Office" as proposed by the Senate, restores the word "assistants" as proposed by the House and stricken by the Senate instead of "assistance" as proposed by the Senate and inserts "applicable appropriation or appropriations from which such salaries, allowances, and other expenses" as proposed by the Senate instead of similar language as proposed by the House and stricken by the Senate.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Appropriates $70,955,000 for salaries of officers, members, and employees of the Capitol Police as proposed by the House instead of $73,935,000 as proposed by the Senate, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate. The conferees have agreed to fund 1255 FTE's as proposed by the House instead of 1259 as proposed by the Senate. An amount of $267,000 is provided for "comparability" pay and is fenced pending approval of the appropriate authorities. The conferees concur in House report language regarding the need for the police to improve their record keeping.

GENERAL EXPENSES

Appropriates $3,099,000 for general expenses of the Capitol Police as proposed by the House instead of $5,401,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

Changes section numbers, and makes corrections in capitalization and spelling.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

Appropriates $2,479,000 for salaries and expenses, Office of Compliance as proposed by the House instead of $2,600,000 as proposed by the Senate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Appropriates $24,797,000 for salaries and expenses, Congressional Budget Office as proposed by the House instead of $24,995,000 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

In the appropriating paragraph for salaries and expenses, Capitol buildings, Capitol buildings and grounds, Architect of the Capitol, inserts "for" as proposed by the Senate, inserts a limitation on travel expenses as proposed by the Senate, and appropriates $36,977,000 instead of $36,827,000 as proposed by the House and $39,554,000 as proposed by the Senate. Of this amount, $7,500,000 shall remain available until expended as proposed by the Senate instead of $6,450,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Personnel compensation and benefits	$22,690,000

2. Annual maintenance, repairs, and alterations	5,383,000
3. Supplies, materials, and equipment	628,400
4. Conservation of wall paintings	100,000
5. Provide infrastructure for security installations	500,000
6. Replace six West Front lower terrace windows	0
7. Design to replace legislative call system and clocks	[1]0
8. Study of exterior architectural fixtures and elements	[1]0
9. Electrical renovations to Senate kitchen	75,000
10. Repairs to East Front bronze doors	0
11. Cleaning of historical architectural surface	0
12. Modifications to South Capitol Street Warehouse	0
13. Conservation and maintenance of exterior sculptures	0
14. Witness timers in House committee rooms	125,000
15. Chemical and explosive storage facility, D.C. Village	0
16. Completion of canine facility, D.C. Village	200,000
17. Replace House chamber sound reinforcement system	930,000
18. Provide protection from transformers in open areas	[1]0
19. Computer aided facility management	0
20. Improve lighting for Senate chamber	300,000
21. Upgrade electrical system drawings on CAD	0
22. CAD Mechanical Database	0
23. Upgrade Rotunda lighting	0
24. Sound systems, House committee and hearing rooms	120,000
25. Design to upgrade air conditioning, East Front	[1]0
26. Study for upgrading building systems, Capitol	0

[1]To be done with FY97 funds.

The conferees understand that several of the unfunded projects can be done with FY 1997 funds, including $75,000 for a replacement of a fire pump that was not in disagreement, and direct the Architect to submit a list of those projects to the Committees on Appropriations. To the extent that carryover funds authorized in this bill for the Architect of the Capitol remain unused in this or any other account, the Architect is directed to seek approval from the Committees on Appropriations before expending any balances.

CAPITOL GROUNDS

Appropriates $5,116,000 for care and improvement of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant instead of $4,991,000 as proposed by the House and $6,203,000 as proposed by the Senate. Of this amount, $745,000 shall remain available until expended as proposed by the Senate instead of $25,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Supplies, materials, and equipment	$142,000
2. Replace delta barriers, north and south drives	0
3. Renovate and restore Russell courtyard	0
4. Design for security improvements, HSOB horseshoe	125,000
5. Security planters, Capitol square and secured streets	0
6. Install new hydraulic security barriers	0
7. CAD database development—site utilities	0
8. Upgrade, automate, and expand irrigation system	0

SENATE OFFICE BUILDINGS

Appropriates $52,021,000 instead of $50,922,000 as proposed by the Senate, of which $13,200,000 shall remain available until expended, for the operations of the Senate office buildings. Inasmuch as this item relates solely to the Senate and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers of the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Amendment No. 2: The Senate deleted several provisions of the House bill and inserted substitute provisions. Several items in both House and Senate bills are identical and are included in the conference agreement without change. With respect to those items in amendment number 2 that differ between House and Senate bills, the conferees have agreed to the following:

HOUSE OFFICE BUILDINGS

At the request of the managers on the part of the House, appropriates $36,610,000 for the operations of House office buildings instead of $37,181,000 as proposed by the House and Senate, of which $8,082,000 shall remain available until expended. The reduction is made possible because FY 1997 funds will be used for various roof repairs and the purchase of a fire pump. Inasmuch as this item relates solely to the House and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

CAPITOL POWER PLANT

In the appropriating paragraph for the Capitol Power Plant, two grammatical changes are made, and $33,932,000 is appropriated for plant operations instead of $32,032,000 as proposed by the House and $33,645,000 as proposed by the Senate. Of this amount, $1,650,000 shall remain available until expended as proposed by the Senate instead of $550,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Purchase of electricity	$925,000
2. Annual maintenance and supplies	5,060,000
3. East Plant chiller	1,000,000
4. Replace dealkalizer resin	0
5. Distribution system (steam and chilled water)	0
6. Update CAD drawings for Capitol Power Plant	0
7. Optimization of plant operations	0
8. Additional fuel costs	775,000

The additional fuel costs were not contained in either House or Senate bills and are due to the conversion of coal fired boilers to gas burners for emission control purposes.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $64,603,000 for salaries and expenses, Congressional Research Service, Library of Congress as proposed by the House instead of $65,134,000 as proposed by the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Restores a heading contained in the House bill and stricken by the Senate and provides $81,669,000, including a transfer of $11,017,000 from the GPO revolving fund, for Congressional printing and binding as proposed by the House instead of a direct appropriation of $82,269,000 as proposed by the Senate. In addition, the conferees have restored a provision of the House bill stricken by the Senate and deleted a provision inserted in the Senate bill regarding billing procedures.

The conferees remind GPO to observe section 718, title 44, United States Code, in billing and carrying out printing work for Congress.

TITLE III—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

Appropriates $3,016,000 for salaries and expenses, Botanic Garden instead of $1,771,000 as proposed by the house and $3,228,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Personnel compensation and benefits	$2,804,000
2. Travel, rent, and communications	6,000
3. Annual maintenance, repairs, and alterations	69,000
4. Supplies, materials, and equipment	137,000
5. Bartholdi Park irrigation system	0

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $227,016,000 for salaries and expenses, Library of Congress instead of $223,507,000 as proposed by the House and $229,904,000 as proposed by the Senate. Of this amount, $9,619,000 is to remain available until expended for acquisition of library materials as proposed by the Senate instead of $8,845,000 as proposed by the House. With respect to the integrated library system (ILS), the House report (105–196) directs the Library of Congress to complete a number of key planning activities before awarding a contract. The Library has acted on several items and has developed a schedule for addressing the remaining tasks. The conferees direct that all of these key activities be essentially completed and documented before contract award. Among these are:

developing detailed transition, data conversion, arrearage reduction, training, and post-deployment human resource utilization plans; and

implementing a system capable of continuously tracking all ILS-related benefits and costs.

The conferees also agree with the Senate report regarding the submission of a report

on the availability of off-the-shelf ILS software and a timeline plan and quarterly reports. The conferees also direct the Library to have approval from the Committees on Appropriations before proceeding with a contract award. With respect to the projected savings and benefits that are the basis of the Library of Congress' justification for investing over $40 million in the Integrated Library System project, the conferees believe that these savings are fully expected to materialize and will result in actual budgetary and resource savings. The conferees do not intend, therefore, that the savings associated with this project will be automatically reinvested in the Library's resource base. Any use of these savings will have to be included in resource increases requested in the usual manner in the annual budget submission. The conferees also endorse the Senate report language regarding a security plan.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides $34,361,000 for salaries and expenses, Copyright Office as proposed by the House instead of $34,567,000 as proposed by the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates $46,561,000 for salaries and expenses, books for the blind and physically handicapped instead of $45,936,000 as proposed by the House and $47,870,000 as proposed by the Senate. Of this amount, $12,944,000 shall remain available until expended instead of $12,319,000 as proposed by the House and $14,194,000 as proposed by the Senate. The conferees have provided $1,250,000 to begin a program to replace an additional 10,000 playback machines.

FURNITURE AND FURNISHINGS

The conferees agree to the Senate insertion of ", installation".

ADMINISTRATIVE PROVISIONS

The conferees have corrected a typographical error in section 202 and agree to the Senate bill which added $3,000,000 to the limitation on reimbursable and revolving fund activities. The conferees have also agreed to the language of the Senate bill regarding the establishment of a Cooperative Acquisitions Program Revolving Fund and have also agreed to language in the Senate bill regarding authority to invest gift funds.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates $11,573,000 for structural and mechanical care, Library buildings and grounds, Architect of the Capitol instead of $10,073,000 as proposed by the House and $14,699,000 as proposed by the Senate. Of this amount, $3,910,000 shall remain available until expended as proposed by the Senate instead of $710,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Annual maintenance, repairs, and alterations	$1,191,000
2. Supplies, materials, equipment and land	615,000
3. Replace HVAC eliminator plate, TJB and JMMB	0
4. Replace convector controls, Madison Building	0
5. Replace copper on roof vertical walls, TJB Building	1,500,000
6. Indoor security improvements—cages and vaults	0
7. Design for building security systems upgrades	0
8. Design for Visitors Center, Thomas Jefferson Building	0
9. Compact bookstack safety review, Madison Building	0
10. Install additional readers, Library of Congress Buildings	0
11. Design for screening/holding facility, Fort Meade	0
12. Exterior security improvements	0
13. HVAC Improvements NW Curtain, TJB	0

The conferees direct that no funds be expended for design of building security system upgrades until approval of the Library's overall security plan by the appropriate committees of the House and Senate.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Appropriates $29,077,000 as proposed by the Senate and makes a punctuation change for salaries and expenses, Office of Superintendent of Documents instead of $29,264,000 as proposed by the House.

On September 16, 1997, the General Accounting Office (GAO) issued a report related to the Government Printing Office (GPO) inventory reductions during the last quarter of Fiscal Year 1996. GAO found that certain procedures and policies were not followed, which resulted in thousands of volumes being destroyed without the usual prior notification of issuing agencies to determine if they wanted the excess copies. The conferees find the actions of GPO in this matter irresponsible and to have shown a callous disregard for the interest of the taxpayers. GPO has taken or plans to take the following actions to assure that this does not recur:

Superintendent of Documents policy has been changed to require that certain publications, because of their historical significance, will remain in print and available in the Sales Program indefinitely. Inventory control documents for these publications will indicate this policy.

GPO will develop a formal system for identifying publications that will remain in the inventory indefinitely.

GPO has amended its policy to require that no exception can be made to the requirement that excess stocks must be offered to the issuing agency. This revised policy will provide that excess inventory will be charged to surplus publications expense when it is determined to be excess. The excess inventory will be held in GPO's warehouse while issuing agencies are contacted to see if they want the excess publications. The policy to offer issuing agencies excess copies before their disposal cannot be waived.

GPO has issued a written policy that excess inventory does not have to be physically removed from GPO's warehouse before it can be charged to surplus publications expense.

GPO's new Integrated Processing System will allow GPO to electronically designate excess inventories and provides a comment box where GPO can designate a publication as not to be excessed, or make other appropriate notations about its disposition. Until the new system is implemented, notations on holding copies indefinitely will be made on records that are maintained manually.

GPO will modify the form it uses to make recommendations on excess inventory to include consideration of holding costs.

The conferees direct that GPO implement and monitor the management of the Sales Program vigilantly under these actions in all cases. In addition, the conferees note that GPO has developed a legislative proposal to authorize the transfer or donation of excess publications to schools or similar institutions, if they are not wanted by the issuing agency. The proposal has been submitted to the appropriate congressional committees.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conferees agree to a technical change in a heading reference and have deleted the Senate language regarding the time reference for calculating full-time equivalent employment.

The conference agreement provides that the Government Printing Office (GPO) will make available up to $1,500,000 from its revolving fund to the General Accounting Office (GAO) for a management audit of selected GPO procedures and operational processes. It is expected that GAO will rely heavily on outside experts and contract assistance for its reviews, and will report the results no later than April 30, 1998, to House and Senate Appropriations Committees, Joint Committee on Printing, Committee on House Oversight, and the Senate Rules and Administration Committee. Specific activities that GAO is instructed to assess and make recommendations on are: (1) the Superintendent of Document's sales program and the procedures involved in the management of publication inventories for the program; (2) the Government Printing Office's printing procurement program including the organization, operation, staffing, marketing, and financing of this program as well as procedures for contracting for printing services from private vendors and the process for determining charges for printing and other services provided to Congress and executive branch agencies; (3) the Government Printing Office's in-plant production including ways to improve its efficiency and cost-effectiveness, its organization and the mix of its products, its management and staffing, and the processes for determining charges for printing and other services provided to Congress and the executive branch agencies; (4) the appropriate use of GPO personnel (training, deployment, supervisory structure, etc.); and (5) the Government Printing Office's budgeting, accounting and financial reporting systems including their methodology, presentation, clarity, reliability and ease of interpretation. This management audit must include an objective evaluation of each of these activities with specific recommendations which will improve the efficiently and effectiveness of the Government Printing Office in fulfilling its legal responsibilities. GAO is also instructed to update and assess the implementation status of financial and other management-related observations and recommendations identified during the audit of GPO's consolidated financial statement for the year ended September 30, 1995. GAO's reviews should not be encumbered by presupposing that GPO's current operations, including in-house printing of the Congressional Record and other resource-intensive Congressional and executive branch publications and operating with three shifts, cannot be changed.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Makes several punctuation and non-substantive language changes as proposed by

the Senate and appropriates $339,499,000 for salaries and expenses. General Accounting Office instead of $323,520,000 as proposed by the House and $346,751,000 as proposed by the Senate. With respect to the provision added by the Senate regarding studies and assessments, the conferees have agreed to drop this provision.

TITLE III—GENERAL PROVISIONS

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement. The conferees have agreed to the language of the House bill in section 302, have agreed to the provisions in the House bill regarding "buy American", the Legislative Branch Financial Managers Council, and the amendment to title 18, United States Code, covering the use of the House and the Congressional seals. The conferees have also agreed to sections 306 and 309 of the Senate bill regarding section 316 of Public Law 101-302 and the Senate restaurant system. The conferees have agreed to delete section 307 of the Senate bill, which amends the National Energy Conservation Policy Act, and section 308 of the Senate bill, regarding residence of Members of Congress. Also, the conferees have added a new provision which adjusts the cap on nine senior positions in the office of the Architect of the Capitol. The conferees intend that the cap adjustment be used for cost-of-living adjustment purposes.

ALTERNATIVE FUEL VEHICLES

The conferees are aware that the Energy Policy Act of 1992 calls for the incorporation of alternative fuel vehicles into Federal fleets, Inclusion of such clean fuel vehicles provides needed air quality benefits for the Nation's Capital. The conferees note that Senate report language directs the Architect of the Capitol and the Senate Sergeant at Arms to report to the Senate Committee on Appropriations by January 1, 1998, on how they could incorporate alternative fuel vehicles into their fleets consistent with their needs and requirements. Accordingly, the conferees direct the Comptroller General of the States, the Public Printer, the Capitol Police Board, the Clerk of the House, the Secretary of the Senate, and the Librarian of Congress, as well as the Senate Sergeant of Arms and the Architect of the Capitol to report to their respective Committees on Appropriations on a plan that would incorporate alternative fuel vehicles into their fleets consistent with their needs and requirements and the Energy Policy Act of 1992.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New Budget (obligational authority, fiscal year 1997	$2,202,881,200
Budget estimates of new (obligational) authority, fiscal year 1998	2,394,560,000
House bill, fiscal year 1998	1,711,417,000
Senate bill, fiscal year 1998	2,283,746,000
Conference agreement, fiscal year 1998	2,248,676,500
CONFERENCE AGREEMENT, COMPARED WITH:	
New budget (obligational) authority, fiscal year 1997	+45,795,300
Budget estimates of new (obligational) authority, fiscal year 1998	−145,883,500
House bill, fiscal year 1998	+537,259,500
Senate bill, fiscal year 1998	−35,069,500

JAMES T. WALSH,
BILL YOUNG,
R. DUKE CUNNINGHAM,
ZACH WAMP,
TOM LATHAM,
BOB LIVINGSTON,
JOSÉ E. SERRANO,
VIC FAZIO,
MARCY KAPTUR,
DAVID OBEY,
Managers on the Part of the House.

ROBERT F. BENNETT,
TED STEVENS,
LARRY E. CRAIG,
THAD COCHRAN,
BYRON L. DORGAN,
BARBARA BOXER,
ROBERT BYRD,
Managers on the Part of the Senate.

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SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO MINNIE ELIZABETH HARPER

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

Mr. JONES. Mr. Speaker, I rise tonight to share the story of a truly remarkable American. While I was back in eastern North Carolina during the month of August, I had the great fortune to make the acquaintance of Minnie Elizabeth Harper.

Minnie Harper was born and raised in eastern North Carolina. A product of a loving and caring family, Minnie Harper is a 1974 honor graduate of Greene Central High School who has always been very active in her church and in her community. Even at a very young age, Minnie Harper was a role model to all who knew her. She was on a direct path to success.

Sadly, in June 1975, a terrible automobile accident left Minnie Harper a C-5 quadriplegic, but she did not let it lead her off her path to success. Such an accident may have hampered the dreams and broken the spirit of most people, but not Minnie Harper.

In her own words, Minnie Harper stated, and I quote, "I am not a failure. My parents did not raise any failures. My handicap has not totally impeded my dreams and goals; it has just altered the path and encouraged me to push forward."

Proving those words to be true, Minnie Harper went on to graduate with honors from Lenoir Community College in Kinston, NC in May 1981. Upon her graduation, Minnie Harper continued to give to her community. She founded and organized the American Community Girls Club in Snow Hill, NC, where she resides.

In this club, Miss Harper guided and motivated young ladies, encouraging them to pursue excellence and to build self-esteem. Today, these young ladies are following their own paths to success and remain in contact with their role model, Minnie Harper.

While continuing to volunteer in her community, Minnie Harper again focused on her educational goals. Having completed her degree at Lenoir Community College, Minnie Harper went on to obtain a bachelor of science degree in social work from East Carolina University in Greenville, NC.

After she graduated as a member of the National Honor Society, Minnie Harper was accepted to the East Carolina University masters program in social work. Before she could obtain her masters degree, sadly, yet another tragedy struck Minnie Harper's life.

A fire in her parents' home left her with second- and third-degree burns over 40 percent of her body. The accident also left her with severe facial damage, the loss of two fingers, and a permanent lung condition.

Ever optimistic, even after the tragic fire, Minnie Harper said, and I quote again, Mr. Speaker, "God has not given me any more than I can bear."

Minnie Harper continued with her selfless work. Incredibly, she has remained active in the community, helping others and setting an excellent example for all Americans, both young and old.

In December 1995, North Carolina Governor Jim Hunt appointed Minnie Harper to the North Carolina Statewide Independent Living Council. In this capacity she works to raise awareness of the Independent Living Rehabilitation Program and ensures that handicapped citizens are recognized for the work they do.

Minnie Harper is a champion for the rights of handicapped citizens, both by giving them the spiritual and emotional support and encouragement she is famous for and by helping to make lawmakers aware of their needs.

I have truly been inspired by the story of Minnie Harper. Despite extraordinary unfortunate circumstances, Minnie Harper has not asked for handouts. Nor has she ever uttered the words "I cannot." She has persevered, she has succeeded, and she has helped others along the way with her dedication to her church, her family, her friends, and her community.

Minnie Harper has not complained about her hardships, but has always held a positive attitude and has given constant credit to God for giving her the strength to carry on. I admire Minnie Harper for her courage and her strength, and I thank her for serving as a role model to all who hear her incredible story.

Mr. Speaker, citizens like Minnie Harper truly make America great.

TRIBUTE TO RIZAL AGBAYANI

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

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor and pay tribute to Mr. Rizal Agbayani, a veteran of World War II and a former member of the U.S. Armed Forces in the Far East. He died of a heart attack last week at the Fairfax Hospital in Virginia, near Washington, DC. He is survived by his wife, Criselda, and his eight children.

Mr. Agbayani came to Washington as part of the 37-veteran delegation from Hawaii attending the gathering of the National Advisory Council of Philippine-American Veteran Leaders. Almost 300 Filipino veterans were in our Nation's Capital last week, gathered together for the first time, working with a united front to achieve equity for all Filipino World War II veterans.

Mr. Agbayani actively took part in meetings with several Members of Congress. He was also one of the hundred demonstrators at a rally in front of the White House organized by National Advisory Council members and the 130-member Equity Caravan, a 6-city, 2-week march to Washington designed to call attention to the Filipino Veterans Equity Act (H.R. 836) and urging Congress to pass this bill.

Mr. Agbayani was named after Jose Rizal. A national hero of the Philippines, Rizal was executed for his fight to free the Philippines from colonial Spain, and this year marks the observance of the centennial anniversary of Rizal's death. Like his namesake, Mr. Agbayani died while fighting for justice, and today his body is being flown to the Philippines to his final resting place.

I want to take this opportunity to commemorate the life and struggle of Mr. Agbayani and the thousands of other Filipino World War II veterans whose participation was so crucial to the outcome of World War II. Too few Americans are familiar with this chapter in our Nation's history.

During this war, the military forces of the Commonwealth of the Philippines were drafted to serve in our Armed Forces by Executive order of the President of the United States. Filipino soldiers defended the American flag in the now famous battles of Bataan and Corregidor. Thousands of Filipino prisoners of war died during the 65-mile Bataan death march. Those who survived were imprisoned under inhuman conditions where they suffered casualties at the rate of 50 to 200 prisoners a day. They endured 4 long years of enemy occupation.

The soldiers who escaped capture, together with Filipino civilians, fought against the occupation forces. Their guerilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the time needed to prepare forces to defeat Japan. After the liberation of the Philippine Islands, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war.

One would assume that the United States would be grateful to their Filipino comrades, so it is hard to believe that soon after the war ended, the 79th Congress voted in a way that can only be considered to be blatant discrimination, as they took away the benefits and recognition that the Filipino World War II veterans were promised.

Mr. Agbayani and his comrades have been fighting over 50 years to regain this recognition that they so deserve. Their sons and daughters have joined in the fight, wishing desperately to restore the honor and dignity to their fathers while they are still alive. The urgency is real, Mr. Speaker. At least six Filipino World War II veterans are dying each day.

Mr. Agbayani's journey to Washington last week was his final journey in search of this recognition for his Filipino World War II comrades. As a tribute to Mr. Agbayani and the thousands of other veterans already gone before us in death, I urge my colleagues to take a serious inventory of this issue, to cosponsor 836, and to correct a monumental injustice by restoring the benefits that were promised to the Filipino World War II veterans for their defense of democratic ideals.

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

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

Mr. HANSEN. Mr. Speaker, on September 18, 1996, one year ago today, President Clinton, claiming authority under the Antiquities Act, stood on the south side of the Grand Canyon of Arizona and designated 1.7 million acres of southern Utah as a national monument.

Over at the Committee on Resources, we have met with administration officials, held hearings, and subpoenaed documents in an effort to sort this thing out. I thought it might be appropriate, since today is the anniversary of that unprecedented election year stunt, to say a few words about what we have been able to come up with.

The first time I or any other Utah official heard about the National Monument was on September 7, 1996, when the Washington Post published an article announcing that President Clinton was about to use the Antiquities Act of 1906 to create a 2-million-acre national monument in southern Utah.

Naturally, we are all somewhat concerned. In fact, I think most of us found it a little hard to believe. Surely the President would have the decency to at least let the citizens of Utah know if he were considering a move that would affect them so greatly.

When we expressed our concern to the Clinton administration, they denied they had even heard about such a thing. They tried to make it look like the monument was some kind of nebulous idea that was being kicked around, but that we should not really take it too seriously or worry about it. As late as September 11, Secretary of Interior Bruce Babbitt wrote to Utah Senator BENNETT and pretty much told him that.

Within the confines of the administration, however, it was clear the monument was a go. The real issue was keeping it a secret from the rest of the world. By July 1996 the Department of Interior had already hired law professor Charles Wilkinson to draw up the President's National Monument proclamation. In a letter written to Professor Wilkinson asking him to draw up the Proclamation, DOI Solicitor John Leshy wrote: "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen, so take care."

When I say that the Clinton administration went to great lengths to keep everyone in the dark, I should probably qualify that a little. On August 5, 1996, CEQ chair Katy McGinty wrote a memo to Marcia Hale telling her to call some key western Democrats to get their reactions to the monument idea. There was conspicuous absence on her list, however, of anyone from the State of Utah. Not the governor, not the senators, not the Congressmen, not the Speaker of the House, not the President, nobody. Even the Democratic Congressman, Bill Orton, was kept in the dark. Clinton did not want to take any chances.

In the memo, Ms. McGinty emphasized that it should be kept secret, saying that "Any public release of the information would probably make the President change his options."

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Why, you ask, did President Clinton want to keep this secret from the rest of the world? Because it would ruin their timing. This announcement was a political election year stunt and those type of things have to be planned and timed perfectly. If news of the monument were to break too early, it would be old news by the time Bill Clinton did his photo op on the site of the Grand Canyon.

Let us back up and ask ourselves why President Clinton wanted to create this new 1.7 million acre national monument. The administration claimed it was to protect the land. For example, at our hearing this year, Katy McGinty

said, "By last year the lands were in real jeopardy."

That sounds great, but the truth is the land was not in any danger. Even if it were, national monument status would not do anything to protect it. If anything, it takes away protection. We have requested documents from the administration where they admit to both of those points. Take for example a March 25, 1996 E-mail message about the proposed Utah national monument from Katy McGinty that said this:

"I do think there is a danger of abuse of the withdrawal, especially because these lands are not really endangered." There we have it, in Katy McGinty's own words. The administration did not think the land was in any real danger or in any jeopardy.

Okay, so the administration did not really think the lands involved were in any real danger. Let us just ignore that for a moment and pretend that the lands were in some sort of danger and ask ourselves if creating a monument out of these lands was a good idea.

Does it stop coal mining in the area? No. You can still mine. Does it stop mineral development? No. Conoco is drilling oil wells on the Grand Staircase-Escalante right now. Does it stop grazing on the land? No. Does it stop people from visiting the area? No. Quite to the contrary, people are coming by the millions now to see it. Roads are all over the place since Bill Clinton created this to protect the land. What a joke.

What is the administration talking about when they say they needed to create a national monument to protect these lands? The land was not in any danger, and even if it were, a national monument was the least effective tool.

All right, so we have seen the administration did not create the monument because they thought the land was in any danger. Why did they do it then? They thought it would help Bill Clinton with the upcoming presidential election. Katy McGinty wrote to Leon Panetta on September 9, 1996 and said: "The political purpose of the Utah event is to show the President's willingness to use his office to protect the environment."

Clinton figured he could get some extra votes from the environmentalists around the country at very little cost. He figured it might give him an edge in some of the close States. He picked Utah for his stunt because he knew he didn't have a snowball's chance in Hades of winning the State. He was probably still a little sore about the fact that during the 1992 election Utah was the only state where he came in third place. There you are. Free environmental votes in 49 states and the 50th State he didn't have a chance at winning anyway.

Why did he pick the National Monument idea when it actually protected the land less than the other options available to him? . . . Because it was more dramatic. Most armchair environmentalists don't understand the complexities of natural resource law. It just wouldn't have had the same effect if Clinton would have had the Secretary of Interior sit at his desk and say "pursuant to 43 U.S.C. 1701 § 204(e), I hereby withdraw the Kaiparowits plateau from mineral entry under 30 U.S.C. 22." No, it wouldn't have been nearly as picturesque. The armchair environmentalist would have scratched his head and switched the channel to catch the second half of the Steelers-Broncos game. No, the Clinton administration needed to do something dramatic to get their votes. Bill Clinton needed to stand there overlooking the Grand Canyon, with the wind blowing through his hair, telling everyone how he was following in Teddy Roosevelt's footsteps and saving the land by creating a new national monument. How profound. How courageous. It kind of brings a tear to the eye, doesn't it. Never mind the fact that creating this monument didn't really achieve any of the administration's stated objectives. Chances were that no one would figure that out until after the election anyway.

Well, people are starting to figure it out now. For instance, last week I read an article in the Salt Lake Tribune where a spokesman for the Southern Utah Wilderness Alliance called Clinton and Gore "election-year environmentalists" because CONOCO is being allowed to drill for oil in the monument. Remember, these are the same people that were cheering and crying and hugging each other at the Grand Canyon a year ago. Today they are beginning to realize that they were all duped—that this was nothing but an election year stunt and that national monument status doesn't do anything for their cause.

Many people have asked me why we passed the Antiquities Act in the first place if it allows this kind of abuse. Well, the answer is that the people that passed it didn't anticipate these kinds of problems. The Antiquities Act was passed back when we had very few environmental laws and few ways to preserve our lands.

The language of the Antiquities Act allows presidents to "declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest * * * to be national monuments". The size of such withdrawals would be in all cases "confined to the smallest area compatible with the proper care and management of the objects to be protected."

Notice two very important points here. First, the Antiquities Act was designed to preserve specific objects. Second, it mandated that the President use the smallest amount of land necessary to preserve those specific objects. Using this criteria, lets look at three national monuments that have been declared by presidents in the past.

How about Devils Tower National Monument, proclaimed by Theodore Roosevelt in 1906? What does it protect? * * *. It protects a 865-foot tower of columnar rock in Wyoming. This basalt tower is the remains of an ancient volcanic intrusion, * * * O.K. we have a specific recognizable object that is being protected here. Sounds like it meets the criteria. How much land is included in the monument? 1,347 acres. Sounds pretty reasonable.

How about Statue of Liberty National Monument, proclaimed in 1924 by Calvin Coolidge? What does it protect? * * * Statue of Liberty National Monument protects the famous 152-foot copper statue bearing the torch of freedom. The statue was a gift from the French people in 1886 to commemorate the alliance between France and the United States during the American Revolution. Seen by millions of immigrants as they came to the new world, it has become famous as a symbol of freedom. How much land? * * * 59 acres. Wow. That sounds pretty good.

O.K. Just to be fair, lets look at the new Grand Staircase-Escalante National Monument, proclaimed in 1996 by William Jefferson Clinton. What objects does it protect? * * * Hmmmm * * *. Come to think of it, I have absolutely no idea * * *. Do you? * * * Does anyone? * * * O.K. forget that question for a minute, and lets look at how much land we need to protect these "objects" that no one can name * * * 1.7 million acres * * *. One Million Seven Hundred Thousand acres!!!! * * * Wouldn't you say that's maybe just a little bit excessive. That's about as much land as the states of Delaware and Rhode Island combined! There's no way anyone could possibly tell me this is the smallest amount of land necessary to protect whatever those "objects" are that no one can name.

I think that people intuitively know what national monuments are all about. During the past year I've spent quite a bit of time on that land. People kept coming up to me and asking where the monument was. I told them "you're standing on it". They looked at me incredulously and said "what am I supposed to look at?" You see, they know that national monuments are supposed to protect specific objects, and they want someone to show them those objects. I don't know what to tell them? The best I can do is say "Darned if I know. Let me know if you figure it out."

Well, this whole thing is now history. Bill Clinton had his photo-op at the Grand Canyon, bypassed Congressional power over the public lands, got the few extra votes he needed, and won the election. Meanwhile, the land isn't protected, hundreds of thousands of acres of private and state school trust land are hanging in limbo, and we are all wondering how we can stop this sort of thing from happening again.

O.K. * * * so, what can we do to stop this? * * * I have a bill, H.R. 1127, that will be coming to the floor in the coming of weeks that I think will go a long way toward fixing the Antiquities Act to prevent Presidential abuse.

H.R. 1127 is a good piece of legislation. During the debate on the floor you are going to hear all kinds of rhetoric about how my bill is anti-environmental. As you can see, that's ridiculous. This debate isn't about the environment. This is about Presidential abuse of power. We shouldn't allow a President to use our public lands as political pawns.

Protect our public lands and protect the democratic process. Support H.R. 1127.

INTRODUCTION OF DEADBEAT PARENTS PUNISHMENT ACT

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to announce the introduction by myself and the gentleman from Illinois [Mr. HYDE] of the Deadbeat Parents Punishment Act.

The gentleman from Illinois and I are introducing this bill to send a clear and unmistakable message to deadbeat parents who attempt to use State borders as a shield against child support enforcement orders. It says essentially you can run, you can try to hide, but you cannot escape your moral and legal duty to pay child support you owe.

The Deadbeat Parents Punishment Act of 1997 will strengthen penalties for deadbeat parents in egregious interstate cases of child support delinquency and enable Federal authorities to go after those who attempt to escape State-issued child support orders by fleeing across State lines.

Under the Child Support Recovery Act sponsored by the gentleman from Illinois [Mr. HYDE] and enacted with broad bipartisan support in 1992, a bill which I cosponsored with the gentleman from Illinois, parents who willfully withhold child support payments totaling more than $5,000, or owing for more than 1 year, are presently subject to a misdemeanor punishable by not more than 6 months imprisonment. A subsequent offense is a felony punishable by up to 2 years in prison.

The law that we are introducing today addresses the difficulty States frequently encounter in attempting to enforce child support orders beyond their borders. The Deadbeat Parents Punishment Act would augment current law by creating a felony offense for parents with an arrearage totaling more than $10,000 or owing for more than 2 years. This provision, like current law, would apply where the noncustodial parent and child legally reside in different States.

In addition, the Deadbeats Act would make it a felony for a parent to cross a State border with the intent of evading child support orders where the arrearage totals more than $5,000 or is more than 1 year past due, regardless of residency.

Mr. Speaker, this House has articulated in the welfare bill that we passed, in the act sponsored by the gentleman from Illinois [Mr. HYDE], and other legislation, that we expect those who have children in America to take responsibility for those children, to ensure, whether or not the family unit stays intact, that those children have adequate resources to be housed, to be clothed, to be fed, to be nurtured.

Mr. Speaker, this Congress cannot force or mandate by law that parents will love their children. We hope that they will do that. We know that that is critical to a child's welfare. We know as well that the failure of some parents to do that has led to a crisis in this country when it comes to crime committed by children, teenage pregnancy, and other activity that we lament being perpetrated by young people. But, in fact, it is parents who we should expect and, yes, demand that they meet their responsibilities, first to their children, but then as well to their communities.

Mr. Speaker, I would urge my colleagues to cosponsor this act with me, and I hope that we have early hearings and early passage of this act.

LANDOWNER IGNORED IN MONTANA LAND TRANSACTION

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

Mr. HILL. Mr. Speaker, this evening I want to visit with my colleagues about the New World Mine. Some of my colleagues may recall that on August 12, 1996, the President announced that he wanted to pay $65 million to purchase a mining interest that is close to Yellowstone Park.

Mr. Speaker, this agreement, or deal, if you will, was negotiated in secret. It was negotiated in the back rooms, in the corridors, in the boardrooms of the White House and environmental groups and a mining company. Who was left out? Who was not consulted?

Mr. Speaker, the Governor of Montana was not consulted, and therefore the citizens of Montana were not consulted. The Montana congressional delegation was left out. Local government officials were never consulted. Land management agencies were not consulted. Congress itself was left out. But most surprisingly, Mr. Speaker, the owner of the land was left out, too.

Mr. Speaker, the President first proposed that we give $65 million worth of public lands in Montana to this out-of-State, out-of-Nation mining company, and that caused a great uproar in Montana. Montanans feel a great attachment to the land. They hunt on it, they fish on it, they camp on it, and they enjoy it immensely for hiking and berry picking. Many Montanans, Mr. Speaker, make their living off the land.

That uproar caused the President to change his mind. Then he proposed giving $100 million out of the CRP program, the Conservation Reserve Program, to buy out this mine, and that created even a greater outrage. Environmentalists and sportsmen and farmers said, "No, don't do that, Mr. President."

So then the President asked that we give him a blank check. Mr. Speaker, the House said no. The reason that the House said no is because the President had decided to ignore two very important parties in this transaction. One is the State of Montana and the citizens of Montana but, more importantly, the property owner, Margaret Reeb.

It turns out that Margaret Reeb owns the mineral interest that the President had entered into an agreement secretly to buy out. The problem is that they never contacted Margaret Reeb, they never consulted with Margaret Reeb, and they never entered into any agreements with Margaret Reeb. It would be like, Mr. Speaker, having a neighbor come to you one day and say, "I sold my house to some people who came along, but the only way they'd buy it is if I sold them yours, too, so I sold them your house, too." That is how Margaret Reeb feels.

The secret deal was made behind closed doors, and it cut out the public. There were no hearings, there was no authority, there was no appropriation. And, Mr. Speaker, the President even cut off the National Environmental Policy Act in the process.

Montana was hurt, too. Four hundred sixty-six jobs, Mr. Speaker, will be lost; $45 million in tax revenues to the State of Montana; even Park County, MT, lost $1.2 million.

What should we do? Mr. Speaker, the Denver Post wrote an editorial on September 8. It says this:

> The Clinton administration goofed when it ignored a private landowner during negotiations to block a proposed gold mine near Yellowstone National Park. Even a first-year law student would know that to do a land swap, the landowner must be consulted. That the White House didn't do so is inexcusable.

It goes on to say:

> But as it explores all lawful alternatives, the Clinton administration should avoid acting heavy-handedly. It was Clinton's minions whose omissions left the landowner out of the loop in the first place. It's now their job to fix the problem.

Mr. Speaker, that obligation is to Margaret Reeb, and that obligation is to the people of Montana. I have proposed an alternative to this mechanism, and that alternative would save taxpayers tens of millions of dollars. It would protect the property rights of Margaret Reeb, and it would deal with the concerns of the people of the State of Montana. I would urge my colleagues to support me in this effort to propose an alternative that is fair and it is responsible, it is fair to the parties who are involved, it is fair to Margaret Reeb, and it is fair to the State of Montana.

GOLD MINE PACT BUNGLED

> The Clinton administration goofed when it ignored a private land owner during negotiations to block a proposed gold mine near Yellowstone National Park.
>
> The original proposal, involving a land swap, was put together more than a year ago by the White House, an environmental group and a major mining company.
>
> Crown Butte wanted to develop its New World Gold Mine just 3 air miles from Yellowstone. An environmental impact statement was being prepared because the mine needs the approval of federal agencies. Although the mine's supporters claimed the EIS' publication was imminent, the document actually was behind schedule.

Meantime, the National Park Service vigorously campaigned against the mine on grounds that the operation might harm Yellowstone's ecological balance and potentially disrupt its geological wonders. A rift developed between the Park Service and other federal agencies over whether the EIS would adequately address these concerns.

The White House intervened and offered Crown Butte the chance to swap the controversial property for another parcel elsewhere. That deal later unraveled, so now the Clinton administration is trying to persuade Congress to approve a cash buyout of the mining claim.

However, during this lengthy process the Clinton team apparently forgot to ask the private land owner, who had leased her property to the gold mining company, if she would be willing to sell the acreage.

She insists the land isn't for sale.

At the very least, the Clinton administration wound up with egg on its face. Even a first-year law student would know that to do a land swap, the land owner must be consulted. That the White House didn't do so is inexcusable.

This gaffe is unfortunate because it supplies new ammunition to Clinton critics who charge that the president rushed the land swap proposal to win points with environmental groups in the midst of an election campaign.

The issue now, though, is whether the Clinton team can make amends.

One possible solution would be to offer the land owner a cut of the cash.

But as it explores all lawful alternatives, the Clinton administration should avoid acting heavy-handedly. It was Clinton's minions whose omissions left the land owner out of the loop in the fist place. It's now their job to fix the problem.

MEMBER RESPONDS TO MENENDEZ PRIVILEGED RESOLUTION

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

Mr. HUNTER. Mr. Speaker, I want to take this time to do something that I was not allowed to do, because I was given no time in the debate concerning our friend Bob Dornan and the banning of Bob Dornan from the House floor under what I would consider, in the least, a very flawed hearing, if you could call it that, a gathering of Members who heard the prosecutorial statement, heard the statement by the gentleman who claimed that he was wronged, with absolutely no defense allowed to be given, no time for a defense, and then a vote and a punishment.

Mr. Speaker, all we can do is give our own perspective of events from our own experience. I want to do that right now.

Bob Dornan came in here the other day, a couple of days ago, walked over to a bunch of us right here at the majority leadership table, and had small talk with us. He did not lobby for any cause, much less for his cause. He chatted with us. In fact, he said at one point, "I know I can't lobby here. I just want to see how you guys are doing."

After a few minutes, we walked back to the cloakroom. As we sat down in the cloakroom, the gentleman from New Jersey [Mr. MENENDEZ] came rushing out on the floor and proceeded in a very pointed way to attack Mr. Dornan. He did not attack him by name. He asked the Speaker to tell him what the rules were with respect to whether or not a former Member could lobby Members of Congress on the House floor, come out here and lobby.

Of course, the gentleman from New Jersey [Mr. MENENDEZ] being an old hand at this, knows you cannot lobby. He also knows that Mr. Dornan had just been on the House floor and was the only person there, and it was a very pointed attempt to embarrass Mr. Dornan, and it worked.

So Mr. Dornan rushed back on the House floor and talked to the gentleman from New Jersey [Mr. MENENDEZ] right over here and told him what he thought of him. Maybe he should not have told him what he thought of him. Maybe he should not have used harsh words, but on the other hand, Mr. Speaker, we have had Members of Congress grab each other, mug each other, put each other in headlocks, punch each other, do all kinds of things, and that includes members of the leadership, Mr. Speaker, and we have never banned any of them from the House floor.

I just want you to consider that when a former Member comes out here, he cannot defend himself. The one thing all of us can do if another Member takes us on, especially if they take us on personally, is we can get time at the mike and we can get up and defend ourselves.

But a former Member who comes out here, who is embarrassed and humiliated by a sitting Member who stands up and starts to imply that he is out there lobbying, which is not legal or against our rules on the House floor, that former Member can do nothing. He has to sit there and take it and be humiliated.

Interestingly, in all of these other cases that have come before us when Members have grappled, punched, and done other things to each other, we have always looked at the full context of the case. We have never just taken a snapshot and said, "You shouldn't have done that." We have said, "What happened? What provoked it?" Was there a provocation?

In my assessment, Mr. Speaker, there was absolutely a provocation. Mr. Dornan was provoked to do this. The other Member did this simply to embarrass him. He knew what the rules were. He did not have to learn the rules anew. He knew darned well you cannot lobby on the House floor. He also knew that everybody who had seen Mr. Dornan on the House floor would realize that those pointed remarks were directed to him. He knew it would embarrass Mr. Dornan, and he did it, and then he proceeded to say, look what has happened to me, and to reap the benefit of that, which is this precipitous move to ban a former Member from the House floor based totally on what the prosecutorial side says happened.

□ 1930

None of us who wanted to defend Mr. Dornan had a chance to defend him. We did not have any time. I got up to make my statement, and we were out of time, because we were only given 20 minutes apiece.

So, Mr. Speaker, this has been a sad chapter in the House of Representatives, a sad chapter for people who talk about due process, talk about letting everybody have a fair hearing, talk about people being able to present their part of the evidence, present their views, their opinions. There was none of that. There was a self-serving statement by the prosecution, and then we all voted. It was a mistake, Mr. Speaker.

IN MEMORY OF MAJ. GEN. HENRY MOHR

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, I rise today to speak in honor of Maj. Gen. Henry Mohr, a personal friend, an honorable man, a devoted husband, father, grandfather, great grandfather, patriot, soldier and hero, who passed away in St. Louis on September 7, 1997.

Henry Mohr's entire adult life exemplifies in the most profound manner what it means to be a "citizen soldier." He enlisted as a private in September 1941 and was stationed at Pearl Harbor on that day that will live in infamy, December 7, 1941. While most of us know of Pearl Harbor from movies and books, Private Henry Mohr was there.

In August 1942, he earned the gold bars of a second lieutenant by completing Army Officer Candidate School. As a field artillery officer, he served throughout World War II, participating in amphibious landings in New Guinea, the Philippines, and service in Korea.

Following the war, Captain Mohr left active duty, but continued to serve in the Army Reserve until 1950. After North Korea's attack against the South, he volunteered for active duty and served throughout that conflict as well.

Following the cessation of hostilities in 1953, Captain Mohr returned to Reserve status, serving in a variety of command and staff positions as he worked his way up through the ranks. He also participated in studies designed to improve the role of Army Reserve Forces, paving the way for the seamless integration of Active and Reserve

components, years prior to Secretary of Defense Melvin Laird's formal implementation of the total army concept in the early 1970's.

Throughout the early to mid 1970's, colonel and then Brigadier General Mohr served as chief of staff, deputy commander, and then as commander of the 102d Army Reserve Command, or ARCOM, in St. Louis.

In June 1975, Henry Mohr was promoted to major general and called to active duty to serve as the Chief of the Army Reserve, commanding an Active Reserve Force of over 225,000 soldiers. During his 4-year command, General Mohr committed himself totally to the improvement of military readiness, appearing frequently before Congress to testify on immediate and strategic readiness issues, not the least of which was combat medical care, the first responsibility this Nation has to those it sends in harm's way.

The medals he wore were a testament to his character. The Nation awarded him a Legion of Merit, a Bronze Star with "V" device for valor, Presidential Unit Citation, Meritorious Service Medal with oak leaf cluster, and, upon retirement, the Distinguished Service Medal.

Impressive as it is, Major General Mohr's character was by no means defined solely by his military service. He was a devoted husband to his wife Dorothy and father of 2 sons, Philip Mohr of Lake Saint Louis, and David Mohr of Table Rock, MO, 5 grandsons, and he had 10 great grandchildren.

Mr. Speaker, to know General Mohr was to know a man of unmatched integrity and character, an officer who first and foremost cared for his troops, a man possessed of both physical and moral courage, a man who, as his family, his many friends and his fellow soldiers around the country will tell you, embodied what it means to be a patriot, a citizen soldier, a war hero, an American of the most exemplary kind. He always stood for the service and for his men, without regard to the consequences to himself personally.

We have lost a good man in Maj. Gen. Henry Mohr, his lifelong example of selfless service most of us can only aspire to. The man who can fill his boots is a rare man indeed. I hope and trust that many will accept the challenge.

To quote Shakespeare, in Julius Caesar,

* * * the elements so mix'd in him that Nature might stand up and say to all the world, "This was a man!".

General Mohr, it was an honor to know you and consider you my friend. I appreciate the advice you gave to me on military issues over the years.

Good-bye, General, God bless you. Your country will miss you.

NO TAXATION WITH REFORMATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. PAXON] is recognized for 60 minutes as the designee of the majority leader.

Mr. PAXON. Mr. Speaker, since January 1995, since the Republican majority took over the operation of the House of Representatives and the leadership of the Congress of the United States, we have accomplished, I think, many great things, many important steps forward, fulfilling our commitment to provide a new direction for this country, the will of the American people.

Those successes I believe are in many ways historic, starting with the very opening days of that Congress in January 1995, the decision to reform Congress, to open the doors of this institution once again to the American people, to diminish the power of the all-powerful committee chairs that in the past did what they chose, not what the American people chose, for example.

We also were able to pass what I think will go down in history as one of the most historic pieces of legislation of any Congress, basic fundamental welfare reform, giving our States the opportunity to replace welfare with work requirements.

We passed illegal immigration reform, and freedom to farm legislation for the first time in 60 years, changing the face positively of American farming. We passed telecommunications reform, and this year plan to extend the life of the Medicare system that has saved the lives of my parents and so many other Americans, as well as tax relief for families.

Last, but not least, we passed legislation that will balance our Nation's budget no later than the year 2002, hopefully even sooner if we can keep our steady hand on the rudder in controlling wasteful Washington spending.

These are important accomplishments, but I think the most important accomplishment is just on the horizon, and to illustrate that I want to go back to the issue of balancing our Nation's budget.

You know, sometimes we as Americans are so forward looking that we do not even look back 15 or 20 minutes, much less a couple of years. But it was two decades or longer that people in this Chamber and Americans across the country talked about, "jeez, cannot we get Congress to balance our Nation's budget again? Cannot we get our government to live within the means of the American taxpayer?"

We spent decades and decades talking about balancing our Nation's budget, but, you know, it was that Contract With America in 1994 that, right out on the steps of this Capitol, looking out across the country, we signed our names to and committed ourselves to, that finally moved the talk of balancing the Nation's budget to the reality of getting it done, the hard work of getting the Nation's budget balanced.

We walked out on those steps, signed that document, and said not just that we would balance it; we turned that talk into action and said it would be done no later than 2002.

Again, we are Americans and like to look ahead, and we sometimes forget the obstacles out there. Not only were the institutional forces of Washington, DC, opposed to balancing the budget, but they would like us to continue to just go on our merry way of spending more than we take in to pander to all the groups that Washington likes to pander to.

But you know, more than that, it just becomes an act of self-preservation of so many in Congress to talk about balancing the budget, and not really get down to the hard work. So we turned that into action in saying the budget would be balanced no later than 2002, and let the national debate begin.

Ultimately, even the opposition of the President and the other party here in the Congress could not stop the will of the American people in getting that budget balanced. Once we put that marker down, that it will be balanced by 2002, the debate began and we were able to capture the attention of the American people and build the momentum necessary to balance our Nation's budget.

Now, that process of laying down a date certain and of moving toward it is fundamental to tackling another important issue before this country that we have talked and talked and talked about for years, but we just cannot seem to get under way, and that is sweeping income tax reform.

Everywhere I go in my district in upstate New York, in the Buffalo and Rochester NY, regions and western New York and the Finger Lakes, and as I have traveled around the country and also talked to colleagues from both parties around the country, everybody at home and across America seems to agree: they are tired of the IRS and the intrusiveness of that 5.5-million-word Tax Code in their everyday lives.

They want fundamental change in the Tax Code. The American people want to have that kind of fundamental change. But Congress just keeps talking about this reform, without moving forward on it.

Of course, in this body we have some great proposals. We have proposals for a national sales tax to replace the income tax. We have proposals to have a flat rate income tax to replace the current income tax system. There are many other ideas out there, but we just cannot seem to move from talking about it to acting upon it.

Every day we wait, that Tax Code keeps putting a greater and greater burden on the backs of the American people. Just think about it for a

minute. A 5.5-million-word Tax Code enforced by 110,000 people in the Internal Revenue Service defines everything we do as American citizens. It limits our personal and economic freedom. The Tax Code discriminates against children, it discriminates against families, it discriminates against small business people and entrepreneurs. It encourages hundreds of billions of dollars, hundreds of billions of dollars, in the underground economy and in tax avoidance, things that never end up on the books, so the Government can never collect its share of them in tax revenue. Certainly the Tax Code and its complexity and unfairness lead most folks to distrust this very Congress and this very Government that has put together this monstrosity we call the Internal Revenue Code. Some friends of mine at home call the infernal revenue code, and I can understand it.

When you look back on the history of the Tax Code you can understand a bit of this. In 1913, when it was put in place, the Tax Code consisted of 11,400 words. Today, it is over 5.5 million. Americans spend $157 billion in tax compliance, having to spend that kind of money to comply with the Tax Code, just putting together all the paperwork they need to maintain and all the other reference they have to undertake, and it amounts to 5.5 billion hours wasted in this country every year putting together tax codes and compliance with the Tax Code. Gosh, couldn't you find better things with your time than complying with all those regulations?

Of course, in my view, the worst impact of this Tax Code is the fact that it has unfairly impacted families and families with children. When I was growing up in the fifties, the early fifties, the tax burden was about 3 or 4 or, at the most, 5 percent of family income. Today, the tax burden, the Federal tax burden, is about 25 percent of family income, and the total combined tax burden, Federal, State and local, is in the 38 to 40 percent range, depending upon where you live in this country.

We all agree, most of us agree, most in America and a growing number here in Congress, agree that the Internal Revenue Code and all it means is a national scandal and a disgrace that holds the greatness of this country back as we approach this new and next millennium.

I believe that if we apply the same principles and the same definition to the issue of tax reform that this Congress did to balancing our Nation's budget, putting a date certain to it, initiating a national debate, we could accomplish great things.

You know, it is almost like a race. You can talk about running a foot race, but until you establish the goal line for that race, the finish line, and until somebody shoots the starting gun to begin that race, there is no race.

We did that with balancing the budget. We said there is the goal line, 2002. Let us begin the race, figure out how we solve this problem by that year.

If we do the same thing with changing our tax system, I think we can see fundamental reform occur. Let us act now, this fall, to put on the President's desk a bill repealing the Federal Income Tax Code.

Now, that is exactly what I did. This Tuesday I submitted legislation that would accomplish that goal. It is H.R. 2483. My legislation will effectively sunset the entire Federal Income Tax Code, absent two provisions, on December 31 in the year 2000.

Three short years from this December the Federal Income Tax Code would be sunsetted, in effect repealed, under the legislation I have sponsored. The two provisions that would still be in effect are Medicare and Social Security. I repealed 96 of 99 chapters of that 5.5-million-word Federal Income Tax Code.

Now, if we have the courage and commitment in this Congress to see this through, think of what this will mean. It means that 3 short years from now, three Christmases from now, on New Year's eve 2000, Americans everywhere will get together to celebrate good riddance, wishing good riddance to the 5.5 million words of freedom-limiting gobbledygook in the Tax Code.

□ 1945

We will also say goodbye to almost all of the 110,000 bureaucrats who enforce this Tax Code with what I consider a sledgehammer, and that is the fact that we, under their eyes and under the law, are guilty until we prove ourselves innocent. It is the only place in American society really where we have that mentality, that we are guilty, we have to prove ourselves innocent.

Nothing gets Washington off its duff faster than a deadline, and my legislation, H.R. 2483, would impose one heck of a deadline. That is why I am calling this legislation No Taxation Without Reformation.

I am pleased that already many Members of Congress on both sides of the aisle have come forward to encourage this bill forward. Many are signing up to cosponsor H.R. 2483, and I am particularly pleased with the fact that the largest grassroots business organization in America, the National Federation of Independent Business, the NFIB, is stepping forward and beginning a national campaign on the issue of sunsetting the Federal Tax Code effective December 31 in the year 2000. They intend to go coast-to-coast collecting signatures of millions of Americans to present to Congress to say we want this Tax Code sunsetted. I am so encouraged by the fact that Jack Ferris and the NFIB are taking this leadership role. I am convinced that its going to have a major impact on moving this legislation forward.

Now, the impact of sunsetting the Federal Tax Code is not an end, it is the beginning. It is the gun that shoots off the debate that establishes the finish line for the race. What kind of things could we consider, then, if we begin this debate? Well, I mentioned several.

We can talk about a flat rate income tax as proposed by many folks in this Chamber, most notably the majority leader, the gentleman from Texas [Mr. ARMEY]. He wants to bounce that Tax Code and replace it with a tax system we can fill out on a postcard. We list our income and a few basic deductions and multiply it by a percentage point and send in the check. That easy. No more need to go to H&R Block and no more need to go to accountants and attorneys, no more need to keep extensive records. That easy, that simple.

Now others, including the esteemed chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], who has just conducted the tax relief provisions that we have carried forward this July in the 5-year budget plan, Chairman ARCHER wants to move forward by replacing the entire Income Tax Code with a national sales or consumption tax. We would not even have any income taxes, and that national sales tax is an alternative to the current income tax.

Then there are other proposals and many, many of them filed. There is a new one out by the Cato Institute, a very, very respected think tank that has put forward what they call the alternative maximum tax that would say that one would pay no more than 25 percent of gross income. They keep in effect, they put in place again the Federal Income Tax Code, and one could still take all of the deductions, all of the other benefits of the current system if one so chooses, or if one did not want to do that, one would just pay 25 percent of one's income. If one chose that, the alternative maximum tax, one would know that there was a ceiling the tax could not go above.

These are all great ideas. There are a lot of great ideas in this Chamber, and quite frankly there are a lot of even greater ideas probably out across the country that we have not even heard of yet that may come forward; new nuances, new ideas that could help bring about fundamental change. But our goal and the benefit that we derive of having H.R. 2483 passed is that it will begin this debate and allow Americans to come forward with these ideas.

Now, I do not know about every Member of Congress, but I know my constituents. Sometimes, and rightfully so, they are a little skeptical of what we do here. We like to talk about these great changes, but I know when I go home on weekends and conduct town meetings in western New York and the Finger Lakes, a lot of people say to me, "Paxon, it sounds good, but

when is it going to get underway? When are you going to start this?''

I am hoping that if we can get Members of Congress on board, get Members of the Senate on board, get this legislation, H.R. 2483, passed into law and down to the President this fall, we can get this national debate underway on replacing that income tax system with a flatter and fairer tax, a flat tax, or with a national sales tax or some other proposal.

I am excited about this. I am encouraged by this momentum that we are seeing develop this week alone. I could not help but be encouraged when I sat down today and took a look at some of the statistics regarding our current income tax system.

I know there are a few folks across America, and certainly there are many in this Chamber, who say well, the devil is better than the one we do not know, and maybe we better stick with the current system. But just think about some of these things that involve our current Tax Code. The complexity is staggering.

In the 1980's alone, the tax laws were changed over 100 times. In 1986 alone, the 1986 Tax Reform Act, they added over 100 new tax forms to the IRS, 100 new forms one had to look at and fill out.

Now, no wonder every year that goes by, more Americans find it impossible to figure out their own taxes. I do not need to tell my colleagues, as Members of Congress, most of them are honest, but we end up having to go to tax preparers, I know I do, because I cannot figure it out any better than the folks that I represent back in upstate New York.

The percentage of Americans using professional tax preparers rose from 41 percent in 1981 to about 50 percent today who use professional tax preparers. Money Magazine reported that the tax bill that we passed this summer and that was signed into law in August will add 37 new lines to the form used to report capital gains alone.

Now, I am very pleased that we were able to bring about reductions in capital gains taxes, but even in our effort to try to bring about reductions in capital gains taxes we added 37 new lines to the form, and you know and I know that we are going to have to go out, most Americans, and hire somebody to help us fill out those forms with all of these increases in complexity that have been put into place.

There is a huge burden in compliance with the Tax Code. Individuals spend 1.7 billion hours per year filling out their taxes. Businesses spend 3.4 billion hours filling out their taxes. No wonder two out of three or more small businesses fail in their first 2 years just trying to deal with all of this complexity, and that means job losses for Americans. Of course, and I know this is no surprise to people in my district, the problems of the IRS are profound. In 1989 alone, the IRS answered just 62.8 percent of taxpayer questions correctly. This means 24 million Americans were given the wrong answer.

In 1995, about half of the computer-generated correction notices contained inaccurate information from the IRS, and about 40 percent of the revenue collected from IRS penalty assessments was abated, set aside, when citizens challenged the penalties. Just think about that. Forty percent of the revenue that the IRS assessed was abated or repealed when people challenged their IRS decisions.

Now, folks and my colleagues, I just think that those kind of statistics should make us really understand how compelling the need is for swift action to repeal the IRS code that I want to do under H.R. 2483 and replace it with some other system. But if that does not make us want to do it, these figures will.

Earlier this year the House passed legislation, H.R. 1226, to provide criminal penalties, criminal penalties for IRS employees who snoop through taxpayer records. We may say, well, is that really happening? According to the General Accounting Office, there have been over 1,000 incidents reported of IRS snooping in taxpayer files. I want to make clear, it is not every IRS employee, it is a small number that are doing this. However, in my home area, in Buffalo, NY in early April of this year it was revealed that 18 Buffalo IRS agents snooped through tax returns, and unfortunately just two were fired for their actions.

We have 110,000 IRS employees in this bureaucracy, most of whom are doing their job diligently, but they are enforcing a Tax Code that is unenforceable, indecipherable, misunderstood by everybody, whether one is trying to prepare taxes or the folks who oversee it, and then we find a few people are abusing their jobs at the IRS, and out of the 18 of the agents that were charged, just 2 were fired in my hometown of Buffalo, NY.

The IRS itself has grown dramatically. Today, the IRS employs 113,000 people. I was wrong, it is not 110, it is 113,000. But contrast that with other Federal agencies. The FBI out there on the front lines of the war against criminals, only 24,000 compared to the 113,000 at the IRS. The Immigration Service, 12,000 defending our borders, yet 10 times that many in the IRS. The Drug Enforcement Administration waging a tough fight against the war on drugs, only 5,700 employees. We have 113,000 in the IRS. The border patrol again at our Nation's borders, 5,800 people.

Would it not be better if we could get rid of that IRS, get rid of that Tax Code, replace it with a flatter, fairer income tax or a national sales tax or consumption tax or something else, and take some of those IRS employees and retrain them to help our FBI agents in the war on crime or our border patrol or our INS or our DEA as they try to keep people out or keep drugs out of our Nation.

Of course recently, and again I know this is no surprise, folks at home and in this Chamber know these statistics, but Money Magazine every year selects a group of professional tax preparers and asks them to complete the tax returns for a fictional family. They put together some numbers. The same numbers are submitted to a group of professional preparers.

This past March Money Magazine gave this test to 45 different preparers, and it comes as no surprise, they received 45 different answers. Only one-quarter of the preparers even came within $1,000 of the correct answer. How can we have confidence in a system that is so impossible to comprehend, even by the professionals who are supposed to understand all of this?

Now, it is not the first time that we would have the opportunity to repeal the income tax. In 1861 the U.S. Government passed the first income tax. It was 3 percent on net incomes over $800, and 1.5 percent on income from government bonds. The tax was so unpopular that the Treasury Secretary then, Salmon P. Chase, refused to collect it.

In 1862 Congress mandated the collection of this income tax that remained in effect even after the Civil War ended. It was so unpopular that Congress passed a law in 1870 to repeal the income tax starting in 1872. Now, it did not take commissions or blue ribbon panels to figure that out. They set a deadline, they passed the tax, and then they repealed it.

My friends, I have to say this. My colleagues in this Chamber, the time has come to do what the American people want us to do. The time has come to have some courage, to stand up and say we are going to turn our backs on the special interests, we are going to turn our backs to the special interest breaks that are out there for a few, the privileged few. We are going to tell our constituents that it is time to involve them in the process, for a change, of determining policy in this country.

Let us shoot that gun to start the debate, the race. Let us set the finish line of December 31, 2000, to sunset the Federal Tax Code, to end it, and let us begin that great race, that great debate, that great discussion with the American people on what should replace it.

I am convinced that this Congress has done many great things in the past couple of years: welfare reform, the effort to balance our Nation's budget, so many other good pieces of legislation. But I believe as we begin the new millennium on January 1, 2001, what a

great way to start that new millennium and what a great hope and opportunity for our children and grandchildren and frankly for ourselves, to begin our new millennium and our place in an even stronger economy in the global marketplace, by repealing this Income Tax Code and replacing it with something that the American people can trust and believe in once again.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 17, 1997

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GOSS (at the request of Mr. ARMEY), on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT), on account of illness.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. ARMEY), for today on account of family illness.

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), for today, after 3 p.m., on account of personal reasons.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

(The following Members (at the request of Mr. HILL) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mrs. MCCARTHY of New York.

Mr. HINCHEY.

Mr. KENNEDY of Massachusetts.

Mr. LAFALCE.

Ms. STABENOW.

Mr. ROEMER.

Mr. GORDON.

Mr. BERMAN.

Mr. FAZIO.

Mr. KUCINICH.

Mr. KANJORSKI.

Mr. EVANS.

Mr. FARR of California.

Mr. DELLUMS.

Mr. NADLER.

Mr. MENENDEZ.

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

Mr. TALENT.

Mr. GALLEGLY.

Mrs. MORELLA.

Mr. MCCOLLUM.

Mr. RADANOVICH.

Mr. CUNNINGHAM.

Mr. THOMAS.

Ms. ROS-LEHTINEN.

Mr. GINGRICH.

Mr. BEREUTER.

Mr. CAMP.

Mr. STUMP.

Mr. DUNCAN.

Mr. CRANE.

Mr. MICA.

Mr. WELDON of Pennsylvania.

Mr. PORTER.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, September 22, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

5085. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Amended Assessment Rate for Domestically Produced Peanuts Handled by Persons Not Subject to Marketing Agreement No. 146, and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts [Docket No. FV97-998-3 IFR] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5086. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Imported Seed and Screenings [Docket No. 93-126-5] (RIN: 0579-AA64) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Reporting Requirements For Risk/Benefit Information [OPP-60010H; FRL-5739-1] (RIN: 2070-AB50) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cloransulammethyl; Pesticide Tolerances [OPP-300550; FRL-5744-2] (RIN: 2070-AB78) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5089. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Tree Assistance Program [Workplan No. 97-011] (RIN: 0560-AF17) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5090. A communication from the President of the United States, transmitting an amendment to the FY 1998 appropriations request for the Department of the Treasury, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—132); to the Committee on Appropriations and ordered to be printed.

5091. A communication from the President of the United States, transmitting amendments to the FY 1998 appropriations requests for the Office of the United States Trade Representative (USTR) and the Department of Transportation, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105-133); to the Committee on Appropriations and ordered to be printed.

5092. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Investment Partnerships Program—Additional Streamlining [Docket No. FR-4111-F-02] (RIN: 2501-AC30) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5093. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

5094. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to the Community Support Requirement [No. 97-56] (RIN: 3069-AA35) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Hospital, Medical, and Infectious Waste Incinerators [AD-FRL-5878-8]

(RIN: 2060–AC62) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for the State of Alabama—Proposed Disapproval of the Request to Redesignate the Birmingham, Alabama (Jefferson and SHELBY Counties) Marginal Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan [AL–40–7142; FRL–5895–5] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Interim Final Determination for the Enhanced Motor Vehicle Inspection and Maintenance Programs [VA–056–5023; FRL–5895–6] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5098. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization and Incorporation By Reference of State Hazardous Waste Management Program [FRL–5871–3] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5099. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan: Employee Commute Options (Employer Trip Reduction) Program for Texas [TX–21–1–7345a; FRL–5894–4] September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5100. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–5895–8] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New York [Region 2 Docket No. NY24–2–172b, FRL–5892–5] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5102. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services; Petitions for Reconsideration of the Commission's Competitive Bidding Rules [CC Docket No. 92–297] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5103. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Disqualification of a Clinical Investigator [Docket No. 95N–0138] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5104. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Definition of Safety-Related Structures, Systems, and Components; Technical Amendment (RIN: 3150–AF75) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5105. A letter from the Director, Bureau of the Census, transmitting the Bureau's final rule—Revision of Section 30.56(b): Conditional Exemptions for Filing Shipper's Export Declarations (SED) for Tools of Trade [Docket No. 970624153–7228–02] (RIN: 0607–AA23) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5106. A letter from the Information Officer, Defense Nuclear Facilities Safety Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5107. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Methods of Withdrawing Funds from the Thrift Savings Plan [5 CFR Part 1650] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5108. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Claims Collection [5 CFR Part 1639] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5109. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors [5 CFR Part 1605] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5110. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Group Life Insurance Program: Merger of Life Insurance Regulations; Living Benefits; Assignment of Life Insurance (RIN: 3206–AF32, 3206–AG79, 3206–AG68) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5111. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration (General); Severance Pay for Panama Canal Commission Employees (RIN: 3206–AF89) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5112. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 091097C] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5113. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 091097D] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5114. A letter from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category [I.D. 090897C] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5115. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Regulatory Program [VA–106–FOR] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5116. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Buy America; Rolling Stock, Technical Amendment (RIN: 2132–AA59) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5117. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft-Manufactured Model S–64E Helicopters (Federal Aviation Administration) [Docket No. 96–SW–04–AD; Amdt. 39–10130; AD 97–19–10] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5118. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–220–AD; Amdt. 39–10121; AD 97–19–01] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5119. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–229–AD; Amdt. 39–10125; AD 97–19–05] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5120. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–182–AD; Amdt. 39–10127; AD 97–19–07] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5121. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters (Federal Aviation Administration) [Docket No. 94–SW–28–AD; Amdt. 39–10129; AD 97–19–09] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5122. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–180–AD; Amdt. 39–10128; AD 97–19–08] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5123. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Eagle River, WI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-24] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5124. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Frostburg, PA; Correction (Federal Aviation Administration) [Airspace Docket No. 97-AEA-007] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5125. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lawrenceville, IL (Federal Aviation Administration) [Airspace Docket No. 97-AGL-25] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5126. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Preston, MN (Federal Aviation Administration) [Airspace Docket No. 97-AGL-20] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5127. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification to the Saipan Class D Airspace Area; CQ (Federal Aviation Administration) [Airspace Docket No. 96-AWP-6] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5128. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Moorhead, MN (Federal Aviation Administration) [Airspace Docket No. 97-AGL-21] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5129. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills [31 CFR Part 357] received August 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalty-free Withdrawals from IRAs for Higher Education Expenses [Notice 97-53] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5131. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Interpretation of Federal Means-Tested Public Benefit—received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5132. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to require that the Secretary of Agriculture and the Secretary of Health and Human Services develop and implement a scientific, cost-effective strategy to effectively and efficiently address the public health risks related to shell eggs and egg products, including risks during transportation and storage; jointly to the Committees on Commerce and Agriculture.

5133. A letter from the Secretary of Health and Human Services, transmitting a report entitled "Protecting Workers Exposed to Lead-Based Paint Hazards," pursuant to Public Law 102-550, section 405(c)(2); jointly to the Committees on Commerce and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1460. A bill to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes: with an amendment (Rept. 105-253). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee of Conference. Conference report on H.R. 2209. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-254). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 232. Resolution waiving points of order against the conference report to accompany 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 (Rept. 105-255). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1683. A bill to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; with an amendment (Rept. 105-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary, H.R. 2027. A bill to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision (Rept. 105-257). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2181. A bill to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes (Rept. 105-258). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. SESSIONS, Mr. STUMP, Mr. BARRETT of Nebraska, Mrs. EMERSON, Mr. TIAHRT, Mr. HASTINGS of Washington, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. POMBO, Mr. HERGER, Mr. BONO, Mr. WATKINS, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. BISHOP, Mr. HILL, Mr. TAYLOR of North Carolina, Mr. CALVERT, Mr. RIGGS, Mr. FAZIO of California, Mr. CONDIT, Mr. DOOLEY of California, Mr. HAYWORTH, and Mr. MORAN of Kansas):

H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. BECERRA, Mr. ROMERO-BARCELÓ, Ms. SANCHEZ, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. MARTINEZ, Mr. ORTIZ, Mr. TORRES, Mr. SERRANO, Mr. PASTOR, Mr. GUTIERREZ, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. UNDERWOOD, Mr. REYES, Mr. RODRIGUEZ, Mr. BLUMENAUER, Mr. GREEN, Mr. HASTINGS of Florida, Mr. FORD, Ms. JACKSON-LEE, Mr. FATTAH, and Mr. DELLUMS):

H.R. 2495. A bill to amend the Higher Education Act of 1965 to increase postsecondary education opportunities for Hispanic students and other student populations underrepresented in postsecondary education; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. ARMEY, Mr. BLUNT, Mr. BURTON of Indiana, Mr. CHABOT, Mr. COBLE, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. CRAPO, Mr. DOOLITTLE, Mr. ENGLISH of Pennsylvania, Mr. GIBBONS, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KASICH, Mr. KLUG, Mr. KNOLLENBERG, Mr. LINDER, Mr. McINTOSH, Mr. MILLER of Florida, Mr. NEUMANN, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. REDMOND, Mr. ROGAN, Mr. SAXTON, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SNOWBARGER, Mr. SOLOMON, and Mr. SUNUNU):

H.R. 2496. A bill to create a tax cut reserve fund to protect revenues generated by economic growth; to the Committee on the Budget.

By Mr. ARCHER (for himself, Mr. THOMAS, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. LIVINGSTON, Mr. HYDE, Mr. STUMP, Mr. COMBEST, Mr. TALENT, Mr. CRANE, Mr. NORWOOD, Mr. GANSKE, Mr. LINDER, Mr. PAUL, Mr. COOKSEY, Mr. COBURN, Mr. SHAW, Mr. McCRERY, Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, Mr. COLLINS, Mr. CAMP, Mr. SAM JOHNSON, Mr. ENSIGN, Mr. HAYWORTH, Mr. WELLER, Mr. ISTOOK, Mr. ROHRABACHER, Mr. DAN SCHAEFER of Colorado, Mr. BARTON of Texas, Mr. BONILLA, Mr. BOB SCHAFFER, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. SMITH of Michigan, Mr. HASTINGS of Washington, Mr. MANZULLO, Mrs. CUBIN, Mr. HOEKSTRA, Mr. UPTON, Mr. HOSTETTLER, Mr. KNOLLENBERG, Mr. STEARNS, Mr. DICKEY, Mr. THORNBERRY, Mr. SESSIONS, Mr. CANNON, Ms. GRANGER, Mr. BRADY, Mr. HILL, and Mr. SALMON):

H.R. 2497. A bill to amend title XVIII of the Social Security Act to clarify the right of

Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHRISTIAN-GREEN (for herself, Mr. RANGEL, and Mr. JEFFERSON):

H.R. 2498. A bill to amend the Harmonized Tariff Schedule of the United States to extend to certain fine jewelry certain trade benefits of insular possessions of the United States; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. COYNE, Mr. HERGER, and Mrs. THURMAN):

H.R. 2499. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself and Mr. BOUCHER):

H.R. 2500. A bill to amend title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 2501. A bill to provide for the conveyance of all right, title, and interest of the United States in a small parcel of real property included in the Cherokee National Forest in the State of Tennessee so as to provide clear title to the church occupying and using the property; to the Committee on Agriculture.

By Mr. DUNCAN (for himself and Mr. JENKINS):

H.R. 2502. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. HYDE):

H.R. 2503. A bill to estabish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 2504. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for the marked graves of certain individuals; to the Committee on Veterans' Affairs.

By Mr. LAFALCE:

H.R. 2505. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to permit certain United States citizens traveling by small pleasure craft to enter the United States from Canada without obtaining a landing permit or applying for admission at a port of entry and to authorize the Attorney General to eliminate the fee associated with the issuance of an I-68 landing permit; to the Committee on the Judiciary.

By Mr. McINNIS:

H.R. 2506. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 2507. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 2508. A bill to provide for the conveyance of Federal land in San Joaquin County, CA, to the city of Tracy, CA; to the Committee on Government Reform and Oversight.

By Mr. REGULA (for himself, Mr. NEY, Mrs. THURMAN, Mrs. EMERSON, and Mr. ENGLISH of Pennsylvania):

H.R. 2509. A bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 2510. A bill to prevent Members of Congress from receiving any automatic pay adjustment which might otherwise take effect in 1998; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS:

H.R. 2511. A bill to prohibit the Student Loan Marketing Association from conditioning the waiver of redemption premiums, otherwise chargeable in connection with the refinancing of securities acquired by the Association while it was a government-sponsored enterprise, on the use of its own investment banking subsidiary; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. FOGLIETTA, Mr. KING of New York, Mr. BONIOR, Mr. PAXON, Mr. LEVIN, Mr. GEJDENSON, Mrs. KELLY, Ms. PELOSI, Mr. PASCRELL, Mr. MASCARA, Mrs. KENNELLY of Connecticut, Mr. SCHUMER, Mr. McGOVERN, Mrs. MORELLA, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. LAFALCE, Mrs. LOWEY, and Mr. TRAFICANT):

H. Con. Res. 153. Concurrent resolution commending Italy for its efforts to resolve the crisis in Albania and to promote democracy and a market-based economy in Albania; to the Committee on International Relations.

By Mr. SAWYER (for himself and Mrs. MORELLA):

H. Con. Res. 154. Concurrent resolution expressing the sense of the Congress that the United States should develop, promote, and implement policies to achieve the voluntary stabilization of the population growth of the Nation; to the Committee on Commerce.

By Mr. MENENDEZ:

H. Res. 233. A resolution relating to a question of the privileges of the House; considered and agreed to.

By Mr. FARR of California:

H. Res. 234. A resolution congratulating the city of Gonzales, CA, on the 50th anniversary of its incorporation and recognizing the contribution of the city's residents to the Nation; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. ACKERMAN, Mr. BALDACCI, Mr. BALLENGER, Mr. BARRETT of Wisconsin, Mr. BARTON of Texas, Mr. BERRY, Mr. BOEHLERT, Mr. BONO, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of California, Mr. BURTON of Indiana, Mr. CAMP, Mr. CAMPBELL, Mr. CANNON, Mr. CARDIN, Mr. CHABOT, Mrs. CHENOWETH, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. CONYERS, Mr. COOK, Mr. COOKSEY, Mr. CRAMER, Ms. DANNER, Mr. DAVIS of Virginia, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. ETHERIDGE, Mr. EWING, Mr. FAWELL, Mr. FAZIO of California, Mr. FILNER, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILLMOR, Mr. GILMAN, Mr. GORDON, Mr. GOSS, Mr. GRAHAM, Mr. GREEN, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HASTERT, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLIARD, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HYDE, Mr. JACKSON, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KING of New York, Mr. KLECZKA, Mr. LAZIO of New York, Mr. McCRERY, Mr. McINTOSH, Mr. McNULTY, Mr. MICA, Mrs. MINK of Hawaii, Mr. MURTHA, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. PICKERING, Mr. PITTS, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RILEY, Mr. ROGAN, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. SALMON, Mr. SANDLIN, Mr. SAWYER, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. SUNUNU, Mr. TALENT, Mrs. TAUSCHER, Mrs. THURMAN, Mr. TRAFICANT, Mr. UPTON, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. WAXMAN, Mr. WEYGAND, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Ms. DUNN, Mr. SABO, and Mr. WELLER):

H. Res. 235. Resolution expressing support for the goals of National Mammography Day; to the Committee on Commerce.

By Ms. KAPTUR (for herself, Mrs. McCARTHY of New York, Mr. ALLEN, Mr. PASCRELL, Mr. DEFAZIO, Mr. MILLER of California, Ms. DELAURO, Ms. ESHOO, Mr. FARR of California, Mrs. MINK of Hawaii, Ms. WOOLSEY, and Mrs. MALONEY of New York):

H. Res. 236. A resolution to express the sense of the House of Representatives on consideration of comprehensive campaign finance reform; to the Committee on House Oversight.

By Ms. WOOLSEY (for herself, Mrs. LOWEY, Ms. DEGETTE, Ms. KAPTUR, Mr. TORRES, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Ms. FURSE, Mr. STARK, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. TIERNEY, Mr. OLVER, Mr. LUTHER, Mr. TAYLOR of Mississippi, Mr. ENGEL, Mr. GREEN, Ms. LOFGREN, Mr. FORD, Mr. KENNEDY of Massachusetts, Mr. FALEOMAVAEGA, Mr. VENTO, and Mr. SHAYS):

H. Res. 237. Resolution to limit the access of lobbyists to the Hall of the House, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

208. The SPEAKER presented a memorial of the House of Representatives of the State of Alabama, relative to House Resolution 133 encouraging the U.S. Congress to adopt the Parents and Students Savings Accounts Plus Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DELAHUNT:

H.R. 2494. A bill to authorize and request the President to award the Medal of Honor to James L. Cadigan, of Hingham, MA; to the Committee on National Security.

By Mr. SISISKY:

H.R. 2512. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Old Joe*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

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

H.R. 84: Mr. MARTINEZ.

H.R. 135: Mrs. JOHNSON of Connecticut.

H.R. 136: Mr. FOLEY.

H.R. 164: Mr. ABERCROMBIE, Mr. WEYGAND, Mr. LEVIN, Mr. BOEHLERT, Mr. DEFAZIO, Mrs. KELLY, Ms. KAPTUR, Mr. JENKINS, and Mr. BURTON of Indiana.

H.R. 165: Mr. REYES.

H.R. 292: Mr. HASTINGS of Washington.

H.R. 339: Mr. CHRISTENSEN.

H.R. 525: Mr. COX of California.

H.R. 610: Mr. MINGE.

H.R. 663: Mr. WATT of North Carolina.

H.R. 687: Mr. RUSH.

H.R. 754: Ms. HOOLEY of Oregon and Mr. KUCINICH.

H.R. 768: Mr. MICA.

H.R. 786: Mr. BOUCHER.

H.R. 836: Ms. DANNER, Mr. MCNULTY, Mr. BENTSEN, Mr. SCHUMER, and Mr. STRICKLAND.

H.R. 953: Mr. MATSUI.

H.R. 978: Mr. GRAHAM.

H.R. 988: Mrs. KELLY.

H.R. 991: Mr. KUCINICH.

H.R. 1073: Mr. MCGOVERN and Mr. JONES.

H.R. 1111: Mr. BISHOP, Mr. MENENDEZ, Mr. SNYDER, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. LUCAS of Oklahoma, Mr. BLAGOJEVICH, Mr. BENTSEN, Mrs. THURMAN, Mr. LIPINSKI, Mr. QUINN, Mr. BALDACCI, and Mr. OBERSTAR.

H.R. 1114: Mr. GREEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE, Mr. HALL of Texas, and Mr. MCHUGH.

H.R. 1126: Mr. ANDREWS.

H.R. 1151: Mr. LEVIN and Mr. MCGOVERN.

H.R. 1159: Ms. ESHOO and Mr. BALDACCI.

H.R. 1173: Mr. MARKEY, Mr. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TAUSCHER, and Mr. WHITFIELD.

H.R. 1215: Mr. ROTHMAN and Mr. ANDREWS.

H.R. 1260: Mr. SHAW.

H.R. 1270: Mr. YOUNG of Florida.

H.R. 1283: Mr. HOSTETTLER and Mr. LEWIS of Kentucky.

H.R. 1284: Mr. NADLER.

H.R. 1289: Mr. CUNNINGHAM, Mrs. FOWLER, Mrs. MYRICK, and Mr. HOLDEN.

H.R. 1371: Mr. SENSENBRENNER.

H.R. 1376: Mr. TOWNS, Mr. WATT of North Carolina, Mr. NEAL of Massachusetts, Ms. CARSON, and Mr. STOKES.

H.R. 1415: Mr. FOGLIETTA, Ms. RIVERS, Mr. EVANS, Mr. SAXTON, Ms. SLAUGHTER, and Mr. UPTON.

H.R. 1507: Mr. TORRES, Mr. COSTELLO, Mr. DEFAZIO, Mrs. EMERSON, and Mr. STRICKLAND.

H.R. 1531: Mr. WALSH.

H.R. 1537: Ms. BROWN of Florida.

H.R. 1567: Mr. ENSIGN and Mr. CANNON.

H.R. 1608: Mr. COBURN, Mr. WOLF, Mr. SHERMAN, Mr. CUNNINGHAM, and Mr. YATES.

H.R. 1704: Mr. BASS, Mr. NORWOOD, and Mr. POMBO.

H.R. 1714: Mr. CHAMBLISS and Mr. COLLINS.

H.R. 1768: Mr. GIBBONS.

H.R. 1776: Mr. LUTHER.

H.R. 1839: Ms. HARMAN, Mr. ROYCE, Mr. BOEHLERT, Mr. KNOLLENBERG, Mr. BASS, Mrs. LOWEY, Mr. GOODLATTE, Mr. ETHERIDGE, and Mr. EDWARDS.

H.R. 1951: Mr. BROWN of California, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. KIND of Wisconsin, and Mr. SAWYER.

H.R. 2034: Mr. ENGLISH of Pennsylvania, Ms. DANNER, Mr. GRAHAM, and Mr. BARTLETT of Maryland.

H.R. 2069: Mr. EVANS.

H.R. 2139: Mr. THORNBERRY, Mr. DELLUMS, and Mr. SANDLIN.

H.R. 2174: Mrs. JOHNSON of Connecticut, Mr. PALLONE, and Mr. CONYERS.

H.R. 2232: Mr. ROHRABACHER, Mr. GIBBONS, Mr. MCINTOSH, Mr. SAM JOHNSON, Mr. SHADEGG, and Mr. SPENCE.

H.R. 2233: Mr. FALEOMAVAEGA.

H.R. 2327: Mrs. LINDA SMITH of Washington, Mr. NETHERCUTT, Mr. SCARBOROUGH, Mr. GANSKE, Mr. SALMON, Mrs. KELLY, Mr. SKEEN, Mr. BONILLA, Mr. THORNBERRY, Mr. ROHRABACHER, Mr. BARRETT of Nebraska, Mr. WHITFIELD, Mr. CHRISTENSEN, Mr. BEREUTER, Mr. BLUNT, Mr. BLILEY, Mr. POMEROY, Mr. TALENT, Mr. COX of California, Mr. SUNUNU, Mr. DAVIS of Virginia, Mr. SENSENBRENNER, and Mr. SISISKY.

H.R. 2331: Mr. PETERSEN of Minnesota, Ms. SLAUGHTER, and Mr. HOLDEN.

H.R. 2332: Mr. STUPAK and Mr. SENSENBRENNER.

H.R. 2351: Mrs. MCCARTHY of New York, Mr. WATT of North Carolina, Mr. DIXON, and Mr. SABO.

H.R. 2360: Mr. ARMEY.

H.R. 2365: Mr. GUTIERREZ.

H.R. 2367: Ms. WATERS, Mrs. MCCARTHY of New York, and Mr. HEFNER.

H.R. 2373: Mr. ADERHOLT and Mr. HASTERT.

H.R. 2380: Mr. MARTINEZ.

H.R. 2390: Mr. YATES, Mr. PASCRELL, Mr. SANDERS, Mr. TRAFICANT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. TIERNEY, Ms. SLAUGHTER, Mr. OLVER, Ms. STABENOW, Mr. CUMMINGS, Mrs. KENNELLY of Connecticut, and Mr. DEFAZIO.

H.R. 2404: Mr. KLECZKA and Mr. FROST.

H.R. 2438: Mr. NETHERCUTT, Mr. DELAY, Mr. JONES, Mr. DOOLITTLE, Mr. HILLEARY, Mr. BURTON of Indiana, Mr. GIBBONS, Mr. BRADY, and Mr. CANNON.

H.R. 2451: Mr. DELLUMS, Mr. GEJDENSON, Mrs. LOWEY, Mr. STARK, Mr. FALEOMAVAEGA, and Mr. FROST.

H.R. 2456: Mr. COBLE, Mr. CRANE, Mr. DELAY, Mr. DICKEY, Mr. COX of California, Mr. SENSENBRENNER, Mr. SAM JOHNSON, and Mr. SNOWBARGER.

H.R. 2458: Mr. DOOLITTLE, Mr. GIBBONS, and Mr. PETERSON of Pennsylvania.

H.R. 2459: Ms. ROYBAL-ALLARD, Ms. BROWN of Florida, Mrs. TAUSCHER, Mr. SYNDER, Ms. DANNER, Mr. DEFAZIO, and Mr. STUPAK.

H.R. 2490: Mr. KASICH, Mr. CHAMBLISS, Mr. FORBES, Mr. HILLEARY, Mr. HOEKSTRA, Mr. JONES, Mr. MANZULLO, Mr. PACKARD, Mr. REDMOND, Mr. THORNBERRY, and Mr. WAMP.

H.J. Res. 28: Ms. DANNER.

H. Con. Res. 65: Mr. SCOTT.

H. Con. Res. 91: Mr. ALLEN and Ms. ROYBAL-ALLARD.

H. Con. Res. 121: Mr. GILMAN, Mr. DELLUMS, Mr. MARKEY, Mr. ENGEL, Mr. MCHALE, Ms. HOOLEY of Oregon, Mr. PAPPAS, Mr. VISCLOSKY, Mr. DEUTSCH, Mr. WATTS of Oklahoma, Mr. HOSTETTLER, Mr. BROWN of Ohio, Mr. BOYD, Mr. WOLF, Mr. MEEHAN, Mr. ABERCROMBIE, Mr. LEVIN, Mr. MCNULTY, Mr. BUNNING of Kentucky, Mr. PASTOR, Mr. SAXTON, Mr. BORSKI, Mr. COYNE, Mr. MCGOVERN, Mr. POSHARD, Mrs. KELLY, Mr. LOBIONDO, Mr. FOLEY, Mrs. MCCARTHY of New York, Mr. MASCARA, Mr. TURNER, Mr. LAMPSON, Mr. KINGSTON, Mr. GOODE, Ms. SANCHEZ, Ms. KILPATRICK, Mr. WELLER, Mr. SHIMKUS, Mr. NETHERCUTT, Mr. TIERNEY, Mr. DOYLE, Mrs. EMERSON, Mr. SHADEGG, Mr. YOUNG of Alaska, Mr. BENTSEN, Mr. REYES, Ms. SLAUGHTER, Mrs. TAUSCHER, and Mr. HOLDEN.

H. Con. Res. 126: Mr. MCNULTY, Mr. FRELINGHUYSEN, Ms. ESHOO, Mr. ROYCE, Mr. ANDREWS, and Mr. SOLOMON.

H. Con. Res. 131: Mr. PORTER.

H. Con. Res. 151: Mr. REDMOND, Mr. PICKETT, Mr. CANNON, Mr. GIBBONS, Mr. KOLBE, and Mr. TAUZIN.

H. Res. 139: Mr. LARGENT and Mr. NUSSLE.

SENATE—*Thursday, September 18, 1997*

The Senate met at 9:10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain Rabbi Mel Hecht, Temple Beth Am, Las Vegas, NV, a guest of Senator HARRY REID.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rabbi Mel Hecht, Temple Beth Am, Las Vegas, NV, offered the following prayer:

Let us pray.

Heavenly Lord of us all, You have taught us the necessity of governing by law, yet we have also learned that law is meant to be in the service of humanity, not humanity to law, for just as Your law helps in Tikkun Olam, in the repair of a broken world, so should our law help mend the broken spirits and broken places of our land. In the process of fulfilling such a mandate, the collective ethic which permeates this American experiment of ours has come to oppose slavery in any form, including slavery to those laws, policies, or procedures which may no longer speak to the challenges of our time and circumstance.

We are about to embark on a journey through another century, so we ask, Lord, may we approach the turn of our century in the same spirit that our Founding Fathers and mothers approached theirs, by believing in our hearts, as Thomas Paine advised, that we have it in our power to begin the world over again, to which we add: To make it infinitely better than it was before we entered it, to build toward an even greater freedom and justice in ways never dreamed of before, and to embrace those of our citizens who have yet to share in liberty's bounty, as is their inalienable right.

We pray, therefore, that our deliberations and decisions transcend the limits of political concerns to evolve statutes and ordinances, laws and commandments which serve the people and provide for the humanity. May they be laws which enhance justice and which help to establish an everlasting peace both within the hearts of as well as among the inhabitants of our land.

May future generations look back upon the work fostered and initiated by us who will be their ancestors as we have looked to and built upon the accomplishments of our Founding Fathers and mothers. May they come to praise us for expanding their freedom, their liberty, their opportunity for material and spiritual well-being, bringing ever nearer the longed-for day of Thy kingdom on Earth. In whatever name we pray, let us say Amen.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to speak out of order and my time not be charged against the Senator from Texas for her 20 minutes.

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

RABBI MEL HECHT

Mr. REID. Mr. President, I am very happy today to welcome to the Senate and Washington, DC, Rabbi Mel Hecht. I do this on my behalf and that of Senator BRYAN from Nevada.

I have been in the presence of Rabbi Hecht on joyous occasions, bar mitzvahs and bat mitzvahs, and also sad occasions where he has spoken at funerals. Rabbi Hecht is truly one of the spiritual leaders of the Greater Las Vegas area and the State of Nevada. That is why I was very happy to be responsible for his giving the prayer to open this session of the Senate.

Rabbi Mel Hecht is really a community builder. He is an active leader in our religious community and as a result of his being active in our religious community with his spiritual leadership this has certainly flowed over into the rest of the community. He is deeply concerned about the community of man. He is an outspoken advocate for human rights. He has worked for peace in many different aspects of our society.

Rabbi Hecht has a great academic background. He has a bachelor of arts degree from the University of Miami in Florida. He has done some of his undergraduate work at the Hebrew University in Jerusalem, Israel. He completed his bachelor of Hebrew letters and master of Hebrew letters at the Cincinnati Union College where he was ordained a rabbi. He has been an Army chaplain and race relations officer in Germany. He served as chairman of the Humana Sunrise Pastoral Care Council, the National Conference of Christians and Jews, Nevada Clergy Against Drug and Alcohol Abuse, and the Jewish Federation Community Relations Committee. He has been on the boards of numerous civic and charitable organizations. He has recently received his doctor of divinity degree from Hebrew Union College in California.

Mr. President, again, it is with a great deal of honor and pleasure that I welcome one of Nevada's spiritual leaders, Rabbi Mel Hecht, to the Senate.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order the leadership time is reserved.

The Senator from Texas is recognized.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the majority leader, this morning the Senate will resume consideration of H.R. 2107, the Interior appropriations bill, with me being recognized regarding my amendment on the NEA. Following 20 minutes of debate on that amendment, the Senate will vote on or in relation to that NEA amendment. Therefore, Senators can anticipate the first rollcall at approximately 9:30 this morning. It will be probably around 9:40.

Following that vote, it is hoped that Members will cooperate with the managers of the Interior appropriations bill in offering their amendments and working on short time agreements. The majority leader has stated that we will complete action on this bill today.

With that in mind, Senators can anticipate additional rollcall votes throughout today's session of the Senate.

I thank the Members.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2107, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchinson amendment No. 1186, to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualified rivers by Act of Congress.

AMENDMENT NO. 1186 TO THE COMMITTEE AMENDMENT ON PAGE 96, LINE 12, THROUGH PAGE 97, LINE 8

(Purpose: To provide for funding of the National Endowment for the Arts)

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes debate on the Hutchison amendment No. 1186, the time to be equally divided.

Mrs. HUTCHISON. Mr. President, I call up my amendment to the NEA bill, which is the appropriate order.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1186 to the committee reported amendment beginning on page 96, line 12, through page 97, line 8.

The amendment is as follows:

Beginning on page 96, strike line 14 and all that follows through line 8 on page 97, and insert the following:

(a) FUNDING.—For necessary expenses of the National Endowment for the Arts, $100,060,000 to be used in accordance with this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Of the amount appropriated under subsection (a), the Chairman of the National Endowment for the Arts shall use—

(A) not less than 75 percent of such amount to make block grants to States under subsection (c);

(B) not less than 20 percent of such amount to make grants to national groups or institutions under subsection (d); and

(C) not more than 5 percent for the administrative costs of carrying out this section, including any costs associated with the reduction in the operations of the National Endowment for the Arts.

(2) LIMITATION ON ADMINISTRATIVE COSTS.—With respect to the budget authority provided for in this section, not more than $1,525,915 shall be available for obligation with respect to the administrative costs described in paragraph (1)(C) prior to September 30, 1998.

(c) BLOCK GRANTS TO STATES OR TERRITORIES.—

(1) IN GENERAL.—The Secretary shall award block grants to States under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State or Territory shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under the grant will be used to fund programs that are determined to be obscene.

(3) AMOUNT OF GRANT.—

(A) IN GENERAL.—Of the amount available for grants under this subsection, the Chairman shall allot to each State (including the District of Columbia) or Territory an amount equal to—

(i) with respect to a State, the amount under subparagraph (B); and

(ii) with respect to a territory, the amount determined under subparagraph (C).

(B) FORMULA.—The amount determined under this subparagraph with respect to a State (or the District of Columbia) shall be equal to—

(i) subject to subparagraph (D), the aggregate of the amounts provided by the National Endowment for the Arts to the State (or District), and the groups and institutions in the State (or District), in fiscal year 1997; and

(ii) an amount that bears the same relationship to the amounts remaining available for allotment for the fiscal year involved after the amounts are determined under clause (i), as the percentage of the population of the State (or District) bears to the total population of all States and the District.

(C) TERRITORIES.—The amount determined under this subparagraph with respect to a territory shall be equal to the aggregate of the amounts provided by the National Endowment for the Arts to the territory, and the groups and institutions in the territory, in fiscal year 1997.

(D) LIMITATION.—Notwithstanding the formula described in subparagraph (B), the allotment for a State (or the district of Columbia) under clause (i) of such subparagraph shall not exceed an amount equal to 6.6 percent of the total amount provided by the National Endowment for the Arts to States and the District of Columbia in fiscal year 1997.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $22,888,725 shall be available for obligation with respect to block grants under this subsection prior to September 30, 1998.

(5) USE OF FUNDS.—

(A) IN GENERAL.—A State or Territory shall use funds provided under a grant under this subsection to carry out activities to support the arts in the State or Territory.

(B) ENDOWMENT INCENTIVE.—A State or territory may use not to exceed 25 percent of the funds provided under a grant under this subsection to establish a permanent arts endowment in the State or Territory. A State or Territory that uses funds under this subparagraph to establish a State endowment shall contribute non-Federal funds to such endowment in an amount equal to not less than the amount of Federal funds provided to the endowment.

(C) LIMITATION.—A State (or Territory) may not use in excess of 15 percent of the amount received under this section in any fiscal year for administrative purposes.

(d) NATIONAL GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to nationally prominent groups or institutions under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under this subsection will be used—

(A) to fund programs that are determined to be obscene;

(B) for seasonal grants; or

(C) for subgrants.

(3) LIMITATION ON AMOUNT OF GRANT.—The amount of a grant awarded to any group or institution to carry out a project under this section shall not exceed—

(A) with respect to a group or institution with an annual budget of not to exceed $3,000,000, an amount equal to not more than 33.5 percent of the total project cost; and

(B) with respect to a group or institution with an annual budget of not less than $3,000,000, an amount equal to not more than 20 percent of the total project cost.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $6,103,660 shall be available for obligation with respect to grants under this subsection prior to September 30, 1998.

(e) APPLICATION OF SECTION.—Notwithstanding any other provision of law, this section shall apply with respect to grants and contracts awarded by the National Endowment for the Arts in lieu of the provisions of sections 5 and 5A of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954 and 954a).

(f) OFFSET.—Each amount of budget authority for the fiscal year ending September 39, 1998, provided in this Act, for payments not required by law is hereby reduced by .11 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

Mrs. HUTCHISON. Mr. President, I would like to just briefly describe my amendment, and then it is my intention to yield 2 minutes to Senator DEWINE. And then of course I know Senator HARKIN is here to speak on the other side.

My amendment leaves the amount for the commitment to the arts at the same level as the committee bill does. It does, however, make some reforms that I think will improve the NEA and most certainly will improve the commitment to the arts and reconfirm the commitment to the arts that we have. It cuts the administrative costs of the NEA to 5 percent. I think, since the large part of the bill will require block granting to the States, that the administration does not need to be $17 million. I think $5 million then would be quite adequate to administer the national part of the bill.

The Federal grants to national groups would be 20 percent of the total grant. In the Federal grants, we have a requirement for State matching funds, which I think is a healthy thing for us to require, so that any project that is funded with national dollars will also have a State commitment. Grants may not be used for obscene works, and they will go for groups and institutions.

The rest of the money, the 75 percent, would be grants to the States so that the each State or territory is guaranteed at least what they had in 1997. And, in fact, every State, except California and New York, would get more funding for their arts commissions than they had last year. Each State except California and New York will get more money than they got in 1997, and they will be able to spend it according to the wishes of their own arts commissions. I think it is very important that this happen.

With the 20 percent Federal grants to the national groups, I think California and New York will be able to make up some of the loss that they will receive because they have had the highest number of dollars that have gone to the national arts.

In this, I think we have a good way to keep our commitment to the arts to increase the access to the arts by children and people in all the States of our great country. And I think it also will give the leeway for the national groups that deserve the support of the National Government, because we do want to keep the very top, top quality in our arts so we can be proud, as a Nation, that we do have the world class opera, the world class ballet, the world class art museums that would actually be worthy of the civilization that our country has formed in its 221 years of democracy.

Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, the Hutchison amendment recognizes that there are arts programs, arts projects, that are of national significance and that they should be supported. The amendment does this while at the same time addressing the huge geographic disparity in funding that the NEA elite, the NEA bureaucracy, has consistently and arrogantly refused to address or, for that matter, even to acknowledge.

This inequality in funding is unconscionable. When you have States such as New York getting $21 million from the NEA, California, $8 million, while States such as Ohio with our 11 million citizens receiving only $1.6 million, clearly something is horribly wrong.

Ohio comes in 46th in per capita NEA funding. New York gets $1.18 per person; Wyoming, $1.24, Alaska, $1.21. Ohio gets 14 cents per person.

Again and again, the NEA has failed to address this problem. Let me say this failure on the NEA's part points to broader problems at the NEA. For years now, Congress has been trying to set priorities for the NEA but nothing really has changed. I have grown increasingly frustrated because of the seeming ease with which the NEA flouts congressionally enacted policies. It sometimes seems as if the NEA uses as much, or maybe more, creativity in skirting our guidelines as NEA-funded artists do in creating their works.

The NEA funds do support a number of worthwhile projects. However, I believe that NEA funding should really be targeted for programs for children and for underserved populations. Our scarce Federal dollars should be used to bring the arts to our children and to the poor. I congratulate my colleague, Senator GORTON, for including language in the underlying bill to indicate this priority, and also to Senator JEFFORDS for including it in the authorizing bill.

I certainly hope the NEA takes today's debate seriously. If, however, the NEA continues to remain unresponsive to legitimate concerns, concerns voiced by the people who are paying the bills, we can certainly expect even more support for moves to abolish the endowment outright. That, Mr. President, would be a great shame—for everyone who loves the arts, and indeed for all Americans. It would be a shame that the greatest country in the world, with some of the most talented and creative artists in the world, could not intelligently and responsibly run a national arts agency.

Mr. President, we can—and must—do better.

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

Mrs. HUTCHISON. Mr. President, it is now my intention to yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my good friend, the Senator from Texas.

I rise today to support the amendment submitted by my distinguished colleague from Texas, Senator HUTCHISON. I think her amendment represents a reasonable compromise to what has become a very divisive issue.

I think every Member of this Chamber would agree that some of the works the NEA has funded in the past have been offensive. They call into question the appropriateness of the Federal Government being involved in the promotion of the arts. Several years ago we had an exhibit here—and it had to be covered. We couldn't allow the Senate pages to see it. It was absolutely unsuitable for public view—certainly for young people. I personally was offended, and I think we all learned something from that.

Art works funded by a Federal agency should be those you take your children to see and, in the case of NEA-sponsored works, this has not always been the case. But, certainly the arts, overall, have a legitimate voice in our society. I think the amendment of Senator HUTCHISON that would take 20 percent of the NEA budget and keep it here in Washington, DC to be distributed to works of national prominence is satisfactory. It also addresses the concerns of those who do not believe it is in the Federal Government's jurisdiction to fund the arts. She has an answer to that—send 75 percent of the money to the States. This amendment will allow each of our States to develop the arts locally, hopefully reflecting the true role of the arts and the role they play in each of our communities.

I think this is a good amendment and merits the overwhelming support of this Chamber.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield myself—do I have 10 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. HARKIN. I yield myself 8 of the 10 minutes. If the chair will interrupt me, I will appreciate it.

This amendment all but eliminates the National Endowment for the Arts. In other words, it eliminates a Federal role.

I believe the Senator from Texas is well-intentioned. However, the result would be disastrous for the arts. NEA national leadership grants have supported a number of very worthy projects that would not have been supported by a State. For example, the design competition in 1981 that led to the creation of the Vietnam Veterans Memorial. What State would have funded that if it was not going to be in the State, but was going to be located in the District of Columbia?

The Senator from Ohio made mention of all the money that goes to New York. Let's look at some of that money. Through the national leadership grants, the NEA provided a grant to Chamber Music of America in New York, but this grant sponsored chamber music rural residencies, which brought professional musicians to small towns, such as Jesup and Decorah and Fayette and Mount Vernon, IA. Artists lived and worked in these small towns for up to 2 years. They taught in the schools. They performed concerts for citizens in the communities all over the State of Iowa. Thousands of Iowans benefited from this. But, if you look at the grant, it went to New York. But the artists performed in Iowa, for up to 2 years.

If we take all of this money, as the Senator from Texas wants, and give it just to the States, will, then, the State of New York fund a program that goes to Iowa? I rather doubt it. They will keep the money there. But because we have the NEA making these grants, giving them out, then they can direct and guide those to go out to States like Iowa and Nebraska and Missouri, and States where we don't get a lot of money for arts.

So, what State would fund a program like that? What State? Would Texas? Would Texas fund a program that would send artists to Iowa for 2 years? I doubt that.

The NEA has also supported dance touring programs. The Alvin Ailey dance group traveled to Atlanta, GA; Redding, OR; Tuscon, AR; Iowa City, IA; Milwaukee, WI. Would Texas fund something like that? I doubt it. Would New York fund something like that? I doubt it. Would California fund something like that? I doubt it. But, because we have a National Endowment for the Arts, we are able to get this out.

A grant to the American Library Association sponsored the "Writers Live At The Library." This program went all over America, to places like Rapid City, SD; Medina, OH; Buchanan, MI; Muncie, IN. Would Texas have sponsored that? I doubt it. Would New York alone have sponsored that? I don't think so. But the National Endowment for the Arts did.

That is my point. You could look at a lot of these grants. They may go to a State. But they seep out and go around the United States. If we adopt the amendment offered by the Senator from Texas, that will end. We will not have a National Endowment for the Arts. We will simply have a bunch of States out there. I rather doubt that States will fund programs that will go to another State.

Mr. President, this amendment has never been reviewed or discussed in any format before. Present law provides 35 percent to the States. Under the bill,

under the leadership of Senator JEFFORDS, that goes to 40 percent. It was adopted by a 14-to-4 bipartisan vote in committee.

I might also point out that Federal funds are matched by the States on a 1-to-1 basis. If you increase this amount of money to the States, they will have to go to their State legislatures to get the amount of money up. Will that happen? Well, in some States it might, in some States it might not.

I also will point out that the Hutchison amendment imposes a cap on administrative costs of 5 percent. Right now the President's budget calls for a cap of 14 percent. Here is the problem. Many of the State agencies are quite small, so State support varies from State to State. If you put a cap on like that and you have low spending, that just destroys the program. Obviously, as you know, the more money you have in the program the less the amount of administrative costs there are for administering that program.

So the 5-percent cap would also not only hurt many of the State agencies, but would be disastrous for the National Endowment for the Arts.

Mr. President, the Hutchison amendment is a severe and undeserved rebuke to the arts endowment. It may be well-intentioned, but I also point out that if this is so good, why is this opposed by the very agencies that would supposedly benefit from this? The National Assembly of State Arts Agencies is opposed to this amendment. That organization believes that the current distribution between Federal and State is appropriate.

So, again, while it may sound good to give all this money to the States, the fact is, the Chamber Music of America in New York came to Iowa and lived there for 2 years in our small towns and communities. It may have looked like a grant to New York, but it was run by the National Endowment for the Arts. If you give all this money to the States, if New York got all this money, would they then of their own volition fund the chamber music program that we had in Iowa for 2 years? As I said before, I doubt it, and I don't think Texas would either.

For those reasons, this amendment should be defeated. I am told also, and I have a letter from the White House—I will just read it:

> The administration understands that an amendment may be offered to increase significantly block grants to the States, thus severely diminishing the Federal leadership role of the NEA. In addition, the administration understands that an amendment may be offered making it administratively impossible for NEA to carry out its function.

That's the 5-percent cap.

> If such amendments were adopted, the President's senior advisers would recommend that the President veto the bill.

I believe this bill is too important to be vetoed. I believe the NEA is too important to be cut up, segmented and destroyed by this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 50 seconds remaining.

Mr. HARKIN. I reserve the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to reserve the last minute of the debate, so I will take my time up until the last minute and then yield to the Senator from Iowa.

Mr. President, I would like to respond to the remarks of the Senator from Iowa and say that it is most certainly not my intention to do away with our national commitment to the arts. In fact, the opposite is true. That is why I keep the funding level because I do believe that all of our children will gain from having more access to and appreciation of the arts in our country. I want the budding artists of Iowa to have equal access to the education that budding artists in New York have.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. HUTCHISON. I reserve the remainder of my time.

Mr. HARKIN. Mr. President, let me just say that we have a lot of budding artists in Iowa, a lot of them musicians. I can tell you, when the Chamber Music of America came out and spent 2 years in our small towns, it was wonderful. These wonderful artists went to these small towns. They got these kids excited about music and about chamber music. I can't tell you how many hundreds of Iowa kids, I say to the Senator from Texas, were enthused and got involved in music and are progressing now because of that.

That would not have happened without the National Endowment for the Arts. It just simply could not have been funded by the State and wouldn't have been, and I don't think the State of Texas would have funded it either.

Yes, there are a lot of budding artists out there, and that is why we need a national program to reach out to these budding artists.

Mr. President, I ask unanimous consent that a letter from Jonathan Katz, CEO of the National Assembly of State Arts Agencies, be printed in the RECORD, in which he says they are opposed to this amendment and that they are endorsing the current distribution of agency funds.

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

NATIONAL ASSEMBLY OF STATE ARTS AGENCIES,
Washington, DC, July 9, 1997.

Hon. RALPH REGULA,
Chairman, Interior Appropriations Subcommittee, House of Representatives, Washington, DC.

DEAR CHAIRMAN REGULA: As you consider the resources available to the National Endowment for the Arts, I thought it might be helpful for you to have at hand the principles advocated by the National Assembly of State Arts Agencies (NASAA) on behalf of the state and special jurisdiction arts agencies of the United States. These are attached.

Consistent with these principles, at the current funding level of $99.5 million, the state arts agencies endorse the current distribution of agency funds that enables the NEA to demonstrate appropriate national leadership and also enables it to support the leadership roles that state arts agencies play. As the principles note, the state arts agencies do support a higher level of funding for the agency overall because that would enable more Americans in more communities to enjoy the arts in more meaningful ways.

Please feel free to contact me if additional information would be helpful to your office. Your support of public funding for the arts and humanities is very much appreciated.

Sincerely,

JONATHAN KATZ,
Chief Executive Officer.

Mr. HARKIN. Mr. President, I ask unanimous consent that a letter from Americans United to Save the Arts and Humanities be printed in the RECORD. They also say they endorse the present distribution of moneys.

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

AMERICANS UNITED TO SAVE THE ARTS AND HUMANITIES,
Washington, DC, September 4, 1997.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: Americans United to Save the Arts and Humanities is a 501(c)(3) bi-partisan advocacy organization. Our mission is to preserve federal funding for the National Endowment for the Arts and the National Endowment for the Humanities. Americans United represents over 100 U.S. business leaders from across the country who strongly support federal funding for the arts and humanities Endowments.

As you know, these agencies, particularly the National Endowment for the Arts, have recently come under heavy attack. The House has proposed eliminating the NEA entirely.

Imagine how such a loss would impact the economic activity currently stimulated by the non-profit arts industry. As it is, the non-profit arts industry generates $36.8 billion annually in economic activity; supports 1.3 million jobs; and produces $790 million in local government revenue and $1.2 billion in state revenue. For every dollar the NEA invests in communities, there is a twenty-fold return in jobs, services and contracts. That is wise federal investing of taxpayer dollars.

The members of Americans United feel strongly that the NEA and NEH are agencies well worth continued federal funding. Recently, Americans United business leaders sent the attached letter to Senator Lott urging him to preserve federal funding for our nation's cultural Endowments.

We hope that when the issue of funding for the NEA and NEH comes to the Senate Floor for a vote, and subsequently goes to Conference Committee, you will support our nation's culture and heritage and ask your colleagues to preserve current levels of federal funding for the Endowments without crippling block grants.

Sincerely,

RICHARD J. FRANKE,
Chairman.

AMERICAN UNITED TO SAVE
THE ARTS AND HUMANITIES,
Washington, DC, September 4, 1997.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: As business executives, we want you to know how strongly we support continued federal funding of the NEA and the NEH. While we recognize the tight constraints of the federal budget, it is evident that there is a clear connection between the federal investment in culture and the willingness of corporations, foundations and individuals to support cultural activity. Grants from the NEA and NEH are required to be matched with private money. A "seal of approval" from the Endowments demonstrates that a proposal has passed a rigorous evaluation—a review that many corporations and foundations do not have the expertise to make themselves, and one which they take into serious consideration as they make their own funding decisions.

Business supports the arts and the humanities for many important reasons. A vigorous cultural life enhances our communities, improves the imaginative and creative ability of our employees, and spurs economic activity. The strength of the cultural sector of our economy, generating $36.8 billion annually in economic activity, supporting 1.3 million jobs, producing $790 million in local taxes and $1.2 billion in state taxes, is a direct result of the successful role of the Endowments in fostering a broad range of cultural initiatives over the last 30 years. As much as business values and supports the arts and the humanities, the unfortunate reality is that the corporate world can not replace the critical role of the NEA and the NEH in evaluating and fostering cultural initiatives. However, as business leaders we are very much aware that the explosion of interest in American culture worldwide is a key element of our competitive position in the new global economy.

From the beginning, it has been the role of the Endowments to encourage cultural programs of both local and national importance. The proposal to fund the arts and humanities through block grants to the states would severely limit the cultural impact of federal dollars dedicated to cultural projects. For example, performances and exhibits which travel widely across state boundaries, often to rural areas and small cities, would be that much more difficult to develop and coordinate.

As the issue of federal funding for the NEA and NEH progresses to the Senate Floor and the Conference Committee, we urge you to recognize the enormous good accomplished by relatively few, yet vital dollars by protecting federal funding and a strong federal role for the National Endowment for the Arts and the National Endowment for the Humanities.

Sincerely,

Members of Americans United to Save the Arts and Humanities.

Mr. HARKIN. I ask unanimous consent that a letter from the U.S. Conference of Mayors be printed in the RECORD. I won't read it all, but it says:

We need to maintain our federal commitment to preserve this country's rich cultural heritage and traditions and to nurture imagination and creatively to strengthen the future of this country.

Again, in support of the distribution of funds that are in the bill, from the U.S. Conference of Mayors.

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

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, March 11, 1997.

President WILLIAM CLINTON,
The White House,
Washington, DC.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR MR. PRESIDENT, MR. SPEAKER and Mr. MAJORITY LEADER: The United States Conference of Mayors joins leaders throughout this country on Arts Advocacy Day to urge you to support public funding for the arts and humanities at a level that fulfills the federal government's responsibility to help make the arts accessible to all Americans for the social, economic and cultural well-being of the American public.

As we prepare to enter the new Millennium, we see the arts and humanities serve as an essential and forceful vehicle to educate our citizens, help our struggling youth, spur economic growth in our communities, and bring us together as a nation. We need to maintain our federal commitment to preserve this country's rich cultural heritage and traditions and to nurture imagination and creativity to strengthen the future of this country. As mayors of communities of every size and in every corner of America, we can tell you first hand that the arts are critical to the quality of life and livability of our cities.

In partnership with the $99.5 million federal investment that the NEA made in our nation's cultural initiatives this year (representing a 40% cut), the mayors invested $650 million in local government funds and the governors invested $275.4 million in state government funds for the arts through our local and state arts agencies. However, this delicate balance in shared responsibility of public support for the arts is in serious jeopardy now. Congress cannot expect state and local governments or the private sector to make up for the cuts in the federal government's share.

Therefore, we call upon you to oppose the elimination or phase-out of our federal cultural agencies and to oppose any further reductions of their budgets. We further urge you to maintain your federal longterm commitment to our nation's cultural resources in communities large and small.

Sincerely yours,

Richard M. Daley, Mayor, Chicago, USCM President; Paul Helmke, Mayor, Fort Wayne, USCM Vice Pres.; Deedee Corradinl, Mayor, Salt Lake City, Chair, Advisory Bd., Marc H. Morial, Mayor, New Orleans, Chair, Arts Committee.

UNANIMOUSLY ADOPTED POLICY RESOLUTION AT THE 65TH ANNUAL CONFERENCE OF MAYORS, SAN FRANCISCO, CA, JUNE 24, 1997

FEDERAL FUNDING FOR THE ARTS, HUMANITIES, AND MUSEUMS

(1) Whereas, the arts, humanities and museums are critical to the quality of life and livability of America's cities; and

(2) Whereas, the National Endowment for the Arts' and the National Endowment for the Humanities' thirty plus years of promoting cultural heritage and vitality throughout the nation has built a cultural infrastructure in this nation of arts and humanities agencies in every state and 3,800 local arts agencies in cities throughout the country; and

(3) Whereas, the National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), and the Office of Museum Services (OMS) within the Institute of Museum and Library Services (IMLS) are the primary federal agencies that provide federal funding for the arts, humanities and museum programs, activities, and efforts in the cities and states of America; and

(4) Whereas, federal funding serves as a catalyst to leverage additional dollars for cultural activity—the annual federal investment made to these three agencies (NEA @ $99.5 million; NEH @ $110 million; and OMS @ $22 million) leverages up to 12 times that amount from state and local governments, private foundations, corporations and individuals in communities across the nation to support the highest quality cultural programs in the world; and

(5) Whereas, federal funding for cultural activities stimulates local economies and improves the quality of civic life throughout the country—the NEA, NEH and IMLS support programs that enhance community development, promote cultural planning, stimulate business development, spur urban renewal, attract new businesses, draw significant cultural tourism dollars, and improve the overall quality of life in our cities and towns; and

(6) Whereas, the nonprofit arts industry generates $36.8 billion annually in economic activity and supports 1.3 million jobs—from large urban to small rural communities, the nonprofit arts industry annually returns $3.4 billion in federal income taxes, $1.2 billion in state government revenue and $790 million in local government revenue; and

(7) Whereas, federal arts funding to cities, towns and states has helped stimulate the growth of 3,800 local arts agencies in America's cities and counties and $650 million annually in local government funding to the arts and humanities; and

(8) Whereas, federal funding for cultural activities is essential to promote full access to and participation in exhibits, performances, arts education and other cultural events regardless of geography and family income; and

(9) Whereas, the NEA is in a highly precarious position since this agency has been unduly politicized and has incurred a disproportionate 39 percent cut in federal funding in fiscal year 1996—bringing its budget down to 1977 levels—and Congress has targeted this agency for complete elimination this year; and

(10) Whereas, last year's draconian cuts to the NEA's and NEH's budget are beginning to have a serious negative effect on the cultural infrastructure and survival of arts and humanities institutions, arts organizations, artists, and cultural programming at the national, state and local level; and

(11) Whereas, the delicate balance in shared responsibility and partnership for

public funding of the arts and humanities at the federal, state and local government levels is now in serious jeopardy since local governments cannot make up for the current and future funding cuts in the federal government's share, now, therefore, be it,

(12) *Resolved*, That the United States Conference of Mayors reaffirms its support of the National Endowment for the Arts, National Endowment for the Humanities, and the Office of Museum Services within the Institute of Museum and Library Services and calls upon Congress to fund these agencies at the President's FY '98 request level in order to fulfill the federal government's responsibility to help make the arts accessible to all Americans for the social, economic and cultural well-being of the American public, as well as to help sustain this nation's cultural infrastructure for public support of the arts and humanities at the federal, state and local levels, be it further

(13) *Resolved*, That the United States Conference of Mayors calls upon the President and Congress to reauthorize the NEA and NEH and to oppose any attempts to eliminate or phase-out our federal cultural agencies; to oppose reducing their budgets; to oppose mandating that all funds be blockgranted to the states; and to allow local arts agencies to subgrant federal grants.

Mr. HARKIN. Mr. President, the Senator from Texas may say she wants to preserve and keep the National Endowment for the Arts, but this really is a stealth amendment. This is the stealth amendment that will kill the NEA. It will do great damage to a lot of our small States like Iowa, States that may not have a lot of money. We have a lot of budding artists, and we need the national commitment to the arts program to ensure that these young poets and these young writers and these young musicians and these young painters and these young artisans know that there is a national commitment and they have the kind of support and the kind of encouragement and the kind of role models that they need to encourage them in their efforts.

No, Mr. President, this stealth amendment would do drastic damage to the NEA. It would kill the NEA, and we cannot afford to do that. I urge its rejection.

The PRESIDING OFFICER. The Senator from Texas has 1 minute remaining.

Mrs. HUTCHISON. Has all time expired other than my 1 minute?

The PRESIDING OFFICER. That's correct.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, America's strength comes from its grassroots. It isn't Government that provides the spirit of America; it is the grassroots. Government policy should strengthen the people to establish their priorities, and that's what my amendment does. It strengthens the States to create more access and more appreciation and more education in the arts for all the children of America. I believe that our local control of education allows reading through phonics. I believe in old math so that we learn our multiplication tables in addition to how to work a computer and a calculator. I also think as basic to that is to let our children have access to the arts so that they can produce world-class art and arts appreciation. It shows that it is part of our basic education that we would have a national priority.

Mr. President, my amendment keeps the national commitment to the arts, and it keeps the control in the grassroots and the heartland of America. I think it is the best balance.

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

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1186 offered by the Senator from Texas, Senator HUTCHISON. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

Abraham	Gramm	Mack
Allard	Grams	McCain
Ashcroft	Grassley	McConnell
Bond	Gregg	Murkowski
Brownback	Hagel	Nickles
Burns	Helms	Roberts
Coats	Hutchinson	Santorum
Coverdell	Hutchison	Sessions
Craig	Inhofe	Shelby
DeWine	Kempthorne	Smith (NH)
Enzi	Kyl	Thomas
Faircloth	Lott	Thompson
Frist	Lugar	Thurmond

NAYS—61

Akaka	Durbin	Lieberman
Baucus	Feingold	Mikulski
Bennett	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murray
Boxer	Gorton	Reed
Breaux	Graham	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Inouye	Sarbanes
Chafee	Jeffords	Smith (OR)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Torricelli
D'Amato	Kohl	Warner
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Domenici	Leahy	
Dorgan	Levin	

The amendment (No. 1186) was rejected.

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

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

LEAVE OF ABSENCE

Mr. AKAKA. Mr. President, I ask unanimous consent I may be granted leave of the Senate, pursuant to Rule 6, paragraph 2, to be absent from the Senate proceedings as of noon Thursday, September 18 through Monday, September 22nd.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill

AMENDMENT NO. 1219

(Purpose: To express a Sense of the Senate that hearings should be conducted and legislation debated during this Congress that would address Federal funding for the arts)

Mr. STEVENS. Mr. President, I have at the desk amendment No. 1219 for myself and the Senator from Connecticut, Mr. DODD. I would like to present it at this time.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. DODD, proposes an amendment numbered 1219.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 3 . It is the Sense of the Senate that, inasmuch as there is disagreement as to what extent, if any, Federal funding for the arts is appropriate, and what modifications to the mechanism for such funding may be necessary; and further, inasmuch as there is a role for the private sector to supplement the federal, state and local partnership in support of the arts, hearings should be conducted and legislation addressing these issues should be brought before the full Senate for debate and passage during this Congress.

Mr. STEVENS. Mr. President, I offer this as chairman of the Appropriations Committee with the hope that the Senate will agree that this matter should now go to the authorization committee, and that the extent of the problem be reviewed with appropriate hearings.

This is a commitment that the Senate will consider legislation in this Congress to deal with what future mechanism, if any, should be used to carry out the Federal role as it may be defined in support of the arts.

I am pleased my friend from Connecticut has cosponsored this. I am hopeful the Senate will agree to it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I want to commend our colleague from Alaska. I think this is a

very responsible approach to take. I urge our colleagues to support it.

There are a lot of ideas out here about how we might create a true endowment rather than going through this process year in and year out. We are politicizing this issue to an extent I don't think it deserves. We truly ought to look for ways to resolve this matter intelligently.

I think a good set of hearings, examining various ideas on how to best fund the Endowment for the future make a lot of sense. I urge our colleagues to support this suggestion and try to come together and see if we cannot get beyond this amendment process we go through each and every year which I don't think serves our interests well, regardless of one's perspective on how we ought to fund the National Endowment for the Arts.

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

The amendment (No. 1219) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. DODD. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the majority leader and I, and I think most Members, do wish to complete action on this bill today.

At this point, I know of three or four rather hotly contested amendments: One by Mr. HUTCHINSON, the Senator from Arkansas, on American heritage rivers; the possibility of one on immigration reform that is, of course, not particularly germane to this bill, by the Senator from Florida, Mr. MACK; an Indian gambling amendment by Senators ENZI and BROWNBACK; and one relating to money for gang suppression on Indian reservations which would close down the Wilson Center here.

I hope we could move forward on each of these promptly. I note that the Senator from Arkansas is present. Perhaps his amendment can be put up next. We would seek a time agreement on it. I don't believe the other side is ready to agree to a time agreement yet. Perhaps the best thing to do is let the Senator from Arkansas introduce his amendment, speak to it, and as he speaks to it and others are concerned about it, we can see whether or not a time agreement can be reached.

Mr. DASCHLE. Just briefly, I have been consulting with a number of my colleagues who are concerned about the amendment. I think they are prepared to come to the floor. I know the distinguished Senator from Connecticut is here and is prepared to respond to the statements and arguments made by the Senator from Arkansas.

We are prepared to enter into a time agreement, if perhaps we can work one out in the not too distant future.

I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 18

Mr. GORTON. Mr. President, what is the committee amendment to which all of these National Endowment for the Arts amendments——

The PRESIDING OFFICER. The amendment begins on page 96, line 12, through page 97, line 18.

Mr. GORTON. Mr. President, I believe we are in a position to which we can adopt that committee amendment.

The PRESIDING OFFICER. If there is no further debate on that amendment, the question is on agreeing to the committee amendment.

The excepted committee amendment beginning on Page 96, line 18, was agreed to.

AMENDMENT NO. 1196

Mr. HUTCHINSON. I call up amendment number 1196.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment No. 1196, previously proposed by the Senator from Arkansas [Mr. HUTCHINSON].

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

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

(The text of the amendment is printed in the RECORD of September 16, 1997.)

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the following Senators be added to the amendment as cosponsors: Senator SHELBY, Senator GORDON SMITH, Senator ALLARD, and Senator KEMPTHORNE.

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

Mr. HUTCHINSON. Mr. President, I rise in support of an amendment that I think supports one of our most fundamental rights, the right of property ownership. The fundamental right, I believe, is at least eroded, threatened, by the Executive order signed by the President on September 11. I am sure it is a well-intended Executive order, designating the American heritage rivers initiative. The initiative is intended, in the words of the President in his Executive order "to help communities protect their river resources in a way that integrates natural resource protection, economic development and the preservation of historic and cultural values, things that we all support."

The difficulty is that we have an Executive order that, originating from the executive branch, has not gone through the committee process. It has not received any congressional authorization, has not received any appropriation, but simply is something that has been ordered by the President. The funding for this initiative comes from eight Cabinet departments including the Department of Defense, Department of Justice, the Department of Transportation, the Department of Agriculture, Department of Commerce, the Department of Housing and Urban Development, Department of Interior, and the Department of Energy. In addition to all of the Cabinet departments, there is funding from a number of agencies as well: EPA, NEA, NEH, and the Advisory Council of Historic Preservation.

The end result is funding from various departments and agencies apart from any congressional hearings, and apart from any congressional authorization or appropriation.

I support riverfront revitalization but not at the expense of trampling upon basic property rights and subverting plans and desires of local communities. I think riverfront revitalization should be community-led and a community-driven process, not something that is dictated through an Executive order in Washington.

My amendment allows for the riverfront renaissance that communities desperately need, while offering protections from further Federal encroachment. It allows the President's Executive order to go forward and it would allow the rivers initiative to go forward.

Congress has never authorized or appropriated one dime for the American heritage rivers initiative, nor has it even defined the term "river community." The Executive order contains the term "river community" without any kind of definition. This amendment would require congressional review of the 10 rivers that have been nominated for designation. The Executive order lays out 10 rivers to be designated as American heritage rivers. We would simply say that when those 10 rivers are designated, that Congress should have the right of review and designation, confirmation of those designated rivers.

The amendment would require that all property owners holding title to lands directly abutting the riverbank shall be consulted and asked for letters of support or opposition to the designation.

Now, it has been wrongly conveyed by the opposition of this amendment that somehow every property owner along the river would have veto power and that if any property owner objected to the designation or objected to participation in the heritage rivers initiative, that suddenly the whole project would therefore be ended, or any possibility of receiving that designation would be eliminated. That is not the case at all. We simply believe that those most involved, those whose lives are going to be most affected, the property owners along the river, would have the right to say yes or no. I think that makes perfect sense and that process is not guaranteed under the Executive order.

Let's ensure that they are notified and at least that they have the right of

commenting and expressing their opinion.

In the amendment, we would define the river community as those who own property, reside, or who regularly conduct business within 10 miles of the river considered for designation. It is absolutely necessary for us to place a definition as to what a river community is, and how it should be defined.

The amendment would make the initiative subject to the existing provisions of the Clean Water and Safety Drinking Water Acts. I hope that would be supported by environmentalists. All of us are concerned about the enforcement of environmental laws, and an Executive order that will somehow be able to circumvent existing environmental law. The amendment would ensure that this process, as it goes forward, would be subject to existing provisions of the Clean Water Act and the Safe Drinking Water Act.

I agree we must revitalize our rivers and preserve their historic character. This amendment ensures that it is not at the expense of those who have chosen to be a part of the surrounding communities.

I urge my colleagues to support this amendment. We need to define river community, we need to comply with existing environmental laws, and the Clean Water Act, and the Safe Drinking Water Act. We need to ensure that property owners are notified that they have the right of comment, that they have the right to write letters of opposition or support.

We need to provide in this Executive order for congressional review. If there is one complaint I have heard from my constituents across the State of Arkansas, it is that, we as the elected representatives of the people, too often have simply given up our legislative authority. We have allowed the executive branch, through various Executive orders, to usurp what is legitimately and constitutionally our right and our responsibility. This amendment represents one small area where we can say that the President has issued an Executive order, and we now will ensure that we have the right of review. This amendment would do that.

I think that we can once again assert our proper role by ensuring that we can review the designation of the heritage rivers. Most importantly, we would protect property owners from the encroachment of an ever-growing Government and an ever more intrusive bureaucracy. We would ensure that the plans of the local communities are not subverted because of this new Executive order and that local communities, drive the entire process. I believe the amendment is reasonable, it is temperate, and it will reassure our citizens, our constituents, and those along these important American heritage rivers, that we take their rights as property owners and citizens of this country and value them greatly.

I urge my colleagues to support the amendment. I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today in support of the amendment of my colleague, Senator HUTCHINSON from Arkansas. His amendment deals with the American rivers heritage initiative. I should start off by emphasizing that his amendment does not stop the initiative, it does not end it, and it does not hurt our rivers and their protection. This amendment merely ensures that the Federal Government, based right here in Washington, DC, does not become the controlling authority of rivers that have been used, cherished and developed by local communities all around this country, which, in some cases, the decisions made here in Washington may actually go against the wishes of the local community.

I raise the question, why is our President so afraid of having local input into such an important process as the designation of our American rivers as heritage rivers?

This amendment ensures that the people who live alongside of a river continue to have a say in the future of that waterway. They are the very ones who enjoy it for recreation, and they use it for commerce, and they actually own the private property on its banks.

This initiative lists the members that will be involved in a committee responsible for implementation. Each heritage river will have a local bureaucrat that is going to sort of oversee the management of the committee. There is going to be a committee superintendent. Look at the members who serve on that committee. We have the Secretary of Defense, the Attorney General, Secretary of Energy, the Chair of the NEA, and the Secretary of HUD. These are all bright people, hardworking people, I am sure; but how can they honestly know more about a river, let's say, for example, that runs through Denver, CO—which is the South Platte River—than those people who actually live in Colorado along the South Platte, who actually know more about the seasonal impact on this particular river? If they don't know more, why are they put in charge of future development of the river above and beyond local control?

Nobody out West wants to come to Washington and try to tell people who live along the Potomac how to control that particular river. Why does anybody want the administrators of these various agencies who live right here in Washington, DC, to have that type of control? And, frankly, their knowledge of a river may be nothing more than their perception of what they see happening on the Potomac River during rush hour when they are sitting on the 14th Street Bridge.

So I do believe that the real expertise is back at the local communities, the people who live by and use the waters that we are talking about in the heritage river designation. I know of one entity in Colorado that certainly doesn't believe the control should belong in Washington. They believe it should be back at the local level. That one entity happens to be the Denver Post, which recently released an editorial against the initiative, saying that common sense argues against the possibility that a Presidential appointee would know more about the designated streams than those who live along its riverbanks. I happen to agree wholeheartedly with that editorial.

I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Denver Post, Sept. 14, 1997]

JUST SAY NO TO PLATTE PLAN

Colorado water watchers are eyeing President Clinton's proposed Heritage Rivers project suspiciously, and with good reason.

The plan would designate 10 American waterways as Heritage Rivers, each to be run by a presidential appointee who would coordinate local efforts with 13 federal agencies. Thus the feds would become the rivers' bosses advising locals on where to build parks and flood-control projects and setting riverbed-cleanup priorities.

If this project is to do grand things for 10 American rivers, then each river bosun and his crew of 13 would need to know more about these streams than the people who live along their banks, and common sense argues against the possibility.

The South Platte, principal waterway of Colorado's urbanized Front Range, is a candidate. Although once exploited and neglected, the Platte is now flowing along nicely, thank you, and that is because over the past century Coloradans have figured out where to build those local parks and flood control projects and set those cleanup priorities.

A look at the results bears this out. The Platte supplies most of the Denver metro area's water. Its system of reservoirs works well and provides flood control and environmental safeguards. Platte River Greenway riverbed rejuvenation has been a spectacular and continuing success, with new parks to be built in Denver this year. In short, the South Platte is not a river at risk.

There is, of course, plenty left to be done. Denver Mayor Wellington Webb envisions the Platte as a showpiece among urban waterfronts. He has supported the Heritage program and pushed Denver as a candidate for more federal support. But how much support the Heritage project might produce isn't clear. No funds have been allocated, and no one knows where its budget will come from.

The Colorado Water Congress, a coalition of cities, counties, conservancy districts, farmers and other water users warns that its fuzzy goals could upset the delicate balance of water regulation between states and even upstream and downstream towns, spawning a tangle of interagency conflicts.

With a little luck, the South Platte might not be one of the chosen ten. If it is, Colorado should decline on grounds that it ain't broke, so don't fix it.

Mr. ALLARD. Mr. President, along with the problem of allowing the Federal Government unchecked control of local rivers, there are several other problems with this initiative. I am worried about the lack of a requirement stating that only affected individuals and organizations can apply for designation. Senator HUTCHINSON's amendment puts limits on what designates a river community and allows for the actual interests of those who would be affected to be considered. It requires the opinions of property owners affected to be considered—something the administration obviously does not feel concerned about.

There has been a long trend in this country of slowly cutting away the rights of private property owners. The administration's latest end-run around the Congress—the establishment of this initiative—without congressional authorization or appropriation, and the lack of a guarantee as to what constitutes a local community, and the lack of input from the affected property owners in this initiative, is merely another power grab of the Federal Government at the expense of local government, local communities, and local property owners.

A vote for this amendment will be a step in the right direction. And I, again, would like to compliment my colleague in the Senate for stepping forward and addressing this issue. I am proud to be a cosponsor of his initiative.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the amendment proposed by the Senator from Arkansas is a most interesting one. I think it is one that I am very likely to support. There is, however, some opposition on each side of the aisle. So we have been unable to reach any kind of agreement on a time limit on it. A number of my friends on the other side of the aisle do wish to speak to it. They are not here at the present time, so I will suggest the absence of a quorum. I also suggest that there are other amendments on which time agreements may be relatively easy to reach. On this one it can't be reached. If the Senator from Arizona, [Mr. KYL], is within hearing, I would appreciate taking up his amendment as soon as possible. The same thing holds true for the senior Senator from Arkansas, who has one on which there might well be a time agreement.

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. DODD. 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. DODD. Mr. President, I rise, with all due respect to my colleague from Arkansas, in opposition to his amendment. I say to my colleagues here, with all due respect, my colleague is certainly one who has advocated in the past that we ought to try to remove or eliminate as much bureaucracy as possible. I think he is joined in those sentiments by most of us here in Congress, that we ought to be trying to not overburden a process but trying to streamline it as much as possible.

I commend President Clinton for coming up with a very innovative and creative idea on how we might highlight the importance of our river system in the United States. This program of designation of 10 great rivers in the United States, I think, has great value. It is something that is community driven, rather than something coming from Washington.

Let me just share with my colleagues how this would work. First of all, there are no mandates or regulations involved in this at all. In fact, it must be supported by the congressional delegations, the communities involved, and it is very explicit as to how this process would work. The amendment being offered by our colleague from Arkansas would require communities to go through additional layers of Government approval before a river could be designated an American heritage river.

Just to give you an example, those of us in the New England area are united—in New Hampshire, Vermont, Massachusetts, and Connecticut. We have all come together in a delegation—the communities, the States—requesting that the Connecticut River be one of those designated rivers. Very explicitly, if that support in the delegation from the Governors in the communities along the river is not present then that river is not going to be selected. It has been felt very, very important that there be community-driven, community-based support for these efforts. And if it is nonexistent, the designation doesn't happen.

Some of my colleagues may not want that designation. I can tell you categorically that if the Senators in those States do not want the rivers in their States, be it Colorado, or in Arkansas, then it won't happen. You don't have to worry about that. Nothing is going to be foisted on any State here that is not supported by the communities.

What we are suggesting here is that we in the New England States would like one of these rivers. In all due respect, I don't think it would be fair for me in this kind of a situation to be suggesting as a Senator from Connecticut that the people of Arkansas or Colorado, or any other State, ought to be denied that designation if they feel they very much like to see the Arkansas River or the Colorado River designated as one of these great rivers, with no regulations, no mandates, no money involved in it. It merely takes existing resources and tries to manage them in a way that the people at the local level would like to see them designated and to enhance the cultural, the economic, and environmental issues that they feel are very important.

I can tell you categorically that in my part of the country one of the problems that has happened over the years is that too much of our development has occurred right on the river denying people access to the river. One of the wonderful things about this city—our Capital City—that I appreciate every morning as I come to the Capitol is you can actually watch people on the banks of the Potomac River enjoying the river. For too many of our cities, of course, we saw the highway systems, and so forth, be developed between a city and its river. There is a great interest now in this country to try to restore, if you will, the vitality of these rivers—to see if we can't come up with ways to recognize the importance of them.

Again, the requirement that our colleague from Arkansas adds here would delay the initiative designed to provide prompt assistance to community-led efforts. After communities submit nomination packets to the administration, the President selects rivers for designation. The Council on Environmental Quality would have to forward these nominations to Congress which must provide approval. However, the amendment, as outlined, no process, or deadline, for congressional action would be required then to get approval basically of almost every single property owner. Imagine getting approval from the Connecticut River States, from the Canadian border on down to the Long Island Sound, of every private property owner in New Hampshire, Vermont, Massachusetts, and Connecticut. It would kill it. Why not have an amendment to eliminate it altogether? That might make more sense than making people go through a process that just kills it by bureaucracy. Why not have an amendment that would say this amendment ought to be eliminated? If that were the case, I would disagree with it. I would oppose it. But at least it would be clear. The intent here, by establishing a very lengthy process that would deny these community-driven programs, I think, would be a huge mistake.

Let me also point out that there are no additional dollars involved here at all in what has been suggested, and no new regulations, or changes in existing law. The American Heritage Rivers Initiative does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other applicable Federal law. Given that the American heritage

rivers initiative imposes no new regulations, any activity undertaken to designate rivers would naturally abide by the laws governing priorities of the Clean Water Act and the Safe Drinking Water Act, and other Federal laws.

State and local reviews: Any projects identified in a communities-nomination packet must undergo applicable State and local review processes. Property owners are key at this stage of the review. I can say categorically that they are involved now in our New England area with the Connecticut River. We pulled together the support. We have solicited opinions from our local communities to get behind this effort. Obviously, local property owners have a more than adequate way of expressing their feelings about whether or not we ought to be going forward. There is strong feeling, in our area anyway, that this is a process that we approve of. We support fully and strongly that it ought to be included.

As I said earlier, if delegations don't want rivers in their States to be included in this competition, if you will, to designate 10 rivers, then that is it. You are out. Don't worry about it. There is no way in the world that you are going to be included in this.

So, if the Colorado River wants to be excluded from the process, I can categorically tell you that it will be out—or the Arkansas River. If anyone stands up here today and votes for this amendment, I promise you that you won't be included. You are out. Don't worry about it. But for those of us who would like this designation, who feel strongly about it in a bipartisan way, who believe that there is something of value here in trying to restore our rivers, to give attention to them, to appreciate the value of them historically, environmentally, economically, we would like this designation. We think it will help us, and our local communities want it. They support it.

Frankly, to go through a long morass of bureaucracy, and going through one agency after another, coming back and getting approval, having every single property owner express their view one way or the other, this is just killing it—choking it to death.

So my hope is that our colleagues here would oppose this amendment. Again, this has broad-based and community-based support in the country, and I think has great value in terms of those of us who care deeply about seeing these rivers restored.

I can tell you. I live on the Connecticut River. I have my office on the Connecticut River. In fact, it is a better Connecticut River. I can remember the days only a few years ago when the thought of swimming in that river, or fishing out of that river, or eating any fish out of the river, was unheard of. Today it has come back because there have been great local efforts to restore the vitality of that river. The salmon are coming back. The Connecticut River shad are back.

Dartmouth, in New Hampshire, and the University of Massachusetts all understand the value of this. Our communities of Hartford and Middletown in Connecticut, and Springfield, MA, all believe that this is a very worthwhile project, and are solidly behind it.

It is not just one river. But I can tell you also that it is highly competitive. I know my colleague from New York, Senator D'AMATO, is deeply interested in the Hudson River. And great support exists in that State for the designation. I know the same case exists across the country. I think it is a healthy process that communities and States are going through.

To add to the regulatory burden here by requiring, as this amendment would, a tremendous effort to get some designation here where there is apparently opposition within those States, I would say to those people that you need not worry about it.

In fact, for those of us who would like to designate and realize that it is highly competitive, maybe we ought to realize it the way it is here. If we get a good vote, we can eliminate a lot of rivers from being designated. Because I can clearly tell you, if Members vote for this, that is going to be a pretty strong case for those of us who want the designation—that Senators who vote for this, those rivers ought to be excluded from this process; and that we will just go with the colleagues here who come from States that represent rivers that would like to have this designation.

This is no money regulation. There are no regulations, no mandates, no money. It is community-based, community-driven, and community-supported.

And, if you are opposed, if you are not included, why in the world do we go through a process here where we require Congress to come up and support or deny and elongate things? It basically kills this. This is making a huge mountain, if you will, out of a trickle, in a sense. This is not that big a deal except to the extent that it allows for these rivers to be designated as important natural resources that our States would like to protect and preserve for future generations. That is all it really is, and no more than that.

To come up here and suggest somehow that this is some great big Federal program is dictating to local communities somehow denying them the process of making decisions about their own futures along these rivers is just not the case.

So, Mr. President, I urge our colleagues here, with all due respect, to reject this amendment when the time arises.

I note my colleague from Rhode Island wanted to be heard on this. I will be glad to yield to him, or seek his own time.

Mr. CHAFEE. Mr. President, I think the Senator from Arkansas would like to say a few words. Would he? If not, I will proceed.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I am going to do something that I think is highly irregular. I earlier asked unanimous consent that reading of the amendment be dispensed with. But after reading the letter that came from the Sierra Club, and a number the other organizations, and after listening to the comments of my esteemed colleague, and my good friend, Senator DODD, I really think that it is essential that the amendment be read.

So I am going to proceed to do that. It is very brief. But I think the American people, whenever my colleague says there is some great morass, that we are adding some great regulatory burden—there are some I guess that would say democracy is a great regulatory burden; to ask people to have some input on whether or not as property owners they want to be part of this, that it is a terrible burden, I guess; but that it is a big process to ask Congress to use its proper role in review. I mean, when we look at wild and scenic rivers, we review that. We have the right to make a determination on that.

I would like to read the amendment. I think we can perhaps better focus our debate when we understand exactly what is in the amendment.

AMERICAN HERITAGE RIVERS INITIATIVE

During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 only in accordance with this section.

NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality, shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

It doesn't exclude any rivers. The President, acting through his chair of the Council on Environmental Quality, will submit the nominations.

PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clean Water Act, and the Safe Drinking Water Act.

The point there being that we ought to comply with existing law, and that if we were going to prioritize these rivers it should be on the basis of where the greatest need is as determined by the Clean Water Act and the Safe Drinking Water Act.

CONSULTATION WITH PROPERTY OWNERS.—

I used to wonder why the American people would object to this amendment.

To ensure the protection of private property owners along a river proposed for nomination. All property owners holding title to

land directly abutting riverbank shall be consulted and asked to offer letters of support for or opposition to the nomination.

I suppose that is a great burden—to notify the property owners, and let them express themselves pro or con. But I think that is what America is about. I think that avoiding that kind of process is what the American property owners today, the landowners of this country, so object to.

Consultation of property owners; that is No. 3.

DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by act of Congress.

That goes back to our review process.

Then the definition of river communities, which was totally omitted in the Executive order.

DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Without that definition, someone in another State could nominate a river in Arkansas, or Connecticut, or Rhode Island. Or somebody in Washington State could nominate—I mean we have to have some kind of definition as to what we mean. We are filling that void through this amendment.

That is the entire amendment. I have read it all, every word of it. So let the American people determine whether or not there is something so objectionable as has been characterized by those who are opposing the amendment.

I have much more to say. But that was the point of my seeking recognition—to simply read the amendment for the American people, and for my colleagues in the U.S. Senate.

I yield the floor.

Mr. DODD. Mr. President, to respond to my colleague from Arkansas—I know my colleague from Rhode Island wants to be heard—my colleague must be aware—I presume he is—of how the process works. The suggestion somehow that this process excludes local property owners from expressing their opinions is just not the case. In fact, it is very, very clear, as laid out by the Executive order, how the process would work. Certainly local input and people expressing their views, whether or not they are in favor or opposed to this, is very much a part of the process here.

This is complicating it by mandating through law. The implication here obviously is that Congress is going to make the decision as to whether or not these rivers in various areas are going to be designated so you have a vote of 51 to 49 picking this river or that. We are trying to avoid that, to keep the politics out of it.

If you go back and look at how it works, it requires that there be local input and approval and support at the local level. That is the whole idea. Obviously, to have Washington sit here and pick 10 rivers, we don't know whether you want to be designated. So this is entirely superfluous. The process exists right now that requires that effort. Support from local communities is all through the Executive order from the administration as to how this would work.

My point is, if that is the case, if that is what we are doing, it requires that input. To all of a sudden say we are going to have here a law that makes us go through congressional hearings and looking at all of this I think just is making more out of this than has to be the case.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise today because I believe the amendment before us is simply another thinly veiled attempt to attack the President's American Heritage River Program and to prevent any American river from participating in this innovative initiative.

Rivers have always been an integral part of our Nation's history, and throughout Virginia and across the United States activities are already underway to enhance the economic, historic, cultural, recreational, and environmental value of our rivers. Local government officials, conservationists, and riverfront developers, however, have complained that they cannot figure out which Federal programs they can use to pay for their redevelopment and river restoration projects or how to make their way through the redtape. The American Heritage Rivers Program is designed to lend a hand of assistance to these community-led waterfront projects. The program will assist localities in gaining access to existing Federal resources and will help bring their plans to life.

Mr. President, the American Heritage Rivers Program is voluntary and locally driven. This is a citizens-up effort to revitalize our hometown rivers. Communities will nominate outstanding stretches of America's rivers and 10 rivers will be rewarded special recognition. Each American heritage river will have access to a river navigator, a full-time liaison who is knowledgeable about the needs of the community and the multitude of Federal agencies and programs that could help meet their needs. The river navigator will help cut redtape and match priorities identified by the community with the services of the Federal agencies. The river navigator, however, will not have any power over local decision-making.

The American Heritage Rivers Program is solely an effort to increase local access to Federal programs that affect rivers, not to increase Federal management or regulation of rivers. The Federal Government will only respond directly to community needs.

Mr. President, the Federal Government has the authority and responsibility to coordinate the use of its limited resources in the best possible manner. If Federal agencies already have programs authorized and appropriated by Congress that are relevant to preserving and revitalizing our rivers, then an initiative that will help to ensure these services are delivered more effectively and efficiently is exactly what we need.

I'm not sure when this program became so misrepresented that individuals suddenly began to fear that the implementation of the American Heritage River Program would place an unprecedented Federal stranglehold on property owners. Today I heard the American Heritage Rivers Program referred to as an aquatic assault on the American people launched by President Clinton. That 13 Federal agencies will participate in the takeover of our Nation's rivers and a Federal employee will be appointed to control all land use and management activities within the designated area.

My only guess is these fears are rooted in a general distrust of anything that mentions the involvement of the Federal Government. But, in this instance, I find this distrust and these fears unwarranted.

The American Heritage Rivers Program simply promises to make a better use of existing sources of Federal assistance and will only coordinate the delivery of those services in a manner designed by the community. And communities can terminate their participation at any time.

Mr. President, the sponsor of this amendment says his constituents want a community-led process that will make the right decisions for their particular community, not a federally dominated process that could dictate to property owners how they can use their land. If that is what the people of Arkansas want, then that is exactly what the American Heritage River Program has to offer. But, Senator HUTCHINSON's amendment does not improve the American Heritage River Program, it only interferes with the President's initiative.

This amendment would add unnecessary delays and burdensome requirements to an initiative designed to streamline Federal assistance to community-led efforts. This amendment would even allow Members of Congress to block designations in other regions of the country, where community and congressional support are strong. Additional congressional bureaucracy will only stifle these citizen-led efforts.

Right now in North Carolina, Maryland, and Virginia, our rivers are under assault and the attack is by a cell from hell, a fishing-killing microbe called pfiesteria. We should be focusing our

resources on finding the source of this microorganism and ensuring our water bodies are safe for swimming and for fishing. We should not be considering amendments that attack any new or innovative approaches to river protection and revitalization. That's why Mr. President, I ask my colleagues to support the citizens and communities from around the country who continue to express resounding support for the American Heritage River Program and to vote against the Hutchinson amendment which stands in their way to protect and revitalize their rivers.

I agree entirely with my colleagues from Connecticut and Rhode Island, from whom we will hear in just a moment.

This was designed to simplify the process. As I listened to the amendment actually read, it will complicate the process. It will add additional burden to something that is entirely voluntary. There is no new money; there are no new mandates; no applicable provision of Federal law is in any way disturbed. This is simply an attempt to help communities that want to enhance both their environment and their prospects for economic development to do so with the aid of a navigator who will simply coordinate the assistance.

The Federal Government is already authorized to bring to bear on the project. That is what the national heritage river initiative is all about. I hope my colleagues will recognize that by adding a very significant regulatory burden you would very substantially undercut the prospects for the success of this particular initiative. It is entirely voluntary. Anybody who does not want to be a part of it does not have to be a part of it.

In my own State of Virginia, there is enormous excitement by the business community, by the environmentalists, by all who want to preserve and enhance our environment and who want to take advantage of economic development that flows from it. I hope at the appropriate time, Mr. President, our colleagues will vote against this particular amendment. And with that I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, every so often we are put in a difficult situation with amendments presented by somebody we have great affection and respect for, yet we are not in a position to agree with the amendment. Such is the instance here where we are now wrestling with the amendment presented by the distinguished Senator from Arkansas, with whom I have had the privilege of working on the Environment Committee and who is a very valuable member of that committee. Just yesterday we worked closely on a very major piece of legislation which unanimously came out of the committee, and part of the reason it was so successful in the committee was because of the help from the Senator from Arkansas.

But I must say I think he is making a mountain out of a molehill here, if you would. Maybe I ought to put it in river terms in some fashion. What occurred was in the State of the Union Address the President announced a plan to create initiatives designed to assist communities in their efforts to clean up and restore rivers and riverfront areas.

Last week, he signed an Executive order creating the American heritage rivers initiative. He had previously announced that he was going to do it and had used that term, American heritage rivers.

This amendment would, in my judgment, derail that designation and add a whole series of complexities to it that I will touch on in a minute. Since the announcement of this initiative in the State of the Union Address, communities along two major rivers in my State, the Blackstone River and the Woonasquatucket River, have been invigorated by the hope of gaining this designation. They have had rallies and gatherings, and I have had the privilege of attending some of those. I could not help but think, when the President announced this initiative, that he was describing an ongoing project we have in our State. It is the so-called Blackstone River Valley National Heritage Corridor which was created by legislation that I authored some 10 years ago.

In my years as Governor and first few years in the Senate, I came to view the Blackstone River as a nearly impossible problem. Many years of pollution from toxic substances had wiped out much of the wildlife along the river, and there had been terrific economic change. What once were great mills there had moved away or been abandoned and, indeed, it was a languishing situation.

Once this designation was made, as a result of technical assistance and advice from the National Park Service, a modest investment of Federal funds, enormous commitment from the local communities, business people, and residents, this whole area is experiencing a renaissance.

Today, community leaders from the Blackstone River Valley are sharing what they have learned with individuals from the other rivers, the Woonasquatucket, for example, and they are working together on an application for designation as an American heritage river. They want this designation. Individuals from the communities are writing the President, sharing their thoughts with him what the rivers mean to them, and we know this is a competitive situation. I must say I didn't know the whole Connecticut River was seeking it, and that is a powerful aggregation. They are favored. It goes through, I guess, three or four States—starting up on the Canadian border and coming down Vermont and New Hampshire and Connecticut, Massachusetts. However, we are very anxious that our rivers, the Blackstone and the Woonasquatucket, taking the two together, would receive this designation.

The question is this Executive order. I ask unanimous consent that a copy of the President's Executive order be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered

(See exhibit 1.)

Mr. CHAFEE. Section (d) of the Executive order says the following. I think this is important:

> Agencies shall act with due regard for the protection of private property provided by the Fifth Amendment to the United States Constitution.

That is what it says. There is nothing in this Executive order that interferes with the rights of individual property owners along the rivers. Nominations for this designation must come from the communities and have to be supported by a broad range of individuals. Once the designations are made, if a community finds it no longer wants to be an American heritage river, it can opt out. They are not bound into this thing. It is a very modest program. They get a designation. They get somebody from the Federal Government, one of the agencies that will help the communities along the river, do some things that will improve the quality of life along the river, make the river a more attractive entity in their lives.

As I say, the Federal role in these areas is limited to supporting community-based efforts to protect and restore the rivers. So I support the President's plan to designate 10 rivers. I support the goals of the initiative which are to protect natural resources, encourage economic revitalization, and preserve historic and cultural treasures, and I vigorously support the efforts of the communities that I mentioned along the Blackstone River which is part in Massachusetts and part in Rhode Island, and the Woonasquatucket River to get this coveted designation.

I would like to close, Mr. President, by touching on the Senator's amendment, but I want to underscore that applications for this designation have to come from the communities. This is not some President in Washington reaching out and saying that this river is going to be an American heritage river. It can only come about through the community seeking that designation. It has to have support from local residents. As I say, if they do not want to be in it any longer, they can get out.

So for those reasons I reluctantly oppose the amendment of my distinguished colleague from Arkansas.

The Senator from Arkansas read his amendment, and there are a couple of things in there that I find troublesome and I must say I am not quite sure what they mean. In the prioritization section, he says:

The nominations shall be subject to the prioritization process established by the Clean Water Act, the Safe Drinking Water Act and other applicable law.

Now, it may well be, I suspect, that under the Clean Water Act the prioritization is those rivers that are what we call most unclean, if you want to use that word, or the ones that are the most polluted. This is not geared solely toward a river cleanup in the sense of pollution control. That, of course, comes under the Clean Water Act. The Senator is quite right; that is an important part of prioritization of the Clean Water Act.

But this isn't the way, as I understand it, this act is to work. It isn't solely the President reaching out and saying we are going to designate the dirtiest rivers as American Heritage rivers because they need the most help. There is very little financial help from the Federal Government, totally unlike the Clean Water Act where there are massive grants, as the distinguished Senator knows, for wastewater treatment facilities, either municipal or the law, of course, forces the private companies that pollute in any fashion to clean up their act. That is not what this is designed for.

It goes on—and this is the point the Senator from Connecticut was making, that the provisions in this act really add a great layer of bureaucracy and redtape on top of what is an innocent process just getting the designation.

Example:

CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along the rivers proposed for nomination, all—

All, every single—

property owners holding title to land directly abutting the river shall be consulted.

Now, this can go on forever, trying to find who is along the river. Are they a tenant? Do they own it? What proportion of ownership do we have? In my State, we have factories that have been abandoned. They are owned by families that have disappeared. It is very hard to trace the ownership and find out who exactly lives there and owns the property.

Then we get to definition of a river community, in which the Senator says, "For the purposes of the American Heritage Rivers Initiative, as used in the Executive order, the term 'river community' shall include all persons that own property, reside or regularly conduct business within 10 miles of the river."

Now, I am not sure what the Senator means by that, but that is an impossible job, to bring in every person who lives within 10 miles of the river—lives there, owns property, or regularly conducts business. I don't know what that means. Suppose I am a regular attendee at a coffee shop along the river somewhere; I don't live within 10 miles, but I have lunch every day at this coffee shop. Do I fall under the term "river community"?

So for those reasons, Mr. President—and again, I would be open to explanation on this river community definition that the Senator includes—I hope that this amendment will not be accepted.

EXHIBIT 1

EXECUTIVE ORDER—FEDERAL SUPPORT OF COMMUNITY EFFORTS ALONG AMERICAN HERITAGE RIVERS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969 (Public Law 91–190), and in order to protect and restore rivers and their adjacent communities, it is hereby ordered as follows:

Section 1. Policies.

(a) The American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation.

(b) Executive agencies ("agencies"), to the extent permitted by law and consistent with their missions and resources, shall coordinate Federal plans, functions, programs, and resources to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage.

(c) Agencies shall develop plans to bring increased efficiencies to existing and authorized programs with goals that are supportive of protection and restoration of communities along rivers.

(d) In accordance with Executive Order 12630, agencies shall act with due regard for the protection of private property provided for by the Fifth Amendment to the United States Constitution. No new regulatory authority is created as a result of the American Heritage Rivers initiative. This initiative will not interfere with matters of State, local, and tribal government jurisdiction.

(e) In furtherance of these policies, the President will designate rivers that meet certain criteria as "American Heritage Rivers."

(f) It is the policy of the Federal Government that communities shall nominate rivers as American Heritage Rivers and the Federal role will be solely to support community-based efforts to preserve, protect, and restore these rivers and their communities.

(g) Agencies should, to the extent practicable, help identify resources in the private and nonprofit sectors to aid revitalization efforts.

(h) Agencies are encouraged, to the extent permitted by law, to develop partnerships with State, local, and tribal governments and community and nongovernmental organizations. Agencies will be responsive to the diverse needs of different kinds of communities from the core of our cities to remote rural areas and shall seek to ensure that the role played by the Federal Government is complementary to the plans and work being carried out by State, local, and tribal governments. To the extent possible, Federal resources will be strategically directed to complement resources being spent by these governments.

(i) Agencies shall establish a method for field offices to assess the success of the American Heritage River initiative and provide a means to recommend changes that will improve the delivery and accessibility of Federal services and programs. Agencies are directed, where appropriate, to reduce and make more flexible procedural requirements and paperwork related to providing assistance to communities along designated rivers.

(j) Agencies shall commit to a policy under which they will seek to ensure that their actions have a positive effect on the natural, historic, economic, and cultural resources of American Heritage River communities. The policy will require agencies to consult with American Heritage River communities early in the planning stages of Federal actions, take into account the communities' goals and objectives and ensure that actions are compatible with the overall character of these communities. Agencies shall seek to ensure that their help for one community does not adversely affect neighboring communities. Additionally, agencies are encouraged to develop formal and informal partnerships to assist communities. Local Federal facilities, to the extent permitted by law and consistent with the agencies' missions and resources, should provide public access, physical space, technical assistance, and other support for American Heritage River communities.

(k) In addition to providing support to designated rivers, agencies will work together to provide information and services to all communities seeking support.

Sec. 2. Process for Nominating an American Heritage River.

(a) *Nomination.* Communities, in coordination with their State, local, or tribal governments, can nominate their river, river stretch, or river confluence for designation as an American Heritage River. When several communities are involved in the nomination of the same river, nominations will detail the coordination among the interested communities and the role each will play in the process. Individuals living outside the community may not nominate a river.

(b) *Selection Criteria.* Nominations will be judged based on the following:

(1) the characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of the river that render it distinctive or unique;

(2) the effectiveness with which the community has defined its plan of action and the extent to which the plan addresses, either through planned actions or past accomplishments, all three American Heritage Rivers objectives, which are set forth in section 1(a) of this order;

(3) the strength and diversity of community support for the nomination as evidenced by letters from elected officials; landowners; private citizens; businesses; and especially State, local, and tribal governments. Broad community support is essential to receiving the American Heritage River designation; and

(4) willingness and capability of the community to forge partnerships and agreements to implement their plan to meet their goals and objectives.

(c) *Recommendation Process.*

The Chair of the Council on Environmental Quality ("CEQ") shall develop a fair and objective procedure to obtain the views of a diverse group of experts for the purpose of making recommendations to the President as to which rivers shall be designated. These experts shall reflect a variety of viewpoints,

such as those representing natural, cultural, and historic resources; scenic, environmental, and recreation interests; tourism, transportation, and economic development interests; and industries such as agriculture, hydropower, manufacturing, mining, and forest management. The Chair of the CEQ will ensure that the rivers recommended represent a variety of stream sizes, diverse geographical locations, and a wide range of settings from urban to rural and ensure that relatively pristine, successful revitalization efforts are considered as well as degraded rivers in need of restoration.

(d) DESIGNATION.

(1) The President will designate certain rivers as American Heritage Rivers. Based on the receipt of a sufficient number of qualified nominations, ten rivers will be designated in the first phase of the initiative.

(2) The Interagency Committee provided for in section 3 of this order shall develop a process by which any community that nominates and has its river designated may have this designation terminated at its request.

(3) Upon a determination by the Chair of the CEQ that a community has failed to implement its plan, the Chair may recommend to the President that a designation be revoked. The Chair shall notify the community at least 30 days prior to making such a recommendation to the President. Based on that recommendation, the President may revoke the designation.

Sec. 3. Establishment of an Interagency Committee. There is hereby established the American Heritage Rivers Interagency Committee ("Committee"). The Committee shall have two co-chairs. The Chair of the CEQ shall be a permanent co-chair. The other co-chair will rotate among the heads of the agencies listed below.

(a) The Committee shall be composed of the following members or their designees at the Assistant Secretary level or equivalent:

(1) The Secretary of Defense;

(2) The Attorney General;

(3) The Secretary of the Interior;

(4) The Secretary of Agriculture;

(5) The Secretary of Commerce;

(6) The Secretary of Housing and Urban Development;

(7) The Secretary of Transportation;

(8) The Secretary of Energy;

(9) The Administrator of the Environmental Protection Agency;

(10) The Chair of the Advisory Council on Historic Preservation;

(11) The Chairperson of the National Endowment for the Arts; and;

(12) The Chairperson of the National Endowment for the Humanities.

The Chair of the CEQ may invite to participate in meetings of the Committee, representatives of other agencies, as appropriate.

(b) The Committee Shall:

(1) establish formal guidelines for designation as an American Heritage River;

(2) periodically review the actions of agencies in support of the American Heritage Rivers;

(3) report to the President on the progress, accomplishments, and effectiveness of the American Heritage Rivers initiative; and

(4) perform other duties as directed by the Chair of the CEQ.

Sec. 4. Responsibilities of the Federal Agencies. Consistent with Title I of the National Environmental Policy Act of 1969, agencies shall:

(a) identify their existing programs and plans that give them the authority to offer assistance to communities involved in river conservation and community health and revitalization;

(b) to the extent practicable and permitted by law and regulation, refocus programs, grants, and technical assistance to provide support for communities adjacent to American Heritage Rivers;

(c) identify all technical tools, including those developed for purposes other than river conservation, that can be applied to river protection, restoration, and community revitalization;

(d) provide access to existing scientific data and information to the extent permitted by law and consistent with the agencies mission and resources;

(e) cooperate with State, local, and tribal governments and communities with respect to their activities that take place in, or affect the area around, an American Heritage River;

(f) commit to a policy, as set forth in section 1(j) of this order, in making decisions affecting the quality of an American Heritage River;

(g) select from among all the agencies a single individual called the "River Navigator," for each river that is designated an American Heritage River, with whom the communities can communicate goals and needs and who will facilitate community-agency interchange;

(h) allow public access to the river, for agencies with facilities along American Heritage Rivers, to the extent practicable and consistent with their mission; and

(i) cooperate, as appropriate, with communities on projects that protect or preserve stretches of the river that are on Federal property or adjacent to a Federal facility.

Sec. 5. Responsibilities of the Committee and the Council on Environmental Quality. The CEQ shall serve as Executive agent for the Committee, and the CEQ and the Committee shall ensure the implementation of the policies and purposes of this initiative.

Sec. 6. Definition. For the purposes of this order, Executive agency means any agency on the Committee and such other agency as may be designated by the President.

Sec. 7. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 11, 1997.*

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I find myself in the uncomfortable position of offering an amendment that is opposed by a chairman for whom I have the greatest respect and greatest esteem and the highest regard. So it is with that recognition that were I not so convinced of the merits of this amendment, I would have to rethink its value and its submission.

When we talk about making a mountain out of a molehill, I think the opponents of this amendment are making a mountain out of a molehill. This amendment has the simple purpose of protecting the rights of property owners and ensuring the input and participation of those most affected by these designations. It is not too much to think that Congress ought to ratify this designation, that Congress ought to have a say or view in the designation of these rivers in what could be a very, very broad program—eight cabinet departments, and four Federal agencies We have a process for the Wild and Scenic Rivers. Why not have a say in the American heritage rivers initiative as well.

Now, my esteemed colleague said there is very little money involved. We do not know. It has not been authorized, nor has it been appropriated. How much money is involved in this? Who can really give me an answer to that? There is no answer because we have eight cabinet departments and we have four Federal agencies, each one taking a little bit out of their pot. How much is involved? I would pose that question to those who are opposing this amendment. This has been presented as just a small initiative; that really we are making too much out of it and this is just a voluntary program. If it is a small program, we have eight cabinet-level departments involved and four Federal agencies participating in it. That sounds like a rather major initiative to me.

If you will compare the simplicity of my three-page amendment to the length of the Executive order, which has been submitted for the RECORD, I think one will see who is making a mountain out of what molehill.

Now, my esteemed colleague gave us some historical background as to how this initiative came forward. Let me just amplify a little bit more. The President officially announced this in his State of the Union Address. It was published during the month of February in the Federal Register, although it was not noticed to a great extent. Several public hearings apparently were held in the spring but congressional offices were not uniformly notified of hearing dates. Equally troubling was the short 3-week public comment period that was posted in the May 19 Federal Register. Because of the scope and the goals of the initiative and the magnitude of possible designations, I along with 15 of my colleagues signed a letter to Kathleen McGinty, chair of the Council on Environmental Quality, asking for a 120-day extension.

That is all we asked for, extend the comment period. They gave 3 weeks for the public. This is being presented as, Well, we would welcome all of those who are concerned about this to have adequate input. The fact is, the administration gave 3 weeks for public comment, and we as the elected representatives of the people said, Please extend that to 120 days. The administration only agreed to a mere 3 weeks. I think that was a very inadequate response to a program that has never been authorized and never been appropriated.

As I read the letter that has been sent out to all of my colleagues from

the American Rivers, from the National Audubon Society, National Trust for Historic Preservation, the River Network, and the Sierra Club, I hardly recognized the amendment of which they were speaking. They outlined their objections to the Hutchinson amendment. They say the Hutchinson amendment imposes "unprecedented, onerous and unnecessary requirements."

I read the amendment. So let the American people make their judgment as to whether that is an appropriate characterization of the amendment and whether asking Congress to approve, asking the property owners be notified and given the opportunity to say yes or no to it, whether they like it or not, if that is an onerous and unprecedented requirement.

Then they have four bullets in which they express their objections. Listen to these objections. These are the objections of the American Rivers, National Trust for Historic Preservation, Sierra Club, the National Audubon Society, and the River Network. Objection No. 1, "All designations would require congressional approval." Boy, that is something to object to, that Congress would actually approve it. They object, "The amendment would require all property owners along rivers to be identified and asked to support or oppose the nomination." Boy, that is something to object to, to actually notify the property owners and give them an opportunity to say whether they support it or oppose it. This is the objection of these groups to this amendment. That is an onerous requirement, to notify property owners about this new designation that is going to impact their lives, impact their property, the use of their property. They object, they say, "The amendment would prohibit the initiative to assist nondesignated rivers." I don't see that in the amendment.

Then they say, "The amendment would create and impose on river communities a 20-mile-wide Federal corridor including all persons who own property, reside or regularly conduct business in the corridor." I say to my distinguished colleague who questioned the definition, if you don't like definition, give us a different definition. But at least there is a definition of what a river community is. Because in the Executive order there is no definition of what we are talking about when we say a river community. We thought there ought to be some kind of definition as to what a river community is, and the best way to define it is to designate those who are most impacted by it.

So, once again, I would never present any legislative offering that I am authoring as being a perfect legislative remedy. But I am suggesting that there is nothing intemperate or unreasonable about what we are seeking. We are seeking to ensure that private property rights are protected, that property owners have an opportunity for input, and that congressional review and approval be preserved. That is our prerogative as those elected by our citizens.

Once again, if there is a mountain being made out of a molehill, it is those who would oppose a very commonsense amendment that would ensure that those most impacted by another Federal initiative will have input and have some protection for their rights and that those they elected to represent them up here would have a final say on whether those rivers are so designated or not. I ask my colleagues to look beyond the rhetoric and look at the reality of what this amendment does, the purpose of the amendment, and then grant their support for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be relatively brief here. I gather there are a couple of our colleagues who want to come over and be heard on the amendment itself.

Let me suggest, first of all, to my colleagues here who have been following this, there were more than 90 days of comment on the initiative. In fact, as a result of that period of comment, there were a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation. I ask unanimous consent those changes be printed in the RECORD at this point.

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

IMPORTANT CHANGES TO THE AMERICAN HERITAGE RIVERS INITIATIVE AS A RESULT OF PUBLIC COMMENT

The goal of the American Heritage Rivers initiative is to support community-led efforts to spur economic revitalization, protect natural resources and the environment, and preserve historic and cultural heritage. After more than 90 days of comment on the initiative, the Administration made a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation.

The Administration is committed to ensuring that private property rights, water rights, and other rights are fully respected and protected under the American Heritage Rivers initiative.

The American Heritage Rivers initiative will work in coordination with laws and regulations that seek to reduce pollution, improve water quality, protect drinking water, manage floodplains, promote economic development, facilitate interstate commerce, promote agriculture, protect wetlands and endangered species, preserve important historic and archaeological sites, and address other concerns.

The American Heritage Rivers initiative will not conflict with matters of state and local government jurisdiction, such as water rights, land use planning and water quality standards, nor will it change interstate water compacts, Indian tribal treaty rights, flood damage reduction, or other existing rights. By achieving greater coordination between programs and local needs, American Heritage Rivers will work to build mutual understanding and better solutions to existing and future problems. It will provide a forum in which federal officials, community organizations, and other stakeholders can examine how the range of regulations are implemented locally.

Employees of the federal government, including the River Navigator, may not as a result of the American Heritage Rivers initiative infringe on the existing authority of local governments to plan or control land use, or provide or transfer authority over such land use; nor may the initiative affect any existing limitations on or create any new authorities for the participation of federal employees, including River Navigators, in local zoning or land management decisions involving private property.

The initiative will not supersede, abrogate, or otherwise impair the authority of each state to allocate quantities of water within its jurisdiction; and any proposal relating to water rights in a community's plan must comport with all applicable laws and interstate compacts. Nothing in this initiative is meant to preclude any holder of a state water right from exercising that right in a manner consistent with state law.

In implementing the American Heritage Rivers initiative, federal departments and agencies shall act with due regard for the protections of private property provided by the Fifth Amendment to the United States Constitution.

The American Heritage Rivers initiative is voluntary and locally driven; communities choose to participate and can terminate their participation at any time. Nominations must come from the people who live and work along a river. Those who rely on the resources but live outside the area may be included in discussions about the plan of action, but may not submit a nomination.

Mr. DODD. Furthermore, let me lay out how this works. This is not just sort of throwing this out. We are going to have some sort of political determination made regarding these 10 heritage rivers.

First of all, the administration stated that if a Senator or a Member of Congress opposes a designation in his or her State or district, the designation will not occur. That at least gives people an opportunity here to express the wishes of their communities. So, today we will have a vote on this. I presume that is the way people want to express how they feel about this. If colleagues want to vote for the Hutchinson amendment, the amendment of my colleague from Arkansas, that's a good indication of where you stand on this, and that can certainly narrow down the process, I suppose, here. That would be, I presume, an expression of how your constituency felt on this.

Second, the administration has proposed a panel of experts representing economic development, including agriculture, natural resources, environmental protection, historic and cultural preservation, to review all the nominations and make recommendations to the President. This would not

only, I think, ensure a fair and objective process, but guarantee the designations are made in a timely manner. So it is not going to be made by one individual. You bring together people to determine what are the qualifications that ought to be looked at. Certainly, some of the already existing Federal laws regarding clean water are very, very important. There are other considerations, and that ought to be a part of it.

Third, there must be broad-based support for this. In the nomination package submitted, communities must show a broad base of support, including property owners, State, tribal, local governments, before this package is going to be accepted.

Let me suggest here, by the way, that it spells it out. "The administration recommends that supporters should reflect"—I am reading here, now, "the diversity of the community, including but not limited to property owners, as appropriate, and as stated in the Federal Register notice they should include farmers, ranchers, landowners, businesses and industries, education, arts organizations, youth groups, community leaders, developers, community development organizations, historical societies, environmental groups and other nonprofit organizations, elected officials, State, tribal and local governments." You can't get much broader than that. You have to demonstrate that kind of support.

Private property owners are an important element here. It is not limited to that. If we are going to ask people to give comment out here, certainly we are suggesting that ought to come from those people, but there are other entities as well that are affected by it. Businesses are affected by it. Universities are affected by it. Communities are affected by it.

What the Register says here is get the comments from everybody here including private property owners. Does it say to get every single private property owner? No; that would be a nightmare. On the Connecticut River, 500 miles of river through four States and congested urban areas, are you going to get a comment from every private property owner? Why not kill the whole thing? That's the idea. Get rid of it. Have an amendment that says there should be no designation of 10 heritage rivers. That's a lot cleaner. But the idea somehow in four States where we are applying—no guarantee we are going to be accepted; we are for this in four States—the delegations are for it, the communities are for it, we have to go back now and go through 510 miles on both sides of the Connecticut River, 10 miles on either side, and get comments from every single property owner, with all due respect, kills this.

There is a cleaner way of killing it; a cleaner way of killing it than maiming this process and adding a huge bureaucracy where we go out now, because we like this, and go through the next year or two where local communities, at some expense, are going out and getting comment from every single property owner. Talk about adding to the burden of a process. There is no mandate here, no regulations, no money. Just a designated 10 rivers in the country as being heritage rivers. Talk about adding to the cost of local taxpayers and communities—this amendment does that.

Here we require, the administration requires, broad-based comment. Nominations may only be made—they may only be made by members of the community. That is the only way this can occur. It doesn't occur because some Senator nominates it. It has to come from the community. That is exactly the purpose and the intent here. So, the idea of going across and saying we are going to exclude everyone else in the process—there are no new regulations or changes in existing law. The American heritage rivers does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other preexisting law. Given that the American heritage river initiative imposes no new regulations on any activities undertaken or designated on designated rivers, people would naturally abide by the law, obviously, in areas that are covered under those provisions of law. Any project identified in a community's nomination package must undergo applicable State, and local review processes. Property owners are key at this stage of the review. The administration believes such review should remain a local issue and Federal agencies should assume no additional roles in what is a local decision.

In the nomination package, communities must demonstrate that members of the community have had an opportunity to comment and discuss the nominations and plan of action. That is required. When you submit your package from a local community, you have to demonstrate you have gone out to the community and solicited the views of the people of your community.

It even goes further, so it is not just a mayor or select person in town, but it is actually that you have to demonstrate in the local community you have solicited the comments and the views of people in that community, including your private property owners.

In implementing the American heritage river initiative, Federal departments and agencies are required to act with due regard for the protection of private property owners, provided by the fifth amendment to the U.S. Constitution, and as directed by Ronald Reagan, President Reagan's 1988 Executive Order No. 12360.

I must say here, this has been pretty well thought out here, requiring applications must come from the community. The community leaders must solicit the opinion of people in their communities. It also solicits the views of others in addition to the private property owners along those rivers, but doesn't require every single one of them, as does this amendment, as it insists. I read it to you. It says here:

"To ensure the protection of private property owners along a river proposed for nomination, all property owners"—I am reading now line 17, 16 and 17—"all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination."

All 510 miles of the Connecticut River? Along the Mississippi River, all property owners? Colorado River, all properties owners are required here? It would be a nightmare. Why not just a simple amendment, "There shall be no designation of American heritage rivers"? It is cleaner; up or down, yes or no.

What if in the process we go through this process by communities, by towns all across the country going through this process, at great cost, and at the end we don't get designated, someone else does? I understand that. But why make us go through all of this? Why not just say, "We don't like the program; get rid of it."

As I said earlier, if people don't want this, if Members of Congress, the delegation does not want it, believe me, you won't be included. It is simple, straightforward, guaranteed, no problem. If any Senators here decide they don't want their States to be included, the rivers that run through them, vote that way today and, believe me, the process gets thinner. Believe me, it gets thinner. Those of us in the New England States certainly feel that.

Senator CHAFEE of Rhode Island pointed out, on page 3, the definition of a river community:

> For the purposes of the American Heritage Rivers Initiative . . ., the term "river community" shall include all persons that own property, reside or regularly conduct business within 10 miles of the river.

I have almost 500 miles of Connecticut River, add 10 miles on either side of it and go up and down there, you add to my nightmare of everyone who abuts the river. Now I have to go 10 miles to either side. This gets unbelievably cumbersome to try to do something as simple as designation of 10 heritage rivers—no mandates, no regulations, no money to try to manage it here and nothing can be done by a Federal agency that runs into opposition of local agencies and governments.

This has been well thought out, Mr. President, well thought out by a panel of people who will designate it. It is not going to be made by someone in the White House who picks out a river, but to try to see if we can't come up

with a group of people here who will make intelligent choices about this.

This is really pretty straightforward. Again, I can tell you, and it may differ from place to place in the country, but I gather it is pretty competitive. We have people all across the country excited about this.

We have had about six different meetings in my State. We invited the head, the chief administrator, for the Environmental Protection Agency. We had a huge crowd turn out expressing their support—the communities, the business leaders—saying this is something we really want here.

Now to go back and say we have to get every single property owner for 10 miles on either side on this thing to designate river communities, this would be a great blow, I think, to millions of people in this country who would like to see their rivers restored, who like the fact that there is a President in this country who has said we ought to pay attention to this.

Hopefully, this is just the beginning of a process where more rivers can be designated in the future. I suspect we are going to have a lot of hurt feelings at the end of this process. We only have 10 that are going to be designated out of the entire country. But the fact that 10 will be and maybe others can be to highlight the importance of these rivers, the communities and all the activities associated with it, I think ought to be applauded. The fact that the administration has put in place a very deliberate, thoughtful process of where this should begin, how it ought to be conducted, who makes the decisions, who is going to be consulted, I think is something that deserves applause, rather than coming up, as I say with all due respect, with an amendment that would basically gut this process entirely and make it impossible for millions of people across this country to celebrate their rivers and to try to restore them to the cultural, historic, economic, and environmental importance that they ought to have in this country.

For those reasons, at the appropriate time, I will offer a motion to table this amendment and hope my colleagues will support it. I say that with all due respect for my colleague from Arkansas. We have worked together on a number of different issues. I have great respect for him. I enjoy his company and service. I just have a fundamental disagreement with what this amendment would do. I think it would be dangerous to what has otherwise been a very ennobling effort and one that ought to enjoy broad-based support here.

Mr. President, I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, with mutual respect for Senator DODD's opposition to this amendment, three times my distinguished colleague has suggested that a vote for the Hutchinson amendment will be a vote not to participate in the American heritage rivers initiative. I assure my colleagues, and I hope that Senator DODD will join me in assuring my colleagues, that this process is not so political that casting a vote for an amendment designed to protect the private property owners would somehow jeopardize later approval or selection as an American heritage river. It is simply not the case.

Mr. DODD. If my colleague will yield on that point, I will clarify it for him.

Mr. HUTCHINSON. Yes, I will yield.

Mr. DODD. Any Member of Congress who wants to can object to their State being included and it will exclude that nomination. Obviously, one can interpret a vote here.

Mr. HUTCHINSON. Reclaiming my time, that, of course, is the case, but a vote for the Hutchinson amendment is not, as it has been suggested, a vote against this initiative or a vote against having a river in your State participate in this program.

I think it gives the wrong appearance and the wrong suggestion for Members of the Senate that somehow their vote on this amendment might influence whether or not rivers in their States would be selected and be so designated.

There are many who came and asked me to sponsor an amendment similar to what was passed in the House in which funds were simply cut off for this program. I resisted the desire to do that, because I didn't think that the goals, as stated for the initiative, were bad, but I did believe that there needed to be some protections, and some assurances.

Senator DODD says that this is somehow some backdoor way of killing the program. Well, the House in effect did that. I resisted that because I didn't want to indicate I wasn't supportive of the goals of the initiative. But I did believe that we needed to have a process that ensured that it would guarantee the rights of private property owners along these precious historic rivers would be protected.

It has been asserted that we have such a process in place. My confidence in that process is somewhat shaken because of my experience with the administration over this issue.

Fifteen U.S. Senators signed a letter asking for the comment period to be extended for 120 days, but we could not get the administration to honor that request. Because our simple request was denied, I have a hard time accepting that the requests of average citizens would be honored.

The process may look good on paper, but that is not the process in reality. If, in fact, there is such confidence that property owners are going to have input and those most affected are going to have adequate input, then there shouldn't be any problem in accepting an amendment that puts that assurance into statutory language.

The fact is, the process has been short-circuited. Those most impacted and those most affected are not being given an opportunity to express themselves.

It has been suggested that this is a small program, voluntary program, no money involved. How can that be asserted? We don't know how much money is going to be spent. Nobody can tell me how much is going to be spent on this initiative because no one knows. There has been no authorization. There has been no appropriation. We have eight Cabinet-level departments involved and four Federal agencies involved. Let's put that in the amendment, "No money will be spent. We are going to designate these rivers and no money will be spent." No. We are not going to get that assurance because that is not the case.

How broad are the implications of this initiative? No one knows, because Congress has been cut out of the process, until this moment. An Executive order, a short comment period, the process moves forward, and when one Senator dares to stand along with some colleagues who have had some courage to cosponsor the amendment, suddenly we are imposing some terrible, onerous burden upon this program. Who objects to that? I believe this is why we were elected: to look at the executive branch, to rein in agencies that may go off without adequate public input and without a proper process. All we are doing in this amendment is assuring there is going to be such a process.

They say, "Well, this is terrible to have to notify all the property owners." There are a lot of ways of notifying, and we have, both on the State and Federal level. There are many different kinds of public notification. You can do that through newspapers. You can do that through radio. You can do that through public service announcements. As a former radio station owner, it was something we did that all the time. It is common knowledge that newspapers give public notice all the time.

It is important to ensure in statute that we are going to have public notice to all property owners and that their input is desired. We want to know if you are for the initiative or against it, give us your ideas. Give us your suggestions—that is not some kind of onerous burden. It is a fundamental part of freedom. It is part of liberty. It is part of the essence of a democratic republic. It is an asssurance to the citizens of our country that they will have adequate input. It is not to stand here on the floor of the U.S. Senate and say, "Well, we can't possibly notify everybody." We can and we should. The Amerian public should know, and they

have the right to give their thoughts and their suggestions on whether they are for it or they are against it.

If one is convinced that the property owners' input is going to be guaranteed under the current process, there surely should be no objection to supporting this amendment and guaranteeing that they are going to have proper input. The fact is, we need to reassure the citizens of this country that we in the U.S. Senate do take the rights of property owners seriously and that when we are going to designate their property, we are going to give it a title—we don't know what all the implications of the American Heritage Rivers Initiative may be—it is incumbent upon us to guarantee that they are going to have the right to be involved in that process. That is what this amendment is about. Let's let them know. Let's let them have input. Let's let their elected officials be able to make the final decision.

It is argued that for Congress to review and to approve the designations of these rivers is somehow to politicize the process. Anybody who has watched the executive branch operate over the last 4 years—for that matter, I suspect you go could go back much further; I have been in Congress since 1993—if you look back over those years, I think it is very difficult to argue that designations and decisions being made in the executive branch are somehow nonpolitical.

If you wanted to depoliticize the process, bring it before the U.S. Senate, bring it before the House, bring it before the appropriate committees and let us ratify it. We do it all the time. We do it for the wild and scenic rivers. This will allow Congress to have the same kind of input and the same kind of ratification process that we have on other programs.

No, that is not a bad thing; it is a good thing. It is a good thing to notify property owners, to ensure public input, to allow the elected representatives of the people to have a say-so in these kinds of programs. For many of us who have looked at the use of the Executive order over the last few years, we understand, we understand well, that a nation that was built upon three equal branches of Government and a system of checks and balances. Too often the legislative branch has allowed our prerogatives to be usurped by an executive branch that would just as soon govern by Executive order. Whether it is totally meritorious or whether it may not be totally meritorious, we should have a say in those kinds of decisions. Here is an area in which we, as the legislative branch, can reassert our rightful constitutional authority to review these decisions.

So I ask my colleagues to, once again, look at the actual language of the amendment, look at the intent of the amendment, look beyond the rhetoric and support this very responsible, moderate, temperate provision to ensure that the rights of our citizens are protected. I yield the floor.

Mr. KENNEDY. Mr. President, I join my colleagues in strong opposition to this amendment, which would severely undermine the American heritage rivers initiative proposed by President Clinton in his State of the Union Address this year.

Since the President's announcement, many communities across the Nation, including impressive coalitions along the Connecticut River, Blackstone River, and Merrimack River in Massachusetts and New England, have expressed their strong support for this new program. They recognize it as an excellent opportunity to work in partnership with the Federal Government to protect the environment and cultural resources that make each of these rivers a unique part of our history and heritage.

The initiative is designed to join the National Park Service's technical expertise with local decisionmaking, so that cities and towns across the country can decide how best to revitalize their rivers and communities.

This amendment would impose a host of unnecessary Federal mandates that would make it difficult for communities to nominate their rivers for designation as American heritage rivers. It would be impossible to carry out the program as President Clinton intended. The amendment would dictate the size of each river corridor—requiring uniform boundaries with a 20-mile-wide span along each river—rather than allowing flexibility for local circumstances. It would require mandatory participation of each and every property owner within the 20-mile-wide boundary of the corridor, and upset the ongoing application process that many communities are pursuing in good faith to meet a December 10 deadline. It would also require congressional approval of the President's selection of rivers, injecting politics into a nomination process that is currently based on merit.

This amendment is a frontal assault on the American heritage rivers initiative. It would strip citizens of their ability to protect and revitalize their rivers on their own terms, and give Congress the authority to micromanage these important local efforts.

The American heritage rivers initiative has great potential, and has won high praise from communities across the country. It makes no sense to change the ground rules of the game at this late stage, and I urge the Senate to reject this amendment.

Mr. LEAHY. Mr. President, for the last 2 weeks, we have seen firsthand the threats facing our rivers. In Maryland and Virginia, rivers have been plagued with fish washing up along the banks with lesions. Although the State and Federal fish and wildlife agencies have not been able to pinpoint the cause, I think we all can assume it is linked to the health of these rivers. The President's American heritage rivers initiative was launched to identify those rivers which are facing the greatest threats and assist communities revitalize the health of their backyard resources.

In Vermont, many of our rivers have already suffered such environmental harm that they can no longer sustain healthy fish populations. Even in Vermont's first nationally designated wilderness area, the 16,000 acre Lye Brook wilderness of the Green Mountain National Forest, streams are too toxic for fish. While the streams are remote from Vermont's population centers and industries, it stands square in the path of storms from the midwest, which carry pollutants that puff out of coal-fired power plants and cause acid rain.

Although I would argue that Vermonters are the most environmentally aware and involved citizens in the country, they cannot take on these environmental threats alone. The American heritage rivers initiative will empower these communities to access Federal resources to help them protect, preserve and develop their river resources. This is assistance Vermonters have been asking for—assistance where the community identifies the need, where the community controls the projects and where the community decides the outcome. This program is voluntary. This program is grassroots.

Since the President announced this initiative, I have heard from Vermonters up and down the Connecticut River asking me to nominate their river for this initiative. Although I whole-heartedly support the nomination of the Connecticut River, I told those communities that the nomination had to come from home, not from Washington. And this is as it should be. The nomination of the Connecticut has created a new enthusiasm for the Connecticut River in Vermont. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received that demonstrates the widespread interest in nominating the Connecticut as part of this initiative.

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

CONNECTICUT RIVER
WATERSHED COUNCIL, INC.,
Easthamption, MA, February 18, 1997.

Re "Heritage River" designation for the Connecticut River.

Hon. PATRICK LEAHY,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: In his "State of the Union" address, President Clinton announced a national conservation initiative of singular relevance to the Connecticut River. He stated his intention to designate ten of

the Nation's most significant rivers as "American Heritage Rivers."

The Connecticut not only merits national recognition, but it is the symbol of what a heritage river should be—an array of extraordinary local conservation and economic development actions that are bolstered and reinforced by government resources and expertise. We ask for your support and active efforts in Washington to see that the Connecticut is selected as one of the Nation's ten Heritage Rivers.

Designation is intended to create a partnership between the federal government and those who work at the local level to protect and responsibly use river resources. It will *not* bring federal regulation and mandates. Instead, it will redirect federal resources and expertise to help Valley residents safeguard our river environment, sustain and renew our river communities, and preserve the historic and cultural fabric of our river Valley. Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the federal government to aid us in conserving our river resources and building the watershed economy.

The Watershed Council has put together a "Connecticut River Fact Sheet" for you, detailing the many resources that make the River special and worthy of heritage designation (a copy is enclosed). Summarized, the top three reasons are:

1. The Connecticut is New England's longest river and largest river system. The 410-mile river has a 11,260 square-mile watershed that encompasses parts of four states—Connecticut, Massachusetts, New Hampshire and Vermont. Besides its rich diversity of plants, animals, birds, fish and other wildlife, the Connecticut supports recreation, power generation, agriculture, and urban revitalization. It provides 70% of Long Island Sound's freshwater. Its "special places" include the Northern Forest at its headwaters, the Connecticut River Macrosite below Hanover, NH, an internationally recognized estuary wetland area below Middletown, CT, and a host of significant historic, geologic and cultural sites in the Valley.

2. The Connecticut River faces challenges that local and state governments alone cannot resolve. The New England Interstate Water Pollution Control Commission is about to issue a report entitled "The Health of the Watershed" detailing the water quality threats facing the River. Problems that need attention include nonpoint source pollution, toxins in fish, erosion, flow fluctuation, combined sewer overflows (CSOs) and upgrading existing sewage treatment plants.

3. There are willing local partners up and down the River ready to work in partnership with the federal government. There is a diverse network of nonprofit groups and local agencies ready to take advantage of the opportunities and resources that designation would bring to the Connecticut River. These include nonprofit land trusts and local conservation and historic preservation groups in each of the four states; hydropower dam operators; the Great Falls Discovery Center partnership in Turners Falls; the 13 regional planning commissions in the Valley such as the North Country Council, the Joint River Commissions, the Franklin County and Pioneer Valley Planning Commissions, the Connecticut River Assembly and the Gateway Commission; urban revitalization efforts like Riverfront Recapture in Hartford or the Springfield Economic Development Council; Hartford's Metropolitan District Commission; and statewide and regional conservation organizations like the Connecticut Chapter of The Nature Conservancy, the Society for the Protection of New Hampshire Forests, the Vermont Natural Resources Council, and the Connecticut River Watershed Council.

For the Connecticut to shine in the company of rivers that are already part of our national consciousness—the Mississippi, the Columbia, the Rio Grande—we must all champion its heritage nomination. Competition for this national recognition and the allocation of scarce federal resources it will mean will surely be fierce.

The decision on which rivers will be designated is expected within the next 90 days, so time is of the essence. We urge you to write to Interior Secretary Bruce Babbit this month to express your support for selecting the Connecticut as a heritage river. Secretary Babbit has visited the Valley several times in the recent years and has spoken eloquently about the Connecticut's natural and cultural values, so he personally knows our River.

If you have further questions about the President's American Heritage Rivers Initiative or need more information about the Connecticut, please do not hesitate to have your staff contact me. Meanwhile, the Council is already working with a network of individuals, communities, and organizations to gather the local nominations that will win the designation for our River.

Sincerely,

WHITTY SANFORD,
Associate Executive Director.

Mr. LEAHY. This widespread interest in the Connecticut River would not be recognized by Senator HUTCHINSON's amendment. His amendment would only define the "river community" as persons who live within 10 miles of the river. The Connecticut River connects four States and supports a watershed of over 11,000 square miles. I would argue that the river community stretches throughout this watershed.

This amendment would also give priority to those rivers based on the Clean Water Act and the Safe Drinking Water Act. Although I certainly agree that these laws should be key parts of the criteria, it overlooks the other half of the President's initiative—economic revitalization. Many of our great American rivers were once the focus of our national economy as the primary means of transportation and commerce. Much of this role has been lost, but the economic link between communities and rivers has not. The Connecticut supports a rich agriculture community, a recreation network and a renewed sportfishing industry. The economic importance should also be recognized.

I support the President's interest in highlighting 10 rivers for revitalization and hope that the program moves along quickly to bring our communities together around their rivers. I urge my colleagues to defeat the Hutchinson amendment so that the program will not be bogged down with unnecessary delay.

Mr. LIEBERMAN. Mr. President, I rise in strong opposition to the amendment offered by Senator HUTCHINSON that would have severe consequences for President Clinton's American heritage rivers initiative.

The American heritage rivers initiative is designed to support community efforts on behalf of their own river resources and will help these communities tell the rest of the Nation just how special their river is. The Federal Government has a lot of expertise to offer to local communities on how to accomplish that goal, and we ought to be looking for ways to share that wealth with communities who want it. I wanted to take a moment to explain why I think the initiative is the right way to accomplish these goals.

The initiative involves no new regulatory requirements for individuals or State, tribal, and local governments. It is a voluntary, community-defined effort that gives riverbank communities the option to work in partnership with the Government to help cut redtape and match community priorities with services provided by Federal agencies. The initiative will allow communities to partner voluntarily with the Federal Government so that existing resources can be used more effectively. In this time of increasingly scarce funding, this is certainly worth encouraging.

Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the Federal Government to conserve river resources and build the watershed economy. This initiative isn't a land grab by the Federal Government, or even a potential one. It is simply an effort to help sustain and renew river communities, and recognize the rich history and tremendous contributions of rivers to the Nation.

Second, safeguards are in place to ensure that the initiative will protect the interests of river communities. Most importantly, nominations for designation as an American heritage river must come from the communities themselves. Unless a community wants an American heritage river, they don't have to have one. And there are opportunities to designate only stretches of river in case the local communities feel that designation of the entire river would be appropriate.

The nominations themselves must meet several criteria that demonstrate designation is not going to interfere with anyone's interests. For example, the nomination must have broad support from individuals and organizations along the river. This means that a river won't be designated unless it makes sense to the community—the people who are closest to the resource and understand it best—that this action will be beneficial. Also, the nomination must show that the different interests who live in the community—public, private, and local government groups—are willing to cooperate to protect the river.

Now what happens if a river receives an American heritage designation? The Federal Government simply makes a commitment to use existing staff, resources and programs to assist river communities in their river restoration and community revitalization efforts. These are relatively simple services but can be essential for local communities struggling to gain the attention of the Federal Government. For example, an Internet Home Page will be set up to provide communities with information on river conditions and where to access other kinds of information important to the interests of the community such as available grants, and where to get aerial photographs and advice from experts. This kind of nonintrusive assistance will help to streamline the bureaucracy that can be encountered when communities plan initiatives to revitalize their surroundings. A commitment to a better-functioning government is in everyone's interests. In addition, this isn't a perpetual designation—any community may have this designation terminated at its request at any point in the future.

If a river receives the American heritage designation, the Federal Government agrees to act as a "good neighbor" to those communities involved. This means that the Federal Government will ensure that its actions have a positive effect on the natural, historical, economic, and cultural resources of the river communities. Agencies will be required to identify ways to inform local groups regarding Federal actions and must consult with American heritage river communities early in the planning stages of those actions to take into account the communities' goals and objectives. Communities also will be granted greater flexibility to try out new and innovative approaches that support their needs. Reducing the bureaucratic obstacles communities face and committing the Government to plan around the communities' objectives means that the Federal Government will be more responsive to the needs of local areas—something we all want. The initiative will allow riverbank communities to build their watershed economy and conserve their river resources in better, smarter ways than might be possible currently.

In New England, communities along the Northeast's longest river and largest river system—the Connecticut River—are sold on the American heritage rivers Initiative. The Connecticut traverses four States from its headwaters in New Hampshire to Long Island Sound and affects millions of lives and livelihoods in the States through which it flows. Unfortunately, the Connecticut faces problems that State and local governments cannot resolve alone—run-off from lawn care and agricultural fertilizers and discharges from sewage treatment plants pour into the river. Some fish contain unhealthful levels of toxins. Sewers overflow into the river when it rains. A network of ready-and-willing groups up and down the river want to work in partnership with the Federal Government to help the Connecticut. These include State and local conservation and historic preservation groups, local businesses, hydropower dam operators, regional planning commissions, and urban revitalization efforts. Designation of the river as an American heritage river would benefit every regional, State, and local effort to promote the Connecticut River Valley as a place of unmatched quality, where there is an opportunity to raise a family, expand a business, or spend a vacation.

Rivers are a cornerstone of this Nation's great history and define the distinctive character of riverfront communities. Rivers are lifelines that rank among our greatest environmental, economic, and human resources. What we say and do in caring for all our rivers will say to future generations not what we think about ourselves here in 1997, but what we want the world to be for our grandchildren, and their grandchildren. The American heritage rivers initiative will help ensure that our legacy to future generations reflects our commitment to work together to conserve and restore the environment, to protect cultural and historical resources, and to promote responsible economic development and tourism on our Nation's most important assets. The initiative deserves out support. I urge opposition to Senator HUTCHINSON's amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition because I would like to speak briefly on the introduction of legislation on campaign finance reform and to submit my bill today since the bill is going to, apparently, be considered in some form by the Senate next week.

I have consulted with the distinguished manager, Senator GORTON, who stated that it would be acceptable to him for me to take 10 minutes, and I consulted with Senator ENZI, who has been waiting to speak on another matter, and I consulted with Senator DODD, who may not be officially in charge of the bill.

Mr. DODD. Will my colleague yield for a point of information, Mr. President? Is this just to introduce some legislation? He is not asking for any votes on any matter?

Mr. SPECTER. I am just about to ask unanimous consent to proceed as if in morning business for the purpose of introducing legislation, but I wanted to state my purpose as to why I was seeking that time at this moment.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object if it is for the purpose of introducing legislation, as long as my colleagues are satisfied with this, I am as well.

Mr. SPECTER. I thank my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair and thank my colleagues. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

AMENDMENT NO. 1196, AS MODIFIED

Mr. HUTCHINSON. Mr. President, in participating in this debate on the Hutchinson amendment on the American heritage rivers initiative, and listening to I think some very valid points that have been made by my esteemed colleague, I ask unanimous consent to modify my amendment, and would modify the amendment to read, on page 2, section (b), No. 3, "CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who wish to comment shall be considered."

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DODD. Reserving the right to object, and I will not object, I appreciate my colleague's efforts to modify this. I point out that it appears to me you have still got to go out and try to get the comments. But, nonetheless, I appreciate the purpose behind his effort here, so I have no objection.

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

Will the Senator send the modification to the desk?

Mr. DODD. I would like to see a written version of this so we could have it.

Mr. HUTCHINSON. I will be glad to provide a written version.

The amendment (No. 1196), as modified, is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality shall submit to Congress

nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clear Water ACt (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who wish to comment shall be considered.

(3) DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Mr. HUTCHINSON. My point in the amendment of course is to make Congress a partner in this process. And to the extent that this would be difficult to implement, this change I hope will be helpful. I appreciate the Senator's indulgence.

Mr. SARBANES. Mr. President, I rise in strong opposition to the proposed amendment by my colleague from Arkansas.

First, I think it is important to point out that the American heritage rivers initiative does not force designation upon any river or river community. It is a voluntary program.

American heritage rivers enables communities who wish to protect, restore, and revitalize their waterways, who want to protect their vital natural, historical, cultural, and recreational resources, to voluntarily develop and submit a locally driven nomination and to seek designation.

As proposed by the administration, any nominated river must demonstrate broad community support for the nomination. It must demonstrate that members of the river community have had ample opportunities to comment on the nomination and plan of action. The administration has also made it very clear that if a Member of Congress opposes a river designation in his or her district, the designation will not occur in that district.

Second, American heritage rivers establishes no new regulations, and was specifically designed to streamline Federal assistance to community-led riparian restoration efforts. By requiring written approval from all property owners along a river, and subjecting designation to a lengthy congressional selection process, this amendment in effect creates crippling delays and places unnecessary regulatory burdens on the nomination preparation and selection processes.

Third, this amendment unnecessarily restricts the broad objectives of American heritage rivers by focusing only on the water pollution aspects of river revitalization. American heritage rivers is designed to celebrate and address not only natural resource and environmental protection, but to also promote economic development and the protection of our historical, cultural, and recreational resources.

In my own State of Maryland, and throughout the entire Potomac watershed, a broad coalition of local governments, private citizens, businesses, and others, known as the Friends of the Potomac, has mounted a concerted effort to nominate the Potomac. This coalition is striving to make "Our Nation's River" one of the first 10 designated American heritage rivers, and I fully support and encourage their efforts.

Mr. President, the American heritage rivers initiative is simply an effort to better coordinate and leverage existing Federal resources. The Council on Environmental Quality, participating agencies and departments already have congressionally provided authority and responsibility to carry out this program. I urge my colleagues to join me in opposing this amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe that most of the debate on this amendment has been concluded. The Senator from New York [Mr. D'AMATO], has wanted to speak on it, on the same side as the Senator from Connecticut. He tells us that he can be available in about 10 minutes.

So on my own behalf, and on behalf of the majority leader, if, at the conclusion of Senator D'AMATO's comments, debate seems to have been concluded, it will be appropriate either to vote on the amendment directly or for the Senator from Connecticut to make a motion to table.

Mr. DODD. If my colleague would yield, I will inquire here and make calls and see whether or not anyone else would like to be heard on the amendment. If no one does want to be heard, I certainly have no objection to going to a vote on this.

I would like to be able to comment myself at some point here on the modification to the amendment that has been made by the author of the amendment at some point here. That is why I want to see the writing, to make sure I understand exactly.

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

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

Mr. BUMPERS. Mr. President, let me first of all say my opposition to my colleague's amendment is difficult for me. I have the utmost respect for him. We have a fine working relationship. Occasionally we have a disagreement, as on this amendment. I know he feels very strongly about it.

My interests in the wilderness areas and the rivers of this country go back to the time when I was Governor of the State of Arkansas. Long before Congress considered wilderness legislation, Arkansas was considering it. I must confess before God and everybody that my wilderness proposal was the only substantive legislation I lost or was unable to pass in my first term as Governor. It was considered a little bit of a radical concept.

Now, of course, we have millions and millions of acres in the national forests and State forests set aside for wilderness areas. It was a concept whose time had not come in 1971. I remember one legislator said, "Who wants a wilderness? If you want one, go grow one." That is how shallow the thinking was about wilderness back then.

Fortunately, I was able to designate a few rivers as scenic rivers. I am pleased we were able to do that. I am a strong believer in preserving everything that has any aesthetic or cultural value.

Now, as I see this proposal, not my colleague's proposal, but as I see what the President is proposing, I just do not understand, frankly, the opposition. We have had some calls in our office suggesting that this is a United Nations plot to take over private property. Well, I wouldn't be standing here saying that the President's idea is a good one if I thought for a minute it was going to take people's property away from them, that there was some kind of cabal or conspiracy to do such a thing as that.

I guess that you could compare this to a scenic highway. In Arkansas we designate scenic highways in our State. You know why we do that? To entice tourists to drive on those scenic highways. You drive a few miles west of Washington, DC, and all you can see are signs saying "Scenic Highways." I have never heard any outcry from anybody in my State opposing scenic highways. We love them. They do wonders for the Arkansas tourist industry.

If I understand the proposal on the heritage rivers, it is designed so that the President would have to be told or he would have to be requested by the people in the local community that they want to declare their river an American heritage river. If he did it, it would be an honorary designation more than anything else. The only time any Federal resources would be committed to it would be if the local community decided that they wanted to start a new project along the river, as we have done in Little Rock, AR, with a beautiful new park.

In 1972, I attended a Southern Governors' Conference in Austin, TX. We

always have a big dinner at the close of those things. Lady Bird Johnson was my seatmate at dinner. I had never met her before. She is a very gracious, charming woman. The Lady Bird Johnson Park out here is a real tribute to her. She told me, "Governor BUMPERS, I was in Little Rock about 2 weeks ago and I was staying in a brandnew hotel. I looked out my window toward the river and there was the county jail and a sand and gravel operation." She said, "I believe that Little Rock is the only city in the world on a major river that doesn't have a riverfront park that utilizes the beauty of the river and builds on the beauty of that river."

I came back and reported that to the city fathers in Little Rock. It was rather embarrassing when she brought it to my attention. To make a long story short, we now have one of the most magnificent riverfront parks in Little Rock, AR, today, of any State in the Nation. We have a week-long Riverfest festival which everybody in Arkansas takes great pride in.

There is nothing underhanded or sinister in this proposal. The President is not asking for legislative authority. He is simply saying, if the community of Little Rock came to him and said, "We want this river in our State declared an American heritage river," he could proclaim it, like giving them a plaque. Everybody in this body has 1,000 plaques. What is wrong with that, providing recognition to aesthetic values in this rather meager way?

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Very briefly, my colleague from New York is here and I will yield to him, but I want to make a quick comment on the modification offered by our colleague from Arkansas to his amendment.

Certainly, while I appreciate the attempt here to lessen the burden of contacting every single person and property owner of this amendment, still I respectfully suggest that it has some major flaws.

No. 1, it still suggests that Congress knows better about the wishes of local communities. We have a fundamental disagreement about that. As my colleague, Senator BUMPERS, said—and I am confident my colleague from New York will agree—this is community originated. The idea that we would have the say over what our local communities want is contrary to the steps we have taken in the last few years. We have tried to strengthen our local communities in almost every process.

No. 2, the consultation process suggests here that only private property owners be consulted for comment here. Obviously there are a lot of other interests here that would want to comment, beyond private property owners. What is suggested by the Executive order, you get broad-based comments, including private property owners. And if we adopt this language, the argument is you exclude in the process these other people.

No. 3, the amendment says that we ought to define "river communities" as those that are 10 miles on either side; yet to make a case, if we exclude them from commenting here, as the amendment does by implication here, that, in my view, would be a mistake.

Last, this amendment, underlying it all, presumes that the program is intended to be some large, costly bureaucratic effort. Nothing could be further from the truth. It is anything but that. It is designed to be just the opposite of that, to be a community-based effort here to recognize and designate the importance of the great rivers of this country.

Certainly I appreciate that there are those who get concerned when they hear about Washington wanting to help, their abundance of good humor about Washington wanting to help. In this case, that is exactly what it is. It has been a wonderful inspiration, Mr. President, to see the communities come together all along these rivers and, in multi-States, sort of competing in a healthy way to be designated one of the 10 heritage rivers.

As I said at the conclusion of my earlier remarks, we ought to be applauding this. This is a worthwhile effort here. There is nothing sinister about it. There is nothing underhanded, no secret agenda, no mandates, regulations, or dollars associated with this in any way. Yet I suggest here, by this amendment, when you start reading it, I can see someone saying, "Look, I wish to comment on this, but I didn't get a chance to comment," and you are in a lawsuit before you know it because we have adopted laws here that say that anyone who wishes to comment ought to be able to comment.

Once you start doing that, you are inviting people to suggest otherwise—"I wasn't heard," "I should have heard," "I wish to comment, you didn't give me a chance." I don't think we want to go down that road.

With all due respect to my colleague from Arkansas, I know my colleague from New York, when he completes his remarks, will move to table this amendment. I will join him in that motion and urge my colleagues to support us in that effort.

I thank Senator D'AMATO and Senator BUMPERS for their leadership and hope we can reject this amendment and by doing so recognize the important effort that the President has undertaken as he did in mentioning this effort in the State of the Union Message.

I yield the floor.

Mr. D'AMATO. Mr. President, first of all, let me say, as well-intentioned as the legislation of the Senator from Arkansas is, I believe it presents a number of obstacles. I think while there are those of us who are concerned with respect to undue Federal intrusion, that is not so in the American Heritage Rivers Program because it is a program that by its very implementation must take place through the initiatives of the local communities.

This is not a question where the President or Washington or Big Brother designates a river and says, "I want this river to be in the program." This program comes about as a result of the initiatives of the State and local governments.

For example, in New York, Governor Pataki has recommended that the Hudson River be one of those rivers that applies for designation. Indeed, they have. Not only has the request come from the State, but it really has come as a result of dozens and dozens of communities and community groups along the Hudson River petitioning to be part of this process, that will help ongoing initiatives including the Hudson River Estuary Management Program, the Hudson River Greenway Program, local waterfront revitalization programs. Again, dozens of communities and cities want to be part of this process.

The fact is that the State is ready to spend, along with this and local initiatives, some $75 million on the Hudson River.

What we are talking about is enhanced services to deliver the kind of upgrading that will bring an improvement of services to the people on the river. If this amendment were enacted, we might well see an entire program that is ready for implementation and that involves local initiatives thwarted, only because the initiative is a voluntary program that is locally driven and community based.

Now, some of the requirements that this legislation would bring about would have the effect of denying access to and tying up the process. To notify property owners in a 10-mile area and take comment—and I see my colleague says that is not necessary; maybe he would like to address that—but the burdens placed upon implementation, and the fact we get into this process of having to designate raises concerns. Would Congress have to designate 10 rivers annually? And should that really be the province of Congress, to say which of these rivers should be part of this program? Now, I believe in the separation of powers. I think it is absolutely essential. But I am wondering how we would go about that. Really, shouldn't it be the State and local governments petitioning the executive branch and having various requirements that they must meet? And, of course, we may or may not agree with the selection modality. I am not suggesting that we just sign off. Obviously, we as representatives of our States and communities want to be in a position to see that there is fairness. That is why we are here, to keep some

balance in the allocation of resources. I don't know whether or not we should be the people who, on an annual basis, authorize the selection process of 10 rivers. I think that really should lie within the province of the executive branch having to meet some kind of competitive standard.

We are very excited by this Presidential initiative. Let's be very candid here. The Governor of New York and the President of the United States, in terms of political philosophy, have not always lined up on the same side. Indeed, I say, on many occasions, they take opposite points of view. So I think it is important when the Governor points out that this is an opportunity for a State-Federal partnership on a basis that makes sense without there being undue intrusion—because we reject undue intrusion. There is a process that is underway. Now, I can just imagine, if the Hudson River isn't designated, we will probably launch a hue and cry as to why not. Of course, that is part of the process. If it is not designated and we think it should be, we would be prepared to ask those questions. That is part of democracy; that is part of the process.

No one has the absolute, and no one's decisions and actions can go without the risk of being challenged in the court of public opinion, and that is what we would be doing. But I have every reason to believe, notwithstanding the political differences and philosophical differences, for the most part, we will get reasonable decisions. I think some of these issues are going to be very easy. There are some bodies of water where the local governments and State officials are anxious and can put forth a good case to be designated. Then they will get down to areas where it gets competitive and where reasonable people might disagree. Are we going to say there won't be some politics entering into it? Of course, there will be. But it will be right here on this floor within this body, I note, to the chagrin of many. The Presiding Officer would not believe that. But I can attest to the fact that I believe that would be the case, in my limited experience in observing these matters in the course of the past 17 years. And so it would be in the House of Representatives.

Taking the political jockeying that would take place in terms of designating these rivers between the House and the Senate, that would really be a lulu. You know, there is something called the rights of the minority, which this body in particular ensures, and I like that. I think it is important. Even though we may have legislation and the majority supports it, oftentimes, I think it is a necessary and important right. I think if we were to reflect on the history of this body, we would find that sometimes those who are not in the majority have held up legislative initiatives and, in the fullness of time, it has come out that they were correct. So it is not bad. But I want to say that it could be used in the manner which would make it difficult to get designations of the kinds of rivers that should be qualified.

So I will be, of course, forced to move to table this amendment on behalf of myself and Senator DODD at the appropriate time. I don't intend to do that until my colleagues have an opportunity to express themselves.

Mr. GORTON. If the Senator from New York will yield, the Senator from Minnesota is here wishing to speak. I think it is appropriate that the Senator from Arkansas get to terminate the debate. If the Senator from New York doesn't wish to stay, perhaps it would be appropriate for me to ask unanimous consent that the Senator from New York, together with the Senator from Connecticut, be allowed to move to table at this point, but ask unanimous consent that after the motion to table is put, but before it is voted on, that the Senator from Minnesota have 5 minutes and the Senator from Arkansas have 5 minutes, after which a vote would take place on the motion to table. Would that be acceptable? I put that request to the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I make a motion to table on behalf of myself and Senator DODD, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 10 minutes of debate remaining. The Senator from Minnesota has 5 minutes. The Senator from Arkansas has 5 minutes.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I really am in strong opposition to the amendment of my friend—and he is a friend—from Arkansas. I find it hard to understand why we would be creating additional hurdles, as this amendment does, for communities to work together to restore and protect rivers and riverfronts. I think that is what this debate is all about. We have a President who has initiated a program that will help local communities restore and protect rivers without any additional regulation, and Mr. President, for the life of me, I don't know why we would want to support an amendment that would delay the start of this program, and which I think really would have no obvious benefit for our country.

Mr. President, while the Congress does have an oversight role—and I acknowledge that—this amendment, I believe, is a misplaced effort to involve all property owners in the designation process, that would really create a whole new cumbersome process and give some form of veto power to a single property owner who might decide to object, for whatever reason. So I think the amendment, however good-intentioned, is mistaken.

Mr. President, it seems to me that this amendment is about stopping the American Heritage Rivers Program, not protecting property owners from some imagined Federal takeover of their property. The Senate is supposed to be a voice of reason. I think by perpetuating the myth that the Federal Government is somehow engaged in a land grab or a power grab through this program is a dangerous game, and I think it is one we should be very cautious about entering into.

Let me speak, in the last couple of minutes, about Minnesota. We have some fine rivers in the State of Minnesota and many communities who want to see this program go forward. One of those rivers, I think most of my colleagues are acquainted with, is called the Mississippi River. It flows right past the State of my friend. I don't need to tell my colleagues how important this river is to the Nation, how important it is to our Nation's culture, our history, and our economy. I will tell you that in Minnesota we have mayors from communities such as Bemidji, at the headwaters of the Mississippi and from Minneapolis, St. Paul, South St. Paul, St. Cloud, Anoka, Wabasha, Winona, and others, working with mayors in other States along the Mississippi to develop their nomination for this program.

So we have a lot of communities seeking designation of the Upper Mississippi River to improve access to Federal riverfront revitalization programs, and who are fully respectful of property rights, like other local governments across America who want to compete in this program. I think that if this amendment was passed, it would place an insurmountable roadblock in front of the aspirations of local communities in the State of Minnesota and across America who are trying to make improvements and make the most of their river resources. Let me repeat that. I think if the amendment passed, the biggest problem is that it will create an insurmountable roadblock for a lot of our local communities who are doing their level best to make improvements and make the most of their river resources. That is the problem.

I applaud the President's work. I applaud this initiative, this program, and I hope my colleagues will vote against the Hutchinson amendment. I will certainly strongly support the Dodd-D'Amato motion to table.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I think it has been a good debate. I think some of the suggestions made and some of the points are very valid. We have tried to respond to those.

I want to assure my distinguished colleague from New York that I believe the Hudson River's possibilities and its chances of being designated as an American Heritage will be enhanced by the adoption of this amendment. One of the provisions is prioritization, which would be in accord with the Clean Water Act and the Safe Drinking Water Act. That will help the Hudson River. We don't designate the rivers in Congress. Congress doesn't designate them, but we would like to have the right of approval. I think that is proper and appropriate.

The amendment does not undermine the Clinton Executive order. Instead, it assures that the rights of property owners will be upheld through the notification and comment process. It further assures that the true interests of those residing near, owning property, or conducting business in the area of the river will be heard, and that their interests will not be muted by powerful outside lobbyists or interest groups who desire to force their will on a selected community.

It should be understood that this initiative has never been authorized, money has never been appropriated. It sweeps money from eight Cabinet departments, four governmental agencies, allowing the Federal bureaucracy to dominate what should be a community-directed initiative.

My friend and colleague from Arkansas, Senator BUMPERS, made the analogy of the Scenic Highways Program in the State of Arkansas, in which highways are called scenic highways, and signs are put up, and how that helps tourism. I remind my good friend that the scenic highways in Arkansas are approved by the State legislature. So I think if we are going to carry that analogy, Congress should assert itself in its proper role in approving these designations. That is what it is all about.

We don't know the cost of this initiative, the magnitude of it. Congress needs to be involved in it. We want congressional approval. Executive orders are being overutilized by this administration. Congress needs to reassert itself as an equal branch of Government. We want the property owners to be protected. I have shown my good faith in trying to make that workable. It is a workable amendment. We want those rivers to be prioritized in compliance with existing law, the Clean Water Act and the Safe Drinking Water Act. It is a good amendment, it is a simple amendment, in contrast with the lengthy Executive order the President has issued.

This is a very simple amendment that provides very basic protections and ensures congressional input on these decisions in this program that will be made. I will close with this. I ask my colleagues this question: If you owned property along one of these rivers, wouldn't you want to be consulted? I think the answer to that is "yes," and if the answer to that question is "yes," then you need to vote against this motion to table and support the Hutchinson amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—57

Abraham	Faircloth	Leahy
Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	McCain
Bingaman	Frist	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gregg	Murray
Bryan	Harkin	Reed
Bumpers	Hollings	Reid
Chafee	Inouye	Robb
Cleland	Jeffords	Roth
Collins	Johnson	Sarbanes
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Thompson
Dodd	Kohl	Torricelli
Domenici	Landrieu	Wellstone
Durbin	Lautenberg	Wyden

NAYS—42

Allard	Gorton	Mack
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Brownback	Grassley	Nickles
Burns	Hagel	Roberts
Byrd	Hatch	Rockefeller
Campbell	Helms	Santorum
Coats	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Conrad	Inhofe	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kyl	Thomas
Dorgan	Lott	Thurmond
Enzi	Lugar	Warner

NOT VOTING—1

Stevens

The motion to lay on the table the amendment (No. 1196) as modified, was agreed to.

YIELDING OF TIME—S. 830

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, when the Senate turns to S. 830, the FDA reform bill, I yield my 1 hour for debate under the cloture rules to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with consideration of the bill.

Mr. THOMAS. I ask unanimous consent I be allowed to speak for 5 minutes.

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

NEW WORLD MINE

Mr. THOMAS. Mr. President, I will speak briefly on a subject that is part of the bill that is before the Senate, part of the bill on Interior. It has to do with the New World Mine. It has to do with the Land and Water Conservation Fund.

I rise to support the language that is in the Interior appropriations bill requiring that any expenditures out of the Land and Water Conservation Fund to be used for the purchase of the New World Mine must be authorized by the authorizing committee. That is also true of the Headwaters Forest.

There is some notion that there was an agreement during the debate on the budget with the administration that these funds would be available for authorization. I think it was clear the other day when the Senator from New Mexico came to the floor and spoke and indicated that there was no such agreement. I am here to congratulate the committee on that.

First let me make a couple of points clear. One is, I oppose the development of the New World Mine. I was one of the first elected officials to oppose that. There are some places, in my view, that are inappropriate for mining. I think this is one of them. It is true they were in the middle of EIS when the agreement was made to stop the mine, but nevertheless I have opposed that long before the President signed the agreement and came to Yellowstone Park with great fanfare and stopped the development of the New World Mine. I had opposed that. So despite the rhetoric that is coming out of the White House and is coming out of the CEQ at the White House, there was not an agreement, there was not an agreement for the expenditure of this money.

This is not an issue of whether you want to protect Yellowstone or whether you don't. We all want to do that. No one wants to preserve it certainly more than I. I grew up just outside of Yellowstone, 25 miles out of the east entrance. I spent my boyhood there. I

understand the area. I am also chairman of the Subcommittee on National Parks, and we worked very hard and will continue to have a plan to strengthen the park and to save parks. So that is not the issue. That is not the issue.

We will have before this Senate, as a matter of fact, at the beginning of next year, a plan called Vision 20/20 which is designed to increase the revenues that are available to parks, to do something about this $5 million in arrears in terms of facilities. So I am committed to the parks and I can guarantee you that we will have a program to do that.

What this involves is a commitment on the part of the administration, a commitment on the part of the White House, a commitment on the part of Miss McGinty at CEQ who has become the political guru for White House natural resources to do what they indicated they would do.

Let me read just a little bit from the agreement that was made in Yellowstone Park on the 12th day of August 1996, between Crown Butte Mines, Crown Butte Resources, Northwest Wyoming Resource Council, and a number of others and the United States of America.

Objectives of the parties.

As set forth in greater specificity below, the objectives of the Parties in entering into this agreement are to: (a) provide for the transfer by Crown Butte to the United States of the District Property in exchange for property interests owned by the United States having a value of $65 million; * * *

2. The United States will, as expeditiously as possible, identify Exchange Property with a fair market value of $65 million that is available and appropriate for exchange for the District Property.

That is what it says in the agreement. That is what is agreed to. That is what everyone thought we were doing.

The reversal now is the White House is saying well, there was an agreement that we will take cash out of the Land and Water Conservation Fund for these items. That is not what the agreement was. There was not an agreement to do that. We are saying the White House should live up to the agreement that they signed back on August 12 of this year.

They have claimed no property to be found. I can't believe that. I have talked to the owners of the mine and they are willing to accept most any property that they could sell and turn into cash. So that is what it is all about.

I believe the current language in the appropriations bill is correct. There is $700 million authorized in the Land and Water Conservation Fund but the expenditure is not simply left to the discretion of the administration but, in fact, the committees of jurisdiction have an opportunity, indeed, have a responsibility for the authorization.

I yield the floor.

CROWN BUTTE MINE

Mr. BURNS. Mr. President, I rise today to commend my colleague Senator GORTON for the position he has taken in this Interior appropriations bill on the proposed buy-out of the Crown Butte Mine in my State of Montana. I am very supportive of the position and the language he has in this bill to address a very complicated and unfortunate issue.

A little over a year ago, while on vacation in Yellowstone National Park, the President took an action that still has me shaking my head. Using an administrative decision, the President circumvented the process that Congress enacted to provide for the protection of our natural resources in this country. The National Environmental Protection Act [NEPA] was designed to provide an indepth analysis prior to any action taking place on public lands throughout the Nation. The effect of this analysis is to make sure that any project being contemplated is safe for the public and takes into account the welfare of the natural resources.

This administrative action which the President took, provides for a cash buy-out of the Crown Butte Mine and entirely circumvented the NEPA process. The State of Montana, the mining company, and others had spent unlimited amounts of time and a great deal of money to go through the NEPA process. However, this work was completely undone by the actions of the President and the Council on Environmental Quality. With the NEPA process eliminated, to this day we still do not know what the results of the environmental impact statement would have been. The administration, overrode good, sound, scientific processes for a policy based on a feel-good mentality.

During the past year, several attempts have been made to come up with either property or money to fulfill the commitment made by this administration to the mining company. The first of these attempts, the Montana initiative, a plan which the State of Montana developed with the approval of the White House and would have swapped property in Montana for the Crown Butte property also located in Montana. This attempt failed, which would have provided compensation to the State of Montana for lost revenue, when the administration failed to bring the parties to the table to complete the negotiations. Later in the year, the Council on Environmental Quality decided they could take funds from one of the most successful environmental programs, the Conservation Reserve Program, to pay off the company. This, of course, proved unacceptable to numerous Members of Congress, the farmers of this Nation and several conservation and wildlife organizations. The administration's attempts to complete this deal have shown little regard for the public and their involvement in the process.

Finally, as congressional leadership and the administration negotiated the Balanced Budget Act, an outline for coming up with funding was completed. I reiterate here, that this was just an outline, not an agreement for specific projects. This agreement provided for $700 million to be placed into the Land and Water Conservation Fund [LWCF], for priority land acquisitions. No specific projects were detailed in this agreement. Senator DOMENICI, who assisted in the negotiations as chairman of the Senate Budget Committee, came to the floor earlier this week to spell out what exactly was detailed in the agreement reached in the Balanced Budget Act. Senator DOMENICI read from the agreement which proves that no specific projects were included in the agreement.

The chairman of the Interior and Related Agencies Appropriations Subcommittee was then placed in a position of deciding exactly how those funds would be expended. I congratulate the chairman for the work that he did to come up with a reasonable approach to this issue. In dealing with this expenditure of funds, the chairman has placed Congress back into the loop where they belong. The language in this bill provides that the funds will be set aside until Congress has the opportunity to authorize the spending on particular projects. Congress has a responsibility to the public to review any and all expenditures of this magnitude. I have been elected to address the concerns of all the people including the citizens of Montana who have been ignored by this Presidential directive. In this particular arrangement, the administration seemed to have overlooked one very important and vital person in this whole scenario. Ms. Margaret Reeb, the owner of the property on which the mine itself would have been located.

What the chairman has done with this language is provide Ms. Reeb, Park County, and the State of Montana a chance to voice their concerns with the administrative action he has taken. They are the biggest losers in the action proposed by the President. In the case of Ms. Reeb, the property owner, her private property rights have been violated, as well as has her devotion to the heritage from which she came. As for the State of Montana and Park County, well in an area where mining provides some of the best paying jobs in the State, income and economic development have been thwarted without even the slightest consideration provided for this loss.

Mr. President, I commend the chairman for the work and the position he has taken on this issue. He has shown great insight and provided leadership in the development of a solution that will provide Margaret Reeb and others

an opportunity to voice their say on this matter. I thank the chairman and appreciate his hard work.

AMENDMENT NO. 1221

(Purpose: To provide for limitations on certain Indian gaming operations)

Mr. ENZI. Mr. President, I ask unanimous consent the pending amendments be set aside.

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

Mr. ENZI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. BROWNBACK, Mr. COATS, Mr. LUGAR, Mr. BRYAN, and Mr. BOND, proposes an amendment numbered 1221.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(A) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING—The term "class III gaming" has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

Mr. ENZI. Mr. President, I have submitted an amendment to the bill that comes as a result of several years of involvement with the Indian gaming issue in Wyoming. I want to mention, you may have a copy of an early version of the amendment. I hope you have a copy of this more recent version.

What we are trying to achieve with the bill is to be sure that the Secretary of Interior is not drafting any rules or regulations that would bypass the States in the process of dealing with Indian gambling.

Now, that is what this amendment works to do, and I rise to join my distinguished colleagues, the Senator from Kansas, Senator BROWNBACK, the Senator from Nevada, Senator BRYAN, the Senators from Indiana, Senators LUGAR and COATS, and the Senator from Missouri, Senator BOND, in offering an amendment to the Interior appropriations bill.

This amendment would place a 1-year moratorium on the Secretary of Interior's ability to approve any new tribal-State gambling compact if the compact has not been approved by the Governor and the State legislature of the State in which the tribe is located. This 1-year moratorium will give Congress an opportunity to review the approval process of Indian gambling compacts as well as the effect of gambling on the society as a whole.

Mr. President, last year Congress approved the formation of a National Gambling Impact Study Commission to conduct a 2-year study of gambling's political, social, and economic effects. By authorizing the study, Congress realized the potential dangers that the recent explosion in casino gambling poses to society at large. While this study has yet to get seriously underway, the expansion of casino gambling is continuing at an alarming rate.

The desire for quick cash has had an effect on everyone, including native Americans, and them as much as any other segment of the population. A Congressional Research Service report issued this past June showed that since the Indian Gaming Regulatory Act was passed in 1988, the Secretary of the Interior has approved over 180 tribal-State gambling compacts. As of June of this year, 24 States now have gambling on Indian reservations within their borders. Mr. President, 145 Indian tribes currently have one or more casinos on their lands. This proliferation of casino gambling on tribal lands and society at large has not been without its negative effects. John Kindt, a professor of commerce and legal policy at the University of Illinois, has concluded that for every $1 in tax revenue that gambling raises, it creates $3 in costs to handle such expenses as economic disruption, compulsive gambling, and crime. Gambling is an industry in which a precious few make a fortune, while the penniless thousands pay the price with their shattered lives, painful addictions, and widespread crime.

In light of the detrimental effects of the proliferation of casino gambling, Congress should review the approval process of the Indian Gaming Regulatory Act to determine what long-term changes need to be made to this act. While the regulation of gambling is generally reserved to the State governments, the power to regulate gambling on Indian tribal lands rests primarily with Congress.

Let me explain precisely what this amendment would do. The amendment my colleagues and I are offering places a 1-year moratorium on the approval of any new tribal-State gambling compacts if the compacts have not been approved by the Governor and the State legislature in the State in which the tribal lands are located. This amendment does not prohibit the individual States and Indian tribes from negotiating class III gambling contracts. It simply requires if there is to be an expansion of the tribal-State gambling contracts within a State's borders, these compacts must first be approved by the State's popularly elected representatives and Governor. Again, this moratorium is only for a period of 1 year. A 1-year moratorium will allow Congress to reexamine the long-term approval process of the Indian Gaming Regulatory Act to determine if the current process is in the best interests of the tribes, the States and the country as a whole.

The rationale behind this amendment is simple: Society as a whole bears the burden of the effects of gambling. A State's law enforcement, a State's social services and communities are seriously impacted by the expansion of gambling, casino gambling on Indian tribal lands. Therefore, a decision of whether or not to allow casino gambling on tribal lands should be approved by the popularly-elected representatives. I believe a 1-year moratorium on the approval of new gambling compacts which do not receive approval from the Governor and the State legislature is a reasonable beginning to a very important debate on reexamining the long-term approval process under the Indian Gaming Regulatory Act.

I urge my colleagues to support me in this effort. Again, the amendment that we have presented would give a clear indication to the Secretary of the Interior that we do not want rules and regulations that will bypass State authority and put the State in a situation—since the gaming doesn't affect just the lands, just people on the tribal lands, it affects those immediately surrounding it to a great degree. The further you are from the gambling, the less impact there might be. But there is an effect on a greater number of people than just the tribe. In our State of Wyoming, we had an initiative about 3

years ago to allow local option decisions on gambling. When that initiative was first presented, according to polls, 70 percent of the people were in favor of allowing that local option. We took a look at the situations in the States surrounding us, what was happening, and when we had the vote, 70 percent of the people in Wyoming said, no, that isn't the way we want our State to go, that isn't the way we want our neighbors to inflict their decisions on us. So the State, as a whole, took an approach of not allowing class III gambling by 70 percent. That was with a lot of money against it.

So we have some concern in our State. My purpose with the amendment is to make sure the State's concerns would be represented in this, as well as everyone else's. I mention that, with the first version I put out, I got a call from the Senator from New Mexico, Senator DOMENICI. He had some concerns. He thought I was trying to eliminate a particular tribe in a particular place in New Mexico. That was not my intent. I took a look again at the wording and changed it to the wording that has gone to the desk because, again, we want to emphasize that our purpose in this is to make sure that the States are involved in the decision as well.

I thank the Chair and yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with the Senator from Wyoming in his remarks. Last year, I served as attorney general for the State of Alabama and dealt with this precise issue. There is a considerable amount of litigation going on in the country resulting and culminating from the Seminole Indian case that was decided by the U.S. Supreme Court last year. The basic problem is that under Federal gambling law, there appears to be some confusion as to whether the Secretary of the Interior can intervene in the negotiating process between States and Indian tribes with regard to the kinds of gambling that would be allowed in the State.

For example, in Alabama, we have one particular Indian tribe that has three distinct parcels of land, as I recall, in various parts of Alabama. If the Secretary of the Interior were to allow the tribe to have casino gambling at any one site, they would also be able to have a casino at the other two places within Alabama. That result has been resisted very steadfastly because three major gambling casinos would, in fact, let the wall down. Casino gambling would spread throughout the State, and it would not make any difference what the people of Alabama felt about gambling or casinos in general as the casinos would be built without ever having put the matter before the people of Alabama for consideration.

This is a very important national issue. It is a very important issue for those who believe gambling should not be spread and for those who believe that the growth of gambling should only occur when the people have voted on it. Allowing the Secretary of the Interior to unilaterally sanction tribal gambling is a way to get around popular elections that would allow local people and local officials to decide whether to allow or disallow gambling. So it has a real serious effect. The gambling industry has suggested repeatedly that they think if a State does not go along with their desire to have casinos on the reservations, then they could approach the Secretary of the Interior and get his permission. In fact, they have said that in Alabama for some time.

As attorney general, my office researched the law governing this issue, and I came to the conclusion that the Secretary of the Interior did not have the ability to sanction tribal gambling in this manner. In fact, I wrote him a letter in June of last year which explained the legal arguments which appear to preclude him from exerting such authority. But the possibility that the Secretary does retain such authority has remained a matter of discussion among those involved in the question of the spread of gambling in America, and there are progambling forces that have suggested that the Secretary of the Interior does have that power.

This amendment, I think, would simply clarify the legislative intent Congress had when it passed the Gambling Act a number of years ago. This amendment would not allow the Secretary of the Interior to override the popular will of the people in the States where tribal gambling is at issue. I think it is very good policy.

I salute the Senator from Wyoming. I think he is right on point. If the Secretary of the Interior were to be inclined to attempt to assert authority in this area, we need to stop it. And if he doesn't intend to intervene and if he does not intend to assert such power, he should not be offended by this legislation because I think it merely reflects the will of this Congress.

Thank you, Mr. President. I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise today in support of the Enzi amendment on the temporary moratorium on the expansion of gambling on tribal lands. I will just make a very brief and succinct point. In the last Congress, we passed Public Law 104–169, which established the National Gambling Impact and Policy Commission. It was for the purpose of studying the social and economic impact of gambling and reporting its findings to Congress. I supported that legislation. I thought it was important legislation, particularly since the gambling industry has expanded so much. The industry rakes in $40 billion a year annually in the United States. It operates in 23 States. The amount of money wagered annually in the United States today exceeds $500 billion—half a trillion dollars.

There have been a number of questions regarding the industry overall. It just seems to me that what we should do is a logical progression here. We are saying there are a lot of questions regarding the impact of that amount of gambling taking place in the United States, that pervasive amount, that size of money. What we should do now is, let's pause for a moment and let's not expand this any further until we have this Commission reporting back on what the impact is to the United States.

There have been lots of allegations of negative impacts of the gambling industry. It is widespread, it is expansive, and it is in many, many areas. Let's let this Commission meet, let's let them make a conclusion, let's let them report to Congress on these items before we expand any further than the $40 billion, 23-State industry that it is today.

That is why I think the Senator from Wyoming is bringing up an excellent point in this. Now, I don't want my views to be construed as in opposition to the chance for economically deprived Indian nations to bring needed economic activities to their communities. That is not what this statement is about. I think it is a positive thing that tribes are striving to provide employment and health care and housing and other important services, in light of the position of where they are economically and the difficulty and the needs that they have. This amendment does not ban Indian gaming. It does not affect gaming compacts which are operational or already have been approved. It simply places a temporary prohibition on the Secretary of the Interior to approve any new tribal-State compacts.

I think, in light of this, a national commission that has been established, and the questions regarding a societal impact on the overall United States, that this is an appropriate approach. I commend the Senator from Wyoming on this very reasonable approach.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, before proceeding with my remarks, I wish to state for the record that there are two States in this Union that prohibit gambling of any sort—the State of Utah and the State of Hawaii. In the State of Hawaii, it would be a crime to conduct

bingo games. There are no poker games, no slot machines and no casinos in the State of Hawaii. The same thing presents itself in the State of Utah. Yet, I find myself rising to express my opposition to the amendment proposed by the distinguished Senator from Wyoming.

Though I am personally against gaming, and I would oppose any attempt on the part of the State of Hawaii to institute gaming in our islands, I find that I support gaming for Indians because of two reasons. One, our Constitution states that Indian nations are sovereign and that we have carried this out by treaties and by laws and by Supreme Court decisions. Indian nations are sovereign.

Second, there were 800 treaties, Mr. President, as we stated a few days ago, and of those 800 treaties, 430 are still lying idle in the archives of the U.S. Senate. These treaties have been lying there for over 100 years. And we have found that, though these treaties are in correct form and appropriate because of changes in circumstances, the Senate has decided not to consider them, debate them, have hearings on them, or pass upon them. And 370 were ratified by this body. But, Mr. President, sadly, I think we should note that of the 370 treaties that we ratified, we have violated provisions in every single one of them.

These were solemn documents and many of them had language and phrases that were very eloquent, very dramatic. Imagine a treaty beginning with words, such as, "As long as the sun rises in the east and sets in the west, as long as the rivers flow from the mountains to the streams below, this land is yours."

Indians started off with 500 million acres of land. Over the years, because of our violation of provisions in our treaties, and because of our refusal to consider these treaties, Indians have 50 million acres left. This was their land. There were sovereign nations long before we came here. When they gave up this land, we promised them certain things, such as providing them shelter, education, and health facilities. And what do we find in their land? Unemployment averaging 57 percent. We pride ourselves with our low unemployment rate in our Nation of 5.2—5.2 for the Nation and 57 percent for Indian country. Some unemployment rates are as high as 92 percent, Mr. President. The health conditions in Indian country are worse than in third world countries—the worst statistics on cancer and the worst statistics on respiratory diseases. And if you look at the social life in Indian country, it is a scandal. We as Americans should be embarrassed and ashamed of ourselves. The suicide rate among the young people in Indian country is eight times our national norm. Some 50 percent of the young ladies in Indian country have considered suicide.

If this Nation had lived up to the promises that we made many decades ago, I would not be standing here speaking against the Senator from Wyoming, because I am against gaming. Hawaii is against gaming. But, today, I find that I must speak in opposition.

Mr. President, regretfully, the chairman of the Senate Committee on Indian Affairs is not able to be with us at this moment because of a very important and very urgent matter that suddenly came to his attention. He has asked me to express his concerns, and he has said that this statement I am about to present meets with his approval, and so it is a joint statement of the Senator from Colorado, Mr. BEN NIGHTHORSE CAMPBELL, and myself.

Mr. President, 2 months ago, Senator MCCAIN, the distinguished Senator from Arizona, and I introduced a bill to amend the Indian Gaming Regulatory Act. A hearing on this bill has been scheduled for October 8. It was not scheduled today. This has been announced, and it was announced over a month ago, long before this measure was up for consideration.

So I would like to suggest to my distinguished colleague from Wyoming that the proper forum to consider his proposal would be before that committee. I can assure my friend from Wyoming that his proposition will be considered with all seriousness.

We have consistently opposed efforts to amend the Indian Gaming Act in a piecemeal fashion. And this is what it is. We do so again today.

At a time when the Indian Affairs Committee, the authorizing committee, is making every effort to make adjustments in the act which will reflect contemporary realities, this amendment only serves to undermine our efforts to assure that any amendment to the act is consistent with over 200 years of Federal law and policy.

For the benefit of our colleagues here who may not be familiar with the context in which this amendment is proposed, allow me to share with you a few relevant facts.

Last year the Supreme Court of the United States ruled on one important aspect of the regulatory act. While the Court did not strike any provision of the act, its decision left a vacuum of remedies when a State and a tribal government come to an impasse in negotiations which would otherwise lead to a tribal-State compact. These compacts, pursuant to the law, govern the conduct of class 3 gaming in Indian lands.

The Secretary of the Interior has stepped into the void created by the Court's ruling by inviting public comments on whether an alternative means of reaching a compact ought to be established through the regulatory process until the Congress has the opportunity to act. The Secretary has not had and does not have any intention to establish regulations on his own. He is assisting our committee. He is assisting the Congress of the United States by inviting comments from all interested parties—Indian country, gambling interests, government officials, Governors, attorneys general, and present them to us. The decision will be made here, not by the Secretary of the Interior.

This amendment is designed to preclude the Secretary from proceeding in what many believe is a constructive effort to advance the public dialog. If anything, we should be encouraging the Secretary to invite comments so that it will help us to expedite our efforts. But this amendment does not just prevent the Secretary from proceeding—it would also effect a dramatic change in the Indian Gaming Regulatory Act by federally preempting the laws of each State.

I hope that my colleagues realize that this amendment, which looks innocuous and reasonable, will have that effect of telling the several States of this Union that, notwithstanding their constitution or their laws, this is the way business is to be carried out.

Under the current law, the regulatory act does not touch any State's law or constitution. Mr. President, we did this very deliberately—when we enacted the law.

Instead, the act recognizes that each State's constitution, and State laws enacted in furtherance of the State constitution, may differ in many respects. There are 50 States, 50 different constitutions, and 50 different sets of laws.

Over the course of the last 9 years, as a function of litigation on this very point, we have learned a lot about the various States' laws. For example, some States and their constitutions provide that the Governor is authorized to enter into contracts, agreements, or compacts with another sovereign. The Governor is authorized to do that.

Other State constitutions would require the ratification of the Governor's action by the State legislature. Some States don't require that. Still, other constitutions provide that only the State legislature can act for the State in terms of entering into binding legal agreements. And there are other State constitutions that are silent as to these responsibilities. In some States their laws determine when the Governor can act on behalf of the State and in what circumstances the legislature must act. And the supreme courts of the various States have issued many opinions on these matters at great length.

This amendment we are considering at this moment will now require that no tribal-State compact can be approved by the Secretary unless both the Governor of the State and the legislature of the State have approved this compact.

This amendment will, therefore, set aside the constitutions of the various States, the laws of the various States, and would impose new requirements on each State, notwithstanding what their constitutions or law may provide to the contrary.

This is a very substantial change in Federal law effecting rights that States jealously guard.

I know of no Governor who has expressed a desire to have the laws of his or her State preempted by Federal law.

In 2 weeks' time the authorizing committee will carry this dialog forward and provide an opportunity for all affected parties to weigh in with their views. We are hoping at that time the distinguished Senator from Wyoming will present his views to the Committee on Indian Affairs. And this amendment, Mr. President, will preempt that very important public discussion.

Mr. President, I want to make very clear that I do not question the wisdom of the proponents of this amendment. I just believe that there are others—State and tribal governments—upon whom the effect of this amendment will be directly visited and who ought to have the opportunity to have their views known.

So, once again, Mr. President, I call upon the Senator from Wyoming to withdraw this amendment and allow the authorizing committee to proceed with our work where his concerns and the concerns of his colleagues will have the benefit of full public consideration.

Mr. President, it is true that there are 171 compacts that have been approved. It is also true that there are about 120 gaming establishments presently on Indian reservations. But it should be pointed out that less than 10 are making money. I am certain all of us know, or should know, that reservation lands are trust lands. Actually the titles to those lands lie in the hands of the Government of the United States. So, as a lawyer would say, they cannot be alienated. One cannot go to the bank and say, "I want to borrow $1 million, and I will put up this parcel of land as collateral." You can't do that with reservation lands. So, in order to initiate or establish a gaming enterprise, these Indian governments have to go out to other sources for financing. When that happens, Mr. President, I am certain you realize that the rates that they would have to pay are much, much stiffer than what you and I would be required to pay to a bank. Yes, moneys are flowing in. But at this time Indians are not making that money. Operators are making that money.

But those Indian tribes that are making a few dollars have applied those moneys to causes and to projects that we have failed to provide. They are building schools that we should have built. They are building hospitals that we should have built. They are building homes that we promised them.

So, Mr. President, though I oppose gaming in any form, if this country is unable to or refuses to live up to the promises that we made by treaty, if this is the only way they can raise funds, so be it.

Mr. President, I hope that this body will give their committee, the Committee on Indian affairs, an opportunity to conduct this hearing, receive the views of all of our colleagues, and act accordingly.

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I really appreciate the remarks of my distinguished colleague from Hawaii. I know of his long-time involvement in the Indian issue and of his long-time involvement in the Senate. In fact, I think he is the only person in the Senate who has been in the Senate since his State became a State.

There is a lot of tradition, a lot of history, and a lot of specialization and involvement in this particular issue. I have to admit that in the last few minutes I have learned a lot about the issue. From talking to him earlier in the morning, I learned a lot about the issue. I also got an opportunity to talk to Senator CAMPBELL. Again, I learned a lot about the issue. I have been involved in it before. But there was a different level of involvement, and these are people with a tremendous tradition and history on the issue.

Again, my intention with the amendment that I presented is to see that the Secretary of the Interior does not bypass our process, that he doesn't write his own rules with the opinion, or believe that that can bypass some of the States' involvement in the issue.

I do think that for the friendship and cooperation that has been built up in some of the States over the years, that this is an issue that still has to have the States' involvement. That is the only way that people can live together and work together and make sure that the Indian interests and some of the Indian problems are solved along the way.

I appreciate the Senator's comments about the fact that only about 10 of the casinos are in a situation where they are making a lot of money. I have visited some of the reservations where the casinos are and have noted the disappointment by the tribal members over how poorly their casino was doing. I have seen that on nontribal casinos as well, because I followed the Colorado situation where the small businessmen in the small towns that were allowed to do the class 3 gaming looked forward to the time that they would be wealthy from gambling. They found out that it takes some different talents than they had as small businessmen to run a big casino. So, they didn't make the money that they had anticipated on it either, although there is a lot of money being made in a lot of places on gambling.

My intent on this is to make sure that the States are a part of the process. The Senator mentioned the hearing that is coming up. I really appreciate the fact that he is going to hold a hearing and cover some of these important issues. My amendment would not undo the hearing. All of the issues can still be addressed in that hearing. If a bill comes out of that hearing and it covers the issue of State involvement, or at least this issue of whether the Secretary of the Interior can expend money to bypass the State process, if that is in there, I would work to be sure that the repealer of this amendment is in that bill. I would work for that passage. I don't think there would be any difficulty with it. I don't know of anybody who would oppose it if that were assured as a part of that hearing process.

So, I commend him for his efforts already on this and his willingness to hold a hearing, which, of course, was already scheduled and planned well before I ever even thought of an amendment, but his willingness to be sure that that issue is addressed in there. That is what I got from his comments.

We want to make sure that where the Court may have made some things unclear, they are clarified, and, again, that the State involvement in the issue is not left out. People live too close together these days to have the tribes separate from the States on the gaming issue.

Lastly, I will address the comments about federally preempting State laws. That would never be my intent. Anybody who has looked at anything that I have done in the State legislature or since I have came to Washington would, I think, agree that everything that I have done has been to assure States' rights. It is not my intent with this. As I learn, I make changes.

I guess I would ask the Senator from Hawaii, if I made a change to the amendment, one that would, instead of mentioning the Governor and the State legislature—which I understand now in some States one has the authority, and in some others the other has authority, and in some States it requires both to participate in order to do it—if we could change the wording so that if it was approved by a State in accordance with State law in the Indian Gaming Regulatory Act, if that would be a wording change that would then make this acceptable in both places where I mentioned the Governors and State legislatures—because I would like to make this so that I am not preempting State law. I don't intend to do that and would be willing to make that change if it would make a difference.

Mr. INOUYE. Mr. President, I wish to commend my friend from Wyoming for

his reasonable approach. But I must say that I would still have to oppose the whole amendment because this is a piecemeal handling of this very important proposition which we have before us.

I would like to read for the RECORD a statement issued by the administration.

It says:

The Department—

The Department of the Interior—

strongly opposes denying any tribe the badly needed economic opportunity envisioned and authored by IGRA.

The Indian Gaming Regulatory Act.

Indian gaming has provided benefits to over 120 tribes and their surrounding communities in over 20 States. As required by law, revenues have been directed to programs and facilities to improve the health, safety, educational opportunity and quality of life for Indian people.

The amendment—Of the Senator from Wyoming—

would deny similar economic opportunities for additional tribes and communities.

Accordingly, I hope most respectfully that the Senator would seriously consider withdrawing the amendment, and I can assure him in behalf of the chairman of the Indian Affairs Committee that we will accommodate him to every extent possible. He can tell us what witnesses he wishes to be heard. In fact, I am certain we will be able to accommodate him as to when the hearings are conducted. Our first day of hearings will be on October 8, but if he wants 3 days of hearings I can assure the Senator from Wyoming that he will have 3 days of hearings, or 4 days of hearings.

I can also assure the Senator that we will very seriously consider every proposition that he makes. So I hope that his amendment would be withdrawn.

I thank the Chair.

Mr. MCCAIN. Mr. President, I join with Senator INOUYE in expressing strong opposition to the amendment. Just a few months ago, Senator INOUYE and I introduced a bill to amend the Indian Gaming Regulatory Act of 1987. The Indian Affairs Committee, which has jurisdiction over matters involving native Americans, has scheduled the first hearing on this bill on October 8, 1997. This hearing has been on the schedule for over a month. This is the normal and proper procedure for making policy with respect to native American issues.

If I had been able to be on the floor, I would have fought against and voted against this amendment. In its modified form, as it was finally adopted by voice vote, the amendment does not affect any process or procedure that currently exists into law or in regulation. However, it does represent an unwarranted interference into the development of reasonable and appropriate approaches to the authorization and regulation of Indian gaming that have not been considered or approved by the Indian Affairs Committee, the administration, or, more importantly, the tribes.

The amendment, even as modified, represents an ill-advised action of the Congress to influence the future of Indian gaming. The mere fact of offering this type of amendment, which seeks to micromanage the regulation of Indian gaming, will have the effect of prejudicing the outcome of the Indian Affairs' Committee hearings on IGRA amendment.

The proponents of this amendment are seeking to override a carefully balanced procedure in the Congress. They are seeking to throw up new obstacles to prevent tribes from engaging in gaming and to disrupt ongoing negotiations between States and tribes who are cooperating in developing Indian gaming compacts.

The IGRA was carefully crafted to take into account the differences among the several States. IGRA is not perfect, and that is why Senator INOUYE and I introduced amendments to the bill. The Enzi amendment is premature. The Senate Committee on Indian Affairs hearing is the proper forum to discuss these issues and for opponents of Indian gaming to express their concerns.

Mr. President, I join with my colleagues on the Indian Affairs Committee in urging the conferees on the Interior appropriations bill to eliminate this provision from the final conference agreement.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, just 2 or 3 days ago, we had a not dissimilar discussion in this Chamber on proposals that would change present law with respect to Indian and non-Indian relationships. There were two provisions in this bill, of which I was the author, about the immunity of Indian tribes from lawsuit brought by non-Indians and on the way in which money was distributed to Indian tribes through the tribal priority allocations.

The Senator from Hawaii, with the same degree of eloquence that he has used here this afternoon, spoke strongly against those amendments, along with several of his colleagues, partly on the merits but with even more vehemence and eloquence perhaps from the perspective that these were new proposals reversing many years of history about which the Committee on Indian Affairs had had no opportunity for broad-based hearings, listening to both sides of the issue.

As strongly as I felt and feel about the justice of those two proposals, I certainly had to agree on that procedural matter with the Senator from Hawaii. There was last year one rather desultory hearing on sovereign immunity, none on the distribution of money from the Congress to Indian tribes. Between now and the middle of next year these two questions will be very seriously considered by the committee itself, by the General Accounting Office, and I think with increasing awareness by Members of the Senate. That history is in striking contrast with the history of the policy that is the subject of the amendment proposed by my friend and colleague from Wyoming.

I returned to the Senate after a hiatus in 1989 and joined that Indian Affairs Committee under the chairmanship of the Senator from Hawaii. I cannot count the number of hearings the committee has had on this subject. Indian gaming is not something that has a long history. It was authored, if my memory serves me correctly, in 1988, and it has proliferated mightily ever since then with a graph with a steep upward curve.

Objections and protests from Governors, from State attorneys general, and from communities have been constant from the time of a first compact. Pressure from the Department of the Interior on States to enter compacts even when States did not wish to do so has been a constant in this field. Attempts to overrule vetoes on the part of States has been a constant effort ever since. Year after year after year there are hearings on the subject in that committee and absolutely nothing happens.

Not only has no bill on the subject reflecting the views of those in whose communities these casinos have been created or about to be created been reported, no bill on the subject at all has been reported and, to the best of my memory, none has ever come to markup so that members of the committee could vote on it.

So I simply have to tell my friend from Wyoming a promise of hearings is a hollow promise, at least if history is any guide to this question whatsoever.

I must say to you, Mr. President, that I do come to this debate with a relatively long history, not so much with respect to Indian gambling but with respect to organized gambling overall. It was the subject that came up the first year that I was attorney general of the State of Washington more than a quarter of a century ago. I have always been of the opinion that under most places and under most circumstances it is a socially highly dubious activity that has adverse social and cultural impacts, rivaling those of other kinds of activities that we either prohibit or keep strongly under control.

At the same time, I recognize the desire under some circumstances to gamble is something that is a part of all of our human natures. Therefore, I have never been an absolute prohibitionist on the subject. Certainly, however, it seems to me that it is a subject important enough so that the views of the

communities that are asked to take on challenges and forms of business that they have never historically been visited with ought to be given immense weight in making these decisions. And they simply are not under the law as it exists at the present time.

I cannot say what the intention or the expectations were of Members who were here when the original bill was passed, but I do not think it was the intention that in State after State and community after community Indian tribes or their designees would purchase land off, in most cases far off, of the historic Indian reservations and immediately, with the compliance of the Bureau of Indian Affairs, put it into trust status so that it stopped paying taxes to the community and then license gambling activities on it. And yet that is what has taken place in community after community across the country. In most of these States it is an activity in which only this small group of American citizens is permitted to engage. Very few States have taken the drastic step of saying, well, the Federal Government can foist Indian casinos on us. We might as well let anyone ask for a casino license.

In most places, it is an activity that is available only for this group of people and only by the interference of the Federal Government. So States lack the ability to enforce rational land and business regulations within their boundaries even outside the historic boundaries of Indian reservations.

By pure coincidence, Mr. President, in the group of clippings from our own State, which almost all of us get every day, I have today an editorial that was printed late last week in the Yakima, WA, Herald Republic which uses the State of the occupant of the chair as an example. I will share a little bit of it with you. It says:

Developments in Lincoln City, Ore., could serve as a wakeup call for this state to step back and take a long, hard look at the long-range implications of the proliferation of gambling now underway.

Officials in Lincoln City, a picturesque family resort area on the Oregon coast, have noticed some changes in the landscape of the community since the advent of the Chinook Winds Casino and Convention Center. A local tavern started featuring exotic dancers while three new quasi-pawn shops and a check-cashing business opened.

Longtime residents say they've noticed other changes in the community and Lincoln City Mayor Foster Aschenbrenner said the real effects of the casino on the community will take at least two more years to fully realize.

"People used to come here for the natural beauty of the beaches and for swimming," said Merilynn Webb, who has lived in Lincoln City since 1930. "Now they come to gamble, and that's a whole different mentality."

I doubt that the people of Lincoln City voted on this change. I doubt that the Oregon Legislature did. Perhaps the occupant of the chair will be able to enlighten us on that. I doubt that there is a huge Indian reservation inside the boundaries of Lincoln City. Yet, this change has taken place in that community without the kind of thoughtful, long-range consideration that a community should be permitted to engage in before such activities are permitted.

Last year, this body and the House and the President agreed that the proliferation of organized and legal gambling in the United States did present a number of very real social problems to the country. We created a commission on gambling to study those impacts and to make recommendations to us with respect to them. The net effect of the amendment proposed by the Senator from Wyoming would be at least for a time—I wish the moratorium were for a longer period of time, but for a period of time to allow that commission to hold its hearings, to work on its recommendations and perhaps give it the opportunity to make recommendations to us in this connection while those recommendations still may have some meaning rather than to wait until after it is all over. The offer of the Senator, the meaning of his amendment, is simply to say, "look, why should this simply be a decision made by the Indian tribes themselves and the Department of the Interior without an effective right of veto, or an effective right to have these requests meet the requirements of the general laws of each of the States concerned?"

I cannot think of a more reasonable request. I certainly can't believe that it is unreasonable to say that we should have a pause in the creation of enclaves outside of reservations, in communities in which the Secretary of the Interior can authorize gambling, when we are way beyond reservation boundaries themselves.

In fact, I don't think—I don't know the answer to this question—that many of these new casinos are going up in areas that are on the reservation. I know one current request to the State of Washington is for a location 50, 60, 100 miles from the reservation that promotes it, right at the front gate of an Air Force base. There is no promise by the Indian tribe that any significant share, any significant number of the members of the tribe will be employed in that casino. Almost certainly it will be run by an outside contractor and the tribe will get a certain percentage of the take. It is not going to provide real job opportunities there, but it will have the same effect that every other casino has. The money that is spent there is not being spent in small businesses in the community, or in other communities. There will be a certain addition to the number of addicted gamblers and broken families. And we don't have the opportunity to consider all of these impacts.

The proposal by the Senator from Wyoming gives us an opportunity, for 1 year, to pause to determine whether, whatever the positive impacts of this law are, they are not outweighed by the negative impacts. It is not permanent in nature. It will not outlast the effectiveness of this 1-year appropriations bill. But it will cause us to be able to consider these impacts.

I don't believe that in all these years since 1989 we have ever debated this issue on the floor of the Senate. Certainly we have not done so because of any bill reported by the Indian Affairs Committee. In fact, it would seem to me that the goals of the vice chairman of the committee, the Senator from Hawaii, would be better served if we passed this moratorium. I am certain that, if we pass the moratorium, the Indian Affairs Committee will consider the matter urgently, and I strongly suspect we will see a bill of some sort reported by it. But, if history is any guide, withdrawing the amendment in exchange for hearings will cause us to be back here 1 year from today talking about the same issue under the same set of circumstances that we are talking about it today but with a dozen or more additional Indian casinos across the country creating problems in each and every community in which they exist.

So I must say that I strongly support the effort being made by the Senator from Wyoming. I think it is the right answer. I think it is a thoughtful answer to a real national challenge that involves far more than the question of whether or not particular Indian tribes are making particular degrees of profits from these activities, or not. This is a question that goes far, far beyond that and I think can only be addressed thoughtfully and objectively, considering all of its impacts, if we have the kind of pause for which the amendment calls.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the pendency of this legislation, Tony Danna, a congressional fellow in my office, be granted the privilege of the floor.

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

Mr. INOUYE. Mr. President, I very sadly find I must rise and respond to the statement just made by my friend from Washington. First, he stated that a promise of a hearing is a hollow one. I find this rather sad, because I have always considered any promise that I have made for hearings as a very serious one. In fact, the hearings that the Senator alluded to were held by the Indian Affairs Committee in an extra large committee hearing room, and we accommodated every witness that was submitted to us by the Senator from Washington. We invited every person that was on his list.

Furthermore, we made it known to the attorneys general and the Governors of the several States. None wished to be heard. Every Indian country spoke up against the Senator's proposition. I don't think that was a hearing that was taken lightly.

As to the hearings that will commence on October 8, I would like to point out, respectfully, that the bill that we will be considering is a result of over a year of consultation with attorneys general, with Indian leaders, with Governors. Before that, for 2 years Senator MCCAIN and I traveled to the several States meeting personally, eyeball to eyeball, with attorneys general, with Governors. We spent hours, we spent days, weeks, months, meeting with these officials to discuss the Indian Gaming Regulatory Act. We did not take our responsibilities lightly. We take it very seriously, especially in my case when I am opposed to gaming. I don't want to see people running gaming operations, people that I would not invite into my home. We take it very seriously.

There was another matter that was brought up by my friend from Washington. He stated that Indian nations were purchasing parcels of land and having them placed into trusts by the Interior Department, and then establishing gaming operations. This is the law that was passed 8 years ago:

Gaming regulated by this act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of the enactment of this act, unless the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination.

May I make this flatout statement, that the Interior Department has not approved any gaming activity on any land acquired and placed in trust if such gaming activity did not meet the concurrence of the Governor. That is the law of the land. One would gather from the discussions of the Senator from Washington that Indians are, helter skelter, buying properties all over this Nation, placing them in trust and then, in turn, establishing gaming enterprises.

Yes, it is true that Indians are purchasing lands. They are trying to get back lands that belonged to them that were part of their reservations and taken away in violation of treaties and then placed in trust. But then they need the approval of the Governor, and, if the Governor has not granted this approval, there has been no gaming activity. That is a fact, sir.

I can assure my colleagues that the promise we make of a hearing is not a hollow one. We will accommodate every witness that they submit to us. We will give them ample time to testify. If it means meeting a week or 2 weeks, we will do so, because the matter before us is an important one.

Yes, there are tribes that are making money on this. There are tribes that are flourishing as a result of gaming activities. But there are only 8 tribes out of 121 casinos that are making money. The Nation at this moment is spending about $40 billion in gaming. Of that amount, $3 billion is being spent in Indian country, but the profits of less than 10 percent go to the Indians at this time.

So, we have treated the Indians badly. Let's not exacerbate that.

Mr. President, this is from the Secretary of the Interior:

I respectfully request that you oppose this type of amendment to the Interior appropriations bill. I have recommended to the President that he veto similar legislative amendments placed in previous appropriations bills.

Mr. President, I ask unanimous consent to have this printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington.

Hon. SLADE GORTON,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: I understand that Senator Enzi intends to offer an amendment to the FY 1998 Interior Appropriations bill which would amend the Indian Gaming Regulatory Act (IGRA). The Department strongly objects to the proposed amendment for several reasons.

IGRA was enacted to allow Indian tribes the opportunity to pursue gaming for economic development on Indian lands. Since 1988, Indian gaming, regulated under IGRA, has provided benefits to over 120 tribes and to their surrounding communities in over 20 states. As required by law, revenues have been directed to programs and facilities to improve the health, safety, educational opportunities and quality of life for Indian people.

The Department also objects to substantive policy amendments to the Indian Gaming Regulatory Act without hearings involving Indian tribes, state officials and the regulated community. We have consistently supported efforts to build a consensus between tribes and states for amendments to IGRA that would improve the compacting process and increase regulatory capacity. The Senate Committee on Indian Affairs has scheduled a hearing on October 8, 1997 which will focus on S. 1077, a bill to amend the Indian Gaming Regulatory Act. This orderly process allows all parties involved in Indian gaming to contribute testimony on how or whether IGRA should be amended. Significantly amending IGRA through the appropriations process circumvents the legitimate expectation of tribal governments that their views will be heard and considered.

The Secretary's trust responsibility to the tribes coincides with Congress' requirement of only disapproving gaming compacts if they violate IGRA or other Federal law. The proposed amendment would require both state gubernational and legislative approvals, which would in most cases present yet another barrier to a tribe's successfully negotiating the long and complex procedure necessary for entering into tribal gaming. Moreover, the amendment requiring two state-level approval of a tribal-state compact raises serious issues of Constitutional law because it infringes on the State's Constitutional rights of self government.

I respectfully request that you oppose this type of amendment to the Interior Appropriations bill. I have recommended to the President that he veto similar legislative amendments placed in previous appropriations bills.

Sincerely,

BRUCE BABBITT.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I listened to the debate, discussion, the colloquy that has occurred between the Senator from Hawaii and the Senator from Wyoming, who is the sponsor of this amendment. I read the amendment proposed by the Senator from Wyoming, and I believe that it does not in any way interfere with the operation of existing tribal-State compacts. It has no operative effect on those agreements, and I do not understand that the Senator from Wyoming intends to have any operating effects.

Further, it is my understanding from reading the amendment that the Senator's intent is designed to prevent the Secretary of the Interior from unilaterally approving a compact and bypassing the State process that has been established. He attempts to accomplish this by imposing a 1-year moratorium.

No. 1, it does not in any way have an operative effect on existing tribal-State compacts.

No. 2, I think it is fair to say that the purpose of it is to prevent the Secretary of the Interior, in effect, from bypassing the process, the State compact negotiating process, to unilaterally approve such.

I support what the Senator from Wyoming is trying to accomplish.

I have had conversations with the Secretary of the Interior in the past, and I know he believes that he has the ability to do that unilaterally.

Having said that, the point that is made by the Senator from Hawaii is absolutely accurate. That is, as this language is cast in its present form, it would preempt the State process by requiring both the Governor and the State legislature to concur with any compact that has been negotiated with the tribal government. The Senator from Hawaii is absolutely correct in the statement that he makes.

I believe that the Senator from Wyoming, responding to that concern, has offered language that addresses that issue when he proposes to change or modify his amendment by striking line 7 and interlineating in its place instead "in accordance with the Indian Gaming Regulatory Act and State law," and at the bottom of page 2, striking all after the word "approved" on line 17 and inserting similar language. I believe that he accomplishes the objective that I support and responds to the very legitimate point that the Senator from Hawaii makes.

AMENDMENT NO. 1221, AS MODIFIED

Mr. BRYAN. Mr. President, I ask unanimous consent that the amendment be modified in the manner in which the Senator from Wyoming proposed.

Mr. ENZI. Mr. President, will the Senator yield?

Mr. BRYAN. I yield to the Senator from Wyoming.

Mr. ENZI. Mr. President, I certainly agree to that change. I had not proposed that change. I will be happy to do it. The intent was never to infringe on any of the State procedures, but to accommodate the States in the way they have operated in the past. I ask for that change. In the meantime we have gotten it typed up, and I send this provision to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—for purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—The term "class III gaming" has the meaning provided that term in section 4(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Interior.

(4) TRIBAL-STATE COMPACT.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into the or after the date of enactment of this Act. This provision shall not apply to any Tribal-State compact which has been approved by a State in accordance with State law and the Indian Gaming Regulatory Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact which has been approved by a State in accordance with State law and the Indian Gaming Regulatory Act.

Mr. BRYAN. I thank the Chair. So that I understand the parliamentary situation, the amendment is modified in the manner in which the Senator from Wyoming originally proposed?

The PRESIDING OFFICER. That is correct.

Mr. BRYAN. I thank the Chair, and I thank the Senator from Hawaii for his thoughtful comments, because he is absolutely correct that the language that was originally selected would, indeed, preempt State law. I do not want to be a party to that. He, obviously, does not want to be a party to that as well.

AMENDMENT NO. 1222 TO AMENDMENT NO. 1221, AS MODIFIED

(Purpose: To express the Sense of the Senate concerning enforcement of the Indian Gaming Regulatory Act)

Mr. BRYAN. Mr. President, I send to the desk a second-degree amendment, on behalf of Senator REID and myself, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself and Mr. REID, proposes an amendment numbered 1222 to amendment No. 1221.

The amendment is as follows:

At the end of the amendment, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING INDIAN GAMING.

"It is the Sense of the Senate that the United States Department of Justice should vigorously enforce the provisions of the Indian Gaming Regulatory Act requiring an approved tribal/state gaming compact prior to the initiation of Class III gaming on Indian lands.

Mr. BRYAN. Mr. President, I would like to explain the purpose of my amendment, which is a sense-of-the-Senate amendment. When the Indian Gaming Regulatory Act was enacted in 1988, the year before I joined this body, a central concept was that class III gambling, such as casino and parimutual gambling, could be conducted on Indian lands with a tribal-State compact approved by the Governors and tribes and then by the Secretary of the Interior.

Today, there are hundreds of Indian gaming establishments across the Nation offering class III gambling. I might just add parenthetically that our experience in Nevada is that we currently have five such tribal agreements in which five tribes have entered into agreements with Nevada's Governor pursuant to the provisions of the Indian Gaming Regulatory Act, and those compacts have been approved.

I want to make it very clear that I support the intent of the act, and I support the right of Indian tribal governments to enter into compacts with States and to pursue gaming activity at a class III level.

Most of the tribal governments that have entered into these agreements are operating under the approval of these tribal-State compacts, as contemplated by the original law. However, almost from the beginning, there have been some tribes who have chosen to operate illegal class III gambling without an approved tribal-State compact. Over time, some of these gaming operations have become legal by negotiating compacts with the States in which they are located. Some gambling operators, including some who take in millions of dollars each year, have chosen to disregard, indeed, to flout the Indian Gaming Regulatory Act by blatantly continuing to operate illegal class III games without an approved compact, as contemplated by the Indian Gaming Regulatory Act.

Many of the Nation's Governors have appealed to Congress and to Justice to stop this; simply stated, to enforce the law. In the meantime, these tribes continue to operate illegal gambling, believing that the Justice Department would not move to shut them down.

To date, they have largely been right. The Department of Justice and U.S. attorneys across the country have done an abysmal job of enforcing Indian gambling laws. During the year since enactment of the Indian Gaming Regulatory Act, I have had several discussions with Justice about this problem, both the previous administration and the current administration. None of these conversations have been very satisfactory.

It is time that illegal gambling is stopped. The Indian Gaming Regulatory Act is an important law, and it should be enforced. There is simply no excuse for Justice not to do that. There are widespread concerns about the lack of regulation in Indian-run gaming. Today, we should and must make it clear to Justice that this Congress expects its laws to be enforced. If Justice moved tomorrow to enforce the Indian Gaming Regulatory Act, those who conduct legal Indian gaming under the provisions of the law would benefit.

I hope my colleagues will join with me in supporting this sense-of-the-Senate provision. It is very simple, very straightforward. It does nothing to impede legal Indian gambling.

I repeat that I support legal Indian gambling. We have such in Nevada. By this sense-of-the-Senate amendment, we are simply telling Justice that they should enforce existing Federal laws against illegal gambling. Simply: Do your job, enforce the law.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have no other speakers on this side on this amendment.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I think this is a nice addition to the amendment that we have, and I do support it.

Mr. DOMENICI. Mr. President, as a result of the Supreme Court decision in

Seminole of Florida v. State of Florida, we are in a situation that could result in tribal gambling compacts being approved by the Secretary of the Interior without the benefit of State approval. I support the Senator's interest in protecting States rights to help determine the degree of gambling that could occur on Indian reservations.

The Indian Gaming Regulatory Act [IGRA] was carefully constructed to protect both tribal and States rights in negotiating compacts that would make casino style gambling legal. When the Supreme Court decided the Seminole case, it held that the provisions in IGRA that allowed a tribe to sue a State for failure to negotiate were unconstitutional. States are protected from suit by the 11th amendment to the Constitution.

We now have a void that some fear could be filled with a Secretarial determination to establish an alternate procedure that completely avoids State participation in the compacting process. IGRA requires a tribal-state compact before casino type gambling is allowed to operate on Indian reservations. This compact is intended to reflect State gambling law and hence varies from State to State.

Under IGRA, a refusal by the State to negotiate with a tribe triggers a mediation process. If the mediation process does not result in an agreement, the Secretary is given authority to issue a compact based on the mediator's recommendation.

Senator ENZI is proposing language that would prohibit the Secretary of the Interior from approving compacts that do not have State approval. His amendment does not affect existing casinos that might be negotiating with States for renewal of their compacts, but it does prohibit the Secretary from issuing compacts to legalize gambling if those compacts are without State concurrence.

Mr. President, the first version I saw of Senator ENZI's amendment raised a strong concern in New Mexico that the Senator from Wyoming was attempting to cancel the compacts in New Mexico that were recently approved because the Secretary of the Interior chose not to approve or disapprove. According to the provisions of IGRA, the Secretary is allowed 45 days to act. If he does not act, the compacts are deemed valid.

New Mexico is the only State affected by the original language of the Enzi amendment. New Mexico was the only State to get compact approval of its compacts in 1997 because the Secretary did not approve or disapprove the compacts. I immediately discussed this situation with Senator ENZI and he assured me that he did not intend to target the New Mexico compacts because they are the product of years of tribal and State negotiations, law suits, court decisions, and legislative action.

Senator ENZI has changed his amendment to protect States like New Mexico that have State concurrence in the gambling compacting process. With this change, I am able to support his amendment to prohibit the Secretary of the Interior from unilaterally creating compacts for Indian gambling without State concurrence in the process. I believe his amendment is important to protect the spirit of IGRA that recognizes the competing interests of tribal and State sovereignty in determining precise Indian gambling agreements.

I recognize the new difficulty faced by tribes that do not yet have tribal-State compacts in light of the Seminole decision. I believe a 1-year moratorium on Secretarial authority is appropriate as insurance against new compacts that avoid State participation. I am also supportive of legislative action that would clarify the process for tribes in States that refuse to negotiate, but I want to avoid a restructuring of the tribal-State balances we have struck in IGRA.

There remain questions about the conditions and extent to which the Secretary and the tribe could initiate mediation and Secretarial compacts. We need to address these questions, but I do not believe we should leave the solution solely to the Secretary of the Interior. I am pleased that Senator ENZI has changed his amendment to recognize the New Mexico compacts and other compacts with State concurrence. They are clearly valid compacts under IGRA and we should not tamper with them in an appropriations bill.

I am now in agreement with Senator ENZI's effort to prohibit new compacts from becoming legally binding if those compacts do not have State approval. New Mexico tribes and State government have gone through a long and hard process to reach agreement under IGRA. New Mexico voters have been well represented and tribal rights have been recognized. I believe each State should be allowed to participate as fully as New Mexico has in determining the extent of legal gambling on Indian reservations within its borders.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1222) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, now that we have added the second-degree amendment to my amendment, I would like to conclude my remarks so we can move on with the other discussion that is so important to this appropriations bill.

I do have to respond to some comments that were made earlier. I am not trying to do a piecemeal approach that will destroy what the Indian Affairs Committee is doing. I commend them for any activities they take. This is just a very small part of the appropriations, and it is to prevent the expenditure of any moneys by the Secretary of the Interior that would bypass the State's right to an involvement in this process.

I really appreciate the offer for the hearings, the offer to bring witnesses, even so generous as to suggest that we could use 3 days. We have been on this for almost an hour and a half, and that is really all I need, and I have used only a small portion of that. I think we have talked about this issue to the extent that we can, because I have modified it to put it in a situation where I am maintaining business as usual. We are assuring that there is a State's right to involvement in the Indian gaming issue. That is the way it is at the moment, and this amendment doesn't make any change in that.

There is some talk about the words "1-year moratorium" in this. There is a 1-year moratorium because this is an appropriation, and the appropriation deals with 1 year's worth of expenditures, but it is not a 1-year moratorium against the tribes being able to do anything. It is a 1-year moratorium against the Secretary of the Interior being able to impose himself on the process. The Secretary of the Interior cannot make Federal law. We do that right here in conjunction with the House folks. I am trying to make sure that we can keep that same process. So we are not really asking for a 1-year moratorium on Indian gambling.

I heard the letter that was read, and I assume that letter was written before the changes were made here that I have allowed in this amendment. If that letter was written and still intends to be a part of this discussion, I have to say that I am offended. I am offended that the Secretary of the Interior wants to impose his will and a threat of a Presidential veto over business as usual that has already been passed by the Senate.

That is not a role that the Secretary of the Interior can have. We cannot give him that right. That is our right. That is our responsibility. That is what we were elected to this great body to do: to make the law. He can suggest guidelines, and we already have a law that suggests how this process works. The amendment, as it is now written, assures that all States have their rights in this process and that the law continues the way it is now. I have sent the change to the desk.

I ask unanimous consent that the Senator from Alabama, Senator SESSIONS, and the Senator from Missouri, Senator ASHCROFT, be made cosponsors of the amendment.

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

Mr. ENZI. I thank the body for their time and ask for their support on this important amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it may very well be this amendment can be dealt with by voice vote, but there also may be one more speaker who wishes to speak on it. We are checking that out, and so for the moment, 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. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GORTON. Mr. President, I believe it is appropriate to put the question on the Enzi amendment, as amended.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment No. 1221, as modified, as amended.

The amendment (No. 1221), as modified as amended, was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1223

(Purpose: To provide additional funding for law enforcement activities of the Bureau of Indian Affairs to reduce gang violence)

Mr. KYL. Mr. President, I send an amendment to the desk. I do not know whether it is at the desk yet, but I think it is not.

The PRESIDING OFFICER. Without objection, the committee amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. CAMPBELL, and Mr. HATCH, proposes an amendment numbered 1223.

The amendment is as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . In addition to the amounts made available to the Bureau of Indian Affairs under this title, $4,840,000 shall be made available to the Bureau of Indian Affairs to be used for Bureau of Indian Affairs special law enforcement efforts to reduce gang violence."

On page 96, line 9, strike "$5,840,000" and insert "$1,000,000".

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. As my colleagues can see from the reading of the amendment, it is a very short, very simple amendment, that simply takes $4,800,000 from one project and provides it to another for dealing with the problem of gang violence on our Indian reservations. I ask for my colleagues' support.

The amendment is cosponsored by the distinguished chairman of the Indian Affairs Committee, Senator CAMPBELL, and the distinguished chairman of the Judiciary Committee, Senator HATCH.

This amendment, as read, would provide the Bureau of Indian Affairs law enforcement with $4.84 million for antigang activities, equipment, and personnel. The offset would be from the Woodrow Wilson International Center for Scholars fund.

The Senate Judiciary and Indian Affairs Committees held a joint hearing yesterday, Mr. President, which examined the growing problem of gang violence in Indian country. Therefore, I think it propitious that we are able to offer the amendment today to help alleviate the problem that was identified in that hearing.

We heard from representatives of several Indian tribes, as well as the Justice Department, about the problem of gang violence on our reservations.

Here are some of what we found.

According to the Justice Department, violent crime nationwide has declined significantly between 1992 and 1996. The overall violent crime rate has dropped about 17 percent, and homicides are down 22 percent. That is the good news.

Here is the bad news. In the same period of time, homicides in Indian country rose an astonishing 87 percent, Mr. President. The Indian Health Service tells us that the homicide rate among Indians is the highest among any ethnic group in the country—2½ times the rate among white Americans. Numerous tribes, including the Navajo Nation in my State of Arizona, record homicide rates that exceed those of notoriously violent urban areas in our country.

The FBI reports a dramatic increase in violent crime attributable to gangs in Indian country, nearly doubling between 1994 and 1997. The BIA's law enforcement division identified 181 active gangs on or near Indian reservations in 1994. By 1997, that estimate had risen to 375 gangs with approximately 4,650 gang members. The Navajo Nation alone reports at least 75 active gangs. Think about that for a moment, Mr. President. Just one Indian tribe in the State of Arizona has 75 active gangs.

There is a small reservation just east of the Phoenix area that has 19 active gangs on it. These are among Indian kids.

On the Menominee reservation in Wisconsin, there was a 293 percent increase in the number of juveniles arrested between 1990 and 1994. And between 1995 and 1997, the U.S. Attorney's Office in the District of New Mexico has noted an evolution in juvenile killings from reckless manslaughters to vicious, intentional killings.

The crimes can be heinous. On May 15, 1994, a 20-year-old Subway sandwich shop clerk was gunned down while on the job on the Salt River Pima-Maricopa Indian Community in Arizona. That is the reservation I just alluded to a moment ago. Shot six times, including once in the face, young Pat Lindsay later died. His attackers stole sandwiches, chips, and $100 from the sandwich shop.

On South Dakota's Lower Brule Reservation in 1996, four gang members broke into a police officer's car and threw in a Molotov cocktail.

Mr. President, why is it that Indian country is particularly susceptible to gang violence? Part of the answer lies in demographics. The American Indian population is fast growing and increasingly youthful. Based on the 1990 census, 33 percent of the Indian population was younger than 15-years-old versus 22 percent of the general population.

On the Gila River Indian Community in Arizona, about half of the reservation's population is expected to be under the age of 18 by the year 2000.

Another reason for the growing problem is socioeconomic. American Indians lag in comparison to the general population, experiencing cultural disruption, poverty, chronic unemployment, and disproportionate rates of alcoholism and substance abuse. These create an environment in which gangs can flourish.

Insufficient law enforcement and detention capability also contribute to the problem. Juveniles may be arrested, but tribes often lack the detention facilities, the probation officers, adequate social services, including substance abuse programs, creating a revolving door for these young people.

So, Mr. President, the needs for this funding are apparent and urgent.

I realize of course the need to offset the additional funding proposed in this amendment, this $4.8 million. The offset we are proposing comes from the Woodrow Wilson International Center for Scholars. Funding for the center would be set at the level recommended in the House-passed version of the Interior appropriations bill—$1 million. The reduction, I said, amounts to $4.8 million.

The Wilson Center was the subject of a Washington Post article in July. And I ask, Mr. President, unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, July 18, 1997]

HOUSE CUT WOULD KILL WOODROW WILSON'S LIVING MEMORIAL

(By Stephen Barr)

More than 30 years ago, when Congress decided to honor Woodrow Wilson, it adopted a suggestion by Wilson's grandson and created a "living institution" instead of erecting a more traditional marble and stone monument to the nation's 28th president.

Today, that living memorial—the Woodrow Wilson International Center for Scholars—operates with public and private money in antiquated offices at the Smithsonian Castle. The center is not a think tank and does not take positions on issues, but sees itself as a house where scholars in a variety of disciplines can gather.

But the Wilson Center appears to be at a crossroads. A review by the National Academy for Public Administration (NAPA) portrays the center as a splintered operation, suffering from "damaged morale" and ineffective leadership. The House, which ordered the review, voted Tuesday to give the center $1 million for fiscal year 1998, essentially enough money to disband.

The House decision means the center's future will be in doubt until later this year, since the Senate seems likely to continue its funding. A Senate Appropriations subcommittee is scheduled to meet today, and a spokeswoman for Sen. Slade Gorton (R-Wash.) said he would propose that the center get the same amount it currently receives, about $5.8 million.

The dispute over the center has been overshadowed by the clash over funding for the National Endowment for the Arts (NEA), which receives its funding from the same appropriations bill. Like the NEA, the Wilson Center is caught up in the debate over how much the government should subsidize cultural and intellectual activities.

Center supporters stress that it is neither partisan nor ideological. "I can't understand why the conservatives should be voting against the center," said Gertrude Himmelfarb, a neoconservative and professor emeritus at the City University of New York. "It is the least trendy of all the institutions in the United States. Of all institutions, this is one they should be supporting."

But the center also faces a harsher kind of criticism: that its existence no longer seems to make any difference, particularly in public policy debates.

"I want them to be relevant," said Rep. Ralph Regula (R-Ohio), who heads the House subcommittee that placed the center in jeopardy. "Are they relevant as far as agencies of government in town? I'm not sure they are. Are they relevant to the public? Maybe a little bit." Regula added, "They don't seem to have a sense of mission; they're just kind of drifting."

The NAPA report argues that the Wilson center's operations need to be pulled together so that visiting scholars not only pursue their research but also contribute to the center's specialized geographic programs. The principal purpose of the center, the NAPA report said, is "the bridging of the worlds of learning and public affairs."

Rep. David E. Price (D-N.C.), who led an effort in the House to defend the center, said many of the center's research efforts have "a strong public policy connection" and said the NAPA report did not address the center's relevance to such issues "one way or another."

Charles Blitzer, 69, a target of the NAPA report, has presided over the center as its director for the last eight years. During an interview at his office, where he chain-smoked as the air conditioner struggled against the searing heat outside, Blitzer noted that the NAPA report concluded the center "merits continued support."

He dismissed much of the report's criticism, saying that "we are stuck on a semantic problem" about how to define the center's "mission" in Washington. For the most part Blitzer said, he believes that scholars at the center should be left free to pursue their studies.

According to the NAPA report, the center's only requirement on fellows, in addition to fulfilling their study objectives, is a five-minute presentation on their project to colleagues and staff.

The center annually selects about 35 fellows, who receive an average stipend of $43,000 and spend their time studying and writing. Previous and current fellows include Raul Alfonsin, the former president of Argentina; Anatoly Dobrynin, the former Soviet ambassador to the United States; Washington Post reporter Thomas B. Edsall; author Betty Freidan; New York Times columnist Thomas L. Friedman; novelist Carlos Fuentes; Harvard University professor Samuel P. Huntington; and Itamar Rabinovich, the former Israeli ambassador here.

More than 100 other scholars annually pass through the doors of the center's geographic-based programs. They include the Kennan Institute for Advanced Russian Studies and programs devoted to Latin American, Asian, East and West European, and U.S. studies. The center also operates the Cold War International History Project and the Environmental Change and Security Project, exploring such issues as global population trends and how they fit into U.S. foreign policy.

Some of Blitzer's colleagues agree that an artificial division separates Wilson fellows from the various programs and needs to be addressed. "Scholars working on their own research can enrich programmatic activities and vice versa." said Kennan Institute director Blair Ruble.

The NAPA report also heightened tensions over Blitzer's management of the center, which was criticized in the NAPA report. Blitzer rejected the criticism, saying he has worked to improve the center's endowments, operations and scholarship.

When he arrived, Blitzer said, the center had an endowment of $4 million and $2 million in debts. Now, he said, the center's endowment is valued at $24 million, and $3 million has been raised to furnish new quarters in the Ronald Reagan building at the Federal Triangle, where the center has a 30-year, rent-free arrangement.

Regula has expressed concerns about the Wilson Center's role since the early 1980s and at one point opposed Blitzer's plans to move the center into the Reagan building. Now, Regula's funding cut and the NAPA study have plunged center officials into internal meetings on how to address what Latin American program director Joseph S. Tulchin called a "constructive kick in the pants."

Regula said he has "no qualms" about abolishing Wilson's memorial if Congress concludes the tax dollars being spent do not advance public policy or prove useful to society.

But, he added, "I'm a fan of Woodrow Wilson. For his time, he was a great president, and I like the living memorial. To me, it beats bricks and mortar."

Mr. KYL. Mr. President, as reported in this Post article, the Wilson Center selects about 35 fellows each year who receive an average stipend of $43,000 to spend their time studying and writing. The only requirement of the fellows is that in addition to fulfilling their study objectives, they provide a 5-minute presentation on their project to their colleagues and staff.

A review of the center's operations by the National Academy for Public Administration earlier this year portrays the center as a splintered operation, ineffective, and drifting. The House Appropriations Committee's report on the Interior bill notes that the only accomplishment the academy could cite for the center was obtaining new office space on Pennsylvania Avenue.

The House committee concluded:

> [T]he Center has operated so long without a clear mission that it may be impossible to reestablish one within an organization that has no relevance to real world public policy issues.

It seems to me that we could put this $4.8 million currently allocated to an operation that has been widely recognized as drifting and ineffective toward the real and growing problem of gang violence in Indian country. That is what this amendment is all about, Mr. President.

I express my appreciation to Chairman CAMPBELL and to Chairman HATCH for joining me in this amendment and for their leadership on this issue generally. I hope this amendment will be accepted and that we will begin putting the resources we need into fighting the growing problem of gang violence in Indian country.

Thank you, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I rise in the firmest opposition to this proposal.

Might I first state that I have not the least difficulty with the thought of the distinguished Senators that there might be more funds made available to deal with gang violence among Indian populations. That is a perfectly reasonable proposition. I do not claim any specific knowledge in my awareness of anything notable in that way of difficulty in the State of New York.

But, sir, I am appalled that this reasonable, modest proposal should be advanced at the expense and the effect of destroying the national memorial to President Woodrow Wilson. I have to tell you I was aggrieved to hear the gratuitous comments about the Woodrow Wilson Center that have just been made here on the floor.

There is a history, Mr. President, and I will not go into it in any great detail, but I am prepared to spend the rest of the day and tomorrow, if need be. But let me see if I cannot be brief about this so that the Senate can get on with its work.

In 1961, the Congress, by joint resolution, called upon President Kennedy to

appoint a bipartisan commission for the purpose of proposing an appropriate memorial to Woodrow Wilson in the Nation's Capital. We have just seen the opening of the superbly designed memorial to President Roosevelt. In a time sequence, it is not inappropriate that a memorial to President Wilson would take place a quarter century earlier.

In 1968, after a bipartisan commission had deliberated the matter, it was proposed that there be a living memorial to President Wilson—not a statue and not a fountain. And in all truth, he was never known to be seated on a horse.

The idea arose from the same proposition put forth by the American Historical Association that said that, for all the fine universities, there was not a center for advanced studies here in the Nation's Capital where persons from around the world, and principally from the United States, could come and work in our archives, work on our various subjects, land that wouldn't it be a fine thing that there should be such, and why not have it as a memorial to President Wilson, who was a university professor, university president, a great teacher.

In 1968, the Woodrow Wilson Memorial Act was passed. The act's preamble stipulates that this memorial is not to be a statue or a building bearing Wilson's name but rather a living institution expressing "his accomplishments as the 28th President of the United States: A distinguished scholar, an outstanding university president and a brilliant advocate of international understanding."

There is a nice bit of history here which I will not ask anybody to elucidate further, but the measure provides that the chairman of the board of trustees be from the private sector and there be a mix of public and private individuals, all appointed by the President.

On his last day in office, President Johnson appointed Vice President Hubert Humphrey to be the first chairman of the first board of trustees. It was something Hubert Humphrey, beloved Senator that we all know and remember so well, that is what he wished to leave in public life, as he assumed he would be doing, and go forward with.

It happened at that time I had been appointed assistant to President Nixon. In my own work I have done some writing about Woodrow Wilson. President Nixon asked if I would be the first vice chairman. Now, there is a little bit of a problem here because if Lyndon B. Johnson was President, then Hubert H. Humphrey would be Vice President—not exactly a person in the private sector—but President Nixon was not going to make an issue of that.

This is something everybody knew about at the time and was excited about at the time, and so we went forward. We have been at this now for 30 years. The International Center has established an international reputation. The world over, there are persons in universities, in governments, who have been fellows here and retained a tie to the institution that is important. One does not wish to overstate, but it is an important fact of international life, particularly in the area of diplomacy.

I might make the point that our present Secretary of State, most luminous and indefatigable Madeleine Albright, was a fellow at the Woodrow Wilson Center, and on the occasion of the 25th anniversary, President Bush arranged a dinner in the State Department. There were a series of lectures. At one of these, Madeleine Albright had this sort of happy remark, in a lecture. She said, "Let me begin by wishing a happy 25th birthday to the Woodrow Wilson International Center for Scholars. I will never forget my own time at the center as a Wilson fellow. Where else can one do truly independent research, meet scholars from all over the world and get paid for working in a castle? I have always felt in a town full of monuments, the center is unique because it is a living monument. It memorializes not only Wilson, but Wilson's lifelong effort as an educator and President, to map a trail for a future that would elude the traps of the past."

She was referring, of course, to the Smithsonian Institution.

At the time the center began, small amounts of money were made available from the Congress—about $5 million a year; now less. A fundraising effort has been made by the trustees to raise private funds. They now are a larger part of the budget than what the Federal Government provides. But there was no place to locate. Such was the expectation and understanding that the then Secretary of the Smithsonian, the Honorable S. Dillon Ripley, turned over that great Renwick Building, the Smithsonian Institution on the Mall, to the center. It's called among the family of Smithsonian workers the castle, and indeed it is a castle of sorts. It has been there ever since until just this moment. We have completed, on Pennsylvania Avenue, as the statute requires and dictates, a building for the center as part of the Ronald Reagan Building, which will be dedicated next spring.

Let me take the liberty, Mr. President, of citing comments of a few Presidents of the United States. First of all, Lyndon Johnson, who signed the legislation, said "The dream of a great scholarly center in the Nation's Capital is as old as the Republic itself * * * This Center could serve as an institution of learning that the 22nd century will regard as having influenced the 21st."

There was a certain serendipity that its first 30 years should be located in the Smithsonian building. The Smithsonian building was created there for the advance and diffusion of knowledge—primarily in the sciences but also in other areas. Here was the incubator for this new center, "an institution of learning that the 22nd century will regard as having influenced the 21st."

Later in my remarks I will note that there is ample evidence that it has already influenced the 20th century.

Jimmy Carter: "The Wilson Center is a nucleus of intellectual curiosity and collaboration on issues of critical importance to our national well-being."

George Bush, who, as I say, hosted a dinner at the State Department on one of the anniversaries, said, "In this alliance of scholars now world-renowned for exploring some of the most vital issues that confront mankind, Woodrow Wilson's ideals find their highest and most effective expression."

Ronald Reagan, in whose building the center will be part: "The work of this organization symbolizes the yearning by Americans to understand the past and bring the lessons of history to bear upon the present."

Richard M. Nixon: "One of the most significant additions to Pennsylvania Avenue will be an international center for scholars, to be a living memorial to Woodrow Wilson. There could hardly be a more appropriate memorial to a President who combined a devotion to scholarship with a passion for peace. The District has long sought, and long needed, a center for both men of letters and men of affairs."

And now to our own President at this moment, William Jefferson Clinton, and this was just recently: "Three years ago I had the pleasure of signing legislation designating the great public space that will lead from Pennsylvania Avenue to the Woodrow Wilson International Center for Scholars as 'Woodrow Wilson Plaza.' Now that the Woodrow Wilson Center is preparing to move into its own home, fronting on the plaza, I salute its world-renowned contributions to scholarship, international understanding, and public service over the last 30 years. The Wilson Center will be a true living memorial to one of our great Presidents."

I might add, just as a matter of serendipity, that the center will be part of that building construction, the Ronald Reagan Building, which will finally complete, after 70 years, the Federal Triangle, which was begun by Herbert Hoover, under Hoover's Presidency. Hoover was a great admirer of Wilson and was himself an author of one of the finest books ever written on President Wilson.

This 30th anniversary, this impending move and the decision here in the Congress to see that the building will finally go up—no hurry, 30 years. It will be furnished out of private donations. Just this spring there was a large dinner in New York where our

most distinguished Chairman of the Federal Reserve Board, Dr. Alan Greenspan, gave an extraordinary address at which we raised—it is a public matter—almost $1 million with a matching pledge for the furnishings, the books, the desks, tables, and such.

On September 8 of this year the New York Times had an editorial on the center saying, "The center has been a tone of civility during political and cultural wars and a refuge for those persecuted elsewhere."

A center for civility. You would be surprised how often a comment returns to that quality in the Senate.

The Times goes on, "The Center's House," referring to the House of Representatives, "critics fault for lacking a public policy function by overemphasizing scholarly pursuits. This seems perversely to miss the point. Washington is amply stocked with policy think tanks, and the Center was never meant to churn out position papers. The hope, instead, was to provide a forum where politicians and officials might encounter those more alien muses of history, philosophy and literature." Could you dispute that the center has stimulated prize-winning books, animated innumerable public workshops and published a lively quarterly? Every Federal dollar appropriated for the center is matched by a private donor."

It goes on in that spirit.

The New York Times is generally thought to be a paper disposed to liberal views—its editorial page. The Weekly Standard, newly and happily arrived in Washington, is nothing of the sort. Its editor, William Kristol, is an avowed and energetic, hugely influential conservative. The Weekly Standard ran an editorial a little while ago when this dispute was coming out in the House, and it said, "Save the Wilson Quarterly!" That is a published journal, scholarly, lively, published once a quarter, and it said this: "Having somehow resisted the p.c."—political correctness—"trendiness that has contaminated the academy, the Wilson Center, under the auspices of the Smithsonian Institution, remains one of the few havens for disinterested scholarship * * *."

I suppose, in the interest of full disclosure, I should say that I am a regent of the Smithsonian, and I believe at this point I am the senior regent appointed from the Senate, as well as the House.

But it says, "Having somehow resisted the p.c. trendiness that has contaminated the academy, the Wilson Center, under the auspices of the Smithsonian Institution, remains one of the few havens for disinterested scholarship in the country."

I began by quoting the New York Times editorial page, a page of liberal opinion. I went on to quote an editorial from the Weekly Standard, a journal of assertively conservative opinion.

Let me now quote George F. Will, one of the most learned, thoughtful, entertaining, and rewarding observers of the Washington scene we have had in a long time. When he is not writing about baseball, he tends to write about politics. Occasionally, he enters the world of such as we are now talking about. He refers to an essay published in the Wilson Quarterly: "The invaluable quarterly of the irreplaceable Woodrow Wilson International Center for Scholars."

See, we have here a living memorial to a great President, well established, known worldwide, read worldwide. There is a web site, there is a radio program called "Dialog." There is no end. There are 200,000 listeners each week. We don't want to put this center at jeopardy.

I am not in the least at a disinclination to provide funds for juvenile delinquency programs in Indian tribes or populations. But at the cost, we can find those funds somewhere. To destroy this irreplaceable institution. We will start again. And, sir, it takes 30 years to take root.

We have had a wonderful fortune in the persons who have led the Center. James Billington, the present Librarian of Congress, himself a great historian, particularly of the Russian Empire, and then the Soviet Empire that succeeded it. James H. Billington is a trustee now, but he was a great director for the longest while.

Then it was the fortune of the center to have for a long period another distinguished scholar, a great administrator, great person, Charles Blitzer, who has just announced, at age 70, his retirement, but after a distinguished career. He had been Assistant Secretary of the Smithsonian when the castle was opened up to welcome the new institution. He went from here to be director of the National Center for the Humanities in North Carolina, and then he was summoned back to the Wilson Center, and now having reached the age of retirement, has announced he will retire at the time a successor is chosen. It might give you a sense, sir, of the importance attached by Americans of every disposition to the Center to know what the search committee is for the new director.

First, James A. Baker III, former Secretary of State and trustee of the Wilson Center. Next, James H. Billington, Librarian of Congress. Mary Brown Bullock, a former fellow, former director of the Wilson Center Asia Program, and now president of Agnes Scott College. William T. Coleman, Jr., a Wilson council member, former Secretary of Transportation, and a distinguished attorney here in Washington. I. Michael Heyman, a trustee and the Secretary of the Smithsonian Institution. Gertrude Himmelfarb, one of the great scholars of our age, a person who has transcended understanding of Victorian Britain. The British learn about their history from Gertrude Himmelfarb today. She was formerly a fellow at the Center, professor emeritus at City University of New York, and a former trustee. Chris Kennan, former Wilson council member. Elizabeth McCormack, Associate, Rockefeller Family & Associates, and former President of Manhattanville College. Finally, Herbert S. Winokur, Jr., Wilson council member and managing partner of Capricorn Management.

You see, sir, an extraordinary array of support, every President since Lyndon Johnson who lined the legislation has attested—in this case, to his hopes and now to the realization of those hopes for this center. Scholars from the world over. Our own Secretary of State—a great quarterly, an extraordinary audience in the world at a minimal cost to our budget and great advantage to our Nation.

Mr. President, I cannot imagine that we would do this act of desecration. I would happily pledge my support to any effort to provide funds for a juvenile delinquency program. But for now, I trust this amendment will be withdrawn and, if not, it will be defeated. I hope it would not have to have a vote. I cannot imagine the U.S. Senate, which created this institution, having to vote on destroying it for another purpose altogether, unrelated and as regards this issue of a profoundly different order of importance.

Mr. President, I thank you. Seeing my friend from Colorado on the floor, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I rise to support my friend and colleague from Arizona in his efforts to address the needs of law enforcement in Indian country. Tribal governments are in desperate need of these funds, which will help them to combat the cancer of gang activity growing throughout the country.

I listened very carefully to my friend and colleague, Senator MOYNIHAN from New York, and I have to say that we are not trying to kill the Woodrow Wilson Center; we are just trying to prevent some young Americans from being killed. We are not trying to destroy it. We are trying to prevent a culture from being destroyed. I know, as all of my colleagues know, that we have to make some very tough choices if we are truly going to get our deficit under control and balance the budget. I don't know much about the Woodrow Wilson Center, but I suppose it is very important from a scholarly standpoint. The lives of people that are affected on Indian reservations with our youngsters going into gang activity, I think, is equally as important. I don't think we can put a price tag on their lives.

The Senator talked about the memorial being a living memorial. I simply

believe that Senator KYL is on the right track when he wants to keep more youngsters on the Indian reservations also in that State—an alive State. They tell me that the scholars at the Wilson Center get about $43,000 a year to study different projects. I was looking at some of the projects. Very frankly, they may be very important, but some of them I don't quite understand.

Let me read into the RECORD a few of the projects that have been done. Here is one: popular mystical sectarianism and models of rationality in prerevolutionary Russia; family and society in greater Syria; making China perfectly equal; creating language for westernization in early Meiji, Japan. I went to Meiji University in Japan and I don't remember that one. The rise and fall of childrearing experts in 20th century America. I would like to see somebody do a little more study on the rise and fall of children in America and where we have to go to prevent them from getting more involved in gangs. One that I almost can't pronounce is the malediction of malpractice medicine and misfortune in post-colonial Zimbabwe.

That may be very important. I am not going to disagree with the Senator from New York. Maybe it is. I think that we have to recognize, though, that writing about starvation and starving are two different things. Doing studies about youngsters at risk who may be dying from gang violence and then talking to their families who have watched their youngsters die in gang violence are two different things.

I wanted to reaffirm to the Senator from New York that we are not trying to destroy the Woodrow Wilson Center. I am sure it is very important. We just know that there are some things that we face that demand immediate attention, and we think this is one of the ways we can do it.

As my colleague noted, over the past 5 years, homicide rates across America decreased by 22 percent. But on Indian reservations, it went up by 87 percent during the same 5 years.

Yesterday, we had a joint hearing of the Indian Affairs and the Judiciary Committees. Testimony in that hearing revealed that gang violence poses a very special threat to America's Indian tribes that they are simply not equipped to deal with. Those tribes, we noted with interest through the testimony, that have a closer proximity to metropolitan areas, like Phoenix and Detroit, or any large metropolitan areas, that adds more and more pressure on inner-city gangs, like the Crips or Bloods, whatever, and they tend to migrate out and go to a path of least resistance—in this case, the Indian reservations.

Studies conducted by Federal agencies, universities, and tribal governments reveal that gang activity within Indian country has steadily increased over the past decade. A study in 1997, as an example, of 132 tribes conducted by the Bureau of Indian Affairs Law Enforcement Division estimated there were 375 active gangs with approximately 4,600 members. In Arizona alone, as Senator KYL stated, a recent FBI study identified 177 gangs on 14 different reservations.

Juvenile gang activities poses a unique threat to all jurisdictions. And, since there are multiple jurisdictions on Indian reservations, there are often people who should be prosecuted that simply fall through the cracks because of the time consumed in defining who is in charge, who has the jurisdiction for the person. In Indian country, the potential growth is even greater in this jurisdictional maze than it is from any downtown community that faces gang activities.

These limitations on tribal courts and law enforcement authority are imposed by the Federal Government. We can't continue to tie the hands of the tribal justice systems, refuse to adequately fund their law enforcement, and then expect them to do an adequate job in protecting their citizens against gangs.

The Office of Tribal Justice within the Department of the Interior recently stated that "* * * it is twice as likely that a reported crime will be violent"—on the reservation—"as compared with the rest of the United States, yet there are only half as many law enforcement officers on Indian lands per capita."

It is absolutely a problem that is just virtually out of control.

The complexity and severity of youth violence and criminal gang activity within Indian country demands immediate attention. These funds will enable tribal governments to protect their citizens, and they will go far in fulfilling our obligation to protect and preserve the health and welfare of our Indian communities—and the people who are non-Indian who happen to live in those Indian communities.

I know that the Woodrow Wilson Center is important. They get a great deal of private money from well-meaning and good-hearted Americans who contribute regularly to that center—unlike Indian reservations. You rarely have people who are going to donate money to the Indian people who are trying to reduce gang violence. They depend almost totally on Federal money to do this.

With that, Mr. President, I urge my colleagues to support the Kyl amendment, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MOYNIHAN. Will the Senator allow me just 2 minutes?

Mr. GORTON. I certainly yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Senator for his generous remarks about the center. But I also say that it is so easy to make fun of studies of ancient times and obscure subjects. But a great deal comes with them.

In that New York Times editorial I spoke of, it says at one point:

> That such a forum is needed was suggested by a Senator's inept award several decades ago of a "golden fleece" to a Wilson scholar for writing a paper on how Russia's czars persecuted nomadic minorities centuries ago. This scene was not remote or irrelevant to the author, Bronislaw Geremek, the Polish medievalist who was to play a pivotal role in the Solidarity movement.

"who was to play a pivotal role in the Solidarity movement."

> In the humanities, as in natural sciences, ideas often spring from improbable intersections.

I make a point again about a certain "improbable" intersection.

It was a study by a Polish medievalist of the way in which a central Russian empire persecuted nomadic tribes.

It was thought ridiculous here, but was part of the creation of a career which led to the independence of Poland.

Thank you, Mr. President.

I thank the Senator from Washington for his generosity.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, two points rather briefly in opposing, with regret, the amendment proposed by my two friends and colleagues:

The first is in no way to deprecate or understate the problem of gang violence on Indian reservations, or, for that matter, in any other place, but simply to point out that this bill includes greater increases for Indian programs taken as a whole than it does for any other set of programs.

At the request of the President and of the Senator from New Mexico, Mr. DOMENICI, tribal priority allocations are increased by some $76 million, the distribution of which is to be determined primarily by Indian organizations themselves, any portion of which can be dedicated to this purpose.

Second, the appropriations bill managed by my friend from Colorado, the chairman of the Indian Affairs Committee, the appropriations bill for Treasury-Postal increases the so-called grant program to $13 million with specific reference to criminal gang activity on Indian reservations and a direction to the Bureau of Alcohol, Tobacco, and Firearms to help curtail that gang violence. This $13 million in that bill can be used in whole or in part for the goal that the two Senators aim at. When one totals up all of the public safety and justice programs in the bill before us, the Interior bill, that is an additional $116 million-plus.

Obviously, not all of that, not even a large percentage of it, is going to be used to combat gang violence.

The point is that in this bill, and in the Treasury-Postal bill, there is a true recognition of the seriousness of the problem and significant resources that can be devoted to dealing with that problem.

As a consequence, my attitude toward this amendment would change 180 degrees if this amendment were an earmark of some of those tribal priority allocations specifically to gang-related violence. Personally, I think an earmark would probably be unnecessary.

I accept the seriousness of the problem, as described by my two colleagues, and suspect that those who determine where those tribal priority allocations will go will share those views.

The point is that if this amendment had come out of Indian activities, it would not need to be discussed here at any length. We simply would have accepted it. Instead, Mr. President, it comes out of the destruction of the Woodrow Wilson Memorial.

Last Thursday, when we began this debate, I presented this chart in this large form here on the floor, but with a small one to every Member of the body, showing the relative division of moneys within the Department of the Interior budget—the green on the left being the management of all of our public land, the various blues, almost $4 billion in this bill, for Indian activities. Then we have to come all the way over here to this very short line for all of the cultural activities supported by this bill. In this short line, one-fifth of the amount that goes for Indian programs in total is included in the Smithsonian Institution, the National Gallery of Art, the Holocaust Museum, the two endowments that we debated some 4 days on the floor here, and in a line that would be too small to see on a chart of this size, the Woodrow Wilson International Center for Scholars.

Mr. President, we should not slow up opportunities for scholarly research in the United States. We should not abandon an institution that admittedly authorizes studies in a number of esoteric scholarly pursuits. That simply isn't the way in which we ought to treat our own history, or our own culture. A place outside of the rest of the world for longer or shorter periods of reflection and writing on the part of scholars is not, Mr. President, I am convinced a waste of the taxpayers' money.

I believe the House of Representatives was wrong to follow the course of action that it did in this respect. But by reflecting the views of the House of Representatives, we are saying, fine, there will be $1 million to close down this memorial. It may not be exactly analogous to closing down the Lincoln Memorial, though it is a memorial to a famous President of the United States. But we aren't considering closing down the Lincoln Memorial because it doesn't make money or produce an immediate income.

Woodrow Wilson was himself a scholar, a president of a university, and Congress deemed the best memorial to him would be a place at which scholarly pursuits could be followed.

But this amendment would destroy that institution forever in order to fund an activity for a single year for which there is already an ample source of funds.

So, I must say that I believe it to be an ill-advised amendment—once again, not so much because there can be criticism of the goal that it pursues, but because the goal is already adequately pursued in this and other bills and should not be the excuse to destroy one of the smallest elements of this bill directed at the preservation of American culture, the addition to our fund of knowledge about our own history and about the world around us.

We can vote on this amendment. I hope, if we do, that it is defeated. We could modify the amendment so that it becomes an earmark out of the already large and justified appropriations for Indian activities, one that has a greater increase this year than any other. We should not vote for it in its present form.

Mr. KYL. Mr. President, I would like to speak for a few minutes perhaps to close the debate. I think perhaps most of the things have been said.

Mr. GORTON. Will the Senator yield?

Mr. KYL. Of course.

Mr. GORTON. Senator STEVENS is on his way to the floor. He wishes to speak on it. So we will save time for him.

Mr. KYL. That is fine. I will speak for a few minutes. I know Senator BUMPERS is anxious to present another amendment, and I don't intend to take a lot more time.

But I would like, Mr. President, to get to the essence of what we are trying to accomplish here because the distinguished chairman of the subcommittee has made some constructive suggestions in the end, however, which do not capture the spirit of this amendment.

The whole point of this amendment is to prioritize among scarce resources.

It is true that we have funded Indian programs this year to the extent that we thought was possible, and that represents an increase over last year, and it represents an increase more than the other programs within this budget were increased.

But, Mr. President, that is not to say much, because the needs of our Indian communities are so significantly greater than the amount of money that we can provide that this is a scant comfort, I think, to those in our Indian communities.

I detailed, and my colleague Senator CAMPBELL from Colorado detailed, some of the things which we learned in the hearings yesterday jointly held which discussed the dire situation on our Indian reservations today regarding gang violence and the need to, obviously, do much, much more in a concerted way to alleviate that problem now.

So, while it is true that we could take money from some other Indian program and apply it to this program, I don't see that as a solution given all of the other needs that exist on our Indian reservations.

While it is also true that we have allocated $13 million toward a very specific program—not to the BIA but the money goes to the BATF, a totally different program for training—while it is true that that money is in this budget, that is not an adequate substitute for what we are trying to provide for in terms of very special operations requirements to deal with the problems of gang violence.

Just to reiterate a couple of things—I will not take long—but there are half as many law enforcement officers per capita in Indian country as there are in the small communities outside Indian country.

We are not just talking about training people. We are talking about hiring people to be on the job and doing their job. In terms of the detention facilities and all of the other personnel that are required, in every category it is far less than needed in Indian country, and that is one of the reasons, as I pointed out from the testimony, that you have this difficult problem of gang violence.

So when the distinguished chairman of the subcommittee says, well, one thing we could do is simply take money from another part of the Indian budget and put it into here, that is true, but that is really in a sense robbing Peter to pay Paul.

What we are suggesting, the chairman of the Indian Affairs Committee and myself, is to prioritize in a larger sense from the entire budget that we have under consideration here, this Interior appropriations budget.

What we are asking, Mr. President, is this question: As between the funding that is being provided by the Federal Government, the Federal component to the Woodrow Wilson Program and this particular need, which one is more important in today's America? Which one does the Senate justify better to the taxpayers of America? Both Senator CAMPBELL and I have been very clear that we are not attempting to kill the Woodrow Wilson Center. As a matter of fact, it receives more in private funding than it does in Government funding. We are simply reducing the amount of Federal Government funding to the level recommended by the House of Representatives.

Last year, its budget was something like $12.5 million, and, as I said, more than half of that was from the private

sector rather than from this Interior appropriation. So this is not an effort to kill that center. But I do think that because of the criticisms leveled at the center, among others, from the National Academy of Public Administration, I think a study of significance and objectivity, because of some of those criticisms I think it is wise for us to ask whether or not a priority of spending taxpayer dollars should put those moneys into this program as opposed to the one which everyone here has said deserves support, our attempt to deal with Indian gang violence.

The distinguished Senator from New York talked about some of the leaders of the Woodrow Wilson Center, including the current director who is about to step down. But one of the conclusions of this important study about the center is as follows:

> The director's performance is deficient in a number of areas. For example, he has not effectively articulated what the Center does.

Mr. President, if the director of the center cannot articulate what the center does, I wonder just how good a memorial to President Wilson this really is. And since my colleague from Washington State compared this to the Washington Monument, for example, I will do a little comparing myself. It is true that the Washington Monument does not pay a scholar $43,000 a year to write an esoteric paper, but I think it inspires 250 million Americans every year in ways that probably can't be measured but help us to appreciate what our country stands for and to remember the great Presidents of this country. I would rather that the Woodrow Wilson Center do a better job, frankly, of inspiring Americans and reaching out to all 250 million Americans instead of its very narrow focus on the somewhat esoteric papers that are written there.

Our colleague from New York talked about the fact that one of the scholars noted: Where else can you work among intellectuals and get paid for working in a castle? It is a nice way of saying that it is a very nice thing to be a recipient of this funding. I am sure for those who get it, it is. Undoubtedly, some of the papers presented are very worthy.

One of the other criticisms that was leveled at the center from this review of the organization by the National Academy of Public Administration noted the fact that some of the employees of the program and program staff and fellows could benefit from more cooperative activities and that they be urged to make some interactions obligatory rather than voluntary. They said that the center "does not fully motivate fellows toward cooperation and gives them the option to work in isolation from others. Some are called 'phantom fellows' because they seldom appear at the Center let alone interact with staff members."

So apparently not all of the fellows who receive this stipend are participating in the activities described by the Senator from New York.

I am not here to criticize the Woodrow Wilson Center, but what I am saying is that it is a troubled program. That cannot be denied. Now, advocates of it, proponents of it will say it is going to be improved and it has performed a mission in the past. After all, we would not want to do anything to suggest we do not honor Woodrow Wilson. Obviously, none of us are suggesting that. But when on the one hand you have a program that has been troubled and a program which can be sustained by private funding as opposed to support for Indian gang activities, which, as the Senator from Colorado noted, is probably not going to be supported by private giving—it relies exclusively on the Senate and House of Representatives to provide the funding for those programs in Indian country—I think in setting the priorities, we can say that this $4.8 million is better spent on saving lives on the Indian reservations, as my colleague from Colorado put it, rather than continuing to fund that degree of support to the Woodrow Wilson Center.

Mr. President, again, I compliment the Senator from New York for his vigorous advocacy of the center. It is not our intention to kill it. I compliment the distinguished subcommittee chairman for noting that there are ways in which other Indian programs could have their funding reduced in order to support these important gang activity programs.

Again, I do not think that is a good option. We need more money than we can possibly appropriate to Indian activities rather than simply taking it from one Indian activity and putting it against this particular problem. I think at the end of the day the answer here is take this $4.8 million from the Government-sponsored portion of the Woodrow Wilson Center and apply it to dealing with the problem of gang activity as part of the BIA budget.

I appreciate again the support of the distinguished chairman of the Indian Affairs Committee, Senator CAMPBELL from Colorado.

Mr. MOYNIHAN. Will the distinguished manager, the Senator from Washington, allow me just one word?

Mr. GORTON. I certainly will, and I think the Senator from Utah wants to speak briefly on the amendment as well.

Mr. MOYNIHAN. May I say in response to my friend from Arizona, first of all, that the remark about being paid to work in a castle was just a friendly joke by Madeleine Albright, now our Secretary of State. She was a fellow at the Woodrow Wilson Center in the 1980's.

As far as I know, no fellow makes $43,000 a year. No one is above that. Some come for short periods, others for longer periods. Some come to the center and spend much of their time in the archives of the Library of Congress. It is a center for scholars, and they are different one from another. They have different views. And they have to be let do their work as they will.

Remember how Madeleine Albright finished her remarks. She said of the center:

> It memorializes not only Wilson but Wilson's lifelong effort as an educator and President to map a trail for the future that will elude the traps of the past.

The cost of this is so small. Some stipends are moderate, are barely up to the living levels, a third of what an executive in one of our executive departments makes, but no one is in that life for the salary and no one is at the center for this purpose. The world is proud of what we have done. I hope, sir, the Senate would do the same.

I thank the Chair.

Mr. President, I ask unanimous consent at this point, if I may, to introduce a letter sent by the distinguished Librarian of Congress James Billington to the second director after Mr. Baroody of the Center, Joseph Flom, who is chairman of the board of trustees, setting forth the principal point that a center for scholars is not a think tank. It does not produce policy papers or policymakers. It can produce policymakers. It produced Madeleine Albright, just for an example today, but it has a different purpose, one declared by Congress when Congress enacted this legislation in 1989.

I yield the floor and I thank the Chair.

I ask unanimous consent it be printed in RECORD.

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

THE LIBRARIAN OF CONGRESS,
June 30, 1997.

JOSEPH H. FLOM, Esq.
Chairman, Board of Trustees, Woodrow Wilson International Center for Scholars, New York, NY.

DEAR MR. CHAIRMAN: I am writing as a statutory member of the Board of Trustees to express my deep concern at both the recommendation of a shut-down and the accompanying language that has just been reported out on the Wilson Center from the Subcommittee on Interior and Related Agencies of the House of Representatives. As a former director of the Center, I may be able to help provide some perspective on the central institutional question that has been raised.

The main substantive charges against the Center as an institution seem to be that it does not have a "public policy function," currently emphasizes "scholarly pursuits over its public policy objectives," and has lost effectively "the original goal of the Center to link these two worlds [scholarly and public policy]."

I do not believe that the Center has ever formally had a "public policy function" as that term is generally understood in Washington; and I am troubled by the seeming implication that a deep emphasis on scholarship is somehow a distraction from (rather

than a prerequisite for) making a distinctive contribution to the overall public policy dialogue in Washington.

The Board, after the Center's initial shakedown period, produced a major study by Dillon Ripley and William Baroody, Sr., some time in 1972-73, basically suggesting that, in a city with many public policy think tanks and a constant preoccupation with immediate public policy concerns, the most fundamental unmet need was to bring into Washington precisely the kind of broad-ranging, high scholarly talent that did not normally come here: to assemble each year a critical mass of first-rate thinkers performing major projects—and then to bring them into creative contact with the world of affairs represented by almost all the rest of Washington. After nearly a decade of commissions and discussions with Congress about how to memorialize Woodrow Wilson (and a brief start-up period that was largely focussed on public policy research), the Board decided that the Wilson Center should not be another version of the public policy think tanks that were then well represented in Washington by organizations like AEI or the Brookings Institution. The distinctive market niche of the Wilson Center was to provide something which neither the think tanks nor the universities of Washington were able to provide: temporary opportunities for a sufficient number of the highest quality thinkers, largely out of academia, to pursue major projects in a place and atmosphere in which they would also be brought in contact with the world of affairs. I was hired in 1973 in response to this study; and, so far as I know, the Board did not then foresee—and has not since foreseen—a public policy mission or agenda as such for the Woodrow Wilson Center.

The distinctive role of bringing top intellect to Washington from all over the country and the world seems to me even more needed now than it was nearly a quarter of a century ago when I came to Washington to run the Center. There has been since that time a great growth of public policy think tanks in the Washington area, but almost no expansion of the possibilities for world-class intellect to be brought here for the kind of long-term, ranging and reflective scholarship that the Wilson Center has consistently sought out. Therefore, for the core mission of "strengthening and symbolizing" the link between the worlds of ideas and affairs, this type of Center may well have an even more important and distinctive role to play now than it did then.

I believe that the growth of public policy think tanks in Washington has been a constructive development for our open democratic society, but most of them are inclined (quite properly) to develop advocacy as well as research roles; and I think everyone agrees that this would be inappropriate (and probably unsustainable) in a federally-supported institution. No one, as far as I know, has accused the Center of having been co-opted by the ideological or methodological biases that often plague entrenched faculties and academic guilds. Indeed, a great strength of the Center is its meticulous and, I have felt over the years, remarkably unbiased process of selecting fellows. As a member of the Fellowship Committee, I have been impressed not just with the high quality and variety of the selectees but also with the fairness and objectivity of the selection process.

It seems to me that the Center has consistently had and sustained a basic, twofold mission of competitively bringing high-quality, first-class minds to do research on important questions in Washington and of interacting them with the broader world of affairs in this city. Such a broad mission, of course, leaves many important and legitimate questions unanswered: should more fellows be brought into the Center with public policy projects? How much and what kind of dialogue should be conducted within the Center and with the world of affairs outside? To what extent should the Center be internally organized by themes, disciplines, or regions as a way of energizing the fellows? Should more practitioners be included in the mix?

All these are recurring questions for which there is no absolute right or wrong answer. Either the Congress or the Board or both together may well want to undertake or to commission some kind of overall assessment of the Center or of the whole memorial idea—or may wish to produce a great deal more in the way of explicit mission, strategy, or policy statements.

I believe, however, that there would be very serious and predictably negative consequences to any studies or commissions undertaken with the presumption that the Center should have some new and explicitly mandated public policy mission or function. The Center would, first of all, become political—not so much, probably, in the sense of acquiring a distinct overall advocacy coloration, but in the sense of becoming an inviting and exposed arena for the continuing play of political pressures and advocacy agendas that would increasingly influence the choice both of the issues to be studied and of the fellows to study them. Center officials would spend their time debating how to slice and distribute pork—rather than how to bring new types of food to the Washington table and find new ways to serve it better to more people.

To be sure, a small Center retooled with a public policy agenda could probably add a small amount to public policy research and dialogue on current questions in this city. But there is already so much of this kind of research in Washington that the Center's contribution to public policy would almost certainly be marginal at best and redundant at worst. What would almost certainly be irreplaceably lost in the process, however, would be the two benefits to society that the Center has implicitly promised to provide for nearly a quarter of a century: (1) the highest quality standards for studies produced at taxpayer expense; and (2) a shaping effect over the log term on the world of affairs.

(1) An important, all-permeating weakness of the NAPA study (justifiable perhaps in a "review of Organization and Management") is its seeming failure to recognize that the major "product" of this small Presidential memorial is quite properly the quality of its intellectual activity. Whatever one might justifiably add or subtract from the programs, activities, and analyses of the Center, one should not, it seems to me, embark on any serious comprehensive reviews under the delusion that it will be possible to sustain the high quality of the scholarship that has been and is being maintained if there is any blurring at the Center of its well established focus on the quality and promise of individual fellow's projects.

The present director helped shape and support that core commitment in the earliest days of the Center; and he and his staff are to be praised for continuing to insist that scholarly quality and long-term promise provide the indispensable platform on which any serious and lasting accomplishments have to be based.

(2) One of the key founding Board members said early in the history of the Center that its mission was to be a place which the 22d century would recognize as having helped shape the 21st. Lasting, long-term impact was the desired pay-off; basic scholarship on important questions was the armature; the matchless scholarly resources of Washington provided unique ammunition; and federal funds were to be provided basically for venture capital with long-term prospects rather than for short-term investment in the ever-shifting public policy debates of this present-minded city.

Sincerely,

JAMES H. BILLINGTON,
Librarian of Congress.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I just wanted to respond to Senator MOYNIHAN, to the Senator's comment about the $43,000 stipends. According to the article in the Washington Post, which I submitted for the RECORD a moment ago, by Stephen Barr writing about the Woodrow Wilson Living Memorial—and I quote now:

> The Center annually selects about 35 fellows who receive an average stipend of $43,000 and spend their time studying and writing.

Also if one does math of the $12,500,000 budget, roughly, of the program, I believe about $1.7 million of that is allocated for the stipend. And if you divide that number it averages out to something over $40,000 a year. So that is where I got my information that the average stipend is about $43,000.

Mr. MOYNIHAN. Mr. President, I must apologize to my friend. He accurately describes this passage from Mr. Barr's article on the Federal Page and the average stipend. But if I could just take a moment to go on to say what this same article says:

> Previous and current fellows include Raul Alfonsin, the former President of Argentina; Anatoliy Dobrynin, the former Soviet Ambassador to the United States; Washington Post reporter Thomas B. Edsal; New York Times columnist Thomas L. Friedman; novelist Carlos Fuentes; Harvard University Professor Samuel P. Huntington, and Itamar Rabinovich, the former Israeli Ambassador here.

This is a great institution, been a great success. Can we not leave it to its great desserts, as it was intended?

I do want to tell my colleague I was in error, and I do apologize.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I find this debate very illuminating, and I congratulate the Senator from Arizona in bringing an issue to the attention of the Senate that I for one was not aware of. I do not treat lightly the conclusions of the Association for Public Administration who have made their examination of the Woodrow Wilson Memorial. I think it deserves airing.

I think the deficiencies that are identified in that report should be discussed, and at some point I may find

myself convinced to follow the Senator from Arizona down this particular road if in fact there is not a significant change that would allow at least some objective observers to come to the conclusion that the Memorial was more fittingly fulfilling its mission than apparently it is now.

Having said that, I find that I will vote with my subcommittee chairman on this issue for the following reason, based on my own experience in terminating longstanding organizations.

When the Republicans took control of the Senate, I found myself on the subcommittee for the legislative branch, chaired by the Senator from Florida, [Mr. MACK], and the two of us as a team began to look around the legislative branch to see what there was that we might either cut back or eliminate because it was not performing properly. We focused in on the Office of Technology Assistance, OTA, and, as we spent time looking at OTA, we found that it did a number of very good things. We also found that it was duplicative of a number of very good things that had been done other places in the Government.

I was lobbied about as hard on that issue as any issue I can think of by Members, not only of this body, including the Senator who is now the chairman of the Appropriations Committee, but also Members of the other body who came at me and said, "we must hang on to the OTA for all of these good reasons."

Senator MACK and I agonized over this decision for a long period of time. We examined the record of the OTA. We had the leadership of the OTA come before the subcommittee and we held open hearings, we presented to them our concerns and we gave them every opportunity to respond. Ultimately, we came to the conclusion that the OTA was, indeed, duplicative of that which was being done in the Library of Congress, particularly the Congressional Reference Service, and however good its performance was, we decided that it was redundant and we voted, ultimately, to shut it down.

When you take something that has been part of America as long as the Woodrow Wilson Memorial has been, I think you owe it the same kind of opportunity to defend itself through hearings and examinations if, indeed, you are determined to kill it. As a member of the subcommittee before which such hearings would be held, I do not recall that the subject has ever come up prior to the introduction of this matter on the floor.

Much as I sympathize with and react to the need for more money in the Indian gang program, and if we can find more money I am more than sympathetic to finding an offset to make it happen, I am reluctant on the basis of a debate on the floor—without a hearing, without an opportunity for these people to come defend themselves, to lay out exactly what they are doing in a full hearing circumstance where they are notified sufficiently in advance and are able to marshal their arguments and their activities—to react to the debate on the floor saying, "All right, this sounds more logical as a priority than that and so I will vote to eliminate an agency that has been around for, what, 30 years?"

So, for all of my sympathy with my friend from Arizona, and I am reluctant to oppose him because he is usually right and he is very thoughtful and he does not give knee-jerk reactions to these things, I find that I will be with my subcommittee chairman in saying that this is not the kind of thing to do at this late hour in this bill with an amendment on the floor.

I would say to my friend from Arizona, if in the next appropriations cycle, which will be upon us so rapidly we will not be able to remember how short the time was, he wants to raise this in the subcommittee, I would support the actions of the subcommittee in having a hearing on this and letting the people from the Woodrow Wilson Memorial come in and respond to the charges that have been made against them by the responsible organization that has examined them. And I will keep an open mind in that circumstance. But I reluctantly part company with my friend from Arizona in this circumstance and at this time, because I do not think it is fair to the people who are involved in the Woodrow Wilson Memorial for the Senate to make this kind of a decision in this rapid circumstance.

So, I intend to be with my subcommittee chairman and intend to vote to keep the bill as it is in this regard.

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

Mr. GORTON. Mr. President, I need make no more remarks on the subject myself. I am asked, with great urgency, by the chairman of the Appropriations Committee, Senator STEVENS, who is in intense negotiations over the defense budget at the present time and is unable to be on the floor, to state that he is adamantly opposed to this amendment and supports the Woodrow Wilson Memorial and hopes the amendment will be defeated. That is all I have.

Mr. KYL. Mr. President, I just wanted to make one comment and then close the debate and ask for the yeas and nays. I want to reassure my colleague from Utah that our amendment does not eliminate the Woodrow Wilson Center. It is not our intention to eliminate the Woodrow Wilson Center. And nothing in it does eliminate the Woodrow Wilson Center. The majority of its funds come from the private sector. One could argue that removing this $4.8 million would have a significant impact upon the Woodrow Wilson Center, but several times in the presentation you talked about eliminating it. I just want the record to be clear that our amendment does not do that.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, just to clarify what was not meant to be misleading, to leave the center with a million dollars would be with the understanding that it would close, and I think this is something we would regret for a very long time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the Kyl amendment, No. 1223. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The results was announced, yeas 34, nays 64, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—34

Abraham	Faircloth	Murkowski
Allard	Grams	Murray
Ashcroft	Grassley	Nickles
Bingaman	Hatch	Roberts
Brownback	Helms	Santorum
Campbell	Hutchison	Sessions
Coverdell	Inhofe	Smith (NH)
Craig	Kempthorne	Thomas
DeWine	Kyl	Thurmond
Domenici	Mack	Wyden
Durbin	McCain	
Enzi	McConnell	

NAYS—64

Baucus	Ford	Lieberman
Bennett	Frist	Lott
Biden	Glenn	Lugar
Bond	Gorton	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Gramm	Moynihan
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Robb
Byrd	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Inouye	Sarbanes
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thompson
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Feingold	Leahy	
Feinstein	Levin	

NOT VOTING—2

Akaka	Wellstone

The amendment (No. 1223) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

Mr. GORTON. I yield to the Senator form Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank my colleague from Washington.

CHANGE OF VOTE

Mr. ROBB. Mr. President, on rollcall vote No. 245 I was erroneously recorded as voting "aye" when in fact I voted "no," as verified by the C-SPAN tape. Therefore, I ask unanimous consent that the official RECORD be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for the information of all Senators, at this point I know of only one other amendment on which a rollcall vote will be required. That does not mean to say there are not others that we will not be able to settle that might possibly require a vote. But I only know of one more, and it will be proposed by the Senator from Arkansas [Mr. BUMPERS], but in a couple of minutes.

Right now I have two or three unanimous-consent requests on amendments that have been agreed to.

Mr. BUMPERS. Will the Senator yield?

Mr. GORTON. I will.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that the pending amendment be laid aside and the Senate proceed to the committee amendment beginning on page 123, line 9.

Mr. GORTON. No. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. GORTON. We have three or four unanimous-consent requests for amendments we have agreed to that we would like to do first.

AMENDMENT NO. 1225

(Purpose: To provide funding for the engineering and design of a road in the Wasatch-Cache National Forest)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators BENNETT and HATCH and ask for its immediate consideration.

It provides funding for a design of a road associated with the 2002 Winter Olympics, offset by a reduction in land acquisition in Utah.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BENNETT and Mr. HATCH, proposes amendment numbered 1225.

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

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

The amendment is as follows:

On page 5, line 17, strike "$9,400,000" and insert "$8,600,000" and on page 65, line 18, strike "$160,269,000," and insert "$161,069,000," and on page 65, line 23, after "205" insert ", of which $800,000 shall be available for the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest".

Mr. BENNETT. Mr. President, I appreciate the willingness of the Chairman to include language regarding the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest. I want to clarify the intent of this amendment which has been accepted by the Managers of the bill.

The language I have included provides $800,000 to the Forest Service to undertake the preliminary design and engineering of a road connecting the Trappers Loop (SR 167) and Snowbasin, the site of the 2002 Winter Olympics Downhill and Super "G" ski racing events. This road is identified in their Master Plan as a Phase I project referenced in Public Law 104-333, Section 304. Is it the Chairman's understanding that this language is consistent with the provisions set forth in Public Law 104-333, Section 304?

Mr. GORTON. This is correct. The Senator from Utah rightly points out that Section 304 of Public Law 104-333 recognizes Phase One facility construction and operation activities as set forth in the Snowbasin Ski Area Master Development Plan dated October 1995. This statute specifically states that ". . . 'Phase I' facilities referred to in the Master Plan . . . are limited in size and scope, and are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety for skiing competitors and spectators." Clearly, this project falls within the parameters of Public Law 104-333, Section 304 and is vital to the successful execution of the Downhill event.

Mr. BENNETT. I thank my colleague for the clarification. Is it the Committee's intent that the Forest Service proceed quickly on the design of this project?

Mr. GORTON. I understand that there is a very short time frame in which this project must be completed. Therefore, once funds are made available by the enactment of this Act, the Committee fully expects the Forest Service to proceed quickly with the design and engineering of this road. However, the Committee is concerned that the Forest Service is not left with the full responsibility of funding this project. I ask the Senator from Utah if the Olympic Committee and the State of Utah are pursuing other funding options for the construction of the road?

Mr. BENNETT. The Senator raises a good point. The Olympic Committee, working in conjunction with the Utah Department of Transportation has been pursuing a number of funding options for this project. It is my intent to work closely with the Olympic Committee and the Utah Department of Transportation in these efforts. I thank the Chairman for his assistance in this matter.

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

The amendment (No. 1225) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1226

(Purpose: To require the Chairperson of the National Endowment for the Arts to give priority to funding projects, productions, workshops, or programs that serve underserved populations)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE and ask for its immediate consideration.

This amendment requires the National Endowment for the Arts to give priority in grantmaking to underserved communities.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DEWINE, proposes an amendment numbered 1226.

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

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. . (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C.

9902(2))) applicable to a family of the size involved.

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

The amendment (No. 1226) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1227

(Purpose: To direct the Secretary of the Interior to submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable for Youth Environmental Service program activities)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator GRAHAM of Florida directing the Secretary of Interior to prepare a report on Youth Environmental Service programs.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRAHAM, proposes an amendment numbered 1227.

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

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

The amendment is as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

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

The amendment (No. 1227) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold.

AMENDMENT NO. 1228

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senators REID and BRYAN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 1228.

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

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

The amendment is as follows:

At the appropriate place insert the following:

No funds provided in this or any other Act may be expended to develop a rulemaking process relevant to amending the National Indian Gaming Commission's definition regulations located at 25 CFR 502.7 and 502.8.

Mr. REID. Mr. President, my amendment to the bill is straightforward and simple.

It will prohibit the use of appropriated dollars to begin a rulemaking process by the National Indian Gaming Commission that runs contrary to congressional intent.

Nine years ago, the Congress passed the Indian Gaming Regulatory Act to regulate what was even then a rapid spread of gaming activity in Indian Country.

The act established a three-member Commission to promulgate regulations to control and oversee tribal gaming activities.

These regulations were intended to ensure the integrity of the games and to give States an assurance that gaming activities that were not available to non-Indians similarly did not occur on tribal lands.

These regulations were four years in the making and have sustained legal challenges all the way to the Supreme Court.

In essence, the regulations serve to classify and define the different types of games allowed under the Indian Gaming Regulatory Act.

Games such as blackjack, craps, and roulette fall under the category of class III, basically casino gambling.

Games such as slot machines and video poker machines—the largest revenue generators of gaming—also fall under the class III category.

Games such as bingo and traditional tribal gambling games fall under class II and class I respectively.

For years these regulations have worked well. Electronic devices that clearly are class III, or slot-machine-type devices, have been regulated under class III gaming.

This is significant because class III, or casino-type gaming requires States and tribals to enter into a compact and to regulate it.

Needless to say, unregulated casino gaming would be bad for consumers, bad for States and bad for tribes.

Even so, for years, some tribes and manufacturers of gaming devices have sought class II designation for devices that clearly are slot machines or video poker-like devices from the National Indian Gaming Commission.

These efforts have failed because of the strict convention of the existing regulations.

But now, this Commission has initiated an open-ended rulesmaking process that would seek to redefine what constitutes an electronic gaming device.

The lawyers at the Commission who initiated this process will tell you that they simply want to clarify the definition of electronic or mechanical devices that are not games of chance but are vague under the existing regulations.

They will tell you that they are simply clearing up confusion.

If that is the case, then why is their advance notice of proposed rulemaking so broad in nature? The solicitation in this notice, published in the Federal Register, states that the Commission is seeking public comment—quote—"in its evaluation of the decision to amend its current definition regulations" end quote.

I would like to know how this decision was made. Who made this decision to amend the definitions? How was it accomplished?

It certainly was done without any notification to a number of us who are familiar with this issue and interested in it.

Perhaps most importantly, Mr. President, I would remind the Senate that the very same Commission that is now seeking to embark on an extensive rulemaking process is the one that only two months ago was beseeching the Appropriations Committee to change current law so it could collect more fees from tribes.

Why? Because this same Commission said it didn't have enough money to fulfill its legal mandate to regulate gaming.

Interestingly enough, less than half the tribes conducting gaming across this country are in compliance with the existing regulations.

Mr. President, this Commission has been wracked with controversy. Its previous chairman left under a cloud of alleged mismanagement.

This Commission needs to get its act together before it embarks on any rulemaking process, let alone one that undermines existing and good regulations and violates congressional intent.

We need, at least, Mr. President, some time for the committees of jurisdiction of this Congress to have hearings on such a significant change that could occur with the rewriting of these regulations.

This amendment will allow Congress time to be informed by this Commission about such a significant action.

Mr. DOMENICI. Mr. President, I would like my colleagues and my constituents to understand why I support the amendment of Mr. REID regarding the classification of gambling devices by the National Indian Gaming Commission. As we have experienced in

New Mexico, the Indian Gaming Regulatory Act [IGRA] was difficult to apply in our state, but it does draw some important lines and legal distinctions that are now understood by New Mexico tribes and the state government. IGRA now serves as the basis for the compacts that allow Indian gambling casinos to be legal in New Mexico and in our nation.

If we do not adopt the Reid amendment, I believe we will be implicitly supporting an effort that has the clear potential of unraveling IGRA as we now understand it, without the benefit of congressional oversight. The National Indian Gaming Commission has issued new regulations and started a public comment process that could result in the removal of slot machines from the strict regulation we envisioned for them under the system of tribal-state compacts we designed in IGRA.

Removing slot machines from this process and placing them under the control of the National Indian Gaming Commission could ignite a renewed debate about IGRA and result in undermining the delicate balance we have struck between tribal and states' rights in regulating gambling casinos on Indian reservations. We need to avoid even the perception that the National Indian Gaming Commission proposed regulations and changes in critical definitions could create this scenario. Hence, we must take action to ensure continuation of the current distinctions between those gambling activities that are now regulated by tribal-state compacts and those that can be regulated by the National Indian Gaming Commission. These distinctions are essential to maintain if we expect continuing public and Congressional support for IGRA.

Please allow me to explain further. Perhaps the most significant definition in IGRA is the definition of "class III gaming." Class III games are commonly understood to be casino style gaming such as poker, blackjack, roulette, and slot machines, with some variations depending on state laws. Class II games are understood to be the original bingo games and pull tabs that are allowed without the necessity of reaching a compact agreement with state governments, but they are games that are regulated by the National Indian Gaming Commission.

The distinctions between class II and class III games are made in IGRA and are more precisely defined by regulations promulgated by the National Indian Gaming Commission and published in the Code of Federal Regulations at 502.7 and 502.8. The final rules were published on April 9, 1992 (57 FR 12392).

The National Indian Gaming Commission (NIGC) has the statutory authority to regulate class II games and to distinguish between class II and class III gaming under statutory guidance. The definitions it has published have served to determine which games fall into class III and hence into the realm of compacts between tribes and states. Without these compacts, casino gaming (class III) would be illegal under IGRA.

New Mexico tribes are well aware of these distinctions as they have gone through an arduous process of negotiating with the Governor and the State legislature. They have finally resolved this issue after two New Mexico Supreme Court decisions and Federal district and circuit court decisions which eventually led to the state legislative solution. The scope of class III casino gaming that is legal in New Mexico is now defined under the compacts which relied on current definitions of class II and class III gaming. Not once during this long and difficult process did the tribes or the state question the type of gambling that would be negotiated in the compacts. They relied on the NIGC definitions when they negotiated the compacts.

Now comes a disturbing new scenario. In the guise of up-dating the current definitions of class II and class III gaming to take into account technological changes and computer advancements of the past few years, the National Indian Gaming Commission is now reopening the question of gambling devices to be placed into these two critical categories.

What is disturbing is the distinct and likely possibility that this reopened process could result, after tribal consultation and public comment, in the placing of slot machines into class II rather than class III gaming, thus removing slot machines from the more strict regulation and control of the tribal-state compacts.

There is a distinct and negative outcome if the new rule-making by the National Indian Gaming Commission results in removing slot machines or any other highly profitable gambling device from the legal protections of the required compacts and places them under the control of the National Indian Gaming Commission, and hence subject only to tribal ordinances. This result would be a clear set-back for public support of the current law and could rapidly lead to the deterioration of the carefully balanced system we now have.

I am not accusing the National Indian Gaming Commission or the tribes of intending to reach this outcome. I am alerting both to the perception by many Senators that re-opening the definition process in the latest proposed rule-making is clearly aimed at the section of national law defining gambling devices and hence invites such tampering possibilities. I believe we have enough difficulty reaching gambling agreement, as we have seen for several years in New Mexico, under current law and regulations. Adding the new possibility of removing the most profitable gambling device from close legal scrutiny in the compacting process is a dangerous move. Once this potential is understood by the public, I believe opposition to Indian gambling will justifiably multiply. The relatively stable situation we now have under current law and regulation will become volatile.

Thus, I cannot agree with the seemingly innocent claim that the National Indian Gaming Commission is simply doing its job by up-dating these critical definitions. The technical changes we all see in computer technology are being used as an excuse to re-open the most critical line drawn by the Congress in IGRA—the line between gambling that can be simply regulated by the National Indian Gaming Commission (headed by three commissioners appointed by the President) and gambling that must come under the close scrutiny of state law and local voters.

Mr. President, I opt for the close scrutiny and local control by the states through our current compacting process. I would also like to remind my colleagues and my Indian friends in New Mexico that slot machines were understood to be part of the compacting negotiations, and agreements have been reached which allow the legal operation of slot machines in Indian casinos in New Mexico. While I understand that there are problems with the compacts from both the State and the tribal viewpoints, at least the ground rules were understood, and agreements are now in place.

If we now raise the specter of allowing these most profitable gambling devices being removed from the purview of these compacts by redefining them to class II gaming, I predict we will have even more turmoil in the Indian gaming debate than we have had to date.

I sincerely hope my New Mexico Indian friends and leaders are not in support of the new rule making by the National Indian Gaming Commission because of the possibilities this rule-making process holds for removing key elements of casino gambling from the compacts. I hope they would oppose even the perception that this was their motive. I frankly doubt that New Mexico Indian leaders have even discussed this possibility, but as their Senator and friend, I want to avoid a controversy we do not need in Indian gambling law and regulation.

I support Senator REID's efforts to avoid this new firestorm in Indian gambling. By adopting his amendment and withholding the funds from the regulatory process changes I have just described, we can avoid the clear potential this rule-making process has for unraveling rather than stabilizing Indian gambling in America.

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

The amendment (No. 1228) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 3 or 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TRIBUTE TO RED SKELTON

Mr. REID. Mr. President, I rise today to pay tribute to someone I knew and cared a great deal about.

I had the good fortune to consider Red Skelton a friend. I first met Red Skelton when I was Lieutenant Governor of the State of Nevada. He and I went to a rodeo together. At that time I found him to be jovial, a real gentleman, and not taken with his celebrity status.

He has been tremendous to the State of Nevada. He has performed in the north and the south. He has been involved in many charitable functions. We in Nevada consider Red Skelton part of Nevada.

Charlie Chaplin once said, "I remain just one thing, and one thing only—and that is a clown. It places me on a far higher plane than any politician."

This morning on public radio, Mr. President, Red Skelton was heard again. I heard from one of his prior performances. In that broadcast he talked about why he felt being a clown was something that he always wanted to be remembered as—being a clown. He proceeded to tell everyone there how important it was that we remain, in many respects, in our childlike status—lots of energy, trusting other people.

So today I rise to ask politicians all over America and especially in this body to pay tribute to America's favorite clown, Richard Bernard Skelton, better known to us as Red Skelton. He passed away yesterday at age 84.

He was the son of a grocer, who later became a circus clown. Mr. Skelton died 2 months before his son Red was born. His widowed mother worked as a cleaning woman and elevator operator to support her four sons.

Red Skelton started being a professional clown at age 10. So for almost 75 years—three-quarters of a century—he has been making people laugh.

He did not ask people to laugh. You had to laugh at Red Skelton. He became part of a traveling medicine show where he picked up vaudeville skills which served him so well for the rest of his life. His debut on radio was in 1937, and Broadway the same year. His first movie was in 1938 entitled "Having a Wonderful Time." He became a Hollywood star appearing in almost 50 films over the course of his life.

Skelton often said that he was a "man whose destiny caught up with him at an early age."

His destiny, Mr. President, was to make America laugh.

"I don't want to be called 'the greatest' or 'one of the greatest.' Let other guys claim to be the best. I just want to be known as a clown," Red said, "because to me, that's the height of my profession. It means you can do everything—sing, dance, and above all, make people laugh."

Mr. President, last March I went to Palm Springs to present Red Skelton a Presidential commendation. We had a date set that the President of the United States was going to give that to him in the White House. But his ill-health prevented him from flying, so I proceeded to Palm Springs on behalf of the President to give Red Skelton this commendation from the President.

It was a wonderful luncheon that we had. He was very weak of body but alert of mind. For example, at that time even though he was confined to a wheelchair, he wrote seven stories every week, and he would pick the best out of the seven and put it in a book, and every year he produced 52 short stories. That was Red Skelton up to the time he died.

We had a wonderful time that day in March. I will never forget it. We were able to videotape that. He cracked jokes, and we had a great time. He is somebody that I will remember, the people of Nevada will remember, and this country will remember.

Let me repeat the words of President Clinton, who honored Red Skleton with a Presidential certificate commendation, signed on April 1, 1996, in fitting tribute to America's favorite clown.

A natural-born comic who got his first laugh from an audience at the age of 10, Red Skelton has devoted a long and productive life to entertaining people of all ages. Moving from the vaudeville stage to radio, the movies and television, he became America's favorite clown, creating characters like Clem Kadiddlehopper and Freddie the Freeloader, whom generations of Americans looked forward to seeing every week. Red Skelton served his country well. From his days in World War II and Korea as a soldier and an entertainer for the troops, to his many years on the large screen and small, he has given to all those lucky enough to see him perform the gift of laughter and joy.

When I walked into the room to present Red with this certificate, he still remembered me from our days attending rodeos together in southern Nevada. He was deeply touched by this honor because more than anything, Red Skelton loved his country.

Red Skelton could have never been America's favorite clown if he wasn't already one of America's greatest patriots. Red fought for his country in World War II and Korea.

His definition of the true meaning of the Pledge of Allegiance will always remain with me. I would like to repeat it for you today:

I, me, an individual, a committee of one.

Pledge, dedicate all my worldly goods to give without self pity.

Allegiance—my love and devotion.

To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.

of the United—that means that we have all come together.

States—individual communities that have unites into 50 great states. 50 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.

of America

and to the Republic—A state in which sovereign power is invested in representatives chosen by the people to govern. And a government is the people and it's from the people to the leaders, not from the leaders to the people.

for Which It Stands.

One Nation—Meaning, so blessed by God.

Indivisible—Incapable of being divided.

With Liberty—Which is freedom and the right of power to live one's own life without threats or fear or some sort of retaliation.

and Justice—The principle or quality of dealing fairly with others.

for All—Which means it's as much your country as it is mine.

Red Skelton always signed off every show "Goodnight and God Bless," Yesterday Milton Berle, Red's closest friend told his old friend "Farewell and God Bless."

Mr. President, on behalf of the citizens of Nevada, Red's wife, Lothian, Red's family and friends, I say farewell, Red, and God bless.

I am grateful that the Senate of the United States is paying tribute to America's favorite clown.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that my distinguished colleague and friend from Montana, Senator BAUCUS, be recognized for 10 minutes, without my losing the right to the floor, and that I immediately be recognized following the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, first I want to thank my very good friend and colleague, Senator BUMPERS, for yielding the time. It is very gracious of him. He has waited a good period of time to offer his amendment.

Mr. President, I rise today to call on Congress to complete the New World Mine acquisition and protect Yellowstone National Park. Now that the administration and congressional leadership have reached a budget agreement

that allows for the acquisition of the New World lands, we need to move decisively. We have belabored this matter much too long and now is the time to finish the job.

Yellowstone National Park was created 125 years ago. "For the Benefit and Enjoyment of the People." Indeed, this is the entrance at mammoth Yellowstone Park. You probably cannot read the inscription over the arch but it says "For the Benefit and Enjoyment of the People." And of course, immediately to my right is the Old Faithful geyser.

Every year, Mr. President, 3 million people visit the park, bringing their children and grandchildren to enjoy the unspoiled beauty that is Yellowstone—from the Roosevelt arch, which I am pointing to here on my right, at the original entrance, to the breathtaking grandeur of Old Faithful, to the spectacular wildlife which calls this unique place home.

During the month of August, I was fortunate to be present to celebrate Yellowstone's 125th anniversary with Vice President AL GORE. As I entered the park, I remembered my first trip to Yellowstone many years ago. The noble and majestic geysers, the boiling paint pots, and the vast scenery were the stuff of magic to a small child—and remain so today.

These wonders cannot be seen anywhere else in the United States or, for that matter, in the world. I guarantee you there is not one Montanan, young or old, that does not fondly remember his or her first visit to the park, or anybody in our country for that matter. Finishing the New World acquisition is critical so our children may witness the wonders of nature, much as we have over the past 125 years.

For the past 8 years, America has lived with the threat that a large gold mine could harm Yellowstone, our Nation's first national park. This mine, on the park boundary, could irreparably damage the park by polluting rivers and devastating wildlife habitat.

In 1996, local citizens, the mining company itself, and the administration, reached a consensus agreement that would stop the proposed mine—they all agreed; the administration, the local community, and the company—and it would protect Yellowstone and surrounding communities.

This agreement provides for the Federal Government to acquire the mine property from Battle Mountain Gold in exchange for $65 million. The balanced budget agreement calls for this money to be appropriated from the Land and Water Conservation Fund.

The New World agreement, I think, is very important for two reasons. First, it protects Yellowstone National Park for future generations. What could be more important?

Second, it protects my State of Montana. It protects Montana's natural heritage, but it also protects Montana's economy.

Many of the local communities surrounding Yellowstone depend on the park for their economic well-being. If the mine had been built, Yellowstone would have been harmed, and with it the communities and the families that depend on Yellowstone for their livelihood. It is for this reason that a majority of local citizens and businesses oppose the mine and support the agreement.

In addition, the agreement obligates the mining company to spend $22.5 million to clean up historic mine pollution at the headwaters of the Yellowstone River. This will create jobs and clean up the environment, thereby benefiting the regional economy and improving locally fisheries.

As a Senator representing Montana, I will fight to ensure that Montana receives these benefits.

The bipartisan budget agreement provides an increase of $700 million in land and water conservation funding. Of this increase, $315 million has been designated as funding for priority land acquisitions.

It is my understanding in speaking with the administration and with others that the New World and Headwaters acquisition were specifically discussed as the projects that would be funded by the $315 million designation. It would be unconscionable for Congress to violate the spirit and the intent of the budget agreement by failing to appropriate the funding necessary to complete the New World acquisition.

In addition, placing further restrictions such as requiring authorization is both unnecessary and unwise. We need no additional authorization. The agreement has been agreed to already. New legal procedures, on the other hand, would just stall an already reached agreement, one that is widely supported and one that protects the park.

Every year, numerous land acquisitions that are not individually authorized take place utilizing Land and Water Conservation Funds. By attaching strings to this acquisition—it is an authorization—Congress will have done nothing but endanger Yellowstone National Park. Indeed, the President's senior advisers strongly object to attaching any strings to this funding, and if Congress insists on stalling and delaying this agreement, the President may well veto the Interior appropriations bill upon the recommendation of OMB and other agencies. Because Yellowstone is at stake, he would be right to do so.

I pledge here today to help lead the charge to uphold that veto if necessary. When Yellowstone and Montana's heritage is threatened, I will not sit idly by. We can and we must protect Yellowstone National Park.

I thank my good friend, the Senator from Arkansas, and I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that the Senate proceed to the committee amendment beginning on page 123, line 9.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1224 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9 THROUGH PAGE 124, LINE 20

(Purpose: To ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain land and that abandoned mines are reclaimed)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. GREGG, proposes an amendment numbered 1224 to excepted committee amendment beginning on page 123, line 9.

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

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

The amendment is as follows:

Add the following at the end of the pending Committee amendment as amended:

"(c)(1) Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be.

"(2) Each person responsible for making royalty payments under this section shall make such payments to the Secretary of the Interior not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first place in marketable condition, consistent with prevailing practices in the industry.

"(3) All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

"(4) The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this subsection.

"(5) Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails

or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

"(6) This subsection shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

"(d)(1) Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net proceeds as percentage of gross proceeds:	*Rate*[1]
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

[1] Rate of fee as percentage of net proceeds.

"(2) Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this subsection for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

"(3) The amount of all fees payable under this subsection for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

"(e) Receipts from the fees collected under subsections and (d) shall be paid into an Abandoned Minerals Mine Reclamation Fund.

"(f)(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be administered by the Secretary.

"(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

"(3) The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

"(A) Reclamation and restoration of abandoned surface mined areas.

"(B) Reclamation and restoration of abandoned milling and processing areas.

"(C) Sealing, filling, and grading abandoned deep mine entries.

"(D) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

"(E) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

"(F) Control of surface subsidence due to abandoned deep mines.

"(G) Such expenses as may be necessary to accomplish the purposes of this section.

"(4) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

"(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

"(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

"(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

"(5) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

"(g) As used in this Section:

"(1) The term "gross proceeds" means the value of any extracted hardrock mineral which was:

(A) sold;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use or sale; or

(D) initially used in a manufacturing process or in providing a service.

"(2) The term "net proceeds" means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

"(3) The term "hardrock minerals" means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

"(4) The term "Secretary" means the Secretary of the Interior.

"(5) The term "patented mining claim" means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

"(6) The term "general mining laws" means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code."

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have come here today for the eighth consecutive year to debate what I feel very strongly about and have always felt strongly about. I have never succeeded. Since I am going to be leaving next year, I know all my friends from the West are going to be saddened by my departure, and so far I don't have an heir apparent to take on this issue.

First of all, I want to make an announcement to the 262 million American people who know very little or nothing about this issue. The first announcement I want to make today is that they are now saddled with a clean-up cost of all the abandoned mining sites in the United States of somewhere between $32.7 and $71.5 billion. Now, let me say to the American people while I am making that announcement, you didn't do it, you had nothing to do with it, but you are going to have to pick up the tab of between $32 to $71 billion.

The Mineral Policy Center says there are 557,000 abandoned mines in the United States. Think of that—557,000 abandoned mines, and 59 of those are on the Superfund National Priority List. Mining has also produced 12,000 miles of polluted streams. The American people didn't cause it; the mining industry did it, and 2,000 of those 557,000 sites are in our national parks.

Now, Mr. President, my amendment would establish a reclamation fund in the Treasury and it would be funded by a 5-percent net smelter return for mining operations on taxpayer-owned land. Royalties based on gross income or a net smelter return are traditionally charged for mining on private land and for mining on State-owned land.

Much of the hardrock mining going on in this country is being done on the lands that you have heard me talk a great deal about—that is, lands that have been sold by the Federal Government for $2.50 an acre. However, a significant amount of mining goes on on

lands where people have a mining claim on Federal lands and they get a permit to start mining. The Federal Government continues to own the land. We don't get anything for it. We don't even get $2.50 an acre for that land. So my net smelter royalty only applies to those lands which we still own.

Now, isn't that normal and natural? If you own land that has gold under it and somebody comes by and wants to mine the gold under your land, the first thing you do is say, how much royalty are you willing to pay? Nationwide, that figure is about 5 percent. But I can tell you one thing, and this is a major point, if somebody came to you and said, I want to mine the gold, the silver, platinum, or palladium under your land, the first thing you would demand is, How much are you going to pay me for it?

The U.S. Government cannot because Congress won't let them charge a royalty for mining on public land. We say, "Here are some of the terms under which you can mine. "Sic 'em, Tiger." Have a good time. Make a lot of money. And be sure you don't send the Federal Government, namely, the taxpayer of America, any money, and if you possibly can, leave an unmitigated environmental disaster on our hands for the taxpayers to clean up."

You know, Mr. President, I still can't believe it goes on. I have been at this for 8 years and I still cannot believe what I just said, but it is true.

The other part of my bill establishes a net-income based reclamation fee based on the profits of the mining company on lands that were Federal lands but that have been patented by the mining companies; that is, lands which we have sold for $2.50 an acre. The only way in the world we can ever recover anything from these mines is through a reclamation fee. It is altogether proper that we get something in return for the lands that we sold for $2.50 an acre and it is altogether proper that that money be used to reclaim these 557,000 abandoned mine sites.

Mr. President, here is a closer look at what I just got through saying. The royalty rate in the Bumpers/Gregg amendment is 5 percent net smelter return, which is typically what is charged for mining operations on private land. The royalty will produce $175 million over the next 5 years. The reclamation fee ranges from 2 to 5 percent of net income for operations on patented lands, the lands that we sold for $2.50 an acre. That produces $750 million. And altogether, those two provisions would, over the next 5 years, produce $925 million—not a very big beginning on the roughly $32 to $70 billion we are going to have to cough up to clean those places up.

Mr. President, look at this chart right here. The thing that is a real enigma to me, is that we make the coal operators in this country pay us 12.5 percent of their gross income for every ton of coal they take off of Federal lands. That is for surface coal. If it's an underground mine the coal companies pay a royalty of 8 percent of their gross income to the Federal Government.

Natural gas. If you want to bid on Federal lands and produce natural gas, it is incumbent upon you to pay a minimum of 12.5 percent of your gross income. When it comes to oil, if you want to drill in the Gulf of Mexico, you must also pay a 12.5 percent gross royalty.

There are oil and gas wells all over the Western part of the United States. And for every dollar of gas or oil they produce, they send Uncle Sam 12.5 cents.

But look here. For gold, they don't send anything. For silver, they don't send anything. For platinum, they don't send anything. And since 1872, when the old mining law was signed by Ulysses Grant, the mining companies have not paid a penny to the U.S. Treasury.

Now, Mr. President, in 1986—and I use this just as an illustration to tell you why we so desperately need this reclamation fund in the U.S. Treasury—there was a mine called Summitville in Colorado. Summitville was owned by a Canadian mining company called Galactic Resources. They got a permit to mine on private land from the State of Colorado. In June of that same year, their cyanide/plastic undercoating—and I will explain that in a moment—began to leak.

Let me stop just a moment and tell people, my colleagues, how gold mining is conducted. You have these giant shovels that take the dirt and you put it on a track and you carry it to a site and you stack it up on top of a plastic pad, which you hope is leakproof. And then you begin to drip—listen to this—you begin to drip cyanide—yes, cyanide—across the top of this giant heap of dirt. The cyanide filters down through this big load of dirt and it gathers up the gold and it filters out to a trench on the side.

Now, you have to bear in mind that if that plastic pad, which I just described for you a moment ago, is not leakproof, if it springs a leak, you have cyanide dripping right into the ground, right into the water table, or going right into the nearest stream, and so it was with Summitville. The plastic coating on the ground, which was supposed to keep the cyanide controlled, began to leak. And the cyanide began to escape. And the cyanide began to run into the streams headed right for the Rio Grande River. Galactic could not do anything. They weren't close to capable of doing anything. And so the Federal Government goes to Galactic and says, "We want you to stop this and we want you to pay us damages." Do you know what they did? They took bankruptcy. Smart move. They took bankruptcy. So what does that leave the U.S. Government, which is going to ultimately have the responsibility for controlling this leakage of cyanide poison? It leaves us with a $4.7 million bond. That is the bond they had put up to the State of Colorado in order to mine.

Here you have a minimum of $60 million disaster on your hands with a $4.7 million bond. And so it is today, Mr. President—35 people employed since 1986, controlling the cyanide runoff from the mine in Colorado, and the ultimate cost to the taxpayers of this country will be $60 million, minimum.

Here is one that is even better, Mr. President. This came out of the New York Times 2 days ago. It is a shame that every American citizen can't read this. It's called "The Blame Slag Heap."

In northern Idaho's Silver Valley, the abstractions of the Superfund program—"remediation," "restoration," "liability"—meet real life. For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment * * *.

In 1996—13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of cleanup ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million.

A $1 billion cleanup, and the company that caused the damage offers $1 million to settle.

The companies, however, have countersued.

They are countersuing the Federal Government, and do you know what they allege? They say it happened because the U.S. Government failed to regulate the disposal of mining waters.

Can you imagine that? The company is suing the Government because the Government didn't supervise more closely. The story closes out by saying, "Stop me before I kill again."

Mr. President, I ask unanimous consent the article from the New York Times be printed in the RECORD.

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

THE BLAME SLAG HEAP

(By Mark Solomon)

SPOKANE, WASH.—In northern Idaho's Silver Valley, the abstractions of the Superfund program—"remediation," "restoration," "liability"—meet real life.

For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment, leaching into a watershed that is now home to more than half a million people.

In 1996, 13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of the clean-up

ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million. If the companies don't pay, the Federal taxpayers will have to pick up the tab.

The companies, however, have countersued, alleging, among other things, that the Government itself should be held responsible. Why? Because it failed to regulate the disposal of mining wastes.

Do I believe my ears? In this era of deregulation, when industry seeks to replace environmental laws with a voluntary system, are the companies really saying that if only they had been regulated more they would have stopped polluting? I've heard the Government blamed for a lot of things, but regulatory laxity was never one of them—until now.

In fact, Idaho's mining industry has long fought every attempt at reform. In 1932, for example, a Federal study called for the building of holding ponds to capture the mines' wastes. The companies fought that plan for 36 years, until the Clean Water Act forced them to comply.

Now Congress is debating the reauthorization of the Superfund, and industry wants to weaken the provision on damage to natural resources. If the effort succeeds, what will happen in 50 years? Will the polluters sue the Government, blaming it for failing to prevent environmental damage?

Quick, stop them before they kill again.

Mr. CRAIG. Will the Senator yield specifically to his last comment?

Mr. BUMPERS. I yield for a question.

Mr. CRAIG. Does the Senator know about the new science that comes out of the study of the Superfund site in Silver Valley, ID? Does he understand also that mediation on the Superfund is now tied up in the courts—conducted by the State of Idaho—that has really produced more cleanup and prevented more heavy metals from going into the water system, and the value of that? Does he also recognize that the suit filed by the Attorney General was more politics and less substance?

Mr. BUMPERS. That is a subjective judgment, is it not?

Mr. CRAIG. I believe that is a fact.

Thank you.

Mr. BUMPERS. Is it not true that the company has countersued the Federal Government saying, "You should have stopped us long ago"? Isn't that what the countersuit says—"You should have regulated us more closely"?

Mr. CRAIG. But the countersuit says that based on today's science, if we had known it then, which we didn't—you didn't, I didn't, and no scientist understood it—then we could have done something different. But as of now this is not an issue for mining law; this is an issue of a Superfund law that doesn't work, that promotes litigation. That is why the arguments you make are really not against mining law reform, which you and I support in some form. What you are really taking is a Superfund law that is tied up in the committees of this Senate, is nonfunctional, and produces lawsuits.

Mr. BUMPERS. Can you tell me where the Superfund law says if you were ignorant of what you were doing and caused the damage, you are excused? Do you know of any place in the Superfund where there is such language as that?

Mr. CRAIG. What I understand is we have a 100-year-old mine where we are trying to take today's science and, looking at it based on your argument, move it back 100 years. We should be intent on solving today's problems and not arguing 100 years later.

Mr. BUMPERS. Is the State of Idaho willing to take over this cleanup site and absolve the U.S. Government of any further liability?

Mr. CRAIG. My guess is that the State of Idaho with some limited assistance would champion that cause.

I have introduced legislation that would create a base of authority. We believe it would cost the Federal Government less than $100 million. The State would work with some matching moneys. They would bring in the mining companies and force them to the table to establish the liability. Guess what would happen, Senator. We would be out of the courts. Lawyers would lose hundreds of thousands of dollars in legal fees. And we would be cleaning up Superfund sites that have been in litigation for a decade, by your own admission and argument.

Mr. BUMPERS. Senator, the U.S. Government has sued this company for $600 million. The Government estimates that the cleanup cost is going to be $1 billion. The Senator comes from the great State of Idaho, and I am sure they don't enjoy ingesting cyanide any more than anybody else in any other State would.

But the Senator would have to admit that Idaho couldn't, if it wanted to, clean up this site. It doesn't have the resources. It is the taxpayers of this country that are stuck with that $1 billion debt out there with a company which brashly says, "If you would have regulated us closer, we wouldn't have done it." That is like saying, "If you had taken my pistol away from me, I wouldn't have committed that murder."

Mr. CRAIG. If you would yield only briefly again—I do appreciate your courtesy—there is not a $1 billion price tag. That is a figment of the imagination of some of our environmental friends. There is no basis for that argument. There isn't a reasonable scientist who doesn't recognize that for a couple hundred million dollars of well-placed money, that problem goes away. But, as you know, when you involve the Federal Government, you multiply it by at least five. That is exactly what has gone on here.

I will tell you that for literally tens of millions of dollars, the State of Idaho, managing a trust fund, has shut down more abandoned mines, closed off the mouths of those mines, and stopped the leaking of heavy metal waters into the Kootenay River, and into the Coeur d'Alene, and done so much more productively, and it has not cost $1 billion. Nobody in Idaho, including our State government, puts a $1 billion price tag on this.

This is great rhetoric, but it is phony economics.

Mr. BUMPERS. Mr. President, let me just say to the Senator from Idaho that my legislation for 8 long years has been an anathema to him. I am not saying if I were a Senator from Alaska, Idaho, or Nevada I wouldn't be making the same arguments.

But I want to make this offer. It is a standing offer. If the State of Idaho will commit and put up a bond that they will clean up all those abandoned mine sites in that State, that they will take on the responsibility, and do it in good order, and as speedily as possible, I will withdraw my amendment. I don't have the slightest fear. We all know that this is a Federal problem. It is a Federal responsibility to clean up these mine sites. The only way we can do it is to get some money out of the people who got the land virtually free and who have left us with this $30 billion to $70 billion price tag.

Let me go back, Mr. President, and just state that since 1872 the U.S. Government in all of its generosity has given away 3.244 million acres of land. We have given it away for $2.50 an acre. Sometimes we got as much as $5 an acre. There are 330,000 claims still pending in this country. And the Mineral Policy Center estimates that since 1872 we have patented land containing 243 billion dollars' worth of minerals—land that used to belong to the taxpayers of this country.

We now have a moratorium on all but 235 patent applications. But the 235 applications, when they are granted, will represent the continued taxpayer giveaway of billions of dollars worth of minerals and land.

Stillwater Mining Company in Montana has a first half certificate for 2,000 acres of land in the State of Montana. What does that mean? That means they are virtually assured of getting a deed to 2,000 acres of land. It means that they are virtually assured of paying the princely sum of $10,180. Guess what is what is lying underneath the 2,000 acres: $38 billion worth of palladium and platinum. My figure? No. Stillwater's figure. Look at their prospectus. Look at their annual report. They are saying to the people who own stock, "Have we pulled off a coup." We are going to get 2,000 acres of Federal land for $10,180, and it has $38 billion worth of hardrock minerals under it—palladium and platinum.

You know, one of the things that I think causes me to fail every year is that it is so gross, so egregious, that people can't believe it is factual, that it is actually happening. But it is true.

Look at what happened to Asarco. They paid the U.S. Government $1,745. What did they get? $2.9 billion worth of copper and silver.

You never heard of a company called Faxe Kalk. Do you know the reason you never heard of it? It is a foreign mining company. You don't usually

hear of them. The other reason you don't hear of them is because they are a Danish company. One of the things that makes this issue so unpalatable is that many of the biggest 25 mining companies in the United States are foreign companies.

We ought to go today to Denmark and say, "We would like some of your North Sea oil." What do you think they would say if we said, "Look, we are going to start drilling here off the coast of Denmark. We will give you a dollar now and then for the privilege." They would say, "You need to be submitted for a saliva test."

But the Faxe Kalk Corp. comes here, and they say, "You have 110 acres out here in Idaho, Uncle Sam. We would like to have it. We will pay $275 for it."

So they go to Bruce Babbitt and they say, "We will give you $275 for this 110 acres."

Do you know what is underneath it? One billion dollars' worth of a mineral called travertine. It is a mineral used to whiten paper. That is $275 the taxpayers get and $1 billion a Danish corporation gets.

In 1995 the Secretary of the Interior was forced to deed 1,800 acres of public land in Nevada to Barrick Gold Co., a Canadian company, for its Gold Strike Mine. Barrick paid $9,000 for that 1,800 acres.

Mr. President, there isn't a place in the Ozark Mountains of my State where you could buy land for one-tenth that price.

The law required Secretary Babbitt to give Barrick, which is the most profitable gold company in the world, land containing 11 billion dollars' worth of gold for $9,000.

I could go on. There are other cases just as egregious as that. For 8 long years, I have stood at this very desk, and I have made these arguments, as I say, which are so outrageous I can hardly believe I am saying them, let alone believing them.

Newmont Mining Co. is one of the biggest gold companies in the world. They have a large mine in Nevada which is partially on private land.

When people say that somebody is mining on private lands, if you will check, Mr. President, you will find that in most cases that land was Federal land that somebody else patented, and then somebody like Newmont comes along, and they say, "You hold a patent on this land that you got from the Federal Government for $2.50 an acre and we want to mine on it." Do you know what Newmont pays to the land owner on its mine in Nevada? An 18 percent royalty.

Mr. President, as I just mentioned, most of the land being mined on, so-called private lands, are private because somebody bought it from the Federal Government years ago for $2.50 or $5 an acre.

True, it is private. They own it. They paid for it. The mining companies are willing to pay the States—they are willing to pay the States a royalty. They are willing to pay the States a severance tax. They are willing to pay the private owners of this country an average of 5 percent. But when it comes to paying the Federal Government, it is absolutely anathema to them. There is no telling how much the National Mining Association spends every year on lobbying, on publicity, on mailers, you name it, to keep this sweetheart deal alive.

Since I started on this debate 8 years ago, the mining companies of this country have taken out billions of dollars worth of minerals from taxpayer-owned land. And do you know what the Federal Government and the taxpayers of this country got in exchange for that? One environmental disaster after another to clean up. And so that is the reason my bill, which contains a royalty and a reclamation fee, goes into a reclamation fund to at least start undoing the environmental damage these people have done because it is too late to get a royalty out of them. The gold is gone. We got the shaft. They got the gold. And it is too late to do anything about it. But you can start making them pay now to clean up those 555,000 sites.

Arizona has a 2-percent gross value royalty for mines located on State lands and a 2.5-percent net income severance tax for all mines in the State. Montana, 5 percent; fair market for raw metallic minerals; 1.6 percent of the gross value in excess of $250,000 for gold, silver, platinum group metals.

All of these States charge royalties for mining operations on State-owned land. Most of them also charge a severance tax for mining operations on all land in the State. Mr. President, what do they know that we don't? A lot. The States are collecting the money, but not Uncle Sam.

Do you know why I have lost this fight for the last 8 years? Those States that have mining on Federal lands have great representation in the U.S. Senate. I know that every single Western Senator is going to start flocking onto this floor as soon as I start talking about this amendment.

Do you see anybody else on this floor who is not from the West? Do you know why? My mother used to say, "Everybody's business is nobody's business." This is everybody's business, except it just doesn't affect their States. There are no mining jobs in their States. For 8 years I have heard all these sayings, as to how many jobs you are going to lose, despite the fact the Congressional Budget Office says, "None."

"You are going to lose all these jobs. It is going to discommode the economies of our respective States." And yet the States don't hesitate. We have people in this body who are Senators from the West who have served in State legislatures, who helped pass these laws, who helped impose royalties and severance taxes against the mining companies. But somehow or other they go into gridlock when they get here. At the State level they don't mind assessing these kinds of taxes. The States need the money. We do, too. We are the ones who are tagged with this gigantic bill for reclamation.

Mr. President, I could go through a list of things I have here. Amax, for example, pays 6-percent royalty on the Fort Knox Mine in Alaska. The chairman of the Energy Committee 2 years ago passed legislation providing for a land exchange on Forest Service land in Alaska. The Kennecott Mining Co. was willing to pay the Forest Service a $1.1 million fee up front, and then a 3-percent net smelter return on the rest of it. We agreed on it, ratified it. I voted for it.

But, now, isn't it strange that here is a mine in Alaska that we had to legislatively approve—because of the ownership of the land, it involved a land exchange—and I was happy to do it because it was a fair deal and these people demonstrated an interest in paying a fair royalty for what they took.

Mr. President, I will yield the floor. I will not belabor this any further.

Mr. MURKOWSKI. I wonder if the Senator will yield for a question, because it affects my particular State?

Mr. BUMPERS. I was getting ready to yield the floor. I want to say in closing, I know a lot of people would like to get out of here as early as they can tonight. I don't intend to belabor this. I said mostly what I want to say. I may respond to a few things that are said, so I am going to turn it over to my friends from the West and let them respond for a while, and then hopefully we can get into a time agreement after four or five speakers have spoken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to respond to my friend from Arkansas on the mining issues he brings up.

Mr. BUMPERS. Will the Senator yield for just a moment? When I introduced this amendment, I failed to state that my chief cosponsor on the bill is Senator GREGG from New Hampshire.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Again, I would like to call attention to the statement that was made by the Senator from Arkansas relative to the Green Creek Mine. The thing that made that so different is the unique characteristic of that particular discovery, where all the components were known relative to the value of the minerals. The roads were in, the infrastructure was in. It was not a matter of discovery, going out in an area and wondering whether you were going to develop a sufficiency of resources to amortize the investment

necessary to put in a mine. So I remind my colleagues, there is a big difference between the rhetoric that we have heard here and the practical realities of experience in the mining industry.

We have seen both the effort by Canada and Mexico to initiate royalties. What has happened to their mining industry? It simply moved offshore. We have to maintain a competitive atmosphere on a worldwide basis; otherwise the reality for United States mining will be the same as was experienced in both Mexico and Canada.

I strongly urge my colleagues to join me in opposition to Senator BUMPERS' amendment. This is not the first attempt he has made, initiating actions through the Interior appropriations process. We seem to be subjected to this every year. I know the intentions are good. But the reality is that the amendment as offered represents a profound—and I urge my colleagues to reflect on this—a profound and wide-reaching attempt to reform the Nation's mining laws in a way that prevents any real understanding of the impacts of the legislation. Because, as written, Senator BUMPERS' amendment would not only put a royalty of all mining claims—all mining claims—but would also put a fee on all minerals produced off of lands that have ever gone to patent. Those are private lands. Let me, again, cite what this amendment does. It would not only put a royalty on all mining claims, but would also put a fee on all minerals produced off lands that have ever gone to patent. Those are private lands. So, this is nothing more than a tax. It is a tax. And it is this Senator's opinion that this makes Senator BUMPERS' amendment subject to a constitutional point of order.

Let me set this aside for a moment and address the specifics of my opposition to the amendment. This approach to revenue generation is no different than placing a tax on, say, all agricultural production from lands that were at one time, say, homesteads. It is retroactive. Even though Senator BUMPERS doesn't like it, the fact remains that patent claims are exactly the same as homestead lands. They are all private lands.

I cannot even begin to imagine the genesis of this punitive and dangerous amendment. This is an unmitigated attack on all things mining. We have absolutely no idea what impact this legislation would have on our ability to maintain a dependable supply of minerals; no idea what environmental disasters would be created when this legislation shuts down the producing mines across the country. We have no idea how many workers will be put on the unemployment line. We have no idea whatsoever on the effects of this legislation.

The issue is very complex. It is not appropriate that it be dealt with in an appropriations process. There is a right way and a wrong way to go about mining reform. You can chose the right way and offer your reform in a fair and open process, giving everyone the opportunity to participate in the formation of the legislation, which is what Senator CRAIG and I, along with the cosponsors of the legislation, have attempted to do in the legislation that has been offered. Or you can, as I observe, do what Senator BUMPERS has seen fit to do and offer your legislation in a form where not one single person outside the Senator's office has the opportunity to either understand or contribute to the process.

I think there is too much at stake in mining reform to treat this complex subject in such a dangerous and offhand manner. Senator CRAIG, along with myself, Senator REID, Senator BRYAN, Senator BENNETT, Senator BURNS, Senator HATCH, Senator THOMAS, Senator CAMPBELL, Senator STEVENS, Senator KEMPTHORNE, among a few, have introduced S. 1102, the Mining Reform Act of 1997. As such, I encourage my colleagues to recognize the time and effort that has been put into developing a package of reforms that set the stage for a meaningful, honest, and comprehensive reform. We are going to be holding a series of hearings to explore all aspects of the legislation and the effect it will have on the Nation's environment and economy.

I know many Members have indicated their interest in the formation of this legislation and the process of the hearings as they unfold and intend to participate. This is how reforms should take place. Reform should take place in an orderly manner in the hearing process, and we have lived up, I think, to the expectations of those who have indicated, "All right, we will stand with you, but give us a bill." We have met that obligation and filed a piece of comprehensive mining reform legislation.

We are going to consider the amendments as part of the process of debate, and if they make a legitimate contribution to the mining reform effort—and I emphasize reform effort—we are going to adopt them. This is the appropriate method to resolve mining reform, not as a last-minute amendment to the Interior appropriations bill, which we have seen the Senator from Arkansas propose time and time again.

The reform that Senator CRAIG, I, and others have offered lays a solid foundation upon which to build mining reform. Our mining reform bill should, I think, please reasonable voices on both sides. If you seek reform that brings a fair return to the Treasury, and it is patterned after the policies of the mining law of Nevada—and it works in Nevada—and it protects the environment and preserves our ability to produce strategic minerals, I think you will find a great deal to support in this legislation. It does work.

The legislation protects some of the smaller interests, the small miners. It maintains traditional location and discovery practices.

Yes, it is time for reform, but it has to be done right. Bad decisions will harm a $5 billion industry whose products are the muscle and sinew of the Nation's industrial output. The future of as many as 120,000 American miners and their families and their communities are at stake. Any action to move on amendment is absolutely irresponsible to those individuals, because it is the wrong way to do it.

I know you have heard this before, time and time again, but we do have a bill in now and it is a responsible bill. We owe Americans a balanced and open resolution to the mining reform debate. This reform mining legislation honors the past, recognizes the present, and sets the stage, I think, for a bright future.

The legislation that we offer advances reforms in four areas: royalties, patents, operations, and reclamation.

Let me be very brief in referring to the royalties. The legislation creates the first-ever hard rock royalty. It requires that 5 percent of the profit made from mining on Federal lands be paid to the Federal Government. This legislation seeks a percentage of the profit, not the value of the mineral in place. We do this for a very specific reason. Failure to do so would cause a shutdown of many operations and prevent the opening of new mines. It would also cause other operators to cast low-ore concentrates into the spoil pile as they seek out only the very highest grade of ores.

America boasts some very profitable mines, but there is an equal number that operate on a very thin margin. The Senator from Arkansas doesn't address the reality of what happens when the price of silver or the price of gold drops and their margin squeezes. We have some mines that actually operate during those periods with substantial losses.

That is why we designed our royalty to take a percentage of the profits. Under the proposal that the Senator from Arkansas has proposed, time and time again, many of these mines would actually operate at a loss because they could not deduct their production costs prior to the sale of their finished product.

If the mine makes money, the public gets a share. That is a fair way to do it. Nobody benefits from a royalty system so intrusive that it must be paid for through the loss of jobs, the health of local communities, and the abandonment of lower grade mineral resources.

Some would want to simply drive the mining industry out of the United States because they look at it as some kind of an environmental devil that somehow can't, through advanced technology, make a contribution to the Nation. I say that they can, they will and,

through this legislation, they will be able to do a better job.

In 1974, British Columbia put a royalty on minerals before cost of production was factored in. Five thousand miners lost their jobs. That is a fact. Only one new mine went into operation in 1976. The industry was devastated. The royalty was removed 2 years later in 1978.

That is the reality of the world in which we live and the international competitiveness associated with this industry. Years later, the industry in British Columbia still has not completely recovered. I happen to know what I am talking about because the Senator from Alaska is very close to our neighbors in British Columbia.

So I say to those who forget history, they are doomed to repeat it.

Patents: Patenting grants the right to take title to lands containing minerals upon demonstration that the land can support a profitable operation.

Patents have been abused, no question about it. A small number of unscrupulous individuals have located mineral operations for the sole purpose of gaining title and turning the land into a lodge or ski resort. These practices are wrong. They are not allowed under the new legislation.

The reform that we have offered cures these problems without punishing the innocent. We would continue to issue patents to people engaged in legitimate mining operations, but a patent would be revoked if the land is used for purposes other than mining.

Operations: To separate legitimate miners from mere speculators and to unburden the Government from mining claims with no real potential, we require a $25 filing fee be paid at the time the claim is filed and make the annual $100 claim maintenance fee permanent.

Environmental protection: Our revisions weave a tight environmental safety net. The reform permit process requires approval for all but the most minimal activities. The bill requires reclamation, and the bill requires full bonding to deal with abandonment.

The Senator from Arkansas doesn't acknowledge the effort relative to what this bonding will mean. It will mean that mines that are abandoned will have a reclamation bond in place to make sure the public does not have to bear the cost of cleanup. The bond is going to be there; it is going to be held. It is a performance bond, that is what it means.

As we address the responsibility for a prudent mining bill, please recognize the contributions that have been made in trying to formulate something realistic that will address the abuses that we have had in the past. That is what we do in our bill.

The bill addresses mines already abandoned by establishing a reclamation fund as well. Filing fees, maintenance fees and the royalty go into that fund. So we have addressed that in a responsible manner.

For those who seek meaningful reform to the Nation's general mining laws, then our legislation does the job. It fixes past abuses without punishing the innocent. It shares profits without putting people out of work. It assures the mining operations cause the least possible disturbance. And it makes sure we don't pay for actions of a few bad operators and provide sources of funds for reclamation.

Both sides of the mining reform debate have come a long way toward a constructive compromise. I have met with Senator BUMPERS on many occasions, and at one time actually thought we were going to reach an accord. But unfortunately we didn't. But we have gone ahead and put in the bill. The bill will help carry us, I think, the last mile and provide the balanced reform that has, so far, eluded us.

I urge my colleagues to join with me, Senator CRAIG and others in continuing to craft this open and meaningful mining reform. With equal vigor, I ask each and every Member of this body to join us in opposing Senator BUMPERS' proposal, a reform crafted in the dark of night and offered in a forum guaranteed to confuse and shroud the real impact of the legislation.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I will not at this point speak to the merits of the amendment. Both the Senator from Arkansas and the Senator from Alaska have done so, each of them repeating points that I can remember having heard almost verbatim in several previous sessions of Congress. My remarks will be much more narrow.

Section (d)(1) of this amendment states:

> Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection.

The Senator from Arkansas quite properly described that fee as a severance tax, and a severance tax it is. It applies only to minerals coming out, presumably, in the future from certain classes of lands in the United States. It is not something directed at the restoration of those lands, but is to be used as a source of money for much broader purposes.

The Senator's description of it as a tax is accurate.

Article I, section 7 of the Constitution of the United States under which we operate states—and I quote—

> All Bills for raising revenue shall originate in the House of Representatives.

No such tax appears in the similar bill that the House of Representatives has passed.

It is crystal clear to me that should this tax be added on to this bill it will be blue slipped in the House of Representatives, that is, it will not be considered on the grounds that that portion of the bill, that subject of the bill could only originate in the House.

The House of Representatives is as jealous of its prerogatives to originate tax bills as the Senate is to ratifying treaties or to confirm Presidential appointments or to engage in any of the activities that are lodged by the Constitution in this body.

POINT OF ORDER

As a consequence, although there has been some time devoted to the merits of this amendment, and because I believe that it clearly violates article I, section 7 of the Constitution, I raise a constitutional point of order against the amendment.

The PRESIDING OFFICER. The question before the Senate is debatable. Is the point of order well-taken, would be the question?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Parliamentary inquiry. Do we ask for the yeas and nays at this time?

The PRESIDING OFFICER. It is appropriate.

Mr. REID. I do so.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope that we can resolve this issue. It is quite clear that it does violate the Constitution of the United States. That is by taking the Senator's own statement during the time he was debating his amendment. It is clear from his own statement that it is a violation of the Constitution.

I say to my friends who are listening to this debate, Members of the Senate, that we would vote on this issue and if this issue prevails, of course, the amendment falls. But I would also say that we should look at this on the legal aspect. If this stays in this bill, the bill is gone. There is no question that it is unconstitutional and we should vote based on the constitutionality of this amendment, not on the merits of the amendment.

I say to my friends that we have voted on some aspect of an amendment like this on other occasions. My friend from Arkansas has framed it differently this time. Therefore, we have raised this point of order. I ask that we dispose of this. It is getting late into the night. I repeat, if this constitutional point of order is upheld, the amendment falls.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know we will probably soon be voting on this important amendment and on this important issue.

I was sitting in my office and listening to my distinguished colleague from Arkansas, my friend and neighbor, and thought that I might come down and try to give him some help and support, not that he needs any more help in articulating the issue and speaking about it and outlining it, which he does so beautifully, but to let him know that as a new member of the Energy Committee, one that just arrived here and has not spent even a year here, and with him getting ready to retire and having announced his retirement, that I want to let him know I am going to pick up this ball wherever it may land today, I say to Senator BUMPERS.

I come from a State that has obviously some mining interests, but I come from a State that has had oil and gas development and exploration for many years.

I am from a position of understanding that when it is done correctly how much of a benefit it can be in terms of jobs and economic development and helping people and enriching the corporations and businesses as well as the average working man and woman.

But I can also see from knowing about our history in Louisiana that when the laws are not fair, when they are not written with the taxpayer in mind, that the taxpayers can be shortchanged. When taxpayers are shortchanged, families are shortchanged, and when families are shortchanged, children are shortchanged. When I think of the hundreds of millions and billions of dollars that could have been allocated differently perhaps in the history of our State as we took out oil and gas, that would have been more fair to everyone.

I have to sympathize in a great way with what the Senator from Arkansas is speaking about regarding many of our Western States.

To my great colleague and chairman of the Energy Committee, from a State very far from ours, I do not want him to think that I am meddling in other States' business. I have been in the legislature for many years in my own State. But it is an issue that should concern every taxpayer in America.

As we look for dollars to send our children to the best of schools that we can provide, when we look and scrape for dollars to provide immunization shots for them so that they can live a healthy life, when we are looking for dollars every day to try to literally make decisions about life and death, to not have these laws and rules and regulations established in such a way to just give fairness to the taxpayer is why I am here.

I am going to support this amendment. I am coauthoring this amendment. I am going to work diligently with Senator BUMPERS and other Members on both sides of this aisle to learn more about the specifics, to be a strong advocate for reform and change, to make sure that this allocation is done fairly for the taxpayers, and for somebody in these rooms to start dealing the deal for the taxpayer for a change and not specifically for a particular company or a particular entity. I know that my colleagues from these other States will keep that in mind as we move along with this amendment and this bill.

So I thank my colleague from Arkansas for his great work, for 8 years of his impassioned speeches, and hope that many Members of our Senate will become more knowledgeable about this issue because I can understand by looking at this amendment, not even having read all of the details of it, what is causing the consternation.

We are not talking about $2.50 or $1 or $15. We are talking about $750 and $550 million. When you talk about serious dollars, people wake up and get exercised about it. But it is about time maybe some of this money got into the hands of our children and families that need it that could use it for other things that would be important, not to mention the environmental concerns which are also of great concern to everyone.

So I am proud to support the amendment. I am happy for my name to be listed as a coauthor. Since I just got here, I plan to spend a lot of time working on the Energy Committee and look forward to working with members of the Energy Committee and others.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I do not think there is a Senator in this body who is not sensitive to families, is not sensitive to the working men and women of this country.

Who do you think is employed by the mines? Do we just disregard the job opportunities? Do we deny America of a resource that is used in just about everything that we pick up, from pencils to what we tie our shoes with? Doesn't that involve families, children, and schools, and roads, and public safety? It is a resource. Families and people are involved.

There is a basic fairness here. There is a human factor. All of this just doesn't jump out of the ground into the truck and then a faceless person drives a truck and a faceless person goes home to feed his family and pay his taxes, payroll taxes, insurance, workmen's comp. All of this is created out of commercial activity.

Now, if none of that is there, then you have even taken away the opportunity for upward mobility for the greatest number of people in this country.

There is not anybody here that is not sensitive to people and to the working men and women of this country or to families or even communities and all it takes to operate the communities, because to many of them, this is a commercial opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wanted to speak briefly on the amendment that has been offered. I recognize the Senator from Washington has raised the issue of constitutionality on this amendment. I leave that to constitutional attorneys in this body—of which he happens to be a leading one—to debate and discuss.

Let me mention quickly some of my concerns to the opposition of the underlying amendment. I believe the Senator from Arkansas has brought forward an appropriate amendment. What we are talking about here is essentially corporate welfare. This is not about family, and whose families does this or that, quite honestly. As a practical matter I believe the majority of the mining companies involved here, or a large percentage, come from other countries. We are talking about families. It would be how we benefit families from different countries. It is a classic case of corporate welfare.

The Senator from Arkansas has outlined in great detail, and very appropriately, what appears to a considerable outrage being perpetrated on the taxpayers of America in that we are selling land at $2.50 an acre which generates billions of dollars worth of revenue to corporations who pay virtually nothing in relationship to that revenue as it relates to the ore brought out of that land. In fact, the irony is they get a depletion allowance, a depletion tax allowance on the basis of this $2.50 land—not using that as a basis—which shouldn't apply to them to begin with because the land isn't purchased at a fair value. Yet they are given a tax break, a depletion allowance, in order to subsidize what is already grossly subsidized.

It is appropriate as we step forward, as the Senator from Arkansas has, and say if you are going to make this type of money off lands which are publicly owned—and the land is not publicly owned by the State, it is publicly owned by the Federal Government, and the Federal Government is the people of this country, not just the people of one State—if you are going to make money off publicly owned lands, the public should get some sort of return on it. That is only reasonable. The public should have the right to expect that it would benefit from the extraction of these valuable ores from land which they own, much as anybody who was a stockholder in a company would benefit from the profits of a company. The

taxpayer is essentially the stockholder. The land is owned by the taxpayer. Therefore, there is a legitimacy to the position taken by the Senator from Arkansas that the value that is being withdrawn from this land should be returned in part, at least, to the people whose land is being used.

If you own a farm and you discover there is oil under your land, as a private citizen, and you go to an oil company and say, "Come on to my farm and pump my oil out," you are not going to say, "I will sell you my land for $2.50," would you? Nobody would, no. You will say, "Come on to my land, I may lease it to you for $2.50"—I find that hard to believe for the purposes of pumping oil, "but when you pump that oil out I will want a percentage of that profit." It is called a royalty payment. That is what is being proposed by the Senator from Arkansas.

It is totally reasonable in light of the staggering, staggering wealth which is generated from these mining claims in exchange for the minute amount of money that is paid for these mining claims. Estimates that have been pointed out by the Senator from Arkansas: For as little as $1,500, people purchased mining claims that generated over $3 billion; for as little as $275, people purchased mining claims worth over $1 billion; for as little as $9,000 people generated mining claims worth over $11 billion; and we have pending one where people will pay about $10,000 for benefits of approximately $38 billion.

How can anybody in good conscience go back to their taxpayers and say we just sold a piece of your land that has $38 billion worth of assets on it; we just sold it for 10,000 bucks? Who would go to their neighbor, with a straight face, and say "They just found oil on my land. I just sold it to the oil companies for $10,000. The oil is worth $38 billion. Didn't I get a good deal, neighbor?" You would be laughed out of town.

I think people who have the responsibility, the fiduciary responsibility of protecting the taxpayer and the taxpayers' land might also be laughed out of town, or at least be voted out of town if they continue to pursue this course.

I strongly support the underlying amendment. I will leave it to the constitutional lawyers to settle the constitutional point. But the concept of giving the taxpayers a fair break on this issue, the concept of giving the taxpayers a decent return on this very valuable asset is, I think, very appropriate, and it is time we started putting an end to this kind of corporate welfare.

I yield the floor.

Mr. GORTON. Two brief points. First, the Senator from New Hampshire describes what is an entirely reasonable point, it seems to me, if we are talking about land sold by the United States in the future.

But in effect he is saying a policy we ought to adopt is one that would be analogous to something in my own State, where 20 years ago you sold shares of stock in Microsoft for $10 a share and they are now worth $100,000 a share today, and he says, "Gee, I made a bad bargain. I ought to get some more of that back. I want a share of that profit." That goes to the equities of the position.

The point before the Senate now is whether or not we can constitutionally deal with this. The Senator from Louisiana made the perfect argument on our side. She said we aren't getting enough taxes, we need to get more taxes out of these lands.

That is exactly what the Senator proposes to do—tax these lands. Tax bills must originate in the House of Representatives. This does not originate in the House of Representatives. It is not something that this body constitutionally can deal with. That is the point on which we are going to vote.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Let me say, first of all, that I would have asked for a division, incidentally, before the point of order was made if I had had the chance.

Let me make a parliamentary inquiry. Division is not in order after the point of order is made, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Let me say to my colleagues that I didn't get a chance to ask for a division. So, if you want to stand on ceremony, if you want to go home and tell the folks back home why you voted to continue giving billions of dollars worth of gold and silver away every year because of this little fine, distinguished point, you go ahead and do that. Be my guest.

If you are looking for something to hang your hat on even though you would be entirely incorrect, you can do it.

Do you know something else? The Senator from Alaska, the Senator from Nevada, the Senator from Idaho, and others who introduced this bill in this Senate, they have a royalty provision in their bill. That bill, like the bills I introduced, has been referred to the Senate Energy Committee, not the Finance Committee. Obviously my amendment does not contain a tax.

So we raise this little fine diversionary point and we hope that people will forget that, since 1872, 243 billion dollars' worth of their property has been expropriated by the biggest corporations in the world—not in America, in the world. So, candidate, when you see a 30-second spot next year saying, "He voted to continue this foul, outrageous, egregious practice, and the landowners of this country, the taxpayers who own it, you tax them for everything." How many times during the budget debate did I hear the cries about the "poor, taxed American taxpayer?" Go home and tell that taxpayer you were just kidding. If you weren't kidding, why are you voting to continue to give billions of dollars worth of their property away every year?

The Senator from Alaska says, "If you pass the Bumpers amendment, you are going to drive all these mining companies offshore." Do you know what my response to that is? If all you want to do, Stillwater Mining Co., is take 38 billion dollars' worth of platinum off of 2,000 acres of land in Montana and give us $10,000 back for your $38 billion, so long, good riddance. What on Earth are we thinking about in this body?

So, Mr. President, let me make this point one more time because I promise you there is going to be a lot of 30-second spots next year on this issue. You cannot duck this one forever. You cannot campaign back home on the finely crafted point of order made by the Senator from Washington that this doesn't belong in this bill and the House of Representatives will blue slip it. Since when did that become a big item around here? If you are looking for something to hang your hat on, you go ahead; you vote for the point of order and then go home next fall, and when you are in a debate with your opponent and he says, "He has voted time and again to give away these billions of dollars of resources that belong to you, the American people for nothing; he is willing to make the oil companies pay 12.5 percent royalty, make the gas companies pay a 12.5 percent royalty, is willing to make the coal operators pay a 12.5 percent royalty, or an 8 percent royalty for underground mining, but when it comes to gold and silver, he gets lockjaw, just can't get it out of the chute." You answer that when your opponent hits you with that and tells you that the Federal Government would have received $12 billion in royalties since 1872 for patented land alone.

Mr. MURKOWSKI. Will the Senator yield for a question?

Mr. BUMPERS. No, I will not yield. Then you stand on ceremony. And when your opponent charges you with that, you say, "Well, there is a little distinction. The Constitution says * * *." You see how that goes over.

Let me make one other point. Even if the point of order was valid against the reclamation fee, which it clearly is not, how can anybody argue that the royalty is unconstitutional.

So I leave it to your conscience on how you want to handle this. I will yield now to the Senator from Alaska.

Mr. MURKOWSKI. I ask my learned colleague if he thinks that the constitutional matters are strictly in the realm of technical matters and are of no consequence, which is what the Senator from Arkansas inferred? This is a constitutional point of order, is it not?

Mr. BUMPERS. It is a point of order.

Mr. MURKOWSKI. It has great significance relative to the manner in which this body conducts itself.

Mr. BUMPERS. As the Senator knows, nobody in this body has shown a deeper devotion to the Constitution of the United States than the Senator from Arkansas.

Mr. MURKOWSKI. Yet, the Senator from Arkansas says it is a "technical" matter and of no consequence.

Mr. BUMPERS. All I'm saying to my colleagues is that you're not going to get a chance to vote on a division, you are not going to get a chance——

Mr. MURKOWSKI. That is not the fault of the Senator from Alaska.

Mr. BUMPERS. All I am saying is that the point of order was made before I could ask for a division. I am saying that could be worked out, and it could be easily worked out.

Mr. MURKOWSKI. We both follow the rules of the Senate. My question to the Senator is, does the Senator from Arkansas regard this issue as a technical matter when it is a constitutional provision?

Mr. BUMPERS. Mr. President, I still have the floor, do I not?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to ask for a division.

Mr. REID. Objection.

Mr. MURKOWSKI. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. Somebody objected? I can't believe this.

Mr. President, like Mo Udall used to say, "Everything that needs to be said has been said, though everybody hasn't said it." I have said about all I can say for the eighth year. I consider this the most egregious thing that the Senate turns its back on every year. Of all the battles I have fought, particularly on the defense budget and in the Energy Committee, none of them are of equal importance to me as this. It is an absolute enigma to me how this body continues to vote to continue this outrageous practice.

While you are telling them about that fine constitutional distinction, in answer to why you are giving the gold and silver away to the biggest mining companies in the world, also remind them that not only do we not get one farthing in return for our gold and silver, they have just left you with a $32 to $70 billion cleanup cost.

I yield the floor.

Mr. REID. Mr. President, my friend from Arkansas has stated there has been a fine distinction point raised. That fine distinction point is the Constitution of the United States. I think that is something that we should be concerned about. This country has been in existence for more than 200 years, and this body has been in existence for more than 200 years. I think if we are anything of significance, which I believe we are, we are a country that is bound by the constitutional dictates set up by our Founding Fathers. The constitutional point of order lies.

Now, I also think, prior to voting on this, that we have to understand that much of what the Senator from Arkansas says, throwing these numbers around, talking about 30-second spots, these are a figment of someone's imagination. You cannot get out of here and talk about billions of dollars in cleanup and all the problems caused by mining. The fact of the matter is that with rare, rare exception, all of the cases he has talked about are cases involving mines that have long since been depleted, old mines where we had no reclamation laws, we had no environmental laws. That is why the Superfund is attempting to go clean them up. Under modern day reclamation and mining in the Western United States, we have good laws. He talks about leach mining, where you lay down a plastic pad and what if it leaks. Well, it doesn't leak. We have stringent controls that guarantees that.

I would also say, Mr. President, that I understand the feelings of the Senator from Arkansas about mining—I believe it is a very important industry in this country—when he says—and he said this before—"If you do not like what we are doing to you in the United States, adios." And he waves.

Let me talk about two of the States that are small States populationwise. Let's talk about the State of North Dakota and see how important mining is to North Dakota.

The value of minerals mined in North Dakota for the year 1995 was almost $308 million; directly contribution to Federal Government revenues, $21 million is what the Federal Government gains from the mining in a tiny State of North Dakota; total jobs gained directly and indirectly in North Dakota, 13,000 jobs.

Take another very small State, the State of Wyoming, the smallest State populationwise, or maybe Alaska is, but one of the smaller two States. The value of minerals in the State of Wyoming, over $2.5 billion; jobs in Wyoming, 41,000.

The point is that mining is important. We are a net exporter of gold. This has only happened during the last 10 years.

We talk about a favorable balance of trade. We have one in mining, which is very significant and important to this country. The price of gold has dropped significantly this past year. It was over $400 an ounce, and now it is barely $320 an ounce. Mining companies are having trouble making it.

So, I say also to my friend from Arkansas that every battle that he fights on the Senate floor is the most important battle that he fights. We have heard him on a number of issues that he talks strenuously and very passionately about. On every one, he tells us that it is the most important. I have great respect and admiration for his ability to debate. But the fact is, sometimes we are debating facts that are not at issue.

The issue before this body today is a constitutional issue as to whether or not the amendment of the Senator from Arkansas violates the Constitution. He has stated it does. I do not know if he wants a rollcall vote on it, or whether we should do it by voice vote.

I say through the Chair to my friend from Arkansas, I have a question for my friend from Arkansas. He has acknowledged that his amendment violates the Constitution.

Mr. BUMPERS. I didn't acknowledge that. But go ahead.

Mr. REID. My question was, do you want a rollcall vote on that, or should we do it by voice vote on a constitutional provision?

Mr. BUMPERS. The Senator does not have the option of doing that. He is going to be voting on the amendment, period. He is going to be voting on the point of order raised by the Senator from Washington.

Mr. REID. Does the Senator want a rollcall vote on that?

Mr. BUMPERS. Absolutely.

Mr. REID. I thought there was an acknowledgment here in the Senate that it did violate the Constitution.

Mr. BUMPERS. The Senator from Nevada is incorrect. My amendment does not violate the Constitution and it deserves an up or down vote. What is the Senator from Nevada and the Senator from Alaska so afraid of?

Mr. REID. So, in short, Mr. President, there has been an acknowledgment, even by the proponent of the amendment—the record speaks for itself—that this amendment violates the Constitution.

I want everyone walking over here to vote to understand that we said—"we," those of us who have talked for years against the amendments offered by my friend from Arkansas; and I will not describe the amendments—we have said that we would offer mining law reform, and we have done that. We have done that. This is a good bill. It calls for a royalty, reforms the patenting process, and reclamation. It is a good bill. We have done that. We have kept faith.

I also want everyone to understand, especially on the Democratic side, this constitutional issue, or the underlying amendment, has nothing do with the regulation that we disposed of here yesterday on the Senate floor. This has nothing to do with the issue—some controversy between the Senator from Arkansas and the Senator from Nevada—within the Democratic conference. This is a separate issue dealing with a tax, a tax that has been established with not a single hearing, with

no debate whatsoever prior to getting here. It was thrown upon us here, on the Senate floor, this morning.

So I say we should go forward with this constitutional point of order.

In closing, let me say that the taxpayers of this country, the hundreds of thousands of people that work in mining, do care about mining. Their jobs come from mines. They pay taxes. And they provide for one of the finest industries that we have in the Western part of the United States.

I also say that we talk about environmental laws. I invite my friend from Arkansas, and anyone else that wants to see good reclamation, come and see what mining companies do in the modern-day West. Joshua trees are not torn up in a mining process. They must be saved so that when the mining is completed they can be replanted.

The mining company not far from my hometown, Searchlight, NV—they have a mining operation that has also a farming operation. They save all of the trees that have been uprooted from the mining. When that particular part of the mine is closed, they have to replant the Joshua trees.

So mining companies have contributed a lot environmentally to this country.

I think we have to understand that the passionate arguments of my friend from Arkansas are based little on fact and much on passion.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, before we vote, I want to make just a couple of additional remarks for the RECORD.

Listening to my colleagues speak about the Constitution and the intricacies of whether this is appropriate or not, compels me to say that the most important thing about our Constitution in the United States is the essential component written in that document about justice and fairness. That is what our Constitution is about. That is all this issue is about. It is about fairness and justice to the taxpayers and to the families and to children in our country.

To the children who come to me now and in the future, and perhaps look a little sad, telling me they come from families that may be poor, they don't have what they need, I remind them that they are not poor, that they live in a State and in a country with bountiful resources. They actually own gold and silver that belong to them.

But for some reason that I am finding hard to understand, for over 100 years this Senate and the House of Representatives refuses to acknowledge that this is not something we own, the 100 of us sitting here; this is something that the public owns. It belongs not to us, not to a few companies, nor to many companies. It belongs to the children of America. This is their land. It is their gold. It is their silver. And it is our job to make sure they get a fair portion—not all of it—but a fair portion of it. It is clear to me that they have not for 130 years gotten their fair portion of what is theirs, what was given to them—not by us, but by God, and others.

So I want to make that point for the RECORD.

I hope we will vote soon.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I ask unanimous consent that the Senator from Louisiana, Senator LANDRIEU, be added as a cosponsor to the amendment.

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

Mr. BUMPERS. Second, Mr. President, I want to say to my colleagues that on this point of order, if you want to vote "no" because of the constitutional technicality which is raised by the point of the order by the Senator from Washington, bear in mind that the point of order is clearly not valid at all against the royalty provision in this bill.

The reason I can tell you that with absolute certainty is because the bill of the Senator from Alaska, the Senator from Idaho, and the Senator from Nevada, has a royalty provision in it. The Parliamentarian of this body referred it to the Energy Committee—not the Finance Committee. There isn't any question that there is no point of order against the royalty provision in this bill.

Second, I would like to ask my distinguished friend from Nevada, if I could have the attention of the Senator from Nevada——

Mr. REID. Which one?

Mr. BUMPERS. I would like to ask the Senator from Nevada if he will tell his 99 colleagues why Newmont Mining Co.—which is the biggest mining company in Nevada—why is it that they are willing to pay 18 percent royalty for private lands they mine on, and land which is a part of the very same mine which they got a patent on from the U.S. Government for $2.50 an acre, why they are not willing to pay any royalty on that.

Mr. REID. I would be happy to respond to my friend from Arkansas.

First of all, again, with all due respect to my friend from Arkansas, it is somewhat misleading to say they get $2.50 an acre for land.

Mr. BUMPERS. They got it for $35——

Mr. REID. Let me finish my answer.

To develop that piece of land costs them tens of millions of dollars. You don't simply go out in the deserts of Nevada or any place in the West and locate a claim and start scooping out the gold. I am not saying millions of dollars. I am saying tens of millions of dollars.

In addition to that, the unique situation that the Senator has raised, they also purchased next to their mine a ranch.

And the reason they purchased the ranch originally was so their mining operations would not interfere with the ranch property. They bought that ranch so their trucks could go through the property on their roads. They found on that land some mineral value. Since they owned the ranch, and they found some gold. And the reason they were willing to do that, and pay the fee on land that they already had, is because they had an ongoing operation. They had already developed and they discovered gold there, and it was the profitable thing for them to do. They didn't do it, just to go out and then somebody said, "You start paying us 18 percent royalty." They already had a huge mining operation in the immediate vicinity of the property they agreed to lease.

Mr. BUMPERS. Does the Senator realize that the land on which they are paying 18 percent royalty was formerly Federal land and was patented by a totally different person and they bought it, they bought it from somebody else who paid the Federal Government either $2.50 an acre or $5 an acre? They are paying him, not the Federal Government.

You see, if they had been smart enough to get a patent before this other fellow did, they would not have had to pay anything. Now they are paying somebody else who patented the land 18 percent, but if they had gotten the patent from the Federal Government, they wouldn't have had to pay a penny.

Indeed, Senator, I don't want to make too much light of your argument, but I don't even know what your answer is. I still do not understand why it is they are willing to pay 18 percent royalty to a guy who patented the land from the Federal Government. It is now private land because he bought it for $2.50 an acre. They are willing to pay him 18 percent royalty but the other lands—it is a part of the same lode of gold that they got a patent on from the Federal Government. They are not willing to pay one farthing, and the reason they are not willing to, I say to the Senator, you and I both know the answer, they got a bird nest on the ground.

Mr. REID. First of all, these lands started being patented a long time ago. If you look at Carson City, which was before the 1872 mining law, they had a different way of patenting claims than started in 1872. Claims in Nevada have been patented for many years as they have in the Western part of the United States. I can't give you the genealogy of the claim about which the Senator

speaks, but assuming my friend from Arkansas is right, that it was originally patented by someone else and then they purchased it, I say this.

First of all, the reason that Newmont Mining Co. or any other mining company would be willing to pay extra on it is because we live in a system of free enterprise where people pay what they feel they can pay in order to make a profit. And surrounding this piece of land is land that they have spent tens of millions of dollars developing. The land that they are leasing from another individual, this company, is land that has already been patented. Newmont didn't have to spend a single penny to get the patents. That is very, very difficult. It didn't used to be very tough but now it is very difficult to patent.

Mr. BUMPERS. Does the Senator know of any mine that has ever been developed in the history of this country where a lot of money wasn't spent to develop it, on private land or Federal lands?

Mr. REID. Oh, sure.

Mr. BUMPERS. You always have to spend a lot of money developing it, don't you agree?

Mr. REID. No, I would not agree at all. For example, under the 1872 mining law, you don't have to patent land. You can go out and locate land any place you want. In the town where I was born, a guy in 1898, walking through there—the 1872 mining law was in effect—found some gold. It didn't cost anything to develop it. They started mining it.

But under modern law it is very difficult to patent a claim. That is why I talk about companies spending millions of dollars.

Around the area where I was born and raised, in Searchlight, we only have one mine, which is right over the line in the State of California, owned by the Viceroy Mining Co. That relatively small mine cost $70 million before they took an ounce of gold out of the ground, $70 million. So, I mean, we talk about $2.50 an acre and it was patented land.

Mr. BUMPERS. Were we to follow the Senator's logic to its logical conclusion, would this not be a fair summary, that it costs millions of dollars to develop land belonging to the United States but nothing to develop lands that belong to private interests?

Mr. REID. No.

Mr. BUMPERS. That's the reason they are paying royalties to private interests.

Mr. REID. Absolutely not; because as you know—maybe the Senator from Arkansas didn't understand my answer. Maybe he did not want to understand the answer. The fact is, as I have explained, the area of land where they have the lease and are paying royalties on land that was patented a long time ago. They didn't have to spend any money to develop that. It was right there. They did not have to spend money to get a patent. It was already patented.

In modern-day mining it costs a lot of money to patent a claim. It didn't use to. It does now.

Mr. BUMPERS. If that is true, why don't they just come in and say, "Look, we bought this land that had already been developed by somebody else who patented it and it is not fair for us to take this because it originally belonged to landowners and we want to pay a royalty on it." Would that be fair?

Mr. REID. I say respectfully to my friend from Arkansas, I do not understand the question. The fact of the matter is the profit motive governs mining companies, ranchers, as it does those who own clothing stores, automobile dealerships, and mining companies that are trying to make money to pay the wages of people who work for them. I acknowledge that.

Mr. BUMPERS. We are prepared to vote, Mr. President.

The PRESIDING OFFICER. Is there further debate?

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise today in opposition to the amendment offered by my good friend from Arkansas. I appreciate the deeply held commitment of my colleague to the issue of mining law reform. As I have told my colleague many times over the years, I agree with him that the 1872 mining law is in need of reform—our differences on this issue are one of degree.

The Bumpers amendment simply goes too far. If enacted, this amendment would severely threaten the economic viability of the hardrock mining industry in my home State of Nevada and throughout the western United States.

For the fifth year in a row, Nevada's mines have collectively topped the 6 million ounce mark in gold production. In 1996, there was a total of 7.08 million ounces of gold produced in Nevada. The state's rich landscape has made Nevada the largest gold producer in the nation with 66.5 percent of all production. In addition, it now accounts for 10 percent of all the gold in the world.

The most recent information from the State of Nevada indicates that direct mining employment in Nevada exceeds 13,000 jobs. The average annual pay for these jobs, the highest of any sector in the state, is about $46,000, compared to the average salary in Nevada of about $26,000 per year. In addition to the direct employment in mining, there are an estimated 36,000 jobs in the state related to providing goods and services needed by the industry.

The impression left by proponents of this amendment is that the mining industry has free reign to extract mineral resources from public land. Nothing is further from the truth. In my State, Nevada mining companies must pay taxes like any other business, and they also pay an additional Nevada tax called the "Net Proceeds of Mines Tax." This tax must be paid by mining companies regardless of whether they operate on private or public land. The total Net Proceeds tax paid to the State in 1995 was approximately $33 million. With the addition of sales and property tax, the industry paid approximately $141 million in State and local taxes in 1995. In addition, the Nevada mining industry paid approximately $95 million in Federal taxes in 1995.

The additional taxes imposed by the Bumpers amendment would be extremely onerous for mining operators in Nevada. These new taxes would likely force many mining operations to shut down, thereby causing an overall reduction in Federal and State tax revenues paid by the industry. The bottom line is that the mining industry pays taxes just like any other business, and in Nevada they pay an additional tax targeted specifically to their industry.

The issue of reclamation is also central to the mining law reform debate. The State of Nevada has one of the toughest, if not the toughest, State reclamation programs in the country. Nevada mining companies are subject to a myriad of Federal and State environmental laws and regulations, including the Clean Water Act, Clean Air Act, and Endangered Species Act. Mining companies must secure literally dozens of environmental permits prior to commencing mining activities, including a reclamation permit, which must be obtained before a mineral exploration project or mining operation can be conducted. Companies must also file a surety or bond with the State or the Federal land manager in an amount sufficient to ensure reclamation of the entire site prior to receiving a reclamation permit.

It is in the context of promoting the economic viability of the mining industry and of encouraging strong environmental reclamation efforts administered by the States that I view the debate over the reform of the Mining Law of 1872. As I have stated many times over the years, I feel that certain aspects of the 1872 mining law are in need of reform. Specifically, I feel strongly that the patenting provision of the current law should be changed to provide for the payment of fair market value for the surface estate. All patents should also include a reverter clause, which would ensure that patented public lands would revert to Federal ownership if no longer used for mining purposes. I believe that mining law reform legislation should ensure that any land used for mining purposes must be reclaimed pursuant to applicable Federal

and State statutes. And finally, I believe that mining law reform legislation should impose a reasonable royalty on mineral production from Federal land.

Mr. President, the Mining Law Reform Act of 1997, of which I am a cosponsor, addresses each of the concerns I have just outlined. This legislation would impose a 5 percent net proceeds royalty on mineral production from Federal lands. It would make permanent the $100 maintenance fee for every claim held on federal land. It calls for the payment of fair market value for patented lands and includes a reverter provision to ensure that patented lands are used only for mining purposes. Finally, the legislation directs revenues from mineral production on Federal lands to a special fund to assist state abandoned mine cleanup programs. It is my hope that this legislation will serve as the starting point for the debate over mining law reform in the 105th Congress.

I agree with the Senator from Arkansas that we have waited long enough for Congress to enact comprehensive mining law reform. The aura of uncertainty that the industry has been forced to operate under for the last decade is causing many companies to look overseas for their future operations. The number of United States and Canadian mining companies exploring or operating in Latin America continues to grow dramatically. I do not feel, however, that the legislation before us today provides the proper context to rewrite the general mining laws.

I hope I will have the opportunity in the near future to work with the distinguished Senator from Arkansas and other interested Members of this body to craft a piece of legislation that we can move to the floor and enact in this session of Congress.

I yield the floor.

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

Mr. BUMPERS. First, I thank my distinguished colleague from Nevada for his very good statement. I disagree of course, but I appreciate him and consider him one of the best Senators in the Senate. He is, indeed, an honorable man, and his word is as good as his bond. I think he really would like to sit down and work out some sort of reform legislation, and I thank him for those words.

Before we vote, to my colleagues just let me say this; two things. No. 1, this point of order made, this constitutional point of order: If you are going to vote on this, you bear in mind that if we allow a point of order to be made against my amendment, what is to stop others from raising points of order against any of your amendments where the opponents want to avoid an up or down vote?

No. 2, if you are worried about what the House of Representatives is going to do, bear in mind this is a House bill we are voting on.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on this amendment?

The question is, Is the point of order well taken? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present, and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "no."

The result was announced, yeas 59, nays 39, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—59

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Mikulski
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bingaman	Grassley	Reid
Bond	Hagel	Roberts
Breaux	Hatch	Roth
Brownback	Helms	Santorum
Bryan	Hollings	Sessions
Burns	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cochran	Inouye	Specter
Coverdell	Johnson	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
Daschle	Lott	Thurmond
Domenici	Lugar	Warner
Dorgan	Mack	

NAYS—39

Biden	Feinstein	Leahy
Boxer	Ford	Levin
Bumpers	Glenn	Lieberman
Byrd	Graham	Moseley-Braun
Cleland	Gregg	Moynihan
Coats	Harkin	Murray
Collins	Jeffords	Reed
Conrad	Kennedy	Robb
DeWine	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Durbin	Kohl	Snowe
Faircloth	Landrieu	Torricelli
Feingold	Lautenberg	Wyden

NOT VOTING—2

Akaka	Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. The point of order is well taken. The amendment falls.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I am not able at this time to propound a unanimous-consent request, but I have been talking to the manager of the bill and to the Democratic leader about this issue, and the next issue we hope to consider, or plan to consider, is the Food and Drug Administration reform package. It is absolutely essential that we complete the Interior appropriations bill, and we must do that this week, and we will do that. If we have to stay late tonight and have votes tomorrow, up until 12 o'clock, or whatever it takes to finish it, we will do it.

I believe we are close to where we will be able to see exactly what is needed. Perhaps we can get the amendments worked out. The managers are going to be working on that. We are not ready to do that right now. We will work in the next few minutes, and we will let the Members know what the prospects are. We will be working on a UC that will allow us to complete the bill and get to final passage either tonight or first thing in the morning. We will be prepared to do something on that within, I hope, a short period of time.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call 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.

AMENDMENT NO. 1229

(Purpose: To provide an alternative source of funds for operation of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve)

Mr. BINGAMAN. Mr. President, I ask unanimous consent the pending committee amendment be set aside, and on behalf of myself and Senator MURKOWSKI I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. MURKOWSKI, proposes an amendment numbered 1229.

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

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

The amendment is as follows:

On page 80, strike line 14 and all that follows through page 81, line 6 and insert the following:

"STRATEGIC PETROLEUM RESERVE

"(INCLUDING TRANSFER OF FUNDS)

"For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, of which $207,500,000 shall be repaid from the "SPR Operating Fund" from

amounts made available from sales under this heading: *Provided*, That, consistent with Public Law 104–106, proceeds in excess of $2,000,000,000 from the sale of the Naval Petroleum Reserve Numbered 1 shall be deposited into the "SPR Operating Fund", and are hereby appropriated, to remain available until expended, for repayments under this heading and for operations of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve: *Provided further*, That if the Secretary of Energy finds that the proceeds from the sale of the Naval Petroleum Reserve Numbered 1 will not be at least $2,207,500,000 in fiscal year 1998, the Secretary, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998, and deposit the proceeds into the "SPR Operating Fund", in amounts sufficient to make deposits into the fund total $207,500,000 in that fiscal year: *Provided further*, That the amount of $2,000,000,000 in the first proviso and the amount of $2,207,500,000 in the second proviso shall be adjusted by the Director of the Office of Management and Budget to amounts not to exceed $2,415,000,000 and $2,622,500,000, respectively, only to the extent that an adjustment is necessary to avoid a sequestration, or any increase in a sequestration due to this section, under the procedures prescribed in the Budget Enforcement Act of 1990, as amended: *Provided further*, That the Secretary of Energy, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998 sufficient to deposit $15,000,000 into the General Fund of the Treasury of the United States, and shall transfer such amount to the General Fund: *Provided further*, That proceeds deposited into the "SPR Operating Fund" under this heading shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations and activities of the Strategic Petroleum Reserve and to satisfy the requirements specified under this heading."

Mr. BINGAMAN. Mr. President, this amendment that we are offering would avoid further sales of petroleum from the Strategic Petroleum Reserve. It accomplishes this goal by providing alternative sources of funding for the Interior bill to replace the planned sale of $207.5 million that is now in the bill as reported by the Appropriations Committee.

The Strategic Petroleum Reserve was established under the Energy Policy Conservation Act of 1975. It is our Nation's primary insurance policy against market chaos if there is an international oil supply disruption. The Energy Policy and Conservation Act and Strategic Petroleum Reserve were authorized earlier this year in the Senate by unanimous consent.

For the past several years, the Interior Appropriations Act has included sales of the oil from the Strategic Petroleum Reserve as an offset to Federal spending in that bill. I recognize that such sales have been proposed in the past by the administration, that they have been undertaken reluctantly by the Appropriations Committee. But depleting the Strategic Petroleum Reserve, even to fund the worthy programs in this bill now before the Senate is an unwise policy.

In hearings before the Senate Energy Committee earlier this year, we had several distinguished experts on world oil markets and on the Middle East repeatedly emphasizing the fragility of the current political situation in the major oil-producing regions outside of the United States. We have no assurance that the near future might not bring unwelcome political changes that would result in a reduction in the world's energy security. While the United States itself does not import an overwhelming fraction from the Middle East, the world oil market is highly integrated, and shortages anywhere quickly translate into higher prices at the pump here in the United States.

In this context, annual sales of oil from the Strategic Petroleum Reserve amount to a piecemeal cancellation of our national energy insurance policy. Moreover, our sales from the Strategic Petroleum Reserve have been cited by other countries as justification for selling off their oil reserves to offset short-term spending needs that they themselves have. We saw this happen in Germany earlier this year when they sold oil from their strategic reserves to raise the extra revenue needed to bring their budgets within the guidelines contained in the Maastricht Treaty.

Sales of oil from the Strategic Petroleum Reserve have negative short-term impacts for ordinary Americans, in addition to these longer term threats to our Nation as a whole. Whenever the Federal Government dumps $200 million of oil on the market, it delivers a sucker punch to the independent oil and gas producers who are operating on the margin of profitability. Our independent producing sector is an important part of the oil supply equation in the United States. The oil and gas industry is the second largest industry in my State of New Mexico. If there is a way to avoid inflicting these economic losses on these mom-and-pop operations that characterize a good deal of our domestic industry, we need to do that. In this context, I will note that my efforts and those of my cosponsor have been strongly endorsed by the Independent Petroleum Association of America, by the National Stripper Well Association and by the American Petroleum Institute.

Fortunately, we found a way to avoid sales of the Strategic Petroleum Reserve in this bill without cutting $200 million of funding for programs that affect Indian tribes, energy conservation, national parks, research and development, the arts, and the other vital subjects covered by the bill. Pursuant to the Defense Authorization Act of 1996, the Secretary of Energy is required to sell the Elk Hills Naval Petroleum Reserve. It now appears that the Secretary will receive more for Elk Hills than is accounted for in the balanced budget agreement.

The amendment I am offering today takes these excess proceeds, uses them as a funding source in place of oil sales from the Strategic Petroleum Reserve. We will not know the exact amount of the excess proceeds until January of 1998 when the administration sends the Congress a final proposal to sell Elk Hills under the 31-day notice-and-wait provision contained in the law that authorizes that sale. The possibility exists, though, that we could capture enough funds through this amendment to obviate the need to sell oil from the Strategic Petroleum Reserve next year and potentially beyond. This coupling will certainly be a consideration in my judgment as to whether it is a good idea for Congress to allow the sale of Elk Hills to go forward.

This amendment is intended as a positive step to meet the needs being addressed by the Interior bill by tapping an alternative source of funds instead of sales from the Strategic Petroleum Reserve.

Stopping SPR sales as a source of general revenue is a good national economic policy. It is good for our domestic oil and gas industry, and particularly for the most vulnerable independent producers of oil and gas in my State and other petroleum-producing States.

I urge adoption of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I join with my colleague the Senator from New Mexico with regard to the amendment that he has offered.

What this amendment would do is avoid the ultimate budget gimmick, which is selling $60 a barrel oil for $18 and calling it "income" for the American taxpayer. These oil sales would result in $173 million actual loss to the American taxpayer.

We have sold 28 million barrels of oil. What have we sold it for? To contribute to balancing the budget. Think of the inconsistency here. We created the Strategic Petroleum Reserve in 1975. We created it because at that time we were dependent on imported oil for about 36 or 37 percent of our oil consumption. Today we are facing a 52 percent dependence on imported oil.

In light of our current situation, selling down the SPR simply makes no sense whatever. In 1975, when we were 32 percent dependent, we formulated the SPR with the idea we had to have a reserve oil supply in case of national emergency, and suddenly when we are 52 percent dependent, we start to sell the reserve?

The oil from Elk Hills was supposed to go to the SPR, but we have waived the requirement for the last 10 years, and the oil was sold to balance the budget. Now we are selling Elk Hills,

and it is only right that some of the money go to the purpose of stopping the drain on SPR.

This amendment does not cost the taxpayers any money. What we are trying to do is try to avoid a huge loss. This amendment works within the budget rules and avoids a terrible policy result—both from the energy and budgetary standpoint—buying high and selling low. But the Government seems to do it all the time. We are like the man in the old joke who was buying high and selling low and who claimed that he "would make it up on volume."

So, today, Senator BINGAMAN and I are introducing this amendment to provide a short-term source of funding for the Strategic Petroleum Reserve.

Soon, the Department of Energy will complete the sale of the Naval Petroleum Reserve No. 1, as directed by Congress. We are optimistic that the sale will raise more money than previously estimated. This amendment would place proceeds in excess of $2 billion from that sale in a fund that would be used to pay for the SPR.

This amendment was proposed by the DOE and should, at a minimum, avoid an oil sale in the next fiscal year. I think it is appropriate that extra proceeds from the sale of the Naval Petroleum Reserve, after contributing to deficit reduction, be used to stop the drain on our Strategic Petroleum Reserve.

The amendment will not permanently resolve the problems with providing funding for SPR, but it should temporarily stop the bleeding. In the face of our oil dependency, and the continuing drain on SPR, I can't resist noting that there are still some in this body that oppose the production of domestic oil resources.

So as it stands now, this body does not appear to support the domestic storage or production of oil. Some may not like the reality that this Nation will continue to need petroleum. Petroleum moves our transportation system. We have no other alternative, at least none in the foreseeable future. However, reality doesn't cease to be a reality because we ignore it. We are talking about people's lives, jobs, their livelihood. I certainly understand the difficult task that the Appropriations Committee faces as it attempts to fund all of the important programs under its jurisdiction.

However, I must insist that, in the future, we resist the temptation to drain the SPR to meet these priorities, if indeed the SPR has an objective at all, which is to serve as the country's energy security during a time of crisis.

I strongly urge my colleagues to support the amendment today. I also strongly urge my colleagues to join with us to permanently end the draining of oil from the Strategic Petroleum Reserve to fulfill our shortsighted, short-term desires.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to make a few points. The first point is, I did speak to Secretary of Energy, Federico Pena, in the last hour. He has authorized me to indicate to all Senators that he strongly supports the amendment that Senator MURKOWSKI and I are offering, and he believes it is a good public policy and a policy that we ought to adopt here.

I also want to indicate a particular appreciation to Bob Simon on my staff, who is the person who has done all the work in coming up with this proposal.

I also ask unanimous consent that a section-by-section explanation of the amendment be printed in the RECORD following my statement.

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

PROVISO-BY-PROVISO EXPLANATION OF THE AMENDMENT

The amendment strikes and replaces the section of the bill dealing with the Strategic Petroleum Reserve. The following are the key provisions of the new section:

The head of the section follows the existing bill by appropriating $207.5 million for operations of the Strategic Petroleum Reserve in FY 1998.

The first proviso stipulates that any proceeds from the sale of the Elk Hills Naval Petroleum Reserve (known as Naval Petroleum Reserve Number 1) that are in excess of $2 billion are to be used to support the operations of the Strategic Petroleum Reserve (and also for additional acquisition of SPR oil), until those excess funds are expended. Thus, if the sale of Elk Hills were to net $2.4 billion, under this proviso, we would have the operations of the SPR covered for the next two fiscal years. The budget offset, under CBO scoring, for this extra spending is provided in the fourth proviso, which I will address in a minute.

The second proviso takes care of the situation in which the excess proceeds from the sale of Elk Hills are not enough to fully cover the cost of operations of the SPR in fiscal year 1998. In such a case, SPR oil would have to be sold to make up the difference, similar to what the current language of this bill provides.

The third proviso addresses the fact that CBO and OMB score the sale of Elk Hills differently. While this amendment does not have Budget Act points of order against it, without this proviso, it could theoretically trigger a budget sequester at OMB, because of their scoring rules. This proviso eliminates any possibility of an OMB budget sequester, and was worked out in close cooperation with senior management at OMB, which endorses this amendment.

The fourth proviso provides for a special sale of SPR oil to offset the other spending in this amendment. CBO scores the entire amendment as not increasing the overall spending of the Interior Appropriations bill, so it is not in violation of the Budget Agreement or any provision of the Budget Act.

The final proviso of this new section transfers the funds for operating the SPR into the appropriate account in the U.S. Treasury. It is similar to the existing final proviso in the existing section that is being replaced.

Mr. GORTON. Mr. President, this amendment is constructed in a fashion that evades budget points of order. That is to say, no points of order would be appropriate. But it does take advantage of a quite conservative estimate by the Congressional Budget Office of the revenues that may accrue from the sale of Elk Hills.

I also note that the amendment could result in the Department of Energy capturing several hundreds of millions of dollars of revenue that could otherwise go into the General Treasury. As a member of the Budget Committee, this is a precedent about which I have some real concern.

On the other hand, as I said from the time that the House bill passed and we worked on our own, I am not completely comfortable with the sale of oil from the Strategic Petroleum Reserve, including the sale in the bill that is in the President's budget request and House action.

Having said all of that, balancing on both sides, I am willing to accept the amendment, as is my comanager from Nevada. We can deal with the issue in conference, and I hope that it is either acceptable or can be put into acceptable form.

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

The question is on agreeing to the amendment.

The amendment (No. 1229) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be set aside.

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

AMENDMENT NO. 1230

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mrs. MURRAY, for herself, Mr. GORTON, and Mr. MURKOWSKI, proposes an amendment numbered 1230.

The amendment is as follows:

At the end of Title III, add the following:

SEC. . Within 90 days of enactment of this legislation, the Forest Service shall complete its export policy and procedures on the use of Alaskan Western Red Cedar. In completing this policy, the Forest Service shall evaluate the costs and benefits of a pricing policy that offers any Alaskan Western Red Cedar in excess of domestic processing needs in Alaska first to United States domestic processors.

Mrs. MURRAY. Mr. President, I want to discuss briefly my amendment to alter U.S. Forest Service rules regarding the export of Western Red Cedar

logs from Alaska. Today, because there are no Alaskan sawmills that use this cedar, this National Forest timber is exported as raw logs primarily to foreign customers.

That is a real problem for our independent mills in Washington and Oregon who have traditionally been dependent on public timber. As we all know—and have discussed in the context of this bill—National Forest timber sales have plummeted since the 1980s. The independent mills that have survived are technologically advanced, with a well-trained workforce, but are always scrambling for reasonably-priced timber.

As a rule, National Forest timber must be processed before it can be exported overseas. This Congress imposed that policy nearly 20 years ago. There is almost unanimous agreement that federal timber should be processed in America to create the maximum number of American jobs.

One exception to the rule of domestic processing is that where no market for a certain species of tree exists, the Forest Service will deem that species "surplus." A surplus species can be exported in as a raw log.

In Region 10, there are currently no Alaskan processors who can use the Western Red Cedar. The Forest Service has, thus, deemed it surplus. But it is definitely not surplus to the domestic needs of sawmills and workers in the Pacific Northwest. I've been approached by several mills who are desperate for this cedar, including Skookum Lumber in Shelton, WA, and Tubafor Mill, in Morton, WA.

My amendment requires the Forest Service to offer these national logs at domestic prices to mills in the lower 48 states. It requires the agency to establish a three-tiered policy giving Alaskans first priority, other American companies next priority, and only if no one wants these logs—which is highly unlikely—may they be exported internationally.

Mr. President, this is a commonsense amendment. Members of the Washington delegation, including Representative NORM DICKS and former Represemtative Jolene Unsoeld, have worked to make this policy change since 1991. Now is the time to use these Federal resources for the benefit of American working families.

Mr. GORTON. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1230) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I hope for only a very short period of time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask that the pending business be temporarily laid aside.

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

AMENDMENT NO. 1231

(Purpose: To provide for the disposition of oil lease revenue received as a result of the Supreme Court's decision in United States of America v. State of Alaska)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. STEVENS and Mr. MURKOWSKI, proposes an amendment numbered 1231.

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

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

The amendment is as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . DISPOSITION OF CERTAIN OIL LEASE REVENUE

(a) DEPOSIT IN FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "National Parks and Environmental Improvement Fund" (referred to in this section as the "Fund").

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bill, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d); and

(2) 40 percent of such amounts shall be available for the state-side matching grant under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8); and

(3) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(2) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreational and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects proposed to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the "Board"). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests;

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(1) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

Mr. MCCAIN. Mr. President, I offer this amendment on behalf of myself, Senator STEVENS, and Senator MURKOWSKI.

The amendment would deposit $800 million into a newly created national park and environmental enhancement fund within the U.S. Treasury.

The interest from the account would be dedicated to three purposes:

First, to make critically needed capital improvements in America's national parks.

Second, assist States in their park planning and development needs.

Third, provide for research on the marine environment. This is strongly endorsed by the National Parks and the Conservation Association, Natural Resources Defense Council, National Trust for Historic Preservation, and Center for Marine Conservation.

I thank Senators STEVENS and MURKOWSKI for their assistance and leadership, as well as Senator GORTON, on this amendment.

The revenue which will finance this special account is oil lease revenue awarded to the Federal Government by the U.S. Supreme Court earlier this year. Both the United States and Alaska claimed ownership of the land from which the oil was extracted.

Mr. President, we all know that the people of Alaska were bitterly disappointed in the Court's decision to find on behalf of the Federal Government and to award the money to the Federal Treasury. Nevertheless, the Court has rendered a final judgment.

I am pleased to say that passage of this amendment will enable us to employ the money not only for the people of Alaska but for every other State.

Under this amendment, 40 percent of the yearly interest of the new account—up to $20 million annually—will be dedicated to making high-priority capital improvements in our national parks. Now is the time to act. The integrity of the national historic treasures that comprise our National Park System is at stake.

The GAO estimates that unmet capital needs throughout the system total more than $8 billion. Current funding levels are grossly insufficient to meet these requirements.

Last year, out of the $1.6 billion that Congress appropriated to operate and maintain the 314 national parks, monuments, and historical sites, two-thirds were spent on park operations, leaving $400 million available to finance capital improvements.

Let me remind you, Mr. President, that the GAO estimates that of the unmet capital needs throughout the system of more than $8 billion last year, there was $400 million available to finance capital improvements. Mr. President, it doesn't take a rocket scientist to figure out that it takes a long time to catch up.

Grand Canyon National Parks offers a historic and sobering example of the magnitude of the funding shortfalls that we face. The parks' general management plan calls for over $350 million in capital improvements. This fiscal year the parks received approximately $16 million, of which only $12 million was available for capital purposes. This scenario is repeated at parks throughout the country.

Mr. President, no one knows this better than the Senator from Washington, and the Senator from Alaska. I think it is important to stress we are not talking about luxuries. We are talking about needs. The vast majority of the capital improvements we are talking about are necessary to preserve the natural and historical resources that makes our parks so special.

Mr. President, earlier this summer, U.S. News & World Report featured a cover story, which I have here, entitled "Parks in Peril."

I urge my colleagues to read what is a very enlightening and compelling piece. The story was highlighted. I show it here, as follows:

The national parks have been called the best idea America had. But their wild beauty and historical treasures are rapidly deteriorating from lack of funds, pollution, encroaching development, overcrowding, and congressional indifference.

I am not proud of that, Mr. President. None of us should be. The American people love our Nation's parks, and rightfully expect us to exercise responsible stewardship of our natural treasures.

By passing this amendment we can take a significant step to remedy the funding shortfall, and care for our parks in a responsible and timely manner.

I know that the Senate Energy Committee—in particular, Senator MURKOWSKI, Senator BUMPERS, and Senator THOMAS, and others—is working diligently on comprehensive park funding and management reform legislation. I applaud their efforts, and look forward to the fruits of their arduous labors.

But, while we await these reforms, we have an obligation to take what action we can to meet park needs. Every day we wait, the national parks—from Maine's Arcadia National Park, Yosemite in California, and Alaska's Gateway to the Arctic to the Florida Everglades—fall into further disrepair and neglect.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from key conservation organizations who strongly support this amendment.

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

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
September 16, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The National Parks and Conservation Association (NPCA) is delighted to support your amendment to H.R. 2107, the Department of Interior Appropriations bill, to establish a National Parks and Environmental Improvement Fund. As you know, NPCA is America's only private non-profit citizen organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. An association of "Citizens Protecting America's Parks," NPCA was founded in 1919, and today has nearly 500,000 members.

Our support for your amendment is based on our understanding that the amendment contains the following provisions:

1. Distribution of fifty percent of the interest earned by the fund to benefit the National Park System and twenty-five percent to benefit the State-side program of the Land and Water Conservation Fund. We understand that the remaining twenty-five percent would be made available for a grant program for marine research and education in and relating to the water of the North Pacific ocean.

2. The National Park Service portion of the trust fund allocation "may be used for the design, construction, repair, or replacement

of high-priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, and historic resources protection projects."

The National Park Service faces a growing and alarming backlog of projects vital to sustaining the resources of the national parks and to ensuring the health, safety, and enjoyment of park visitors. New revenue sources to supplement regular appropriations must be found to assist the National Park Service in fulfilling its congressionally-mandated mission of passing on these precious lands unimpaired to future generations. The unique natural, cultural, and historic heritage embodied in our parks constitutes one of the greatest treasures that belong to the American people.

Your amendment, as noted above, represents a creative and welcome effort to enhance the resources available to the National Park Service to protect and preserve our parks.

Through the funds it provides, the National Park Service will be able to add meaningfully to its ability to preserve historic structures, to protect cultural sites; to clean up polluted areas; and to enhance transportation facilities, among other important projects. Your amendment will make a very worthwhile contribution, and we applaud you and all who support you for your creativity and leadership in bringing this initiative before the Senate.

Sincerely,

ALBERT C. EISENBERG,
Deputy Director for Conservation Policy.

SEPTEMBER 17, 1997.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce, Science, and Transportation Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Center for Marine Conservation, I want to express CMC's strong support for your amendment to the Department of Interior Appropriations Bill (H.R. 2107) to provide for the disposition of oil lease revenue into the "National Parks and Environmental Improvement Fund." In particular, CMC applauds your initiative to create a fund for the purpose of funding marine research activities related to the fisheries or marine ecosystems in the North Pacific, Bering Sea, and Arctic Ocean.

CMC is especially interested in the Bering Sea ecosystem and is committed to investigating new mechanisms to achieve greater coordination of scientific research, and develop more effective adaptive and ecosystem management to stem the decline of several species in that ecosystem. Additionally, CMC commends you, Senator McCain, for lycluding representation by an environmental interest on the North Pacific Research Board.

CMC's only concern is that appropriations to this fund not be offset by funds otherwise appropriated from the Land and Water Conservation Fund in the Department of the Interior Appropriation Bill. The Land and Water Conservation Fund is vitally important to conservation.

CMC appreciates your continued effort to fund marine research and conservation. We look forward to working with you to conserve our marine heritage.

Sincerely,

WILLIAM R. IRVIN,
Acting Vice President for Programs.

NATIONAL TRUST FOR HISTORIC PRESERVATION,
Washington, DC, September 17, 1997.

DEAR SENATOR MCCAIN: On behalf of the approximately 275,000 members of the National Trust for Historic Preservation, I am writing to support an amendment to the Department of the Interior Appropriations bill, H.R. 2107, to establish a National Parks and Environmental Improvement Fund (the "Fund").

Pursuant to this amendment, the oil lease revenues awarded by the Supreme Court to the United States in *United States v. State of Alaska*, totaling $1.6 billion, would be deposited in the Fund. The interest earned by the Fund would be allocated, subject to appropriation, as follows: 40 percent to capital projects in the National Park System that enhance the experience of park visitors, including natural, cultural and historic resource protection projects; 40 percent to the state side of the Land and Water Conservation Fund; and 20 percent for a grant program for marine research and education relating to the waters of the Northern pacific ocean.

This amendment represents a very positive and important first step in addressing the multi billion dollar backlog of deferred maintenance and necessary capital expenditures for our National Park System. A solid consensus exists in the Congress and the executive branch and the American public that we must begin to address the problems in our National Parks, to eliminate the accrued backlog with a systematic plan implemented over the next decade, and to look for new sources of funding in addition to regular appropriations. Your amendment presents a creative means and mechanism for enhancing funds available to both our National Parks and state and local park systems. The National Trust is pleased to offer our enthusiastic support for the amendment.

Sincerely,

EDWARD M. NORTON, Jr.,
Vice President for Law and Public Policy.

Mr. MCCAIN. Mr. President, again the thrust of this amendment is to help our national parks. If we abdicate our responsibilities to maintain the integrity of the National Park System we will have spoiled the most precious part of our national heritage, squandered the birthright of our children, and failed to meet one of our most basic responsibilities. Let's not allow that to happen.

I want to again thank Senator MURKOWSKI, especially Senator THOMAS and Senator BUMPERS, for the efforts they are making for an overall solution to the problems in our National Park System. That work is diligent, and needs to be rewarded. I look forward to their results. In the meantime, I think this is an important step forward.

Mr. President, I thank the sponsors and the managers of the bill for their cooperation and assistance.

I yield the floor.

Mr. STEVENS. Mr. President, this amendment provides funding to help resolve some of the most pressing concerns relating to national park and State recreation facilities, and to the ocean areas off Alaska.

The amendment would reserve $800 million that was not anticipated to be received by the Federal Treasury in a case recently decided by the Supreme Court.

That case—cited at 117 S.Ct. 1888—involved a dispute between the Federal Government and the State of Alaska over the right to mineral lease revenue on the natural formation off the coast of Alaska known as Dinkum Sands.

The Federal Government prevailed and received lease revenue plus interest totaling $1.6 billion.

The Congressional Budget Office estimated earlier this year that the Federal Treasury would receive only $800 million.

Our amendment would deposit the other $800 million in a new fund called the National Parks and Environmental Improvement Fund. Beginning with fiscal year 1999, the interest from this fund would be available for: First, capital projects in the National Park System; second, State outdoor recreation planning, development, and acquisition; and third, marine research important to the vast Federal and State waters off Alaska.

Forty percent of the annual interest would be available to design, construct, repair, and replace National Park Service facilities to enhance the experience of park visitors.

In Alaska this will go a long way toward expanding and upgrading the overcrowded visitor facilities that have become a significant problem.

As Senator MCCAIN mentioned, the need to upgrade the Park Service facilities nationally is great, and may run into the billions of dollars. Our bill would create a mechanism specifically designed to begin to address this problem.

Our amendment would make 40 percent of the annual interest available under section 6 of the Land and Water Conservation Fund Act to the States to be used for outdoor recreation planning, development, and the acquisition of land.

The States, too, face a backlog in upgrading existing park facilities and creating new facilities.

Finally, our amendment provides 20 percent of the annual interest from the National Parks and Environmental Improvement Fund for marine research in, and relating to, the north Pacific Ocean, Bering Sea, and Arctic Ocean.

These vast marine areas off Alaska comprise more than half of the Nation's coastline, provide over half of the Nation's commercial fisheries harvest, and contain vast mineral resources important to Alaska and the Nation. This income was derived from those waters.

We face pressing concerns in these waters that touch every part of Alaska's coastline. Some of the immediate concerns include, to name just a few:

Declines in certain bird and marine mammal species in the Bering Sea; a failure this year in our Bristol Bay and

Kuskokwim salmon returns; excessive fisheries harvests and other unknown activities in the Russia portion of the Bering Sea; environmental contamination in the Arctic Ocean; subsistence whaling concerns; the need to develop new products and more environmentally efficient fishing methods; and the need to develop fisheries for underutilized species (such as the dive fisheries in southeast Alaska) that could help take the pressure off other fish stocks.

Our amendment would establish a North Pacific Research Board that would set marine research priorities and recommend grants to tackle those priorities. The Secretary of Commerce and Alaska Department of Fish and Game, or their designees, would serve as cochairs of the Board.

The Secretary of Commerce would approve or disapprove the Board's grant recommendations. The amendment gives the Board very broad discretion in setting the priorities for the research grants.

We know of some of the issues that need immediate attention, but not all of them, and we can't know what the priorities should be in the future. To summarize, the amendment Senator MCCAIN and I are offering will improve the experience visitors have at our national parks and State parks, and will greatly increase our knowledge about the vast waters off Alaska.

I urge other Senators to support this measure.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 TO AMENDMENT NO. 1231

(Purpose: To provide for the disposition of certain escrowed oil and gas revenue received as a result of the Supreme Court's decision in United States v. State of Alaska)

Mr. MURKOWSKI. Mr. President, I have a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI), for himself, and Mr. THOMAS, proposes an amendment numbered 1232 to amendment numbered 1231.

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

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

The amendment is as follows:

In the amendment proposed by the Senator from Arizona strike all after "(a) DEPOSIT IN FUND.—" and insert in lieu thereof:

"All of the amounts awarded by the Supreme Court to the United States in the case of *United States of America* v. *State of Alaska* (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "Parks and Environmental Improvement Fund" (referred to in this sections as the "Fund").

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into, and form a part of, the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d);

(2) 40 percent shall be available for the state-side matching grant program under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8); and

(3) 20 percent shall be shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(1) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreation and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—

(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (the Board). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of Alaska SeaLife Center; and

(K) five members appointed by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries of marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. The Governor of Alaska shall submit three nominations for member appointed under subparagraph (K), Board members appointed under subparagraph (K) shall serve for a three year term and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with priorities established by the Board. The Secretary shall provide the Board with such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.1801 et seq.) for the purposes of section 302(1)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) FINANCIAL ASSISTANCE TO THE STATES.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-8(b)) is amended—

(1) APPORTIONMENT AMONG STATES; NOTIFICATION.—

(A) By striking paragraphs (1), (2), and (3) and inserting the following:

"(1) Sixty percent shall be apportioned equally among the several States;

"(2) Twenty percent shall be apportioned on the basis of the proportion which the population of each State bears to the total population of the United States; and

"(3) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas).

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

"(4) The total allocation to an individual State under paragraphs (1) through (3) shall not exceed 10 percent of the total amount allocated to the several States in any one year.

(g) FUNDS FOR INDIAN TRIBES.—Section 6(b)(6) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l8(b)(6)) (as so redesignated) is amended—

(1) by inserting "(A)" after "(6)"; and

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

"(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) shall be treated collectively as one State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Alaska Native Corporation receives more than 10 percent of the total amount made available to all Indian tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Alaska Native Corporation under this subparagraph may be expended only for the purposes specified in subsection (a). Receipt in any given year of an apportionment under this section shall not prevent an Indian tribe or Alaska Native Corporation from receiving grants for other purposes under than regular apportionment of the State in which it is located."

Mr. MURKOWSKI. Mr. President, let me commend my good friend, the Senator from Alaska, the senior Senator from Alaska, Senator STEVENS.

I want to point out that my amendment is very similar to the one offered by the Senator from Arizona. It does, however, make one significant change that I think is critical to the success of this trust fund.

Before I start, I want to say that I am particularly pleased that Senator MCCAIN recognizes the significance of these funds—the $1.6 billion that flowed from receipts that had been generated from lease sales in Alaska, the offshore, so-called "Dinkum Sands." He has taken my Senate bill, S. 1118, and used it as the model for his amendment. Obviously believing that this authorization should occur on an appropriations bill.

My particular initial concept was to use $800 million to fund the Land and Water Conservation Fund.

I think the improvement that the Senator from Arizona and the senior Senator have added formulating consideration of the national parks, as well as Arctic research, are to be commended. And, as a consequence, I think the appropriateness of my second degree is worthy of consideration.

My amendment differs specifically on one significant measure. It places simply all of the Dinkum Sands escrow account—that is $1.6 billion—in an interest-bearing account in the Treasury Department as opposed to the amendment of Senator MCCAIN, which would put only half of that amount—or $800 million in an interest-bearing account in the U.S. Treasury.

What we would do, Mr. President, is not utilize the principal but simply the yield. The interest off the account would be approximately $120 million a year, and would be distributed in the same manner as the McCain-Stevens-Murkowski amendment: Forty percent would go to our national parks; 40 percent to the state-side Land and Water Conservation Fund and 20 percent to Arctic research.

I might add the necessity of funding our national parks is as a consequence of the billions of dollars in deferred maintenance that are associated with those parks, and the reality that we clearly need some capital improvement projects.

So, again there would be a long-term funding mechanism. And the merits, I think, speak for themselves.

It would relieve the appropriators in the sense that this would fund a good deal of what currently we have to fund through an annual appropriation process.

I am not going to go through the jungle of bureaucratic interpretations and the manner in which the Budget Committee has to operate. But 40 percent would go to national parks capital improvement projects, and 40 percent to the State, matching the Land and Water Conservation Fund. That is a State and Federal matching program which has done a great deal in the history of encouraging States, and the people in those States and communities, to generate funding of their own with the Federal matching funds and pride for worthwhile projects in their communities. Twenty percent would go into marine research, primarily in the Arctic.

Here is the authorization and appropriation chart for the Land and Water Conservation Fund. You can see that the authorizations have simply gone off the chart. We continue to authorize, and feel good about it. We go home and say, "We have authorized the project." But if it is not appropriated, why, it is window dressing.

You can see the red line, or the actual appropriations. They hit a high in 1977 of about $800 million. They dropped down to virtually nothing—somewhere in the area of $150 million in 1981, and they have leveled off. The state-side LWCF matching grant program has fared even worse.

Clearly, this is a worthwhile program. It is two for one: for every Federal dollar it is matched by state and local money.

There is the other chart, shows the demand for stateside Land and Water Conservation Fund grants.

Clearly, the demand is there from America, American citizens, and communities with regard to the benefits of this type of funding.

By placing only half of the Dinkum Sands revenue in this fund, I think it will be self-defeating. It will not provide the money necessary to adequately fund these programs, especially the State-side Land and Water Conservation Fund matching grant programs.

I would also like to say that as chairman of the Energy and Natural Resources Committee, I intend to work with the Budget Committee and the Appropriations Committee next year to ensure that we have not just created another paper account. Rather, I promise to work to ensure that the money earned off this account will be available for appropriations for the very important purposes we set forth in this amendment.

Before the conference we would like to work with the Budget Committee on how to best minimize the impact of this amendment on the appropriators. That is the only way we can answer the call of my outdoor recreation initiative to reinvigorate our parks, forests, and public lands in order to enhance Americans' visits to those parks and conserve natural resources, wildlife and open spaces.

My bill—S. 1118—now a part of my second-degree amendment, would create a trust fund with the $1.6 billion Dinkum Sands escrow account. It would use just the interest from the account as follows: 40 percent to fund capital improvement projects at our national parks; 40 percent to fund State-side LWCF matching grants; and 20 percent to fund arctic research.

With respect to the portion that would go to the state-side LWCF matching grant program, for over 30 years those grants have helped preserve open spaces. They have built thousands of picnic areas, trails, parks and other recreation facilities.

I urge my colleagues to look at the merits. This is one chance in a lifetime where we have found the funding, $1.6 billion. We can put this money in an area which has worked so successfully and address the legacy that we have to maintain our national, state and local parks.

At a June 11 hearing, witnesses from across the country testified in support of the Land and Water Conservation Fund. It has helped fund over 8,500 acquisitions on 2.3 million acres and built 28,000 recreation facilities in all of the 50 States. Federal Land and Water Conservation Fund grants are matched dollar for dollar by State and local communities so Americans can get two for the price of one. My amendment presents an opportunity to expand on that possibility.

The state-side of the Land and Water Conservation Fund Act makes it possible to have a national system of

parks, as opposed to just a National Park System. So one would ask, why did Congress and the administration defund this successful program 2 years ago? Well, that is a good question, Mr. President. They defunded it because they had other priorities.

This is an opportunity to address one of America's highest priorities, and that is our national system of parks. Working with the coalition including Americans for Our Heritage and Recreation, the National Conference of Mayors, the National Recreation and Parks Association and various endowment groups, we were successful in building support for the Land and Water Conservation State grant program.

Senator GORTON, I think, heard the message. He put funding for the stateside LWCF matching grant program in the Interior appropriations bill, for which we are most appreciative. I think his wise action ensures the short-term viability of the stateside matching grant program.

Our next step, of course, is to find a long-term program for the State matching grant, and our amendment, like my initial effort, certainly does that. That is why I support the initial amendment by the Senator from Arizona and the senior Senator from Alaska, Senator STEVENS. But as chairman of the Energy and Natural Resources Committee, the committee with jurisdiction over national parks, I recognize the reality of what we are doing here. We are moving without the authorization of the respective committees, and I am certainly sensitive to that. But this is a rare and extraordinary opportunity to address the disposition of funds that come in, and as a consequence I think can best be used in the manner proposed in my amendment.

I might say further that I am happy that a portion of the interest will fund this backlog of capital projects in our parks. We have held committee oversight hearings on March 13 and March 20 to tackle the challenge of park maintenance, and I am glad to see Senator THOMAS, who chaired this meeting, is joining me in this second-degree amendment.

I think it is important to recognize further, Mr. President, as we address this rare opportunity, that we have had in the Energy Committee extensive hearings on this matter. This is a chance where America can take better care of her parks, and it is our duty to restore their brilliance, their luster. We face an $8.6 billion backlog of unfunded Park Service operations and programs in this country —$8.6 billion. We are not appropriating the funds. The interest earned by this account may not be enough, and until the National Park Service has a system for settling priorities for capital improvements and infrastructure repair, Congress is going to have to keep a close eye on how the money is spent. But we have the money and we are directing that it not go for administration purposes of the Park Service.

The land and water conservation fund is authorized through the year 2015 at $900 million a year. However, far less than that authorized amount is appropriated each year, and we now have an opportunity to fix the system.

Using the proceeds of this account for these purposes makes sense. It is consistent with the vision of the Land and Water Conservation Act and the promises made three decades ago. These promises were, I remind my colleagues, that oil receipts, offshore oil receipts, will primarily fund the land and water conservation fund for public recreation and conservation in this country.

Well, it is fine to put it in, and obviously the industry is out there and they are initiating a cash flowback, but it is not going where it was intended simply because there are other priorities. And I am not here to delve into the priorities.

Mr. President, if the underlying amendment were made law, the interest on the account which could be spent on the stateside Land and Water Conservation fund grant program would only be somewhere between $16 million and $24 million—not much to be divided between the 50 States, territories and Indian tribes. If the need in our country for recreation is overwhelming, the very health of our Nation requires our attention, and the States are in the best position to address that shortfall.

I would like to point out, if the amendment that I have proposed is accepted, this amount we were looking at from the yield off the principal, not the expenditure, would total some $32 million to $48 million for the stateside LWCF matching grant program each year—a considerably increased sum and obviously more meaningful to the States and territories as well.

The needs in our country for recreation are overwhelming. The very health of our Nation and our natural human resources depend on programs such as this, particularly in the innercity areas. Again, every dollar we provide to the stateside of the land and water conservation program doubles the impact as far as this matter is concerned.

Finally, we have an opportunity to take a step to improve the System and reap benefits for our children and their children.

Finally, the question is, do you want to do just a little or do you want to have a major impact—a major impact—on preserving open spaces, refurbish and build picnic areas, trails, parks and other recreation facilities. You have the opportunity.

Mr. President, I ask the remainder of my statement be printed in the RECORD at this time.

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

Mr. MURKOWSKI. Let me turn to the issue of Arctic and North Pacific fisheries research—a critical issue I have worked on from my first day in the Senate:

My first speech on the floor of the Senate involved the importance of Arctic research, particularly as it related to fisheries.

My first major legislative initiative was the Arctic Research and Policy Act, signed into law by President Reagan.

The Arctic Research Commission, created by this Act, had as its first recommendation the need to develop a fuller understanding of Arctic Ocean, Bering Sea, and the ecosystems they sustain.

This amendment include our effort to fulfill the commission's recommendations. I am pleased to see the commission play an important role on the board created by this amendment.

I particularly like the approach of using proceeds from Arctic OCS revenues invested in scientific research to better understand the Arctic ecosystem:

Arctic wealth provided these revenues, so it is only fair to return a portion to help protect the Arctic itself.

The wealth of North America is in the Arctic. Not simply energy and mineral wealth—but also a wealth of renewable resources, a wealth of scenic beauty, a wealth of diverse living ecosystems, and a wealth of recreational opportunities.

Our scientific investment in this part of the world is inadequate, particularly when we compare it with what we spend for scientific research in the Antarctic, where we do not have people or resources.

Today we take another step in addressing this inequity. It isn't the first step, nor will it be the last.

I urge my colleagues to support this amendment. The mayors of every city in the Nation want it, the Governors of every State in the Nation know the good that can be accomplished.

I think the Chair.

I commend the amendment to the Senate, and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this amendment is not acceptable. We had worked all day with the senior Senator from Alaska and the Senator from Arizona on a proposal that I had not previously seen that really ought to be authorized, even in its original form, and about which I have some concerns, the composition of the research board, the involvement of the Department of the Interior, the way in which money is allocated, the kind of scoring problems that we will have which will create problems with the Budget Committee.

But it seemed to me that the compromise that we had reached on it among several of us was clearly worth going forward with.

This second-degree amendment involves now $1.6 billion, at 8 o'clock at night, when we were attempting to finish a bill on which it does not belong because it needs to be authorized, and it has not been cleared on the other side. We made no attempt to clear it on the other side. I did not know it was coming. Other Senators, including the majority leader, feel as I do. I move to table the second-degree amendment of the Senator from Alaska.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1234

(Purpose: To make $4,000,000 of funds appropriated to the Forest Service for emergency construction in fiscal year 1996, available for reconstruction of the Oakridge Ranger Station which was destroyed by arson)

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. SMITH of Oregon, for himself and Mr. WYDEN, proposes an amendment numbered 1234.

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

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

The amendment is as follows:

On page 127, at the end of title III add the following general provision:

SEC. 3 . Of the funds appropriated and designated an emergency requirement in title II, chapter 5 of Public Law 104–134, under the heading "Forest Service, Construction," $4,000,000 shall be available for the reconstruction of the Oakridge Ranger Station, on the Willamette National Forest in Oregon; *Provided*, That the amount shall be available only to the extent an official request, that includes designation of the amount as an emergency requirement as defined by the Balanced Budget and Emergency Control Act of 1985, as amended, is transmitted by the President to Congress; *Provided further*, That reconstruction of the facility is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. GORTON. Mr. President, this is an amendment on behalf of the two Senators from Oregon for repair of the Oakridge Ranger Station. It has been cleared by both sides.

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

The amendment (No. 1234) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1235

(Purpose: To direct the Secretary of the Interior and the Secretary of Agriculture to submit to Congress a report on properties proposed to be acquired or exchanged with funds appropriated from the Land and Water Conservation Fund.)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, proposes an amendment numbered 1235.

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

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

The amendment is as follows:

On page 134, beginning on line 2, strike "*Provided*" and all that follows through "heading" on line 8 and insert the following: "*Provided*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading: *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange, including the costs of managing the lands to be acquired; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail: *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries".

Mr. MCCAIN. Mr. President, I offer an amendment that would require the administration to utilize certain criteria in preparing the prioritized list of land acquisitions and exchanges that would be conducted using the $700 million increase recommended in this bill for Federal land acquisitions and exchanges. This amendment places primary responsibility for determining the priority of land acquisitions in the hands of the federal land management agencies charged with preserving, protecting, and managing our nation's natural resources. At the same time, the amendment preserves the prerogative of Congress to approve or disapprove the Administration's recommendations prior to making any of these additional funds available.

The amendment establishes seven specific criteria to be used by the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management in assessing proposed acquisitions and exchanges:

(1) the natural resources located on the land,

(2) the degree to which those natural resources are threatened,

(3) the length of time required for acquisition of the land,

(4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,

(5) the extent of public and local government support for the acquisition,

(6) the amount of Federal lands already in the region, and

(7) the total estimated costs of the acquisition.

In addition, the amendment permits the Secretaries of Interior and Agriculture to consider additional matters in their assessments, but they must explain to Congress in a report what those additional considerations were and how they were weighted in the prioritization of land proposals.

Over the years, Congress has wisely taken steps to preserve our natural heritage. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas, and other conservation efforts.

While this Nation has no shortage of beautiful country to be preserved and protected, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a multi-billion dollar backlog in land acquisitions at both the Department of Interior and the Department of Agriculture. Because of this enormous backlog, I support the recommendation

in this bill to make available an additional $700 million for the land acquisitions and exchanges, consistent with the budget agreement.

What this amendment would require the administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the Administration's proposal.

The amendment includes a requirement for the agencies to consider the extent of local support for an acquisition proposal, as well as the amount of land in the area already owned by the Federal government. Preservation of our natural resources is a high priority, but it must be balanced with an awareness of the economic needs of local communities and their ability to plan for future growth and development. These two criteria will ensure that a community will not be harmed unnecessarily by the removal of preservation lands from its tax base or by undue restrictions on development and economic growth.

I understand the concerns expressed by the Committee in the report language about the costs of managing and maintaining current Federally owned lands, and I believe the agencies should focus on acquisition and exchange proposals that would consolidate federal land holdings and eliminate inholdings to lessen these costs. However, I think it would be a mistake to fail to consider funding new acquisitions and exchanges that would protect and preserve resources that might otherwise be lost to development in the near future.

Mr. President, I am very concerned that the committee has earmarked $315 million of the additional funding for two specific projects—the Headwaters Forest and New World Mines acquisitions. I am not seeking to strike those earmarks in this amendment, although I understand an amendment may be offered to do so, which I would support. Unfortunately, these earmarks make clear the need for established criteria for prioritizing the many pending acquisition requests at our land management agencies. My amendment would ensure that all funds which are available for pending land acquisitions and exchanges are used prudently and for the highest priority projects identified by Federal land management agencies.

Let me stress that I understand the right of Congress to review and revise the President's budget request, as we see fit. My amendment is simply intended to help us make those decisions by requiring input from the Federal land management agencies on the expenditure of the $700 million we are adding to this appropriations bill for land acquisitions and exchanges. Congress will still have the last word.

Mr. GORTON. Mr. President, this amendment requires the administration to submit to Congress a priority list for lands to be acquired with moneys appropriated in title V. Congress will make the ultimate determination.

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

The amendment (No. 1235) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1236

(Purpose: To settle certain Miccosukee Indian land takings claims within the State of Florida)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MACK, for himself and Mr. GRAHAM, proposes an amendment numbered 1236.

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

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

The amendment is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—MICCOSUKEE SETTLEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "Miccosukee Settlement Act of 1997".

SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that:

(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.

(2) The pendency of the lawsuit referred to in paragraph (1) clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations.

(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.

(4) The agreement referred to in paragraph (3) requires the consent of Congress in connection with contemplated land transfers.

(5) The Settlement Agreement is in the interest of the Miccosukee Tribe, as the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits.

(6) Land received by the United States pursuant to the Settlement Agreement is in consideration of Miccosukee Indian Reservation lands lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the Settlement Agreement.

(7) The United States lands referred to in paragraph (6) will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.

(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 703. DEFINITIONS.

In this title:

(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term "Board of Trustees of the Internal Improvements Trust Fund" means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.

(2) FLORIDA DEPARTMENT OF TRANSPORTATION.—The term "Florida Department of Transportation" means the executive branch department and agency of the State of Florida that—

(A) is responsible for the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes; and

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) LAWSUIT.—The term "lawsuit" means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation. et. al., docket No. 91-285-Civ-Paine.

(4) MICCOSUKEE LANDS.—The term "Miccosukee lands" means lands that are—

(A) held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands; and

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

(5) MICCOSUKEE TRIBE; TRIBE.—The terms "Miccosukee Tribe" and "Tribe" mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476) and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT; AGREEMENT.—The terms "Settlement Agreement" and "Agreement" mean the assemblage of documents entitled "Settlement Agreement" (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

(ii) after being signed, as described in clause (i), was concurred in by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida.

(8) STATE OF FLORIDA.—The term "State of Florida" means—

(A) all agencies or departments of the State of Florida, including the Florida Department of Transportation and the Board of Trustees of the Internal Improvements Trust Fund; and

(B) the State of Florida as governmental entity.

SEC. 704. AUTHORITY OF SECRETARY.

As Trustee of the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

(2) upon finding that the Settlement Agreement is legally sufficient and that the State of Florida has the necessary authority to fulfill the Agreement—

(A) sign the Settlement Agreement on behalf of the United States; and

(B) ensure that an individual other than the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

(3) upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department of Transportation as provided in the Settlement Agreement have been or will be met so that the Agreement has been or will be fulfilled, but for the execution of that land transfer and related land transfers—

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 705. MICCOSUKEE INDIAN RESERVATION LANDS.

The lands transferred and held in trust for the Miccosukee Tribe under section 704(4) shall be Miccosukee Indian Reservation lands.

Mr. GORTON. Mr. President, the amendment is sponsored jointly by the two Senators from Florida, Senators MACK and GRAHAM.

Mr. INOUYE. Mr. President, as vice chairman of the authorizing committee of jurisdiction, I call upon my colleague from Florida to allow this settlement to have the benefit of a hearing in the committee.

In the absence of a hearing in the Senate, there will be absolutely no legislative history associated with the action that the Senate would be taking in approving this settlement.

I know of no other Indian settlement that has been ratified without full consideration in the authorizing committees.

As you well know, the Congress is vested with plenary authority in the field of Indian affairs.

We have always taken our responsibilities in this area very seriously—and I believe that it is incumbent upon us to have the benefit of a record upon which we can base a ratification of this settlement agreement.

If the hearing schedule that the chairman of the Committee on Indian Affairs has established is full, I would be pleased to chair a hearing on this settlement in the very near future, and you can be assured of my personal commitment that committee action on the settlement will be expedited.

With these commitments in mind, I ask the Senator from Florida to withdraw his amendment and allow the authorizing committee to do its work.

Mr. GORTON. The Miccosukee Settlement Act of 1997 brings closure to disputes between the Miccosukee Tribe of Indians of Florida and the Florida Department of Transportation in connection with the construction of Interstate 75. It has been cleared on all sides.

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

The amendment (No. 1236) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1237

(Purpose: To provide support for the Office of Navajo Uranium Workers to establish a diagnostic program for uranium miners and mill workers)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators BINGAMAN and DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 1237.

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

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

The amendment is as follows:

On page 86, line 11, insert before the period, ": *Provided further*, That an amount not to exceed $200,000 shall be available to fund the Office of Navajo Uranium Workers for health screening and epidemiologic followup of uranium miners and mill workers, to be derived from funds otherwise available for administrative and travel expenses".

Mr. GORTON. This amendment has to be with providing screening to certain Navajo Indians for certain, I believe, uranium-related diseases.

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

The amendment (No. 1237) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1238

(Purpose: To provide funding for the U-505 National Historic Landmark by reprogramming funds previously made available for the Jefferson National Expansion Memorial)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 1238.

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

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

The amendment is as follows:

On page 17, between lines 22 and 23, insert the following:

(Reprogramming)

Of unobligated amounts previously made available for the Jefferson National Expansion Memorial, $838,000 shall be made available for the U-505 National Historic Landmark.

Mr. GORTON. Mr. President, this transfers money from one Illinois project to another for the restoration of a World War II submarine.

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

The amendment (No. 1238) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Mr. HATCH. Mr. President, I rise today to praise my good friend Senator

SLADE GORTON for his efforts in putting together this important legislation. It is particularly important to my state, where over 70 percent of our land is owned or managed by the Federal government.

My colleagues will recall that one year ago, President Clinton stood on the edge of the Grand Canyon in Arizona and designated 1.7 million acres of Utah as the Grand Staircase-Escalante National Monument. Since that time, we have been discussing the future of this monument and what the short and long term impacts will be to my state and the surrounding communities. There are many questions and concerns that remain to be addressed. But, I am confident that during the next two years, the Bureau of Land Management will develop a management plan which properly and effectively addresses these matters. For this reason, I am pleased that H.R. 2107, the Interior Appropriations bill, includes $6.4 million for the planning, management, and operation of the new monument.

Mr. President, regardless of where public opinion eventually comes down on this new monument and the controversial way in which it was created, we should not forget the important lessons we have learned from the experience. When citizens are deliberately excluded from government deliberations that so directly impact their homes, communities, schools, and families, damage is done to the very institution of democracy. This is what happened prior to last September 18. Unfortunately, the message received by the people of Southern Utah last year was that the federal government knows best and has the right to impose its narrow vision without regard to those most affected.

I am confident that we can go forward from here and begin the process of rebuilding the trust we lost one year ago. A vital part of this rebuilding process is the inclusion of those parties directly affected from the monument's designation in the development of the monument's management plan. The Committee Report accompanying H.R. 2107 directs the BLM to continue its cooperative efforts with state and local governments and the citizens of Utah in the plan's development. While the Report gives specific and practical direction to the BLM, the language also provides the agency with the flexibility its needs to address the unknowns that will invariably arise in the early stages of this sweeping process to develop a management plan.

I would like to state for the record that I am pleased with the progress made so far by the BLM in working with the local communities. I am particularly glad to see that collaborative efforts have been formed between the federal agencies and the local communities involved, specifically Kane and Garfield counties, where the monument is located. The cooperative agreements that we renegotiated earlier this year are a good start. They provide for continued local participation in the development of the monument's management plan as well as in the actual delivery of visitor services.

Mr. President, we have learned in the West that the best manner to implement successful land policies is to involve the communities that are directly affected by them. Wherever possible, we should proceed in the spirit of a partnership between the affected local governments and the national government. This is especially true with the Grand Staircase-Escalante National Monument, where many of the local citizens have their entire lives invested in this region. They want to see the Monument developed; they want to see it succeed. They deserve a seat at the planning table, and I am pleased the BLM is sensitive to this issue. In the end, the residents of the area will be providing the necessary services to visitors.

In closing, I would like to commend the Chairman of the Subcommittee, Senator GORTON, and especially my colleague, Senator BENNETT, for their diligent efforts on the Appropriations Committee to ensure that the necessary funding and direction will be there to help make the monument a success for all involved.

I yield the floor.

COAL IN THE KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, I would like to discuss a matter related to the pending legislation in that it concerns a study commissioned by the Bureau of Land Management.

As my colleagues know, last September, President Clinton invoked the authority granted under the Antiquities Act of 1906 to create the Grand Staircase-Escalante National Monument in southern Utah. The total acreage contained within the new monument is 1.7 million acres, or approximately an area the size of the states of Connecticut, Delaware, and Rhode Island combined. This action, undertaken behind closed doors and without any input from the public, including the Utah congressional delegation or Utah's governor, has caused considerable upheaval throughout my state. I say this not because we are opposed to the designation of national monuments, but because of the process utilized to designate the monument and because of the short and long term impacts to the local communities and their economies which, unfortunately, are currently unknown.

Those of us in Congress are working with the State of Utah and the Clinton Administration to develop a management plan for the monument that meets the needs of the managing agent—the Bureau of Land Management (BLM)—the state, and the surrounding communities. I am grateful that the report accompanying this year's Interior appropriations bill includes language to address these needs, and I wish to publicly thank Senator GORTON for his efforts.

At the same time, I am concerned about the atmosphere existing in my state as it relates to the new monument. The manner in which the monument has been designated has created a high level of mistrust among certain parties. Unfortunately, there is considerable disinformation circulating throughout the affected areas that compounds this problem and fans the fire of antifederal sentiment. To be honest, I can hardly blame them. A major torpedo was launched directly at these rural communities. If such an abuse of federal executive power ever occurs again, it will be too soon.

Yet, while the citizens of my state remain angry and disillusioned regarding this entire episode, they understand it is fait accompli. As I anticipate the planning for the future of this new monument, including the preservation of Utah's existing rights as promised last year by the President and the equitable exchange of state trust lands captured within the monument's boundaries, it is critical that an environment of trust be created among all parties involved in this process. That environment must be established first by ensuring that the basis for decision-making is accurate and comprehensive.

Earlier this year, the BLM released a study prepared by BXG, Inc., a private contractor, entitled "Kaiparowits Plateau—Coal Supply and Demand." This study discussed the marketability of the coal reserves of the Kaiparowits Plateau, which are located entirely within the Grand Staircase-Escalante Monument, and which are technically unreachable because of the monument's existence. Personally, I believe it is an abuse of the Antiquities Act to designate a monument simply to prevent a coal mine from being developed, but that is what has happened in this case and one of the primary reasons why the President signed this order acted in the fashion he did almost one year ago. Several pending lawsuits will determine if, indeed, this has been an unwarranted extension of the Antiquity Act's authority.

In the meantime, the BXG study concludes that the Kaiparowits coal is of poorer quality and higher cost than current reserves located in the Wasatch Plateau and the Book Cliffs. As a result, they conclude that Kaiparowits coal will have little or no demand until at least the year 2020. These conclusions by BXG, and as far as I know, supported by the BLM, are erroneous and cannot go unchallenged.

The Director of the Utah Geological Survey recently analyzed this study and found that BXG used numerous invalid assumptions as it prepared its study.

For example, estimates of recoverable coal reserves in the Kaiparowits Plateau were based on recovery amounts in the Appalachian coalfield, a region with vastly different geology and history of operation. Kaiparowits coal recovery would be at least twice that of the Appalachian region.

Also, the study assumes an average coal quality for Kaiparowits coal instead of the quality of the coal that would actually be mined. The quality of coal produced from Kaiparowits would be comparable to compliance coal currently mined in central Utah.

And, the productivity for a Kaiparowits mine was based on the average productivity rate for all western long wall mines during 1990–95. Historically, Utah underground mines are the most productive mines in the U.S., and the nature of the Kaiparowits deposits would likely make the new mines more productive than any others in the region.

Finally, the thick flat nature of Kaiparowits coal seams and their shallow overburden would lower costs for development, not increase them, as assumed by BXG.

There are other deficiencies in the BXG study that have been identified which I will refrain from mentioning here.

In sum, energy experts for the State of Utah using assumptions that are more appropriate for the resource characteristics and market conditions of the Kaiparowits Plateau coal fields have demonstrated that coal mined from the Kaiparowits Plateau is of sufficient quantity and quality, and would likely have production costs that would make it an economically viable source of future supply for many utility and industrial markets in the West. What we have here may be a disagreement of what the facts mean among experts.

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

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

AMENDMENT NO. 1239

(Purpose: To ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico)

Mr. GORTON. Mr. President, I ask unanimous consent that any pending amendment be set aside and that I be able to present an amendment on behalf of Senators DOMENICI and KYL to ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico. And I assure Members that the other Senators from the States agree and the amendment has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DOMENICI, for himself and Mr. KYL, proposes an amendment numbered 1239.

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

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

The amendment is as follows:

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

SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104–19).

Mr. DOMENICI. Mr. President, the purpose of the amendment is to ensure that the Forest Service can implement changes to the grazing program in the Southwest region in an orderly fashion.

Currently the Southwest Region of the Forest Service is working to implement amendments it has made to the land use plans on all of its 11 National Forests.

These amendments were made in response to litigation over threatened and endangered species habitat, and were adopted in June, 1996.

Since the amendments were adopted, the Forest Service has been taken back to court, because some groups believed that the they were not acting fast enough to implement the plans.

The Forest Service is now under a court order to maintain the status quo.

This has allowed them to continue working toward compliance with the forest plan amendments while the Appeals Court decides the case.

Since late July, when the injunction was issued, the Forest Service has completed a review of over 1,300 grazing allotments in the two States.

The review indicates that more than half do not fully comply, and over 250 have been determined to be of a high priority.

Under the Forest Service's stated plan of action, they will study and determine the best way to bring these allotments into compliance with the forest plans in priority order.

Once this is determined, the Forest Service will begin implementing changes that are needed at the beginning of the next grazing season in March.

The plaintiffs in this case, however, have long been opposed to livestock grazing on public lands.

This amendment does not preclude the Forest Service from taking appropriate and timely action to protect the threatened and endangered species.

It simply provides time for the agency to implement changes in a thoughtful and orderly manner, without the pressure from further litigation.

This time will allow the Forest Service to work with those who to date have been completely left out of this process.

These are the same people who are most likely to be adversely affected by implementation of the amendments.

I hope the Senate will support this amendment.

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

The amendment (No. 1239) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LAUTENBERG. I would like to put in a unanimous-consent request to yield the hour of time that I have to Senator KENNEDY on the cloture vote on S. 830.

Mr. GORTON. Reserving the right to object, I did not hear the request of the Senator.

Mr. LAUTENBERG. I have an hour reserved on the cloture motion on S. 830.

Mr. GORTON. No objection.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be able to yield that hour to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

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

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

Mr. REID. Mr. President, when the Senate turns to S. 830, I yield my 1 hour to the minority leader under the cloture rule.

The PRESIDING OFFICER. The Senator has that right.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1240

(Purpose: To make a technical correction to title 31 of the United States Code relating to payments for entitlement land)

Mr. GORTON. Mr. President, I send an amendment to the desk making a technical correction to title 31 of the United States Code relating to payments for entitlement land on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. STEVENS, proposes an amendment numbered 1240.

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

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

The amendment is as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.—Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting "(other than in Alaska)" after "city" the first place such term appears.

Mr. STEVENS. Mr. President, the Department of the Interior has interpreted a provision I sponsored in the 1996 lands bill. This interpretation reduces moneys intended to go to Alaska's unorganized borough as a payment in lieu of taxes [PILT] by over $950,000. I offer an amendment to the Interior appropriations bill to correct this.

After many years of working on this issue, the Congress last year enacted my proposal to qualify the unorganized borough in the State of Alaska for PILT. This provision of law—section 1033 of Public Law 104-333—made clear that any area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decenniel census, and which did not qualify for PILT under the existing clause, would qualify for a PILT. The only entity in Alaska that would qualify under this provision is Alaska's unorganized borough. The Department—through the Solicitor—has correctly interpreted that the unorganized borough qualifies, but has incorrectly calculated the amount the unorganized borough should receive under the 1996 amendment.

PILT payments are generally calculated based on population and land acreage. The 1996 amendment specified that the unorganized borough's entire population and entire acreage would be used in the calculation. The Secretary has not counted the entire population in the unorganized borough in calculating the borough's PILT allocation. Specifically, the Department has not counted the population of certain cities which have federal lands within the unorganized borough.

According to the Regional Solicitor's May 30, 1997, opinion, if the population of each city within the unorganized borough were counted as intended by the 1996 provision, the State would be entitled to $3,362,339. If in Alaska the cities within the unorganized borough are calculated separately, according to the opinion, the payments to the cities would be $78,557 and the payment for the unorganized borough would be $2,333,764. These two payments total $2,412,321, $950,018 less than the $3,362,339 the unorganized borough should be receiving.

The amendment today would clarify that the population of the cities within the unorganized borough in Alaska should be counted in calculating the PILT allocation for the unorganized borough, and not separately, as intended by the provision in the 1996 lands bill.

Mr. GORTON. Mr. President, this does make a correction in connection with bill payments to Alaska which I believe is appropriate and I believe has been cleared.

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

The amendment (No. 1240) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1241

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of myself and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD, proposes an amendment numbered 1241.

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

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

The amendment is as follows:

On page 11, line 11, strike "$43,053,000" and insert "$42,053,000".

On page 15, line 25, strike "$1,249,409,000" and insert "$1,250,429,000".

On page 17, line 8, strike "$167,894,000" and insert "$173,444,000".

On page 17, line 18, strike "$1,000,000" and insert "$5,000,000".

On page 18, line 7, strike "$125,690,000" and insert "$126,690,000".

On page 28, line 22, strike "$1,527,024,000" and insert "$1,529,024,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,341,045,000".

On page 65, line 18, strike "$160,269,000" and insert "$154,869,000".

On page 79, line 20, strike "$627,357,000" and insert "$629,357,000".

Mr. GORTON. Mr. President, this is a managers amendment that shifts money between a number of accounts in order to address a number of outstanding issues relating to this bill. This amendment is fully offset by reductions from elsewhere in the bill so that the bill remains in compliance with its allocation. This proposal has been cleared with Senator BYRD and I urge its adoption.

Mr. BYRD. Mr. President, I am in agreement with the Chairman's remarks, and appreciate his cooperation in developing this amendment. I believe this will help move us further along toward completion of this bill. I support the amendment.

Mr. GORTON. Mr. President, I ask unanimous consent that an explanation of the effect of this amendment be printed in the RECORD.

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

The effect of this amendment is as follows:

—$200,000 for accessibility improvements at the FitzGerald Tennis Center at Rock Creek Park;

—$1,000,000 for recreation development at Franklin Lake Dam on the Homochitto National Forest;

—$2,000,000 for tribal community colleges;

—$2,000,000 for bank stabilization at Shiloh National Military Park;

—transfers $700,000 from National Park Service construction for Gettysburg National Military Park to the operations account for Gettysburg NMP, as well as providing an additional $220,000 for Gettysburg NMP operations; the net effect of these adjustments as well as funding in the Committee reported bill through the special parks initiative is a total increase for Gettysburg NMP of $1,052,000 above the budget request;

—$2,000,000 for transportation fuel cells;

—$1,000,000 for land acquisition at Cumberland Island National Seashore;

—$100,000 for the North Country Trail;

—$4,000,000 for the Oklahoma City bombing memorial; and

—$50,000 for special resource studies to conduct a study assessing the suitability and feasibility of designating the Charleston School District, in Charleston, AR, the first public school district integrated in 1954 pursuant to the Supreme Court decision of *Brown* v. *Board of Education*, as a unit of the National Part system, to interpret and commemorate the development of the Civil Rights movement in the United States. Such study shall be prepared as a part of the study of Central High School in Little Rock, AR, identified in the Senate report (S. Rpt. 105-

56) accompanying H.R. 2107, and shall be completed within one year after the date of enactment.

The offsets for these purposes come from increases provided above the budget request. The offsets are:

—$1,000,000 from Fish and Wildlife Service Construction (emergency projects)

—$5,170,000 from National Forest System, including $4,300,000 from recreation and $870,000 from wildlife habitat management;

—$6,400,000 from Forest Service Construction.

SMITH-WYDEN AMENDMENT ON COUNTY LAW ENFORCEMENT

Mr. WYDEN. Mr. President, included in the manager's amendment is an amendment, I am pleased to cosponsor this amendment with my colleague, Senator SMITH, to provide an additional tool in the toolbox, if you will, for rural counties who have come under significant hardship in funding law enforcement activities covering National Forest lands.

Most particularly, Mr. President, a number of Oregon counties have had their sheriff's office budgets nearly busted by the need to address illegal, occasionally violent protests related to Federal timber sales and the regular management of National Forest lands in Oregon.

On nearly every timber sale protest, my office has worked very closely with the Forest Service to find help. We have literally shaken the Forest Service tree to find additional resources to help small counties deal with their heightened law enforcement needs when one of these demonstrations occurs.

While the Forest Service has been helpful, it has not prevented these rural counties from incurring, in some cases, nearly their entire year's law enforcement budget on just one protracted timber protest.

Federal receipts must be used by Oregon Counties in the proportion of 25 percent for schools and 75 percent for roads. This amendment simply allows counties to use surplus funds out of the share that is for roads, on law enforcement activities associated with the use of public roads of the county.

The Smith-Wyden amendment simply gives these counties—Douglas, Lane, Klamath, Jackson, and Josephine—a small tool to help them deal with illegal timber demonstrations that are political, and that are related to the Federal management of Federal lands. It is patently unfair that local communities must bear this burden at all, but we believe that this amendment will help.

I want to express my great appreciation to the chairman of the Interior Appropriations Subcommittee, Senator GORTON, the ranking member of the Interior Appropriations Committee, Senator BYRD, and to the ranking member of the Energy and Natural Resources Committee, Senator BUMPERS, for working with me and Senator SMITH on this provision.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the amendment has been reviewed on this side, and it is acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 1241) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1242

(Purpose: To direct the Secretary of the Interior to convey certain land to Lander County, Nevada)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1242.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CONVEYANCE OF LAND TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE.—Not later than the date that is 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to Lander County, Nevada, without consideration, all right, title, and interest of the United States, subject to all valid existing rights and to the rights of way described in subsection (b), in the property described as T. 32 N., R. 45 E., sec. 18, lots 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21, Mount Diablo Meridian.

(b) RIGHTS-OF-WAY.—The property conveyed under subsection (a) shall be subject to—

(1) the right-of-way for Interstate 80;

(2) the 33-foot wide right-of-way for access to the Indian cemetery included under Public Law 90-71 (81 Stat. 173); and

(3) the following rights-of-way granted by the Secretary of the Interior:

NEV-010937 (powerline).
NEV-066891 (powerline).
NEV-35345 (powerline).
N-7636 (powerline).
N-56088 (powerline).
N-57541 (fiber optic cable).
N-55974 (powerline).

(c) The property described in this section shall be used for public purposes and should the property be sold or used for other than public purposes, the property shall revert to the United States.

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

The amendment (No. 1242) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GORTON. I move to lay it on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1243

(Purpose: To increase funding for payments in lieu of taxes, with an offset)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators ABRAHAM, LEVIN, and HATCH, and I ask unanimous consent any pending amendment be set aside and we consider this amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. ABRAHAM, Mr. LEVIN, and Mr. HATCH, proposes an amendment numbered 1243.

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

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

The amendment is as follows:

On page 5, line 8, strike "$120,000,000" and insert "$124,000,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,342,215,000".

Mr. GORTON. Mr. President, this allows certain additional funds for payment in lieu of taxes, has benefits to counties throughout the country, and has an appropriate balance but does not affect the overall balance of the bill.

It has been cleared on both sides.

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

The amendment (No. 1243) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. REID. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. GORTON. Mr. President, I hope we are close to the end. We have not yet quite settled the second-degree amendment by Senator MURKOWSKI or the first-degree amendment by Senators STEVENS and MCCAIN. I don't think there are any significant number of other amendments that have not yet been dealt with.

We do have a large number of colloquies, but I will wait to enter them until after a vote on final passage. We will try to work out the rest of it.

I notice the Senator from Alaska on the floor, and I yield the floor.

Mr. MURKOWSKI. I have not heard back on the Presidio. There was a technical amendment pending on the Presidio. I am not aware whether or not that has been agreed to.

Mr. GORTON. There is some confusion here about the location of the amendment. We are looking for it.

Mr. MURKOWSKI. And one more on stampede.

Mr. MURKOWSKI. I believe it has been submitted for clearance. Would the Senator care to suggest the absence of a quorum?

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

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

AMENDMENT NO. 1244

(Purpose: to direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BRYAN, for himself and Mr. REID, proposes an amendment numbered 1244.

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

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

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . Conveyance of Certain Bureau of Land Management Lands in Clark County, Nevada—

(a) FINDINGS.—Congress finds that—

(1) certain landowners who own property adjacent to land managed by the Bureau of Land Management in the North Decatur Boulevard area of Las Vegas, Nevada, bordering on North Las Vegas, have been adversely affected by certain erroneous private land surveys that the landowners believed were accurate;

(2) the landowners have occupied or improved their property in good faith reliance on the erroneous surveys of the properties;

(3) the landowners believed that their entitlement to occupancy was finally adjudicated by a Judgment and Decree entered by the Eighth Judicial District Court of Nevada on October 26, 1989;

(4) errors in the private surveys were discovered in connection with a dependent resurvey and section subdivision conducted by the Bureau of Land Management in 1990, which established accurate boundaries between certain Federally owned properties and private properties; and

(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, at fair market value, the properties described in section 2(b) to the adversely affected landowners.

(b) CONVEYANCE OF PROPERTIES.

(1) PURCHASE OFFERS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the "Secretary"), a written offer to purchase the properties.

(B) INFORMATION TO ACCOMPANY OFFER.—An offer under subparagraph (A) shall be accompanied by—

(i) a description of each property offered to be purchased;

(ii) information relating to the claim of ownership of the property based on an erroneous land survey; and

(iii) such other information as the Secretary may require.

(2) DESCRIPTION OF PROPERTIES.—The properties described in this paragraph, containing 68.60 acres, more or less, are—

(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R 61 E., Mount Diablo Meridian;

(B) Government lots 20, 21, and 24 in sec. 19, T. 19 S., R. 61 E., Mount Diablo Meridian; and

(C) Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian.

(3) CONVEYANCE.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the Secretary shall convey to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.

(B) CONDITION.—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).

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

The amendment (No. 1244) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1245.

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

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

The amendment is as follows:

"SEC. . Notwithstanding any other provision of law, in payment for facilities, equipment, and interests destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park, (1) the Secretary of the Interior, within existing funds designated by this Act for expenditure for Departmental Management, shall by September 15, 1998: (A) provide funds subject to an appraisal in accordance with standard appraisal methods, not to exceed $500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, (B) shall remove mining equipment at the Stampede Mine Site identified by the School of Mineral Engineering to a site specified by the School of Mineral Engineering; and, (2) the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating condition, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering. Upon transfer of the funds, mining equipment, and the completion of all work designated by this section, the University of Alaska Fairbanks, School of Mineral Engineering shall convey all remaining rights and interests in the Stampede Mine Site to the Secretary of the Interior."

Mr. MURKOWSKI. Mr. President, I believe this is the Stampede Creek Mine amendment. I am not sure of the status of the issue, other than I believe the minority has agreed to it and it has been discussed. There was a question by the occupant of the chair and by the Senator from Arizona.

In 1987, the Federal Government, through the Park Service, blew up the University of Alaska's mine. This was a mine that was a working model. It was in Denali National Park. It had been donated to the University of Alaska School of Mines by a man by the name of Earl Pilgrim who, in 1942, purchased the claim and continued to operate the mine—it was an antimony mine—until 1972. At one time, the mine was the second-largest producer of antimony in the United States. It was located in an isolated section of the park preserve. The Stampede Mine was found to be eligible for listing in the National Register of Historic Places on June 20, 1989.

Today, the mine site contains—excuse me, did contain several historic workable structures. The site is rich in equipment, machinery, tools, and the myriad objects that make up the stuff of a mining camp. Many of these items are unique to the Pilgrim's operation and reflect on his own inventiveness and mechanical skills.

In 1979, Stampede Mines, LTD, entered into negotiations with the National Park Service and the University of Alaska. As a result of those negotiations, the mining company made a donation to the National Park Service of the surface rights including road access from the airstrip, the historic buildings, water rights, and stream banks.

It was believed at the time that the National Park Service possessed the wherewithal to better maintain and protect the valuable historic structures. Unfortunately, in 1987, history would record that there was very little merit to this line of thinking.

At the same time, the University of Alaska Fairbanks' School of Mineral Engineering was donated all the mining rights, mining equipment, and fixtures, with mineral development restrictions for the education of students.

Mr. President, the mineral development restrictions included provisions which allowed for only educational use of the mineral estate. No commercial mining would be allowed, only small-scale educational mining, and even though the buildings, roads, trails, and airstrips were owned by the Park Service, the university is responsible for maintaining them.

The School of Mineral Engineering was most pleased with the arrangement and looked forward to providing their mining students a unique opportunity to learn firsthand about earlier-to present-day mining operations and equipment by having the mining mill to actually operate for the students. Given the chance, they would like the opportunity to conduct such an education program in the future.

The educational program is consistent with the intent of the university's receipt of the property. The School of Mineral Engineering has developed a meaningful program that provides for initiating activities associated with instruction-investigation about environmentally sound mineral exploration and mining techniques in a sensitive natural environment, as well as studying the geology, biology, and ecology of the area, and studying the historical aspects of the mine.

The program has already helped the mineral industry develop methods to explore for and develop minerals on lands located in sensitive areas throughout Alaska, even on land controlled by the Department of the Interior.

Mr. President, it was to be an absolute win for the National Park Service and a win in the field of education for the university. No one in their worst nightmares, would have believed that the National Park Service could blow this opportunity.

During 1986-87 National Park Service personnel conducted field inspections of old mining sites located on their lands for the purposes of identifying potentially contaminated sites and hazardous conditions.

Toward the end of July 1986, the Stampede Creek site was examined. The inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking any action, the inspectors recommended that the ownership issue be resolved.

In other words, Mr. President, someone actually considered private property. The matter was treated as serious, but not an emergency or life-threatening. Nothing further occurred for 8 months.

Subsequently, National Park Service personnel and members of the U.S. Army's explosive ordnance detonation team arrived, unannounced, at the Stampede Mine site and on April 30, 1987, changed the configuration of the mine site and its historic structures.

Mr. President, they moved 4,000 pounds of ammonium nitrate—private property of the University—and placed it on top of the still frozen Stampede Creek. Ammonium nitrate may sound dangerous but in its packaged state it is nothing more than common fertilizer.

They piled 4,000 pounds of fertilizer on top of the creek and added several half gallon bottles of acid—more private property which they retrieved from the assay lab. Finally they added 45 pounds of high explosives—set the charge and left the area.

Mr. President, let me refer to the pictures on my right which show the Stampede Mine prior to this episode of the Park Service and the U.S. Army ordinance detonation team.

This is the Stampede Creek. This is the mill and the mine. The mine is back here in the hills. This is where the concentrates are recovered, and so forth. The pictures show the facilities before the explosion occurred.

I am going to show you the next chart which shows you what happened when the Park Service finished their work. This is what the mine and the mill looked like. As you can see, it is totally devastated by the blast.

When the smoke cleared and all the debris fell back to the earth, they found that the explosion left a crater in the creek 28 feet wide and 8 feet deep. They also noticed a substantial change in the mining site, which is depicted by this photograph.

Let me show you again the creek which indicates the significance of what this crater did to this stream bed. You can imagine a hole 28 feet wide and 8 feet deep. And this creek flows down into the watershed that flows into the Tanana River which flows into the Yukon River, obviously polluting and killing fish along the way.

The Park Service did it, Mr. President.

In addition to the mine entrance and mill, damage occurred to other buildings, trees, landscape, and stream bed. The bombing also blew up a 5,000 ton tailings pile which by using USGS records for the current price of metals would be worth approximately $600,000 in place. Unfortunately the heavy metals of the tailings pile were last seen moving from the site and being scattered throughout the environment by the force of the blast.

One of the most telling reports concerning this debacle is from the U.S. Army incident report No. 176-23-87 which stated that the NPS personnel were aware that detonation would result in damage to the surrounding buildings and according to Sergeant Seutter "at no time was it relayed to me that damage was unacceptable.

Mr. President, violations of the law are clear. There are violations of the Clean Water Act, the Historic Preservation Act, section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

Further, since the explosion, approximately $2 million worth of mining equipment, some historic, has been damaged or destroyed due to exposure to inclement weather and the normal Alaska freeze and thaw cycles.

What I find equally outrageous is the fact that no one from the National Park Service has, until most recently, said "I am sorry".

To be fair, during the course of the last 2 years the NPS has been working with the university in an attempt to allow the university to continue its educational program. Unfortunately, the site in its reconformed condition lacks the historic integrity and lure that it once possessed.

The university has located another historic mine site outside of the national park boundaries that can meet the needs and requirements of the university, its curriculum, and its students.

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. If we were to pass legislation, or use the court system, to right the wrong that has been accomplished, the cost would be in the hundreds of millions of dollars. Some of the historic mining equipment loss due to the explosion and subsequent neglect is cost-prohibitive to replace.

My amendment would direct the Secretary: subject to an appraisal—and I emphasize "appraisal"—to provide up to $500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, remove certain salvageable historic mining equipment to a location that will be convenient for the university to pick it up and move it to a mine site outside of the park boundary.

One would question, "Well, what is the justification for this action?" There is none. The Federal Government blew up private property, and the

Federal Government should be held responsible and make restitution.

My amendment would require the U.S. Army: to provide two six by six vehicles to the School of Mineral Engineering; and, to construct a bridge across the Bull River at the Golden Mine site to allow unimpeded ingress and egress for the activities conducted by the school.

My amendment will ensure that all remaining rights and interests in the Stampede Mine site held by the university would be conveyed to the National Park Service, which is the wish of the Park Service.

Mr. President, passage of this amendment, and its subsequent enactment into law, will ensure us that justice in this matter will have been served and we will be able to put this incident behind us. All accounts will have been satisfied.

Mr. President, the difficulty in asking the Park Service to meet their obligation as in stating "may" and mandate that they actually perform by stating "shall" is the difference between action and no action. We have encouraged the Park Service. We have asked the Park Service. And now it is time to direct the Park Service to right this wrong because they blew up private property belonging to the University of Alaska School of Mines. This amendment would attempt to rectify that situation.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, very briefly, I don't know about the particular merits of the project. But I do consider the specific earmark for a certain sum of money. If this is going to proceed on the floor, I think we ought to have a rollcall vote on it. So, if it is sought to pass by unanimous consent, I will be objecting to that and ask that we have a rollcall vote on this specific earmark for a certain set amount of money.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this is what I would propose.

First, I ask unanimous consent that Senator DOMENICI be added as a cosponsor on the Abraham amendment.

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

Mr. GORTON. Mr. President, we have one amendment by the Senator from Alaska on the Presidio that can be accepted. Then I believe the Senator from Alaska is going to withdraw his second-degree amendment to the Stevens-McCain amendment. We can pass the Stevens-McCain amendment by voice vote. Then I would suggest that we have stacked votes on the Murkowski amendment that has just been debated, followed immediately by a vote on final passage of the bill.

That is my suggestion, if we can get those other unanimous consents ahead of time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 WITHDRAWN

Mr. MURKOWSKI. Mr. President, as a consequence of the discussion we have had, it is my understanding that we have been able to address many of the concerns associated with the discussion on the $1.6 billion from oil leases from offshore Alaska.

So it is my intention to withdraw my amendment.

Further, it is my understanding that Senator GORTON agrees with me that the additional $800 million should be captured through legislation in the authorizing committee.

I understand the floor manager would support that.

Mr. GORTON. The Senator is correct.

AMENDMENT NO. 1232, WITHDRAWN

Mr. MURKOWSKI. With that assurance, I would withdraw my second-degree amendment.

Mr. GORTON. I believe I have to withdraw my motion to table that second-degree amendment, which I do.

Mr. MURKOWSKI. I thank the Chair. I thank my friend from Washington.

The PRESIDING OFFICER. Without objection, amendment No. 1232 is withdrawn.

AMENDMENT NO. 1231

Mr. GORTON. Now I think we can by voice vote accept the underlying first-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1231.

The amendment (No. 1231) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1246

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI relating to the Presidio that has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1246.

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

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

The amendment is as follows:

At the appropriate place add the following new section:

"SEC. . Delete section 103(c)(7) of Public Law 104–333 and replace with the following:

"'(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code or other laws related to the appointment, compensation or termination of federal employees.'".

Mr. GORTON. I have already explained the amendment.

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

The amendment (No. 1246) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

Mr. GORTON. Now, Mr. President, I believe that the leaders approve of it.

The question is the Murkowski amendment. It is a debated amendment.

Does the proponent of the amendment want to ask a rollcall on it or the opponent?

Is not the question before the body now the Murkowski amendment?

The PRESIDING OFFICER. The question before the Senate is the Murkowski amendment No. 1245.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. On that amendment I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Now there appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Before we have a vote on that, I ask unanimous consent that we adopt all further committee amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendments on page 46, line 15 through page 47, line 25; page 115, line 1 through line 22; and page 123, line 9 through page 124, line 20, as amended were agreed to.

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

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

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

Is there further debate on the Murkowski amendment? If not, the question is on agreeing to amendment No. 1245. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. SMITH] is necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Minnesota [Mr. WELLSTONE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "aye."

The result was announced—yeas 81, nays 14, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—81

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

NAYS—14

Allard	Glenn	Kohl
Ashcroft	Gorton	McCain
Brownback	Gramm	Santorum
Byrd	Grams	Sessions
Feingold	Hollings	

NOT VOTING—5

Akaka	Moynihan	Wellstone
Harkin	Smith (OR)	

The amendment (No. 1245) was agreed to.

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

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

The motion to lay on the table was agreed to.

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

Mr. MURKOWSKI. I rise today to speak about Title V of H.R. 2107—the Interior Appropriations Bill. Title V provides an additional $700 million appropriation from the Land and Water Conservation Fund (LWCF), pursuant to the Balanced Budget Agreement, for priority land acquisitions and exchanges. While I had sought to have more money appropriated to the state-side LWCF matching grant program, I commend Senator GORTON for appropriating this $700 million in a manner consistent with the terms and spirit of the LWCF Act.

Over 30 years ago, in a remarkable bipartisan effort, Congress and the President created the LWCF. The LWCF provides funds for the purchase of federal land by the land management agencies—the federal-side LWCF program—and creates a unique partnership among Federal, state, and local governments for the acquisition of public outdoor recreation areas and facilities—the state-side LWCF matching grant program. The LWCF is funded primarily from off-shore oil and gas leasing revenues which now exceed $3 billion annually, and has been authorized through the year 2015 at an annual ceiling of $900 million.

However, LWCF monies must be annually appropriated. And, despite the increase in offshore oil and gas revenues, the LWCF has not fared well in this decade. Expenditures from the LWCF have fluctuated widely over its life but have generally ranged from $200 to $300 million per year. In the 1990s, total appropriations to both the Federal and State sides of LWCF steadily declined from a high of $341 million during the Bush Administration to $149 million in FY 1997.

Most significantly, all of the FY 1997 appropriation was for the exclusive purpose of federal land acquisition. In 1995, Congress and the President agreed to shut-down the state-side LWCF program. For FY 1998, the President requested $165 million for Federal land acquisitions and only $1 million for monitoring previously funded State-side projects. The President did not request any funds for new state-side projects.

After submitting his budget to Congress, the President appears to have seen the value of the LWCF. In the Balanced Budget Agreement, Congress and the President agreed to provide an additional $700 million for priority land acquisitions and exchanges from the LWCF. President Clinton wants all of this additional $700 million spent on Federal land acquisitions. He has not requested that any of this additional LWCF appropriation be used to fund the State-side LWCF matching grant program.

PRIORITY FEDERAL LAND ACQUISITIONS

As Senator DOMENICI stated on the Senate floor, the Balanced Budget Agreement, and the accompanying Concurrent Budget Resolution, provide no specifics as to how this additional $700 million is to be spent. Neither the Balanced Budget Agreement nor the Concurrent Budget Resolution mention, by name, any land acquisitions. Rather, Congressional leaders intended for this money to be appropriated through the normal legislative process. That is what Senator GORTON is trying to do in the Interior Appropriations bill.

The Clinton Administration has identified two priority Federal land acquisitions: the 7500 acre Headwaters Forest property in northern California and the 4000 acre New World Mine property in Montana. Last year before the election, the Clinton Administration proposed, with great fanfare, to acquire both of these properties through land exchanges. However, because of the Administration's reluctance to work with Congress to consummate these land exchanges, a number of problems arose. The President then decided to acquire these properties through an outright cash purchase, using $315 million of the additional LWCF monies provided in the Balanced Budget Agreement.

The Senate Appropriations Committee, unlike its House counterpart, has agreed to fund these acquisitions. However, it has made this appropriation contingent on the enactment of separate authorizing legislation.

As Chairman of the authorizing Committee—the Energy and Natural Resources Committee—I congratulate the Senate appropriators for respecting the role of legislative committees. Title V of H.R. 2107 honors this historical division of responsibilities among authorizing and appropriations committees and the processes of the Senate, and the Congress.

It also acknowledges that Congress needs to, and should, examine the details of the Headwaters Forest and New World Mine acquisitions. The decisions to acquire these properties were made with no public and little Congressional involvement. As a result, a significant number of unanswered questions surround both acquisitions. Examination of the acquisitions is best done by the authorizing committee.

As an initial matter, Congress needs to authorize the use of LWCF monies. The LWCF Act provides a funding mechanism for the acquisition of Federal lands. It does not provide an independent basis for Federal land acquisitions. The LWCF Act specifies, with limited exceptions, that LWCF monies cannot be used for a Federal land purchase "unless such acquisition is otherwise authorized by law." From the information available to the Energy and Natural Resources Committee, the exceptions to this prohibition do not apply to either the Headwaters Forest or the New World Mine acquisition.

The Clinton Administration disagrees, contending that site-specific

authorization for the Headwaters Forest and New World Mine acquisitions is unnecessary because existing statutory authorities allow the Bureau of Land Management, the Fish and Wildlife Service, or the Forest Service to use LWCF monies. Yet, the Administration fails to analyze with any specificity exactly how the other authorities apply to the two acquisitions and override the provisions of the Land and Water Conservation Fund Act.

For example, the Clinton Administration opines that the Forest Service has the authority to purchase the New World Mine property under the Weeks Act. However, the Weeks Act was enacted for the purpose of acquiring eastern forested land. At the same time, the LWCF Act limits the Forest Service's use of LWCF monies for acquisitions "primarily of value for outdoor recreation purposes." Is recreation the primary value of the New World Mine property? Or, is the primary purpose of the acquisition to protect the character of Yellowstone National Park? What about the fact that the LWCF Act limits the Forest Service's use of LWCF monies west of the 100th meridian? Will the New World Mine acquisition, at greater than 4000 acres, run afoul of this limitation?

Similar unanswered questions surround the Headwaters Forest acquisition. The Clinton Administration states that the Headwaters Forest would be managed by the Bureau of Land Management. However, BLM is required to use LWCF monies for land acquisitions which are consistent with the applicable land use plan and "necessary for the property management of public lands which are primarily of value for outdoor recreation purposes." Is the acquisition of the Headwaters Forest even addressed in the applicable land use plan? Is it the Clinton Administration's position that the primary value of the Headwaters Forest is outdoor recreation? If so, how will the public access this new recreation resource? Or, because the Headwaters Forest has been identified as critical habitat under the Endangered Species Act, is the Administration relying on the ESA as authorization for the acquisition? Does it then make sense for the property to be managed by the BLM? Is it the Administration's position that the ESA authorizes the acquisition of any and all private property containing endangered or threatened species and overrides the limitations in the LWCF Act?

All of these questions need to be answered before the Congress accepts the Clinton Administration's assertion that existing laws authorize the acquisition of the Headwaters Forest and the New World Mine and override the prohibitions in the LWCF Act. The Committee of jurisdiction is in the best position to conduct such an examination.

Moreover, even if the Headwaters Forest and the New World Mine can be acquired by the President without the enactment of separate authorizing legislation, Congressional authorization of the agreements is needed to avoid other statutory requirements normally applicable to Federal land purchases. Because the purchase prices for both the Headwaters Forest and the New World Mine were the result of negotiation and dependent, in part, on other terms, the actual fair market value of the properties is unknown.

With respect to the New World Mine, a 1995 National Park Service report estimates the fair market value of the property is less than $50 million. The Clinton Administration has agreed to purchase the property for $65 million.

As to the Headwaters Forest, there is enormous discrepancy as to the property's value. The current owner contends the property has a value in excess of $700 million. A 1993 Forest Service appraisal values the property at $500 million. However, a 1996 analysis of the property conducted for the Department of Justice concludes that the property has a value between $20 million, applying current environmental restrictions, and $250 million, without any environmental restrictions. The Headwaters Forest property will be acquired for $380 million in cash and property.

Moreover, the Clinton Administration apparently wants to ensure that the fair market value of the properties is never determined. On June 9, 1997, President Clinton submitted an amendment to his FY 1998 Interior Appropriations budget request to reflect the $700 million in LWCF monies included in the Balanced Budget Agreement. The recommended statutory language specifically references the negotiated purchase prices for the two acquisitions.

The accompanying budget justification states "by ratifying the specific lands to be acquired and the purchase prices contained in those negotiated agreements, these provisions would also obviate the need for the United States to undertake additional and costly appraisals under the Uniform Relocation Assistance and Real Property Acquisition Act." The Uniform Relocation Assistance and Real Property Acquisition Act requires an appraisal of the fair market value of private property the Federal Government desires to acquire, whether through negotiations or condemnation. One of the primary purposes of this Act is to guarantee that any Federal land purchase is a good deal for the American taxpayer.

It is bad precedent for Congress to bless the Administration's blatant disregard of this law. Congress needs to examine, and determine for itself, the fair market value of these properties and, whether or not the purchases are a good deal for the American taxpayer. This examination is properly done in the context of authorizing legislation.

The magnitude of these acquisitions make the disregard of this law even more troubling. As noted in the Senate Appropriations Committee report accompanying H.R. 2107, the $315 million spent to acquire the two properties is more than the total amount appropriated from the LWCF for land acquisitions over the past two years. Those appropriations have been used to acquire dozens of properties—the vast majority of which cost less than $1 million. None of them have been excluded from the Uniform Relocation Assistance and Real Property Acquisition Act. The Clinton Administration needs to explain to Congress why the Headwaters Forest and New World Mine acquisitions warrant an exemption from the law.

Congressional authorization is further needed because the Clinton Administration has committed the Federal government to more than the purchase of property.

The New World Mine agreement requires that $22.5 million of the $65 million purchase price be used to finance the clean-up of the property which is contaminated from historic mining activities in the area. However, LWCF monies are not authorized for environmental clean-ups.

While the Clinton Administration contends sufficient authorization exists for it to use LWCF monies to acquire the New World Mine property, nowhere does it argue that it may use $22.5 million of this LWCF appropriation for financing a private party's CERCLA-type cleanup. Whatever the contours of the debate over the proper uses and purposes of the LWCF Act, it is clear Congress never intended for the LWCF to be used as an environmental contamination insurance account. Yet, such an impermissible use is precisely what the Administration now proposes. Congress clearly needs to review and authorize such a use of LWCF monies.

At the same time, the Agreement to purchase the Headwaters Forest requires that the Federal government and the property seller agree to a habitat conservation plan under the Endangered Species Act for timber harvesting activities which will occur on the remaining 200,000 acres owned by the company. In fact, because of difficulties in negotiating an acceptable habitat conservation plan for this property, the timber company sued the Federal Government. However, if the Federal Government and company agree to a habitat conservation plan, and the Federal Government purchases the property, the company's case against the Federal Government will be dismissed. To date, no such agreement has been reached. I question, however, whether it is good public policy to settle litigation in this manner.

I have touched upon some of the issues raised by the two acquisitions. I

have not talked about the Clinton Administration's failure to acquire the properties through land exchanges, as originally proposed. Questions also exist about how, and at what cost, the Federal Government will manage the properties upon acquisition.

We have held no hearings on the New World Mine acquisition. We have held no hearings on the Headwaters Forest acquisition. Congress had no input into the decision to acquire them. In fact, most of us know little about the two proposals. We owe it to the American taxpayer to review these acquisitions—a review best done by the authorizing Committee.

STATE-SIDE LWCF MATCHING GRANT PROGRAM

I also want to comment on the appropriation contained in H.R. 2107 for the state-side LWCF matching grant program. The state-side LWCF program has played a vital role in providing recreational and educational opportunities to millions of Americans. State-side LWCF grants have helped finance well over 37,500 park and recreation projects in all fifty states, including campgrounds, trails, and open space.

The availability of outdoor recreation facilities is critical to the well-being of Americans. People who participate in outdoor recreation activities, are happier and healthier. Recreation is an important component of our economy. Moreover, while trips to our National Parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to home. In fiscal year 1995, the last year for which the state-side LWCF grant program was funded, there were nearly 3800 applications for state-side grants. Unfortunately, there was only enough money to fund 500 projects. In the intervening 3 years, the local and state demand for those resources has only increased.

That is why state-side LWCF grants are so important. State-side LWCF grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for state-side LWCF grants, they provide vital seed-money which local communities use to forge partnerships with private entities.

Unlike the Clinton Administration, the Interior Appropriations Committee has recognized the value of the state-side LWCF matching grant program. It appropriated $100 million to the program over the next 4 years and noted, in its report, that "resource protection is not solely the responsibility nor the domain of the Federal Government, and that States can in many cases extract greater value from moneys" appropriated from the LWCF. I congratulate Senator GORTON on this appropriation and am optimistic that this provision will remain in Conference.

I have attached to my statement, for inclusion in the RECORD, two recent resolutions. The first, from the National Governors' Association, calls on the Federal Government to revive the Land and Water Conservation Fund state-side matching grant program. This bill does that. The second letter, from the National Recreation and Park Association, urges the Senate to support the $100 million appropriation contained in the interior appropriations bill.

I ask unanimous consent that these items be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC.

RECREATION RESOURCES

PREAMBLE

The Governors believe that participation in outdoor recreation provides important physical, mental, and social benefits to the American public, and that responsibility for providing diverse and high-quality opportunities for such recreation is shared by federal, state, and local government interests and the private sector. Continuing growth in demand for outdoor recreation opportunities has brought overcrowding to some areas, while budgetary constraints, environmental pollution, and conversion of open spaces to other uses has further added to the challenges we face. This is particularly true of resources within physical and economic reach of the majority of urban populations. The expansion, development, and management of recreational space and facilities is an important national challenge that can contribute to both quality of life and the economy. To effectively meet this challenge, federal recreation efforts must be modified to include a far greater emphasis on state and local decisionmaking and on partnerships, particularly with the private sector, than currently exists. The system must also be reinvented to enhance program efficiencies and effective program administration.

A VISION FOR AMERICA'S GREAT OUTDOORS

The Governors support a vision of a safe, clean, planned, and well-maintained network of recreation areas available to all Americans. Important objectives can be achieved by reviving and strengthening the existing Land and Water Conservation Fund (LWCF) and Urban Park and Recreation Recovery (UPARR) programs. The Governors recognize the valuable work done by the National Park Service Advisory Board report, "An American Network of Parks and Open Space," with its call for a balanced formula for ensuring state, local, and national funding allocations to meet the nation's diverse needs for recreation resources. In addition, the Governors support continuing substantial funding for recreation programs through appropriations for the federal land-management agencies and through the expenditure of monies at the federal and state levels under programs such as the Pittman-Robertson Act and the Aquatic Resources Trust Fund. The Governors also encourage the continued use of private capital for investment in recreation facilities on public lands and further encourage increased funding for operational expenditures for recreation facilities and services through general fund appropriations and recreation fees paid by those who directly use those facilities and services. To ensure that recreation funds are spent wisely, the Governors believe that, at every level of government, an effort should be made to understand and accommodate recreationists' needs and interests.

GUIDING PRINCIPLES

The Governors believe that the creation and maintenance of a nationwide network of recreation areas should be guided by the following principles.

Priorities for spending funds must come from a sustained effort to understand the needs of recreationists on the part of those involved in local, state, and national planning activities. State and local recreation resources planning activities, including comprehensive outdoor recreation plans, should continue to be a foundation for decisionmaking. The Governors encourage a revitalized LWCF/UPARR program to streamline federal requirements currently imposed on such state planning and granting processes. At the same time, the Governors acknowledge the importance of an open, public process for allocating grants-in-aid and support continuation of this important tool for effective citizen participation.

To assist in a better determination of national priorities and their interaction with the expressed priorities of state and local governments, the Governors also encourage integration of federal recreation resource planning processes with their state and local counterparts.

Programs for land conservation, preservation of cultural landscapes, and recreation resource development require a shared partnership among citizens, private landowners, all levels of governments, and private organizations.

The equity of private property owners must be respected in the implementation of recreation and conservation programs.

As the nation's recreation resources investments are made, the Governors encourage continued attention to providing quality recreation opportunities to all citizens, reflecting the diverse needs for recreation that is safe, accessible, affordable, enjoyable, and open.

National strategies and programs that aid state and local governments should be flexible, effective, and efficient.

The long-term future of our nation's recreation resources is dependent on a citizenry that is both familiar with and appreciative of these resources. Programs that promote such understanding and appreciation should be encouraged in both the private and public sector.

FUNDING

The Governors believe that Congress should encourage the provision of adequate and predictable funding for the nation's outdoor recreation resources from both private and public sources.

The Governors support the principle that nonrenewable resources leaving federal ownership, such as oil and gas recovered from the Outer Continental Shelf, should be used as a means to establish assets of lasting value to the nation.

The Governors recommend that Congress make available no less than 60 percent of funds for state and local governments with the balance to federal agencies to be used by both principally for the purposes of acquiring outdoor recreation areas and providing for and protecting outdoor recreation opportunities. The Governors also support increased private investment in recreation facilities on public lands.

The Governors believe it is imperative to adequately maintain public recreation lands

and the facilities on them. The Governors recommend that, in addition to general fund revenues, where appropriate and practicable, user fees and private sector funding should be considered to help achieve this objective. The Governors strongly recommend that LWCF not be used for these purposes.

FEDERAL RESPONSIBILITY AND PARTNERSHIP

Federally managed public lands and resources serve a critical function in meeting national recreational needs, not only in providing opportunities for outdoor recreation but in providing the means, through the Federal Lands Highway Program, to access and enjoy those opportunities. Federal agencies should develop comprehensive outdoor recreation resource use and access plans in consultation with state and local governments and coordinate their planning with the recreation resource needs identified by state and local governments and private organizations. New federal institutional arrangements are needed to give greater visibility and authority to recreational program administration on federal lands and to foster innovative state, local, and private program partnerships. The efficiency and effectiveness of federal recreational support can be enhanced.

RAILROAD RIGHTS-OF-WAY

The Governors believe that where it is consistent with state law and respects the rights of adjacent landowners, it is in the public interest to conserve and maintain abandoned railroad corridors whenever suitable for use as public trails and greenways, for other public purposes, or for possible future rail use. Such efforts can help achieve the goal of the President's Commission on Americans Outdoors of establishing "a continuous network of recreation corridors . . . across the country."

SCENIC BYWAYS

The Governors believe that funding for the National Scenic Byway Program, which recognizes the economic and social value of fostering travel on the nation's most scenic routes, one of the most popular forms of recreation in the country, should be continued.

USER-PAY/USER-BENEFIT GRANT PROGRAMS

The Governors believe that grant programs that return fees paid by users, for example, federal gasoline taxes or excise taxes on specific products, to programs which directly benefit those users, should be continued. Examples include the programs funded under the Pittman-Robertson Act, the Aquatic Resources Trust Fund, and the National Recreational Trails Fund.

NATIONAL RECREATION AND PARK ASSOCIATION,
Ashburn, VA, September 10, 1997.

AN OPEN LETTER TO THE UNITED STATES SENATE

You will soon have an opportunity to vote on fiscal year 1998 appropriations for the Department of the Interior. The Land and Water Conservation Fund state assistance program is among the many important initiatives that you will consider. We urge you to approve not less than the $100 million appropriation for LWCF state assistance recommended by the Senate appropriations committee in its version of H.R. 2107.

The LWCF state assistance program addresses the health and welfare of our nation's citizens. By matching state and local resources to complete priority projects for individual communities across the nation, these resources provide access to recreation and conservation opportunities for all American citizens. They are the playgrounds where our children run and shout. They are the swimming pools and playing fields where we learn the values of teamwork, sportsmanship, hard work and competition. They are the parks, picnic areas, pathways and wild places where we find quiet and renew our connection with the natural world. These places restore our minds and bodies and enhance our quality of life. And most importantly, they are accessible. They are down the street, across town, at the metro stop and affordable regardless of economic status. This is what sets these state and local investments apart from our nation's great national parks, forests, refuges and public lands. And this is why they are so important.

After two years without LWCF state assistance, thousands of opportunities for conservation and recreation have been delayed or lost. Restoring this program will allow projects with available matching funds to move forward. It will also renew the nation's commitment to its people to reinvest a portion of revenues from the depletion of our energy resources in state and local, as well as federal, recreation resources. We hope we can count on your support.

Sincerely,

R. DEAN TICE,
Executive Director.

REQUIRING LAND MANAGEMENT AGENCIES TO PRIORITIZE ADDITIONAL LAND ACQUISITIONS

Mr. MCCAIN. Mr. President, I want to take this opportunity to explain to my colleagues an amendment I had intended to offer to the fiscal year 1998 Interior Appropriations bill. I was persuaded not to offer the amendment because of my concern that opening up the section of the bill which provides an additional $700 million for land acquisitions and exchanges would embolden those who would earmark these funds for particular projects, without consideration of the priorities of our Federal land management agencies. Therefore, I decided not to offer the amendment at this time.

I do intend to pursue this proposal as separate legislation, and I solicit the comments of my colleagues concerning this proposal, described below.

The amendment would require the administration to utilize certain criteria in preparing the prioritized list of land acquisitions and exchanges that would be conducted using the $700 million increase recommended in this bill for Federal land acquisitions and exchanges. This amendment places primary responsibility for determining the priority of land acquisitions in the hands of the Federal land management agencies charged with preserving, protecting, and managing our Nation's natural resources. At the same time, the amendment preserves the prerogative of Congress to approve or disapprove the administration's recommendations prior to making any of these additional funds available.

The amendment establishes seven specific criteria to be used by the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management in assessing proposed acquisitions and exchanges:

(1) the natural resources located on the land,

(2) the degree to which those natural resources are threatened,

(3) the length of time required for acquisition of the land,

(4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,

(5) the extent of public and local government support for the acquisition,

(6) the amount of Federal lands already in the region, and

(7) the total estimated costs of the acquisition.

In addition, the amendment permits the Secretaries of Interior and Agriculture to consider additional matters in their assessments, but they must explain to Congress in a report what those additional considerations were and how they were weighted in the prioritization of land proposals.

Over the years, Congress has wisely taken steps to preserve our natural heritage. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas, and other conservation efforts.

While this Nation has no shortage of beautiful country to be preserved and protected, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a multibillion dollar backlog in land acquisitions at both the Department of Interior and the Department of Agriculture. Because of this enormous backlog, I support the recommendation in this bill to make available an additional $700 million for the land acquisitions and exchanges, consistent with the budget agreement.

What this amendment would require the administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the administration's proposal.

The amendment includes a requirement for the agencies to consider the extent of local support for an acquisition proposal, as well as the amount of land in the area already owned by the Federal Government. Preservation of our natural resources is a high priority, but it must be balanced with an awareness of the economic needs of local communities and their ability to plan for future growth and development. These two criteria will ensure that a community will not be harmed unnecessarily by the removal of preservation lands from its tax base or by

undue restrictions on development and economic growth.

I understand the concerns expressed by the committee in the report language about the costs of managing and maintaining current Federally owned lands, and I believe the agencies should focus on acquisition and exchange proposals that would consolidate Federal land holdings and eliminate inholdings to lessen these costs. However, I think it would be a mistake to fail to consider funding new acquisitions and exchanges that would protect and preserve resources that might otherwise be lost to development in the near future.

Mr. President, I am very concerned that the committee has earmarked $315 million for the additional funding for two specific projects—the Headwaters Forest and New World Mines acquisitions. I am not seeking to strike those earmarks in this amendment, although I understand an amendment may be offered to do so, which I would support. Unfortunately, these earmarks make clear the need for established criteria for prioritizing the many pending acquisition requests at our land management agencies. My amendment would ensure that all funds which are available for pending land acquisitions and exchanges are used prudently and for the highest priority projects identified by federal land management agencies.

Let me stress that I understand the right of Congress to review and revise the President's budget request, as we see fit. My amendment is simply intended to help us make those decisions by requiring input from the federal land management agencies on the expenditure of the $700 million we are adding to this appropriations bill for land acquisitions and exchanges. Congress will still have the last word.

Mr. President, as I stated at the outset, I intend to pursue separate legislation to require the administration to submit annually with the budget request a list of proposed land acquisitions and exchanges, coordinated and prioritized among the four Federal land management agencies. The agencies would be required to consider the criteria set forth in the amendment described above, and the Secretaries of Interior and Agriculture would be required to explain the relative weight given each criterion, including additional criteria selected by the administration.

Mr. President, I ask unanimous consent that the amendment I had intended to propose to this legislation be printed in the RECORD at this point. And I welcome the comments and suggestions of my colleagues for improving these criteria and the process of ensuring that scarce resources for land preservation are used prudently.

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

On page 134, beginning on line 2, strike "*Provided*" and all follows through "heading" on line 8 and insert the following: "*Provided*" That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*; That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened, the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated the acquisition or exchange; the extent of current Federal ownership of property in the region; The extent to which the acquisition or exchange would consolidate Federal holdings or eliminate its holding; the owner's willingness to sell or exchange the property; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries."

GAS UTILIZATION SECTION

Mr. MURKOWSKI. I wonder if the distinguished chairman of the Senate Appropriations Committee would be willing to enter into a colloquy with me regarding the gas utilization section of this legislation.

Mr. STEVENS. I would.

Mr. MURKOWSKI. It is my understanding that the administration request for gas utilization was $4.8 million.

Mr. STEVENS. That is correct.

Mr. MURKOWSKI. It is also my understanding that the House has added an additional $2 million above the administration request; and that the Senate has agreed to add $1.5 million to the administration request.

Mr. STEVENS. That is also correct.

Mr. MURKOWSKI. I understand that some of the additional funds Congress has added may be used by the Department of Energy to fund an $84 million cost-shared private research project for the development of a process for commercialization of a ceramic membrane used to convert natural gas to synthetic crude which can then be transported via conventional oil transportation systems?

Mr. STEVENS. I understand that to be correct as well.

Mr. MURKOWSKI. As chairman of the Energy and Natural Resources Committee I have taken a keen interest in the development of this technology. In fact at a committee hearing in July of this year we discussed some of these developing technologies. One thing that is becoming clear when you talk about natural gas conversion to liquids is that there is "more than one way to skin a cat."

In other words there seem to be a number of companies around the globe that are developing this technology with their own particular nitch. I would not, at this time try to predict which particular process is going to emerge as the best, nor would I attempt to predict when this technology will be used on a commercial basis. By some industry accounts this technology is here now. By others it is years off.

Would the chairman agree that it makes sense then to possibly look at other methods being used to develop this technology.

Mr. STEVENS. I would defer to the chairman of the Energy and Natural Resources Committee and agree that it would make sense to look at other potential technologies as well.

Mr. MURKOWSKI. Would the chairman seek in conference to try and match the House level of $2 million and try to preserve flexibility for the Department of Energy to support other cost-sharing projects looking at ways to convert natural gas to liquids?

Mr. STEVENS. I would.

Mr. MURKOWSKI. I wonder if the subcommittee chairman, the distinguished Senator from Washington would also support this?

Mr. GORTON. In light of the different technologies brought to my attention by the Senators from Alaska, I will indeed be inclined to favor the House funding level in conference if that level will facilitate investigation of alternative technologies while ensuring that the current project moves forward.

Mr. MURKOWSKI. I will continue to monitor the existing project and thank the chairman and subcommittee chairman.

Mr. NICKLES. Mr. President, I seek unanimous consent to engage in a colloquy regarding Oklahoma Indian funding with the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I understand the bill before us contains several categories of Interior Department funding for Indians, one of which is the "new tribes" account. I also understand that the committee has included, as requested by the Administration, $160,000 from this account for the Delaware Tribe of Indians, a tribe located in eastern Oklahoma. Mr. President, I ask the distinguished Senator from Washington, is that correct?

Mr. GORTON. Yes, that is correct.

Mr. NICKLES. Thank you, Mr. President.

TRIBAL WELFARE

Mr. DASCHLE. Mr. President, I should like to engage in a discussion with the distinguished chairman and ranking member of the subcommittee about a provision in this bill that is very important to the Indian tribes in my State. The committee report directs the BIA to spend $5 million from the Tribal Priority Allocation [TPA] to provide funds to Indian tribes that wish to run their own welfare programs in States where the tribal welfare caseload exceeds 50 percent of total caseload.

I am very grateful to my colleagues for recognizing the unique situation that exists in my State. More than half of the welfare caseload in South Dakota is made up of native Americans. Poverty on South Dakota reservations is very high; in the last census poverty among the South Dakota tribes was greater than 50 percent. My State has the dubious distinction of having the poorest county in the country, and it is a reservation county. Unemployment is also very high. For the largest tribes, it was 44 percent in 1995. The number of native Americans in the potential labor force who are not working averages 68 percent and, on some reservations, is as high as 95 percent.

The native Americans in my State do not want to be dependent on welfare. Representatives for the tribes have talked extensively with me about how they want to build their economies and help their people find good jobs. They dream of the day when all native American people will have the opportunity to hold good jobs and have the satisfaction of contributing to the economic strength of their communities.

For a number of complex reasons, this has been a difficult dream to accomplish. While they are working to improve their economies, they also want to assume the responsibility and use the option that is granted in the welfare bill to run their own welfare programs. They believe it is a matter of sovereignty, indeed even a treaty matter, that they enter into this new relationship with the Federal Government in a way that is parallel to how the States are treated. They do not want to be dependent upon the State. So they have asked for this funding to make it possible for them to take over their welfare programs and have a fair chance of succeeding in making their people's lives a little better.

That is why I feel this provision is so important, and why I want to make sure it gives them the best chance at success. For this reason, I would like to ask my colleagues a few questions.

As noted, the committee report indicates that $5 million would be provided under the Tribal Priorities Allocation to Indian tribes in States where the Indian welfare caseload exceeds 50 percent that wish to run their own welfare programs, and that the funds can be expended over a 2-year period. Is that also the chairman's understanding?

Mr. GORTON. Mr. President, I would tell my colleague that, yes, the TPA account is authorized to expend funds for 2 years.

Mr. DASCHLE. Mr. President, I mentioned that the tribes in my State have indicated that they would like to run their own programs, but it is possible that some will decide it is not feasible for them to do so. The way this proposal is currently structured, if this happens, I would want to make sure that any unused funds revert to the TPA, and not the U.S. Treasury. Is it the committee's intent that, if all of the funds are not used 60 days prior to when they would otherwise lapse, they would then revert to the TPA fund to be allocated according to the program's formula?

Mr. GORTON. Mr. President, it is my understanding that, because these funds are expended as part of the TPA account, any unused funds would revert to the other uses of the TPA account. We would support allowing this to happen 60 days prior to the end of the fiscal year.

Mr. BYRD. Mr. President, I am in agreement with the subcommittee chairman. Such an arrangement would ensure that any funds not expended for this welfare initiative would be used for other TPA priorities.

Mr. DASCHLE. Mr. President, I would like to raise a technical detail that is not addressed in the report language. One of the tribes in South Dakota, the Standing Rock Tribe, also extends into North Dakota. It was my intention that, if that tribe chooses to submit a plan to run its own welfare program, the funds be available to run their program in both North and South Dakota, and that the match for the tribal members in North Dakota be proportionate to the match that Standing Rock would have received from their State. I should note that the amount of funding is sufficient to allow Standing Rock to serve both its North and South Dakota members. Would the chairman and ranking member agree that this would be possible under this provision?

Mr. GORTON. Mr. President, I believe that could be accommodated under the committee's language and would be happy to work with the Senator to make sure this is the case.

Mr. DASCHLE. Mr. President, if the chairman and ranking member would continue to indulge me, I would like to clarify one more technical point. The report language says that the funds would be available to tribes whose caseloads exceed 50 percent of the total welfare caseload for the State. In point of fact, the tribes per se do not have caseloads, the States currently run the programs. My hope is that the chairman intended to indicate that funds would be provided in States where native Americans exceed 50 percent of a State's total caseload using data collected by the Administration for Children and Families at the Department of Health and Human Services in fiscal year 1995. Was that, in fact, the committee's intent?

Mr. GORTON. Mr. President, yes, the intention was that the funds be provided to tribes in a State where the number of native Americans as a percent of total State caseload exceeded 50 percent in fiscal year 1995.

Mr. DASCHLE. Mr. President, I have one last question. As the Senators on this committee are painfully aware, allocating discretionary spending in times of major budget cutting has resulted in many difficult decisions. But, I would point out that the TPA account, which is the one from which this funding would be taken, was cut fairly heavily earlier in the 1990's and is only now starting to regain some of its resources. At the same time, the need among many of the tribes has been growing steadily. Indeed, many parts of Indian Country have not always shared in the economic boom that the rest of the Nation currently enjoys. I would like to ask my colleagues whether they might be willing to find an alternative offset, one which does not take away resources from other tribes, in order to find this important provision. I am, of course, aware that the increase requested by the President for TPA included in this budget, as well as funding for this provision. Would my colleagues be willing to work with me during conference to try to find an alternative means of providing these funds?

Mr. BYRD. Mr. President, the Democratic leader clearly understands the difficult problems we face in allocating limited resources for the programs in our jurisdiction that are important for many of the Members of this body. However, we would certainly be willing to work with him during conference to see whether alternative funds might be available.

Mr. DASCHLE. Mr. President, I express my sincere gratitude to the chairman and ranking member of the Interior subcommittee for their assistance in this matter. Last year's welfare reform bill provides an important opportunity for Indian tribes to run their own welfare programs. As I have said, I have met with representatives of all of the tribes in my State about this issue, and they care very deeply about it. I hope that, with these funds, they will be able to take on this important responsibility and help tribal members gain economic self-sufficiency.

CONTAMINATED DRINKING WATER ON THE FORT HALL INDIAN RESERVATION OF IDAHO

Mr. CRAIG. Mr. President, will the Chairman yield for purposes of a colloquy?

Mr. GORTON. I am happy to enter into a colloquy with the Senators from Idaho.

Mr. CRAIG. I do not know if the Chairman is familiar with the problem faced by the Shoshone-Bannock Tribe of Idaho regarding the contamination of the groundwater on the Fort Hall Reservation where the Tribe is located?

Mr. GORTON. I am.

Mr. CRAIG. Then the Chairman knows that since the 1970's a deadly poison named ethylene dibromide, or EDB, has been used as a pesticide on the reservation. Over time, EDB has leached into the groundwater at unsafe levels. Currently, approximately 1,500 people, both on and off the Fort Hall Reservation, are at risk. Most of those living on the reservation are served by one of two existing drinking water systems—one operated by the Bureau of Indian Affairs and the other by Indian Health Service.

Mr. KEMPTHORNE. Nothing is more important than ensuring all of our citizens have safe and affordable supply of drinking water. Over the last 6 years, both agencies have been very helpful. The Indian Health Service has provided technical assistance and funding to characterize the groundwater contamination and to investigate alternatives. Its efforts have included the drilling and testing of wells, conducting Tribal meetings, providing educational material, and assisting in Federal coordination. In addition, the Shoshone-Bannock Tribe, Idaho Department of Environmental Quality, Environmental Protection Agency, Bureau of Reclamation, Bureau of Indian Affairs, Indian Health Service, and others have devoted an enormous effort over several years to assess the situation and develop alternative solutions.

Mr. CRAIG. I would also like to bring to the Chairman's attention that the Bureau of Reclamation has prepared a needs assessment on the EDB problem. This assessment concluded that the preferred alternative is the incorporation of the existing Indian Health Service water supply system into a new, larger drinking water system. Such a project would involve the drilling of new public wells outside the contaminated area and piping the water to the residents whose wells are unsafe.

Mr. GORTON. It would appear that such a recommendation would be a reasonable approach to provide for the delivery of safe drinking water to the 1,500 people currently at risk.

Mr. KEMPTHORNE. I agree with the Chairman. The recommendation outlined by the Bureau of Reclamation is the most logical and cost-effective alternative.

Mr. CRAIG. Of course such a project would be expensive. However, this burden would be spread out over the several agencies from all levels of Government which would share responsibility for its completion. The Indian Health Service already has identified and suggested several areas where it might be of assistance during the education, public involvement, and coordination phase. These include providing further educational assistance and public information materials, the investigation of alternative water sources, assistance in the selection and implementation of appropriate treatment technologies, the design of ground water monitoring plans and schedules, and the coordination and sharing of data and analysis.

Mr. GORTON. Along with the other Federal agencies involved in the actual construction of the drinking water system, I would agree that the Indian Health Service clearly has a role in the education and advisement of the affected community, so long as the Service meets its priorities and other obligations.

Mr. KEMPTHORNE. I agree with the Chairman. Of course, we understand that funding for this project cannot be guaranteed, given the many competing priorities faced by the Indian Health Service.

Mr. GORTON. Given the threat to the health of those exposed to the contaminated drinking water, I would support whatever assistance the Service could provide.

Mr. KEMPTHORNE. I thank the Chairman and am pleased to hear of his strong support of this project.

Mr. CRAIG. I too would like to thank the Chairman. Seeing this project started as quickly as possible has become a high priority for myself and my fellow Idahoans. We are committed to getting this project completed and will be working over the coming months and years to see that all necessary funds are appropriated for the project's construction. Beginning the education phase now, through the Indian Health Service, will save valuable time and help relieve the threat of continued harm.

FOSSIL ENERGY R&D ACCOUNT: COAL MINE METHANE PROGRAM

Mr. BYRD. Mr. President, Senator ROCKEFELLER and I would like to engage the manager of the Interior Appropriations bill in a brief colloquy.

Mr. GORTON. I would be pleased to respond to my friend who is the ranking member on the subcommittee and to his colleague from West Virginia, Senator ROCKEFELLER.

Mr. BYRD. The committee's recommendation does not fund the administration's $963,000 request for the Coal Mine Methane Program under the Fossil Energy account. I believe that the House also declined to fund this program based on the belief that it was a "new start."

Mr. GORTON. The Senator is correct.

Mr. BYRD. I appreciate the fiscal constraints facing this bill and the difficult task that our chairman has accomplished in a fair and bipartisan manner. However, I would hope that we could take a second look at this methane recovery program.

Mr. President, this program is not a new start as the House committee report suggests. Congress appropriated money specifically for the Coal Mine Methane Program in fiscal year 1995. Some of the funds for this initiative were obligated prior to the rescission bill enacted in 1995. While the Department may have gotten off to a slow start with this program, for the past 18 months it has had five teams under contract to prepare phase II detailed project designs. The original appropriation to initiate these projects has been exhausted, and the funds requested for fiscal year 1988 are necessary to complete the ongoing project designs. I am told that the five teams have provided costsharing in excess of thirty percent.

The Department of Energy has indicated that the Coal Mine Methane Program can make a significant contribution to the effort to curtail greenhouse gases and estimates that within five years coal mine methane collection and utilization systems could reduce emissions by an amount equivalent to 5.5 million tons of carbon dioxide [CO_2] each year. The Department's research is expected to demonstrate that the private sector can, remarkably, generate profit by utilizing and destroying these waste gases. Given the large, cost-effective and near-term potential of this research, the Department has proposed the Coal Mine Methane program as one of its global climate change research initiatives.

As the sponsor of Senate Resolution 98, I am clearly on the record in opposition to any binding international greenhouse gas emissions agreement that would injure the American economy or put us at a competitive disadvantage with any other countries. At the same time, I strongly believe that we in Congress should promote the development and use of technologies that can become economically competitive energy sources and which, at the same time, reduce potential greenhouse gas emissions.

The Coal Mine Methane program clearly meets these standards. Turning pollution into useful energy at a competitive price, with no subsidies and no new regulation, can be good for electric consumers, good for the environment and good for America, in general.

Mr. ROCKEFELLER. Mr. President, I completely agree with the comments of my senior Senator. I would note that three of the five teams under contracts to the Department of Energy are working on projects in our State of West Virginia. I understand that the other two are located in Alabama and Ohio.

These five projects offer great promise compared to conventional greenhouse gas mitigation efforts. A single,

small coal mine methane project designed to produce 10 megawatts of electricity is expected to operate at a profit. That same project would unequivocally produce collateral greenhouse gas mitigation benefits equal to the carbon sequestered by approximately 14 million trees. In sharp contrast to the profit generated by the coal mine methane project, tree planting would come at a cost conservatively estimated at $18 million. So, DOE's methane capture program makes dollars and sense.

This program is relatively small in terms of Federal cost but can leverage significant private sector investment and may generate considerable economic and environmental benefits for Americans living in the Appalachian coal regions. I hope that we may reconsider the recommendation on this particular program.

Mr. GORTON. Mr. President, the Senators make a compelling case.

Mr. ROCKEFELLER. Mr. President, I thank the Chairman. In that light, I inquire whether he would have any objection if the Department were to shift up to $500,000 to continue the Coal Mine Methane Program.

Mr. GORTON. As the Senator may know, the reprogramming threshold established by the committee's guidelines is $500,000. I do appreciate the clarification that this effort would not be a new start. Should the Department be able to identify funds for a reprogramming, it should consider the needs associated with completing the ongoing project designs.

Mr. ROCKEFELLER. Mr. President, I thank the manager of the bill for his consideration and support of this matter.

Mr. BYRD. Mr. President, I offer my appreciation as well. As always, the Senator from Washington has been most fair in this deliberation.

ENGINEERING RELATED SERVICES UTILIZED BY DEPARTMENT OF INTERIOR AGENCIES

Mr. BENNETT. Mr. President, I would like to raise an issue with the Chairman as we conclude the debate on the Interior Appropriations bill. I had intended offered an amendment on behalf of myself and Senators THOMAS and MURKOWSKI to instruct the various agencies of the Department of the Interior to prepare a report to the committee regarding the instances in which they have entered into Inter-Agency Service Agreements with other Federal agencies or into agreements with State and local governments on foreign entities. Unfortunately, we have been unable to reach agreement among members of the committee on the feasibility and scope of this amendment. I am disappointed with this development and I will not offer this amendment this evening.

As the Chairman well knows, there are a number of architectural, engineering, geological mapping and even aircraft services that are contracted out by the various agencies within the Department of the Interior. I simply would like to get a sense of the impact on private engineering and consulting firms when agencies enter into agreements or contract for services within. I believe the information would have been valuable to the committee. It would help the committee recognize opportunities to save money by using the private sector more often and it will help redirect agencies toward their core governmental missions. While I will not offer this amendment, I intend to continue to pursue this information. I ask the Chairman if he would be also be interested in exploring this issue further?

Mr. GORTON. The Senator from Utah raises a good point. But given our very short timeframe, I appreciate the Senator's decision to withhold. The information to be gathered by any such inquiry would be very costly and time-consuming to develop, so I would hope that a more focused effort could be considered. The Senator is correct that cost-saving measures are important during tight budget times, and I appreciate his interest in this matter.

NEEDED REPAIRS TO TWIN RESERVOIR DAM

Mr. BAUCUS. Mr. President, I would like to engage the Chairman in a colloquy to bring to his attention the need for repairs to the Twin Reservoir Dam located near Polson, MT.

Mr. GORTON. Certainly.

Mr. BAUCUS. The dam is in need of $50,000 in repairs, and I would like to know if the Chairman would support the Bureau of Indian Affairs if the BIA could allocate funds within existing resources to make these much-needed repairs.

Mr. GORTON. I would support whatever assistance the Bureau of Indian Affairs could devote to repairs of the Twin Reservoir Dam, so long as the expenditure of any funds is consistent with the Bureau's priorities.

Mr. BAUCUS. I thank the Chairman.

ELECTROCHROMIC RESEARCH

Mr. GRAHAM. Mr. President, we would like to engage our dear friend, Senator GORTON, in a colloquy. He has once again drafted a difficult bill this year and has balanced difficult priorities. Within the energy conservation section of the bill, the committee has provided $500,000 more than in fiscal year 1997 for electrochromic research within the building equipment and materials section. We would hope that it is the expectation of the chairman that this $500,000 increase will be used to further the development of Plasma Enhanced Chemical Vapor Deposition [PECVD] techniques for electrochromic technology.

Mr. MACK. Understand that this technology provides a flexible means to control the amount of light and heat that passes through a glass surface. This is a superb energy savings opportunity important to the Nation.

In recognition of the importance of this technology, Florida has provided $1.2 million in State funds to develop this technology in cooperation with the University of South Florida and a licensee of a technology developed by the National Renewable Laboratory in Colorado.

Is it the Chairman's understanding that the Committee intends that this project be a priority for the use of this $500,000 addition?

Mr. GORTON. I appreciate my colleagues bringing this technology to my attention. It is indeed a promising technology that could produce substantial energy savings. Within the increase provided for electrochromic research, I hope the Department will consider supporting the PECVD project, provided this can be accomplished without a substantially adverse impact on ongoing projects in the electrochromic program. I further hope the Department will consider PECVD in formulating its FY 1999 budget request.

Mr. BYRD. Mr. President, I concur with the subcommittee chairman's assessment. DOE should evaluate the potential benefits of this technology when considering its allocation of fiscal year 1998 funds.

IHS FUNDING

Mr. KERREY. Mr. President, I wish to inquire of my colleague from Washington State, Senator GORTON, chairman of the Interior Appropriations Subcommittee, on the funding status of health facility construction projects within the Indian Health Service that are in the design and engineering phase. Prior to the 1998 appropriations process, the Congress had funded about two-thirds of the design and engineering work that is necessary prior to begin construction of the new Winnebago Hospital. This hospital, now over 70 years old, serves the Indian people in northeast Nebraska and northwest Iowa. The Indian Health Service has indicated that another $650,000 will be needed to complete the design phase. Does Senator GORTON share my understanding of this situation?

Mr. GORTON. Yes, the Senator from Nebraska is correct as to this funding shortfall. In addition, there are two other nonhospital facilities in Arizona for which appropriated design funds have not been sufficient. The administration's fiscal year 1998 budget did not request design funds for these facilities either. This lack of a funding request has meant that neither the House nor the Senate has included funds necessary to complete the design phase for the Winnebago Hospital.

Mr. KERREY. I thank Senator GORTON for bringing this matter to the attention of the Senate. It is an incredible slip on the part of the IHS to have neglected to request these needed funds. It appears that in previous years the IHS seriously underestimated the

amount of funding that would be required to complete the design phase of this facility. This is why it is so puzzling that there was no request for additional funding in this budget year. Every delay in funding means increased project costs. My question to Senator GORTON and to Ranking Member BYRD is whether it is still possible for the Congress to find some funds in this appropriations measure to be sure these projects stay on track?

Mr. GORTON. It is my understanding that a total of $2.1 million would be needed to complete the design phase for the three projects. There simply is not that leeway in the measure we are considering today. However, should funds become available as a result of conference agreements with the House, I will try to see that they are made available for completion of the design phase of the three projects if that is agreeable to my colleague, Senator BYRD.

Mr. BYRD. Yes, Mr. President, at this point I think that this is the best commitment that we can make to our colleagues from Nebraska and Arizona. If we are not able to accomplish this, however, we can consider including conference report language directing the IHS to include funding requests in the fiscal year 1999 budget to complete the design phase for these facilities; funding requests to begin first phase construction of these facilities might also be appropriate.

Mr. KERREY. I am very pleased that my colleagues are as concerned as I am about meeting the health needs of our native American people. As I mentioned earlier, the existing IHS facility at Winnebago is over 70 years old and I would venture to comment that there are probably not very many full-service hospitals in this country serving non-Indians that have reached that not-so-venerable age. It is a shame and the shame rests mostly with the failure of the United States to fulfill its obligations to this country's first Americans.

THE LAND AND WATER CONSERVATION FUND

Mr. FEINGOLD. Mr. President, I wanted to clarify with the subcommittee chairman and the ranking member the process, as described on page 116 in the Senate Committee Report on the Interior Appropriations bill (S. Report 105-56), for the expenditure of land and water conservation fund dollars provided in this legislation. Is this Senator correct in his understanding, Mr. Chairman, that the committee intends to work with the Appropriations Committee in the other body and the administration to develop a list of projects to be funded with the remainder of $700 million in land and water conservation fund moneys that are not allocated in this legislation for either specific Federal projects or for the States?

Mr. GORTON. Yes, the Senator is correct.

Mr. FEINGOLD. Is it the case that the administration will begin developing this list as soon as possible?

Mr. GORTON. Again, the Senator is correct. After the list is developed it will be provided to the Senate Interior Appropriations Subcommittee and the relevant subcommittee in the other body for their review and approval.

Mr. FEINGOLD. Does the Senator feel that it would be appropriate for Senators to contact Interior line agencies if they are aware of projects they believe are meritorious, such as the Fish and Wildlife Service's proposed Whittlesey Creek National Wildlife Refuge in my home State of Wisconsin?

Mr. GORTON. The Senator from Wisconsin is correct, and indeed, Senators are contacting appropriate Interior line agencies to make them aware of projects as well as officials within the administration.

Mr. FEINGOLD. Does the senior Senator from West Virginia concur with the Senator from Washington and myself?

Mr. BYRD. I do, and I thank the Senator for seeking additional clarification. It is common practice for Senators to assist Interior agencies by bringing particular projects to their attention so that the agencies may have the benefit of evaluating these projects for potential inclusion on the list.

Mr. MCCAIN. Mr. President, first I would like to thank the managers of the bill for their hard work in putting forth legislation which provides necessary funding for many things from National Parks to the Bureau of Mines. The Interior Appropriations bill is the 12th of the 13 appropriations bills to come before the Senate this year.

Unfortunately, once again, this bill and the report language accompanying it contain numerous earmarks and pork barrel spending projects. I ask unanimous consent that a list of eight pages of objectionable provisions be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1998 INTERIOR APPROPRIATIONS BILL

BILL LANGUAGE

$2,043,000 for the assessment of the mineral potential of public lands in Alaska.

Unspecified amount for the maintenance of a long-horned cattle herd on the Wichita Mountains Wildlife Refuge.

$11,612,000 for the Army Corps of Engineers to construct fishery mitigation facilities on the Lower Snake River.

$2 million for local governments in Southern California for Natural Communities Conservation Planning.

$500,000 for the Darwin Mountain House in Buffalo, NY, and $500,000 for the Penn Center in South Carolina.

$3 million for the Hispanic Cultural Center in New Mexico and $1 million for the Oklahoma City Bombing Memorial, both subject to authorization.

Language prohibiting the relocation of the Brooks River Lodge in the Katmai National Park and Preserve located in Alaska.

Directed transfer of the Bowden National Fish Hatchery from the United States to the State of West Virginia (without payment by the state) to be used by the West Virginia Division of Natural Resources.

Language establishing a commission to assist the city of Berlin, NH in identifying and studying the Androscoggin River Valley's "historical and cultural assets", accompanied by an authorization of $50,000 for operating expenses of the commission.

$800,000 for the World Forestry Center to continue research into land exchanges in the Umpqua River Basin region in Oregon.

Language specifying the relocation of Region 10 of the Forest Service to Ketchikan, AK, and reference to transfers and closures of other offices in Alaska directed in the report language.

Language dictating that not more than one quarter of the amount of hardwood harvested in 1989 may be cut from the Wayne National Forest in Ohio in 1998, and requiring that landscape architects must be used to "maintain a visually pleasing forest".

Language stating that Forest Service funds shall be available to counties within the Columbia Gorge National Scenic Area in Washington state.

Language stating that Forest Service funds shall be available for payments to Del Norte County, CA.

Earmark of unspecified funds for research on extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs, performed by the Albany Research Center in Oregon.

Language requiring compliance with all "Buy America" provisions.

Language prohibiting the use of any funds to demolish the bridge between Jersey City, NJ and Ellis Island.

Language authorizing the Secretaries of Agriculture and Interior to limit competition for watershed restoration projects in Washington, Oregon, and northern California to individuals and entities in historically timber dependent areas in those states that have been affected by reduced timber harvesting on federal lands.

Language mandating the transfer of the Wind River Nursery in Gifford Pinchot National Forest, WA to Skamania County, WA, in exchange for 120 acres of the Columbia River Gorge National Scenic Area.

Language exempting certain residents in specified areas from having to pay user fees for access to the White Mountain National Forest in New Hampshire.

Earmarks of Land and Water Conservation Funds for the New World Mines project ($65 million), the Headwaters Forest agreement ($100 million), acquisition of the Elwha and Glines dams in Washington, and acquisition of the Sterling Forest in New York ($8.5 million).

REPORT LANGUAGE

Earmarks totaling $6.4 million for the Grand Staircase-Escalante National Monument, UT as follows:

$1,330,000 increase under land resources.

$300,000 increase under wildlife and fisheries.

$270,000 increase under threatened and endangered species.

$1,150,000 increase under recreation management.

$150,000 increase under energy and minerals.

$300,000 increase under realty and ownership management.

$1,050,000 increase under resource protection and maintenance.

BLM is to allocate all recommended funds to the Utah State office and the project office assigned responsibility for the monument. Report language prohibits reprogramming of funds from these lines.

$100,000 for Alaska Gold Rush Centennial Task Force.

$500,000 for Department of Defense to develop habitat mitigation plans in Alaska.

$350,000 for the Virgin River Basin, UT.

$400,000 for Lewis and Clark National Historic Trail and related projects.

$500,000 add-on to allow BLM to process oil and gas lease applications in Alaska, Arizona and Idaho.

$700,000 for additional library support to Alaska Resources Library and Information Services Consortium to develop digital online library resources and data bases in Alaska, development and implement a plan to protect records at the Geologic Material Center in Eagle River, and develop a data base for mining claims.

Language earmaring funding at FY 97 levels (plus fixed costs and requiring FY 97 levels of employees to continue Alaska cadastral surveys and complete the transfer of 155 million acres of federal land in Alaska to state, Native villages, and individuals.

$700,000 to fund a type I hotshot crew for wildland fire management in Alaska.

$1,925,000 for redevelopment of Interior interagency fire operations center in Billings, MT.

Earmark for land acquisitions as follows:

$900,000 for Lake Fork of the Gunnison, CO.

$1,100,000 for Otay Mountains/Kuchamaa, CA.

$1,000,000 for Santa Rosa Mountains, CA.

$2,000,000 for Washington Cunty desert tortise, UT.

$1,000,000 for Western Riverside County, CA.

$400,000 for Alabama sturgeon conservation efforts, and $560,000 for Iron County habitat conservation plan, WI.

Earmark for habitat conservations as follows:

$600,000 for Middle Rio Grande (Bosque) Program.

$200,000 for Platte River studies, CO.

$1,131,000 for Chicago Wetlands Office.

$200,000 increase for Yukon River escapement monitoring and research, AK, and $400,000 for Alaska salmon conservation.

$578,000 for the Great Lakes initiative related to fisheries.

$1,000,000 for The National Fish and Wildlife Foundation, and

$200,000 for the Caddo Lake Institute, TX.

Add-ons for construction projects as follows:

$600,000 for dike repair of Bear River National Wildlife Refuge, UT.

$335,000 for an Administrative building at Blackwater National Wildlife Refuge, MD.

$425,000 to replace the boardwalk at Horicon National Wildlife Refuge, WI.

$1,000,000 for rehabilitation at John Hay Estate, NH.

$1,000,000 for complete construction of Keauhou Bird Conservation Center, HI.

$480,000 for access trail and public use facility rehabilitation for Kenai National Wildlife Refuge, AK.

$702,000 to replace bridges at Mingo National Wildlife Refuge, MO.

$400,000 to replace irrigation system at National Elk Refuge, WY.

$2,000,000 for Mora hatchery at Southwest Fisheries Technology Center, NM.

$840,000 for trail construction and access at Steigerwald National Wildlife Refuge, WA.

$12,732,000 add-on in land acquisition, for a total of $57,292,000, which is all earmarked for specific projects [see page 27 of report].

$100,000 for Park Service trails office in support of Lewis and Clark National Historic Trail activities, and $400,000 for technical assistance along the Lewis and Clark National Historic Trial.

$200,000 for support of the Selma to Montgomery National Historic Trail and the California and Pony Express National Historic Trails.

$100,000 earmarks for the Park Service to establish a Katmai National Park and Preserve satellite office on Kodiak Island, AK.

Earmarks of recreation and preservation funds for:

$100,000 add-on for Aleutian World War II National Historic Area.

$324,000 extra for Blackstone River Corridor Heritage Commission.

$829,000 extra for Delaware and Lehigh Navigation Canal.

$238,000 extra for Illinois and Michigan Canal National Heritage Corridor Commission.

$65,000 extra for lower Mississippi Delta.

$200,000 extra for Quinebaug-Shetucket National Heritage Corridor Commission.

$758,000 extra for Southwestern Pennsylvania Heritage Preservation Commission.

$285,000 extra for Vancouver National Historic Reserve.

$480,000 extra for Wheeling National Heritage Area.

Earmarks of National Park Service construction funds for unrequested projects, as follows:

$2,200,000 to construct the Alaska Native Heritage Center, AK.

$500,000 for directional signs, et cetera at Blackstone River Valley national Historic Commission, MA/RI.

$2,000,000 to move the lighthouse at Cape Hatteras National Seashore, NC.

$500,000 to construct a storage facility at the Center for Archeological Studies, AL.

$500,000 to design and engineer the C&O Canal National Historical Park, MD.

$500,000 for restoration of the Darwin Martin House, NY.

$250,000 for Fort Jefferson rehabilitation at Dry Tortugas National Park, FL.

$3,000,000 for a multiagency center with BLM at El Malpais National Monument, NM.

$3,400,000 for rehabilitation of Fort Smith National Historic Site, AR.

$2,860,000 for site development at Fort Sumter National Monument, SC.

$750,000 for facilities planning at Gauley National Recreation Area, WV.

$700,000 to rehabilitate facilities and monuments at Gettysburg National Military Park, PA.

$1,731,000 for wastewater treatment at Glacier Bay National Park and Preserve, AK.

$3,000,000 for an arts center at the Hispanic Cultural Center, NM.

$500,000 for the stabilization and lead paint for Hot Springs National Park, AR.

$200,000 for the rehabilitation of Katmai National Park and Preserve, AK.

$300,000 for an interagency facility at Kenai Fjords National Park, AK.

$310,000 for the repair of fences at Manzanar National Historic Site, CA.

$8,000,000 for road construction at Natchez Trace Parkway, MS.

$153,000 for roof repair and access at New Bedford Whaling National Historical Park MA.

$2,525,000 for access and trails stabilization at New River Gorge National River, WV.

$1,000,000 for construction of Oklahoma City Memorial, OK.

$500,000 for the rehabilitation of Penn Center, SC.

$1,000,000 for Corinth Battlefield interpretive center at Shiloh National Military Park, MS.

$510,000 for the joint administrative facility with Forest Service at Timpanogos Cave National Monument, UT.

$2,223,000 for the planning, compliance, and restoration of Vancouver National Historical Reserve, WA.

$2,595,000 for the rehabilitation of Vicksburg National Military Park, MS.

$400,000 for the design interpretive center at Wrangell-St. Elias National Park and Preserve, AK.

$54,790,000 add-on for land acquisition, for a total of $125,690,000, almost all of which is earmarked [see page 39 of report].

$900,000 for the Great Salt Lake basins study unit of the NAWQA, including a plan for the collection of water quality data.

$1,000,000 for restoration of the Great Lake fisheries and habitats, $500,000 for Pacific salmon studies, and $1,000,000 for endocrine disruption research.

$500,000 for the establishment of a fine hardwoods tree improvement and regeneration center at Purdue University.

Language directs the Forest Service to initiate a study regarding the establishment of a harvesting and wood utilization laboratory in Sitka, AK.

$500,000 for a multiparty task force to create an action plan to manage spruce bark beetle infestations and rehabilitate infested areas in Alaska.

$200,000 to strengthen the role of the Forest Service in assisting the Hardwoods Training Center in Princeton in becoming economically self-sustaining.

$800,000 add-on for land exchanges between willing public and private owners in the Umpqua River basin, OR.

$68,400 add-on for creating and maintaining scenic vistas along the Talimena Scenic Byway.

$360,000 for planning an office and laboratory facility to house the Institute of Pacific Islands Forestry research and public outreach program.

$4,000,000 for reconstruction of the Oakridge ranger station on the Willamette National Forest, OR.

$1,200,000 for the Federal share of construction of the Pikes Peak Summit House, CO.

$427,000 for construction of restroom facilities at Lee Canyon and Tahoe Meadows.

$445,000 for construction of a visitor contact station and administrative site on Ouachita National Forest in Oklahoma.

$725,000 for reconstruction of infrastructure facilities at Waldo Lake on the Willamette National Forest, OR.

$1,214,000 for construction of new facilities and the rehabilitation of existing facilities in the venues of the 2002 Winter Olympic games.

Language used to direct Forest Service to prepare a report which allows for providing road access from Wrangell to Canada and to Ketchikan.

$1,300,000 for construction of portions of the Continental Divide National Scenic Trail in Colorado.

Increase of $8,119,000 for land acquisition, for a total of $49,176,000, most of which is earmarked [see report p. 80].

$625,000 for acquisition of the Cannard tract at the Columbia River Gorge.

$2,000,000 increase over the budget request for mining programs, earmarked for the Intermountain Center for Mining Research and Development.

Mr. MCCAIN. Some of the earmarked projects funded in this bill have

merit—I do not dispute that. What I do object to is the process by which these funds are appropriated. Earmarking Federal tax dollars is a process which can no longer be tolerated in these times of fiscal restraint.

It is unfair to the American taxpayer that we allow this to continue. It is not right that we require the American taxpayer to foot the bill for landscape architects to "maintain a visually pleasing forest" in the Wayne National Forest in Ohio as this bill dictates. Why is it necessary to have hard working Americans pay nearly $2 million for the redevelopment of a fire operations center in Billings, MT?

As I stated previously, Mr. President, these projects may have merit and may be very important—but how do we know that? Have they ever had a hearing? Have these projects ever been competitively bid? The answer, sadly, is no.

Mr. President, I will not take any more of the Senate's time voicing my objections. I will close by saying that I truly hope we can bring an end to the practice of earmarking funds in the appropriations process. The American taxpayer deserves better than the wasteful spending that we have seen in these twelve appropriations bills.

U.S. MAND AND BIOSPHERE PROGRAM

Mr. HUTCHINSON. Mr. President, I thank you for the opportunity to engage Senator GORTON in a discussion of the U.S. Man and the Biosphere Program. As the Senator is aware, the House of Representatives, by a vote of 222 to 203, on July 15, 1997 passed the appropriations bill for the Department of the Interior. Included as part of that legislation was an amendment which prohibits funding for the U.S. Man and Biosphere Program. Although a similar provision has not been included as part of the Senate deliberations on this appropriation, I offer the following argument for its inclusion in the upcoming conference between the House and Senate.

Many of my colleagues may question exactly what the U.S. Man and the Biosphere Program is. After all you will not find it mentioned in any line item within this bill, nor will you find it housed in any of the agencies which receive appropriations under this bill. The U.S. Man and the Biosphere Program or USMAB operates through the State Department and under the guidance of the United Nations Educational and Scientific Organization [UNESCO] to designate tracts of American land as biosphere reserves. These areas are "voluntarily" subject to land management requirements designated to facilitate ecological research and preservation. Currently, there are 47 biospheres in the United States covering a land area approximately the size of Colorado, our eighth largest state. Some biospheres, such as the Land Between the Lakes Biosphere in Kentucky, include populated areas with over 484,000 residents.

Despite the size and breadth of this program it has never been authorized by Congress, yet it is still 100% taxpayer funded. It is supported through interagency transfers from a total of thirteen different agencies. Collectively, these agencies contributed $210,000 to the U.S. Man and the Biosphere Program in Fiscal Year 1997.

While the total value associated with this program may fly well below many of our radar screens, the question and problems associated with the U.S. Man and the Biosphere Program are very real and very much in the minds of our constituents.

While I was serving in the House, some of my constituents brought to my attention a proposal by the U.S. Man and the Biosphere Program to create the Ozark Man and the Biosphere Cooperative, which would have encompassed part of my home state of Arkansas as well as part of the states of Kansas, Missouri, and Oklahoma. As I began to investigate this proposal some of the very worst fears of my constituents were confirmed. The "voluntary, honorary" land designation represented a potential threat to the private property rights of my constituents. For example, on page 120 of the Feasibility Study for the Ozark Man and the Biosphere appeared the following statement, "Normally, there is no need for change in land-holding or regulation following the designation of a biosphere reserve except where changes are required to ensure the strict protection of the core area or specific research sites."

Perhaps what was even more frightening was this biosphere was being created in secret. The steering committee responsible for attempting to create the Ozark biosphere admitted in their feasibility study that they "decided that public meetings would not be part of the interview process because such meetings tend to polarize views of the public and may capture negative attention from the press." (Page 43 of the Feasibility study)

Many individuals will undoubtedly wonder how this was possible. Under what legislative authority did the U.S. Man and the Biosphere Program undertake these initiatives? The answer is that there is no legislative authority. Congress has never passed any law creating the U.S. Man and the Biosphere Program authorizing them to engage in their activities. Even the web page for the U.S. Man and the Biosphere Program admits that "No specific law exists for the U.S. Man and the Biosphere Program."

Proponents of this program will undoubtedly assert that my experience was an isolated incident, and it was for the very reasons I cited that the area around the Ozarks was never finally designated a Biosphere Reserve. However, I would urge these individuals to look at the testimony presented before the House Resources Committee this year, where local officials repeatedly testified that they were never consulted about proposals to create biosphere reserves in their areas. I would encourage the proponents of this program to look to the Alaska and Colorado State Legislatures and the Kentucky State Senate, all of which passed resolutions opposing the U.S. Man and the Biosphere Program, despite the fact that there are currently three biospheres in Alaska, four in Colorado, and two in Kentucky. To date, the U.S. Man and the Biosphere Program has taken no action to address the concerns of these State and local officials.

This is not to say that the U.S. Man and the Biosphere Program has not produced some positive contributions to our understanding of the environment and mans relationship to it. However, until my questions, the questions, of my constituents, the questions of the State Legislatures, and the questions of many of our colleagues are answered, I in good conscience cannot support using one more tax dollar in support of this program.

It is for these above stated reasons that I ask that the House adopted language be included in the Conference report.

I thank Senator GORTON, for the opportunity to present this very important issue for Conference consideration.

Mr. GORTON. I appreciate the Senator from Arkansas bringing his concerns to my attention, and they will have considerable weight with me when the House presents its position in Conference.

USE OF BIA FUNDS FOR MARTY INDIAN SCHOOL

Mr. DASCHLE. Mr. President, first let me thank the distinguished Chairman of the Subcommittee, Senator GORTON, and the distinguished ranking Democrat, Senator BYRD, for their leadership and hard work on this legislation. I appreciate their willingness to work with me and Senator JOHNSON to provide greatly needed assistance to the Marty Indian School in our State.

In the past, the Marty School has received funds sufficient to replace its decaying high school facility. However, the elementary school is 70 years old and is in serious need of immediate repairs. The facility is not suitable to serve the educational needs of its students safely. Recently, a piece of the ceiling in one of the elementary school's buildings crashed onto the desk of a young student. Fortunately, there were no injuries. However, the serious physical problems at the school continue to pose a significant threat to its students. It is clear that eventually the entire elementary school will need to be replaced.

Senator JOHNSON and I would like to ask if it is the intent of the committee

that the report language that refers to the Marty Indian School, found on page 55 of the Committee Report, gives direction to the Bureau of Indian Affairs to assess the serious structural deficiencies, particularly those that could compromise the health and safety of the elementary school students, and to endeavor to provide funds from the emergency or minor repair Programs of the Facility Improvement and Repair program to correct these problems at the earliest possible date?

Mr. GORTON. That is the committee's intention to the extent high priority requirements are identified and prioritized.

Mr. BYRD. That is my understanding.

Mr. JOHNSON. I thank you for adding that language to the report. While we are delighted that these emergency repairs will be made if identified as a priority, we wish to note that the BIA has determined that the entire Marty facility needs to be replaced because it is no longer economically feasible merely to shore up these very old structures. Senator DASCHLE and I are delighted that the replacement high school is now being constructed. However, before long the elementary school facilities must also be replaced. I recognize the shortage of Facilities Improvement and Repair funds. Senator DASCHLE and I would like to work with the committee and the BIA to place the Marty Indian School elementary school on the priority list for future replacement funds when that list is opened up.

Mr. DASCHLE. Again, I thank the Chairman and ranking member and look forward to working with you on this issue. I am proud of the Marty Indian School. Under the leadership of School Board President, Mike Redlightning, and past President Robert Cournoyer and the other board members, the school has a wonderful working relationship with the Yankton Sioux Tribal Council. Support for the Marty Indian School indeed is strong among the Yankton Sioux people.

Mr. JOHNSON. I thank the distinguished Chairman and ranking member and ask unanimous consent to have printed in the RECORD a brief history of the Marty Indian School that has served the Yankton Sioux people of the Marty area so well for so long.

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

THE MARTY INDIAN SCHOOL

SCHOOL BACKGROUND AND HISTORY

Marty Indian School is owned and operated by the Yankton Sioux Tribe. The Marty Indian School is a legal entity of the Yankton Sioux Tribal Business and Claims Committee and is authorized to operate, maintain and administer Marty's educational programs on behalf of the Yankton Sioux Tribe. The school is located on the Yankton Sioux Reservation in southeast South Dakota near the South Dakota/Nebraska border four miles east of the Missouri River and 13 miles southwest of Wagner, South Dakota. The original Yankton Sioux Nation consisted of about two thirds of the portion of South Dakota lying east of the Missouri River. The original reservation consisted of 400,000 acres established by the treaty of 1858. Tribal enrollment for both on and off reservation Yanktons is over 7,000. Marty Indian School serves Students in grades K–12 in their Instructional programs. The school also operates a dormitory program for students in grades 6–12. Of the 796 school age children living on the reservation in 1994–1995, 290 or 38.94% of those children attended Marty Indian School. The remaining students attending The Wagner and Lake Andes public schools.

Marty Indian School, formerly known as St. Paul's Indian Mission, began in 1926 by a missionary priest from Indiana, Father Sylvester Eisenmann, O.S.B. The leaders of the Yankton Dakota people wanted formal education for their children because they realized that change was coming for the Yankton Tribe. In April, 1921, three of these leaders, Thunder Horse, Edward Yellow Bird, and David Zephier made their trek to St. Meinrad Abby in southern Indiana to request that Father Sylvester be assigned as the permanent missionary on their reservation. They camped on the lawn of the Abby until the abbot agreed to their plea.

When Father Sylvester first came to the present site of Marty Indian School, he built a two story school building and a chapel. He named the mission after Martin Marty, the first South Dakota Roman Catholic Bishop. Osotewin—Smoke Woman—(to become know as Grandma White Tallow) donated the land for the new school and the farms needed to support it. The school was built building after building as the demand for space grew and funds were collected. Since its inception, through the labor of many devoted workers, Marty Indian School's campus has grown to include twenty-seven buildings on thirty beautifully landscaped acres.

In its early days, the students learned a great deal from doing. During various construction phases, the students worked on the building projects for half of the day, and went to school the other half. There was a shoe shop on the campus, a printing shop where the bilingual newspaper was published, and the school ran a farming operation.

In March 1975, the ownership of Marty Indian School was transferred to the Yankton Sioux Tribe from the Benedictine Fathers of Blue Cloud Abby. Since that time, the school has been operated by the Marty Indian School Board of Education. Marty has continuously maintained full academic accreditation with exemplary ratings from the State of South Dakota Department of Education.

In the fall of 1994, Marty entered the Effective Schools Program. Since that time a new mission statement has been adopted which involves parents and staff. A comprehensive survey was completed. In-service training has been held on learning styles and teaching strategies. An in-service concerning centering on the issue of restructuring the school was held for all teaching and dorm staff in August of 1995. A curriculum committee consisting of representatives from the community, tribal education office, administration and teaching staff has been meeting for two years to make curriculum more relevant to students and increase student learning. This last year a Tribal Education Code was adopted by the Yankton Sioux Tribe.

In 1995, the Tribe was presented with the Lyle Richards Memorial Award for exemplary service to Indian children by the South Dakota Indian Education Association. Two middle teachers, Carrie Ackerman-Rice and Cynthia Goter, were named Middle school teachers of the year. Dorothy Kiyukan, the Intensive Residential Guidance Program Director, was named National and State Indian Educator of the year in 1994. Karen White Horse was honored as Home Living Specialist of the Year in 1991 by the National Indian School Board Association.

For the last year, the SET Team (School Effectiveness Team), and Curriculum Committee have been gathering data to assess the direction of the school. The school plans to break ground on a new educational building in the spring of 1996. Plans include incorporation of the latest state-of-the-art technology. Many curriculum changes are needed as the school moves from text based curriculum to outcome based education, with academic and behavioral objectives.

EDUCATIONAL PHILOSOPHY

The educational philosophy of the Marty Indian School has evolved since its inception. The school was founded because the community leaders wanted education for their children to prepare for the changes which they saw coming. The current leaders of the school recognize the acceleration of change in the world in which they live, and hold to the original basic tenet of the founders—the education of their youth is vital to the future of their culture and way of life.

MISSION STATEMENT

The Mission of the Marty Indian School, in partnership with the Yankton Sioux Tribe and its communities, is to offer a safe supportive environment: to provide intellectual, social, and cultural values needed to prepare our students for a multi-cultural Circle of Life; and to instill self discipline and respect for self and others.

EDUCATION

We believe that Marty should serve the educational needs of all students. The educational needs of the students include self-development in spiritual and moral values, in intellectual insight, emotional stability, effective human relations, and physical fitness. A special need of Marty students is the awareness, understanding, appreciation and enrichment of their nature culture, and being free of alcohol and other drugs.

We believe that Marty should serve the educational needs of the adult Indians in the area and encourage community involvement in the educational opportunities available at Marty. It is our philosophy that Marty is the educational center for the Yankton Sioux Reservation. We believe that true education on any level is the instilling of the desire for continued learning through the development of a healthy curiosity, active interest, and enlivened ambition.

STUDENTS

It is the philosophy of Marty to provide a safe and secure learning and living environment to Marty students K–12. The objectives are: To assume full responsibility for all students—including their conduct, safety and presence—during the time they are in attendance, in class or residing in the dormitories; and to provide accountability standards by establishing and enforcing adequate student check out procedures.

COMMUNITY

It is the responsibility of Marty that the operation of Marty is the responsibility of the Indian people themselves. We believe

that the successful operation of Marty depends on the quality of service and the dedication of the people who administer the various programs at Marty. We also believe that Marty is the social service center for the people of the area, and the facilities and personnel of Marty are valuable resources for effective educational projects and human relations program.

Objectives for the betterment of student dormitory life are: to provide training programs to the dormitory staff by developing a regular course of instruction and a comprehensive in-service schedule in which each staff member will learn the necessary techniques in providing a safe domiciliary environment.

SCHOOL COMMUNITY

Marty has as its goal the total education of its students at Marty and the self-improvement of the people in the local area. In order to accomplish this goal, objectives are delineated in regard to education: Marty will maintain an accredited school for grades K-12. As facilities and staff are available, the specific needs of Indian students will be served.

NPS GATEWAYS FUNDING

Mr. SARBANES. Mr. President, I would like to engage the distinguished manager of the bill in a colloquy concerning the funding for National Park Service natural programs and the Rivers and Trails Conservation Assistance Program.

It is my understanding that the fiscal year 1996 interior appropriations bill provides an increase of $1 million for the RTCA program, and that the Committee has directed that this increase be specifically applied to activities within the scope of the existing program, not to new initiatives.

Mr. GORTON. That is correct.

Mr. SARBANES. In fiscal year 1997, the committee provided $200,000 from the RTCA account for the National Park Service's Chesapeake Bay Program Office to implement its Chesapeake Bay Action Agenda. The Committee's support enhanced NPS's ability to provide important financial and technical assistance to communities and organizations implementing their watershed protection, heritage area or heritage tourism strategic plans. These projects are terrific examples of community-led conservation, interpretation and preservation efforts that complement other Chesapeake Bay Program activities and illustrate NPS's unique role as a formal participant in the Bay Program.

I note in the Committee report that a number of worthy projects have been mentioned as deserving of continued funding from this program. I would ask the Senator whether NPS Chesapeake Bay Program Office activities would also qualify as a continuing project to receive funding from RTCA.

Mr. GORTON. Most certainly—The project the Senator describes appears to be a good example of the type of work intended to be funded with the additional funding provided by the Committee.

Mr. BYRD. Mr. President, I share the Chairman's observations and encourage the National Park Service to continue its support of this effort.

BLUE PIKE STUDY (USGS)

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a brief colloquy regarding the fish known as the blue pike.

Mr. President, the blue pike was officially declared extinct in 1983 under the Endangered Species Act. This highly valued species, prized for food and sport, prospered in Lakes Erie and Ontario prior to its disappearance in these lakes. But recently, I have been made aware of reports from the Erie, PA, area that the blue pike can still be found in Canadian lakes. It this is so, we have an exceptional opportunity to bring a species back from the brink of extinction.

Mr. President, I would suggest that the Biological Resources Division of the U.S. Geological Survey consider investigating the existence of the blue pike. The Chairman has shown excellent judgment in recommending a bill which includes a $1 million increase for restoration of the Great Lakes fisheries and habitats in this legislation, and I think this is an appropriate area where this important work can be carried out. I am advised that this study and restoration plan could cost $250,000. This is a small price to pay to realize the economic and environmental benefits this study, if successful, would surely produce. Accordingly, I look forward to working with my colleague from Washington to address the blue pike issue.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Pennsylvania. I agree that the blue pike study deserves thorough consideration by the U.S. Geological Survey.

ENSURING ADEQUATE LAW ENFORCEMENT SERVICES ON THE YANKTON SIOUX RESERVATION

Mr. DASCHLE. Mr. President, Senator JOHNSON and I have recently been informed of two urgent matters on the Yankton Sioux Reservation in South Dakota that require immediate attention. The boundaries of the Yankton Reservation are the subject of an ongoing legal dispute. Although the final status of the case will be resolved in the coming year by the Supreme Court, lower court decisions have already transferred criminal jurisdiction over tribal members within the disputed boundaries of the reservation to the Yankton Sioux Tribe. As a result, the tribe's patrol area has increased from 38,000 acres to 400,000 acres and the number of arrests and detentions by the tribe has tripled. The cost of providing these law enforcement services has correspondingly increased from $56,000 to $308,721. We are informed the tribe is in need of $250,000 to accommodate these increased costs.

Mr. JOHNSON. In addition, the reservation's juvenile detention center is undergoing a much needed, year-long renovation that has required the tribe to find alternative housing for the residents of the facility. The annual cost of placing the up to 20 juveniles the tribe houses per day in alternative facilities will cost at least $400,000. These resources cannot be found within the tribe's existing budget. Absent additional resources, Bureau of Land Affairs [BIA] officials state the tribe will be forced to release some offenders into the community and borrow money in order to incarcerate the most violent offenders.

Mr. DASCHLE. It is our hope that BIA funds can be made available to the tribe for these pressing law enforcement needs during fiscal year 1998. If there is special consideration for the funding requirements of underfunded tribes pursuant to section 118 of this bill, would you agree that the BIA should consider providing up to $650,000 to the Yankton Sioux Tribe for these purposes?

Mr. BYRD. I agree that these are two serious problems. The Yankon Sioux Tribe is struggling to maintain adequate law enforcement services and provide housing for juveniles in the criminal justice system. If additional funds are available through the TPA program, then the tribe is encouraged to identify these requirements as a priority in its allocation of funds.

Mr. GORTON. I agree as well. I recognize that funds are not available in the tribe's existing budget to accommodate these responsibilities. It is clear that alternative housing must be provided for juveniles in the criminal justice system while the existing detention facility is being renovated. These additional requirements should be considered in the allocation of TPA funds.

Mr. JOHNSON. I thank the chairman and the ranking member for their assistance.

Mr. DASCHLE. I thank the colleagues for their attention to this important problem, and ask unanimous consent that a letter from Timothy Lake of the BIA providing additional details about these problems be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
YANKTON AGENCY,
Wagner, S.D., September 11, 1997.

Senator TOM DASCHLE,
317 Hart Senate Bldg.,
Washington, DC.

DEAR SENATOR DASCHLE: This is in response to your request for information as it relates to the existing reservation boundary decision and its impacts on juvenile and adult detention.

First, the decision created an increase in Federal and Tribal jurisdiction. Prior to June, 1995, we were exercising criminal jurisdiction on 38,000 acres of trust land. The

State of South Dakota was asserting its jurisdiction on all fee lands within the boundary. The reservation boundary consists of 400,000 acres of land. Since June 1995, we have been exercising jurisdiction over all Indians within the 400,000 acre reservation. As you can see, our area has increased 10 fold. Much of the crime is committed in the cities of Wagner, Lake Andes, Dante and Pickstown. These cities were previously handled by city and county law enforcement.

Our adult prisoner care is contracted with Charles Mix County, and Lower Brule Agency. To illustrate a impact is to look at the previous year before the decision from June, 1994 to June 1995. We had a total of 672 arrests and prisoner detention cost of $56,000.00. The first year after the decision (June 1995 through June 1996) shows us arresting 2,078 and detention cost of $308,721.00. Another interesting illustration is the road miles we previously patrolled. The BIA had 22 miles and now we patrol 314 miles within the reservation.

The Yankton Sioux Tribe was operating a juvenile hold-over facility that was not intended for long term juvenile detention but turned out that way. The Tribe was fortunate to receive a grant (1.3 million) from the Justice Department to renovate their hold-over facility to an approved juvenile detention center. The Tribe was incurring the expense at $250,000.00 per year to house juveniles.

Because of liability concerns, lack of funding, and the renovation project, the Tribe closed the facility at the end of August. The facility should be fully approved and operational by October 1998. We now have no where on the reservations to house juvenile offenders. I have made arrangements with the juvenile detention facility at Kyle, South Dakota. They will house ten of our juveniles at a rate of $50.00 per day per juvenile. This equates to a cost of $182,500.00 per year. The daily average of juveniles that the Tribe was holding in their hold-over facility was 20.

I will need to locate another juvenile facility to hold the balance. I am sure the cost to house the remaining juveniles at another facility will be more costly than the Kyle, SD facility. We must also deal with the time, manpower and vehicle cost to run these juveniles to Kyle and wherever. It is easy to see that we can spend $400,000.00 a year on juvenile detention. Once the Tribe's renovation project is completed, we must begin to pay the cost to house our juvenile offenders at their facility.

There are four (4) full-time FIA police officers at this agency. The Yankton Sioux Tribe was successful in securing six (6) additional officers through the Justice Department COPS Fast program. However, COPS fast funds can only be used for salaries so we have to provide these officers with equipment as well as vehicles to patrol.

As the Yankton Sioux Tribe has communicated to you, the Tribal Priority Allocation (TPA) process does not allow for such a large increase to our law enforcement program. We can not maintain our fiduciary responsibility by decreasing all reservation programs by $650,000.00 and increasing law enforcement by this amount. The whole reservation TPA budget for fiscal year 97 is 1.6 million. The Tribe will need these funds added to its TPA base.

I hope I have answered your inquiry to your satisfaction. I appreciate the interest that you have shown on the impacts of the reservation boundary decision.

Sincerely,

TIMOTHY C. LAKE,
Superintendent.

BUREAU OF INDIAN AFFAIRS FUNDING FOR THE NORTHWEST INDIAN FISHERIES COMMISSION AND OTHER ISSUES

Mrs. MURRAY. Mr. President, much tribal management of salmon resources in western Washington State is conducted through the Northwest Indian Fisheries Commission. Historically, the Commission received its funding directly from the Bureau of Indian Affairs under the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts under trust accounts. Beginning five years ago, however, a portion of these monies was re-routed for administrative purposes within the BIA system, passing through the Tribal/Agency Operations, Tribal Priority Allocation line item in the BIA appropriation. This system worked fine for several years, but funding reductions to Tribal/Agency Operations in recent years have resulted in an approximately 13 percent cut to these accounts. Now these funds are being rerouted back to the original line items of Western Washington—Boldt Implementation and Pacific Salmon Treaty in the trust accounts, but at the reduced level.

Since both the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts were only included in the Tribal Priority Allocations system for administrative, pass-through purposes, it is inappropriate for these line items to be continued at only the reduced level. Full funding for these accounts should be restored. Congress did not reduce funding for the trust accounts. In addition, Congress has annually adopted the Pacific Salmon Treaty budget as developed by the U.S. Section of the Pacific Salmon Commission, and at no time has this funding been reduced. Also, within the FY-98 funding levels, Tribal Priority Allocations are being restored, but not the Western Washington—Boldt Implementation or Pacific Salmon Treaty funds. These factors provide significant justification for restoring these subject funds in the FY-98 budget. While the trust account budget is now set, the BIA may utilize appropriate funds from another account, such as Tribal Priority Allocations, to fully fund these important programs of the Northwest Indian Fisheries Commission.

Mr. GORTON. Mr. President, I agree, the BIA should have the ability to restore funding for the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts from Tribal Priority Allocations. In addition, I suggest that the BIA and the Department of the Interior modify their budget proposal for the next fiscal year to ensure that the trust account includes full funding for Western Washington—Boldt Implementation and Pacific Salmon Treaty.

Mrs. MURRAY. Mr. President, the House Committee Report (105-163) for the Interior Appropriations bill recommends that within the $3,000,000 provided for the "jobs in the woods" initiative under non-recurring programs, Operation of Indian Programs, $400,000 should continue to be used by the Northwest Indian Fisheries Commission for the Wildstock Restoration Initiative. Although the Senate Committee Report does not mention this account, does the Chairman of the Subcommittee, the distinguished Senior Senator from Washington, agree with the guidance of the House Committee Report?

Mr. GORTON. The "jobs in the woods" initiative is an important program for displaced timber workers in western Washington. The Wildstock Restoration Initiative is a key component of the overall initiative. I will support efforts in the Conference Committee to secure funding for the Wildstock Restoration Initiative.

Mrs. MURRAY. Mr. President, the Senate Committee Report on this appropriations measure directs the Bureau of Indian Affairs on page 52 of the report to include a private sector representative on the BIA task force to implement recommendations of an Inspector General's audit of the Wapato Irrigation Project on the Yakama Indian Reservation. In addition to this representative, it was the Chairman's and my intention to also include a representative of the Yakama Indian Nation on the task force.

Mr. GORTON. That is correct. The BIA task force on the Wapato Irrigation District should include a private sector representative and a tribal representative.

Mrs. MURRAY. Mr. President, I thank the chairman for his cooperation.

KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, let me say to my good friend from Washington, Senator GORTON, and the distinguished Senator from West Virginia, Senator BYRD, that it seems to me, in light of the scientific disagreements between the recently conducted BXG findings and the ongoing data collection and analysis by the Utah Geological Survey, there is sufficient reason to revisit the BXG study regarding the Kaiparowits Coal Basin located in the Grand Staircase-Escalante National Monument. Do my colleagues from Washington and West Virginia agree that the significant disparate findings of these studies warrant additional review before the BXG work is accepted as fact?

Mr. GORTON. In view of some of the concerns which have been raised, BLM should consider working with all the experts, including the Utah Geological Survey, to ensure that there is an accurate reading of the current and future state of the Kaiparowits Plateau coal.

Mr. BYRD. Mr. President. I share the sentiments expressed by the subcommittee chairman.

Mr. HATCH. I thank my colleagues for their responses.

ALLEGHENY NATIONAL FOREST (USFS)

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy regarding the Allegheny National Forest in Pennsylvania.

Mr. President, I would suggest that the U.S. Forest Service consider the possibility of funding the following three projects, all of which would enhance visitors' experiences in the Allegheny National Forest.

The first project is for the construction of a central office in Marienville, Pennsylvania. For more than a decade, the Allegheny National Forest has requested funding to carry out this project. Currently, Allegheny National Forest Service employees work out of two small office buildings, a trailer, and two warehouses located separately from the district office. Construction of a central office will help alleviate additional travel and communications costs as well as improve the efficiencies in work coordination.

The second project involves the rehabilitation of three boat-access campgrounds on the Allegheny Reservoir. These sites were constructed in the 1960s, but they have each outlived their expected life spans. Completion of this project would go a long way to improving access for the estimated 11,800 visitors who use these campsites each year.

The last project concerns rehabilitation of the Buckaloons Recreation Area. This area is located within the designated Wild and Scenic River corridor of the Allegheny River. I am advised that visitors' complaints focus on water facilities, parking, and access to the area. The funds needed for this project would improve the Buckaloons Recreation Area to allow Pennsylvanians and others to more fully enjoy the Allegheny National Forest.

Mr. President, I look forward to working with my colleague from Washington to address these three important funding issues.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Pennsylvania. I am aware of the importance of the Allegheny National Forest to Pennsylvania and I believe that these three projects deserve thorough consideration by the U.S. Forest Service. Accordingly, I intend to work with the Senator from Pennsylvania to secure funding for these important rehabilitation projects in the Allegheny National Forest.

RECREATION FEE DEMONSTRATION PROGRAM

Mr. KYL. Mr. President, I rise to engage in a colloquy with the distinguished Chairman of the Interior and Related Agencies Appropriations Subcommittee and the Chairman of the Subcommittee on Forest and Public Lands of the Energy and Natural Resources Committee on an issue related to the Recreation Fee Demonstration Program. In the first year of operation of Fee Demonstration projects, flaws in the program's application are coming to light. These are flaws that I believe can be corrected through a clarification of the policy articulated by Congress in 1996.

I am generally pleased with the overall results of the Recreation Fee Demonstration Program. As various Fee Demo projects have been implemented, some problems have occurred. Public acceptance of new or higher fees has been enthusiastic in some quarters and hostile in others. However, the program has shown promise overall.

Constituents have brought to my attention the threat of private sector displacement by recreation managers in some National Forests. As private permit terms expire, it appears at some Fee Demo sites there is an intent to discontinue reliance on the private sector for delivery of recreation goods and services. In other instances, the agencies are choosing to go into direct competition with the private sector. The Forest Service will now be offering so-called Heritage Expeditions, which may evolve as whitewater rafting expeditions, archaeological digs, or expeditions into Indian Country—activities offered in abundance by community recreation programs, outfitters and guides, environmental educators, lodges, marinas and dude ranches throughout rural America.

If this type of activity is allowed under Fee Demo, more and more concessions may likely be taken from private sector operators and placed into the hands of federal employees to operate. At a time when federal employment rolls are being steadily trimmed, new employees will be required at recreation sites to collect fees, perform maintenance, plan and participate in interpretive and recreational activities. I do not believe this was the intent of the Fee Demonstration Program.

This problem seems to be developing in other states. We need to send a clear message to the land management agencies involved in the Fee Demo project that Congress did not authorize this program to enable the agencies to displace or discourage existing and future investment by the private sector.

Mr. CRAIG. Mr. President, I concur with my colleague from Arizona. Idaho has experienced similar problems with implementation of the Recreation Fee Demonstration Program in this first season of operation.

My colleague, the gentleman from Arizona, has identified a serious problem: use of Fee Demo authority to put the government into direct competition with the private sector. It has happened in Idaho under Fee Demo this summer, and I appreciate the gentleman's effort to bring this unfortunate development in the implementation of the Fee Demo program to the attention of our colleagues in the Senate.

It was on the Wild and Scenic section of Idaho's Snake River in Hell's Canyon that the Forest Service conducted a pilot Heritage Expedition trip in July. The Heritage Expedition element of the Fee Demo program will be conducted regionwide next year in the Pacific Northwest and in the Southwest Regions of the Forest Service, and I'm told that the concept may be adopted nationally in the very near future.

Essentially, the new Heritage Expedition initiative puts the Forest Service into direct competition with an adventure travel industry that is already highly competitive. Dozens of these businesses compete with each other at every primary tourist destination in the country. Thousands more have invested private capital to create and sustain unique market niches on the fringes of the National Park System, or tucked away in some remote corner of the National Forest.

At Hells Canyon, the demand for access to the river and along trails and limited camping facilities is very competitive and increasingly difficult for resource managers to resolve. Environmentalists hold strong views that the river corridor is being trampled by boaters and hikers. Boaters cling tenaciously to levels of float boat and jetboat use that have increased steadily over decades. The Forest Service has to date been entirely unable to reduce conflicts between these various users groups, let alone soften the shrill cry from those who would radically reduce use altogether. Congress has stepped in to arbitrate a portion of these issues, and the situation is now the subject of rather heated congressional hearings.

In pricing and advertising a whitewater Heritage Expedition through Hells Canyon last July, the Forest Service executed an extraordinary piece of business. It advertised a "deluxe, fully catered" whitewater and camping trip in which the fourth night would be spent "in the luxury of" a historic lodge. The four-day trip was offered, and I understand fully booked, for the "fee" (the agency's term of choice) of $1,740.

The Forest Service did use the services of a river outfitter in conducting this trip and spent the final night at a commercial inn. There may have been other director costs not evident from the agency's advertisment of this trip in the Internet. But, I do not believe that this is what we contemplated when we approved the Fee Demonstration.

It's important to note that a commercial operator in Hells Canyon would not be allowed by Forest Service river managers to charge the public such an exorbitant fee, no matter what

amenities were tacked onto the basic outdoor experience.

It was advertised by the Forest Service that a portion of its fee would directly fund "preservation, protection, and future management of Hells Canyon's irreplaceable heritage resources." When the job of analyzing this initial pilot Demo Fee program is complete, it be important to know how much agency staff time and support costs were diverted from normal responsibilities in order to plan, package, market and conduct this trip.

Mr. President, I agree with my colleague from Arizona. Such activities as running expeditions were not what was intended when we approved the Fee Demonstration Program.

Mr. GORTON. I thank my colleagues for bringing this matter to the Committee's attention. In a letter to Regional Foresters on February 25, 1997, Forest Service Chief Dombeck clearly stated that the Fee Demonstration is not intended to displace concessionaires. That was clearly not the intent of this Committee when we passed the Fee Demonstration Program. I thank the gentleman for calling this to the attention of the Committee.

Mr. DORGAN. Mr. President, Senator BURNS and I see the distinguished chairman of the Subcommittee on Interior Appropriations on the floor and we would like to engage him in a discussion regarding assistance from the Department of Energy (DOE) to help finance the construction of a pipeline to transport carbon dioxide (CO2) now produced as a waste gas at the Great Plains Gasification (Great Plains) plant near Beulah, North Dakota to existing oil fields to be used for enhanced tertiary oil recovery.

Mr. GORTON. I will be happy to discuss this matter with my colleagues.

Mr. DORGAN. We thank the Chairman. This project will enhance tertiary oil recovery efforts in North America which will help the United States and Canada secure greater energy independence from foreign oil. It is also critical to the long-term operation of Great Plains, which has been a priority for the federal government since it sold the plant to the Dakota Gasification Company in the late 1980s.

The financial assistance Senator BURNS and I are proposing would consist of a loan from funds currently available to DOE in a Great Plains trust fund. DOE staff has reviewed the details of the CO2 project and the Department believes that a loan is appropriate if so directed in an appropriations bill.

Is the Chairman willing to work with us and the House conferees to include Statement of Managers language in the conference agreement that permits DOE to provide such a loan at reasonable terms to the owners of Great Plains and to the government?

Mr. GORTON. I am unfamiliar with the details of the proposed CO2 project, but I can assure my colleagues from North Dakota and Montana that I will work with you, Senator BYRD and the House conferees to include Statement of Managers language allowing the Department of Energy to make a loan to the owners of Great Plains for the CO2 project, provided the project is consistent with our country's overall energy and environmental policy objectives and is worthy of federal support.

Mr. DORGAN. I wish to thank the Chairman for his cooperation.

Mr. BURNS. I am also supportive of this loan for the construction of a pipeline to transport the excess CO2 from the Great Plains Gasification plant to existing oil fields to enhance tertiary oil recovery. Some portions of these fields lie within the boundaries of my state of Montana, and would assist with the economic development of this area. I would like to thank both the Chairman and my colleague from North Dakota for working with me to reach some sort of understanding on the importance of language in the conference report.

REGARDING THE US FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION

Mr. BENNETT. Mr. President, the chairman knows, the Forest Service recently completed the consolidation of the Intermountain and Rocky Mountain Research Stations in Fort Collins Colorado. I had some serious reservations with this consolidation, but in the interest of reducing the federal budget, I reluctantly agreed to allow the consolidation to proceed. Allow me to share with my colleagues what some of those concerns were.

I was concerned that the proposed merger would actually produce the cost savings promised by the Forest Service. I was further concerned that any administrative savings would be offset by increased travel costs of staff traveling to Fort Collins. And since the consolidated center would be responsible for providing research for approximately 60 percent of the nation's forest lands, I was particularly concerned that the new center would have the ability to provide quality services to my constituents once consolidation removed the administrative process one step further from Utah. Finally, I was most concerned that the employees currently stationed in Utah would be jeopardized by consolidation. While I received numerous assurances that no positions will be eliminated in Utah due to consolidation, it was still unclear that the employees based in Utah would continue to have substantive research responsibilities.

As I mentioned, despite these reservations, I reluctantly concluded that the merger should proceed. I sought your assurance that the Committee would revisit the consolidation next year to determine if the promised benefits and savings have indeed been realized. If these savings have not been met, I requested that the committee take the appropriate action to rectify the situation. Is it still the Chairman's intent to revisit the consolidation?

Mr. GORTON. I recall the Senator from Utah raising these issues in a letter to me last March. I again say to him that the Committee remains concerned that the estimated savings provided by the Forest Service may well not be achieved. It would be an unfortunate waste of taxpayer dollars to have permitted this consolidation to go forward if the Forest Service fails to reach the savings promised. The Committee would be happy to revisit the consolidation issue next spring during the hearing process.

Mr. BENNETT. I thank the Chairman for his efforts.

NEWFOUND GAP ROAD

Mr. FAIRCLOTH. Mr. President, I wish to enter into a colloquy with Chairman GORTON about Newfound Gap Road in western North Carolina. The National Park Service is responsible for the maintenance of this road, which runs through Great Smoky Mountains National Park, and it is the major route for many residents of the area. The road reaches elevations of 5,000 feet, so there is substantial snowfall in the winter, and I am concerned about the snowfall removal effort from the NPS. The road was closed on 42 days over the 1995–96 winter, and it was closed on 13 days over the 1996–97 winter, but the last winter was exceptionally mild. The NPS pledged increased efforts, but I am unaware of real changes in their methods, and I am concerned about prospects for this winter. Is the chairman aware of these problems?

Mr. GORTON. I am well aware of this issue. The Great Smoky Mountains National Park received a $1.06 million increase for Fiscal Year 1997 and a $400,000 increase for fiscal year 1998. This is a large amount of money, and I expect it to be well spent. This committee is reluctant to seize the management prerogatives of the NPS, but I want to ensure that this road is maintained for the people of western North Carolina, and is available for use for as many days as reasonably achievable. The House and Senate Appropriations Committees have previously expressed concern about Park Service maintenance of this road, and I expect the Service to be responsive to our concerns.

Mr. FAIRCLOTH. I am pleased to hear that the Committee understands the importance of this issue. The NPS expects to spend a lot of money for personnel costs, but I don't see evidence of a real commitment to increased maintenance of Newfound Gap Road. The NPS produced a plan last year to answer our concerns, but it was a superficial document that offered little encouragement, so I am glad to hear the chairman state that he expects NPS to

be more responsive. This is important to the community, and I hear support for these people, but the NPS will need to take concrete steps to resolve this issue. The NPS cannot use salt on this road because of environmental concerns, so it needs to look at new equipment such as motorgraders, but I do not hear much about that. Robert Stanton, the new NPS director, told me that he is eager to work with us. He is a good man, and I am confident that he will make some changes, but the NPS budget plan for the Great Smoky Mountains National Park concerns me.

Mr. GORTON. The Park Service has ample flexibility to consider equipment purchases if that is necessary for proper maintenance. The Director is aware of the problem and I encourage him to remain attentive to the situation so that this road remains open as much as possible through the winter.

MICHIGAN LAKES AND STREAMS

Mr. ABRAHAM. Mr. President, I rise today to speak in support of the acquisition of 7600 acres of private land located in Michigan's Huron and Manistee National Forests by the U.S. Forest Service.

As the result of a settlement between the State of Michigan and one of Michigan's power companies, 11,000 acres of the utility's land are being—or have been—transferred to the Great Lakes Fisheries Trust. The trust is a coalition of the State's environmental agencies and several conservation groups which was established as part of the settlement and is authorized to sell these lands in order to capitalize a trust fund that will support projects to restore the Great Lakes fishery.

Approximately 7,600 of the settlement acres lie within or along the boundaries of the Huron-Manistee National Forest, and a significant portion are located along the popular Au Sable and Manistee Rivers. Both these rivers boast some of the State's best fishing. The acquisition of these parcels by the Forest Service would ensure the protection of the water and forests and species located within them.

Mr. LEVIN. If my colleague would yield for a moment, it is my understanding that the bill appropriates $700 million from the Land and Water Conservation Fund [LWCF] for land acquisition which have been set aside for a variety of projects, some of which will be identified after consultation with the administration and the House. I believe approximately $285 million of those funds have not been designated for specific projects.

Mr. ABRAHAM. The senior Senator from Michigan is correct. These funds have been budgeted but have not yet been earmarked for specific purchases.

Mr. LEVIN. If my colleague will yield further, I think it is also important to point out that the sale of these inholdings by the Great Lakes Fishery Trust will help generate funds for fishery enhancement programs and preserve critically important frontage along rivers that flow into the Great Lakes. If, however, these lands are not purchased quickly, then the Great Lakes Fisheries Trust could face significant costs, including taxes and administrative fees. Such costs would put the trust in the uncomfortable position of either having to sell these lands commercially or paying these costs and thereby reducing the flow of funds destined for financing improvements in the Great Lakes fishery.

Mr. ABRAHAM. My colleague is again correct. the Great Lakes Fisheries Trust and the Forest Service have a great opportunity to protect some of Michigan's pristine natural resources. Unfortunately, if we do not act soon, this opportunity will quickly slip away.

Mr. GORTON. Will the Senator from Michigan yield for a question?

Mr. ABRAHAM. Mr. President, I would be happy to yield to the distinguished Senator from Washington.

Mr. GORTON. Can my colleague tell me whether the U.S. Forest Service has expressed an interest in purchasing these lands?

Mr. ABRAHAM. Yes, the Forest Service has expressed its desire to purchase these acres. I understand that this acquisition is on the Forest Service's priority list.

Mr. GORTON. I thank the Senators from Michigan for bringing this to my attention. I understand how important this issue is to them both and will give it due consideration as the conferees consider Federal land purchases during the conference.

Mr. ABRAHAM. Mr. President, I wish to thank the distinguished subcommittee chairman for his consideration and hard work in support of this Nation's parks, national forests, and wildlife refuges.

Mr. LEVIN. I appreciate the Senator's consideration and my colleague from Michigan's efforts and interest on this matter. Also, I want the chairman and Senator BYRD to know that I have communicated our interest to the administration and urged that this item be put on their priority list.

CHICKAMAUGA-CHATTANOOGA NATIONAL MILITARY PARK HIGHWAY ROAD RELOCATION PROJECT

Mr. COVERDELL. Will the distinguished chairman of the Senate Appropriations Subcommittee on Interior yield for a question?

Mr. GORTON. I would be happy to yield to the senior Senator from Georgia for a question.

Mr. COVERDELL. As the Senator well knows, Federal funding for the Chickamauga-Chattanooga National Military Park highway road relocation project is very important to myself and the State of Georgia. Your previous support for this project has been especially helpful and appreciated. I note that in the fiscal year 1998 Interior Appropriations Committee report, on page 38, it states "that the Park Service intends to allocate $2.8 million in fiscal year 1997 to continue work on the Chickamauga-Chattanooga National Military Park highway road relocation project, and that additional funds will be allocated in fiscal year 1999 from Federal Highway Lands Program funds." In addition, the report also states that "the committee supports efforts to complete this project in fiscal year 1999."

I appreciate the subcommittee chairman's interest in this important issue. However, I am concerned that it appears that no funding will be allocated for this project in fiscal year 1998. This has been an ongoing road construction project and any further delay in its completion will cause additional burdens to my State. It is my understanding that the Park Service has made assurances that it will provide at least $8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds. Is the Senator aware of these assurances made by the Park Service?

Mr. GORTON. Yes. I am aware that the Park Service has indicated that it will provide an estimated $8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds to continue work on the U.S. Highway 27 bypass around the Chickamauga-Chattanooga National Military Park in Georgia. The Senator should be aware, however, that the current authorization for FLHP expires with ISTEA on September 30, 1997, so any allocations for fiscal year 1998 are dependent upon enactment of a new authorization and evaluation of the total funding allowed.

Mr. COVERDELL. If the subcommittee chairman would further yield, it is my understanding that the House's version of the fiscal year 1998 Interior appropriations bill includes report language which reflects the Park Service's assurance and sets aside a minimum of $8.85 million for this project. I believe it is critical there be no further delays in completion of this project or gaps in funding from the Park Service. Would the chairman be inclined to include language similar to the House in the conference report to the fiscal year 1998 Interior appropriations bill?

Mr. GORTON. I would be happy to work with the senior Senator from Georgia on this issue. I realize how important the Chickamauga-Chattanooga project is to you and the State of Georgia. I appreciate all your hard work and diligence on this project.

Mr. COVERDELL. I thank the chairman for his help. I yield the floor.

RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. BENNETT. I thank the distinguished Chairman, Senator GORTON, for

his support on a matter of particular importance to the Utah Navajo population of San Juan County. The issue involves the Montezuma Creek Health Clinic in Montezuma Creek, UT.

For nearly 3 years, my colleague Senator HATCH and I have worked together to improve the delivery of health care services to the residents of San Juan County. This area is located in an extremely remote part of southeastern Utah and is the home of approximately 6,000 Navajos. The Montezuma Creek Clinic is very important to this rural community. However, the existing facility is in extremely poor condition and has undergone numerous repairs. The clinic comprises a patchwork of a mobile trailer connected to a permanent structure which is approximately 40 years old.

In an effort to make improvements to the clinic, the committee provided $100,000 for planning and renovation of the existing structure. These funds will be matched by the State of Utah and the Utah Navajo Trust Fund that collectively will provide at least $300,000 for renovation of the facility. However, I do have a question for the chairman regarding the intent of the committee report language with respect to how these funds can be spent.

Mr. GORTON. I would be happy to provide a clarification.

Mr. BENNETT. The committee report language on page 98 states: "The Committee does not intend for any of these funds to be used for facility or program [expansion], but rather, for improvement of existing conditions." My concern is over the word "expansion." As a practical matter, the renovation of the facility may result in an expansion of the overall structure. This is especially apparent since the clinic is partially housed in a temporary structure and replacing it may, in fact, increase the overall square footage of the clinic. The clinic's staff also informs me there is a critical need to increase the size of the emergency room as well as add additional examination rooms in order to handle the current heavy caseload. Moreover, in order to comply with Federal and State building codes, some expansion of the facility will be needed. Clearly, these measures are designed to accommodate existing services and, as such, should not be viewed as an expansion per se.

Mr. GORTON. I understand the Senator's concerns. The committee intends that the funds are used toward the design and construction of renovating and improving the existing facility. Making improvements to accommodate existing services is certainly acceptable. Such measures would include replacing temporary housing with a permanent addition as well as enlarging the emergency room, or adding examination rooms. The use of the word "expansion" in the committee report was used to indicate that the committee cannot ensure that additional funding—beyond what is currently provided in this bill—will be provided by virtue of facility improvements being made at this location. If additional costs are anticipated because of a larger facility than presently exists, the committee will consider these needs but can make no guarantees.

Mr. BENNETT. I understand the chairman's position. The funds provided by the committee are a positive step in improving the conditions at the Montezuma Creek. I thank my colleague for the clarification and, once again, appreciate his support for this important project. I also want to thank Senator HATCH for his support and work on this project.

Mrs. BOXER. Mr. President, increasingly frequent catastrophic die-offs of fish and waterfowl at the Salton Sea have led experts to conclude that the entire ecosystem is in crisis and could perish in the next 5 to 10 years unless dramatic measures are taken. The crisis has dire implications for migratory birds on the Pacific Flyway because the Salton Sea is a critical stop for species migrating along the Pacific Coast. Urgent scientific research is underway, but scientists have not yet identified the cause of the environmental crisis. The area's agriculture, wildlife, water usage, and environmental health systems are in jeopardy.

Another massive die-off is occurring now. Previously, the U.S. Fish and Wildlife Service and the U.S. Geological Survey worked in partnership with the California Department of Fish and Game to deal the diagnosis of dead species, rehabilitation of sick birds, and the disposal of carcasses to avert the spread of disease. Unfortunately, just a few weeks ago, California withdrew most of its field personnel due to costs and concerns about the potential health threat to State field personnel. California's withdrawal has resulted in a significant increase in the workload of an already undersized Federal staff at the Sea.

I therefore ask the chairman of the subcommittee to work with me to include the following report language in conference.

Spurred by the accelerated rate of species decline at the Salton Sea, the Committee directs the Secretary of the Interior to create a plan for Department of the Interior activities in the Salton Sea region in Southern California; to submit the plan to Congress no later than April 15, 1998; and to make every effort to consider any preliminary recommendations in the FY 1999 Budget request. The plan should seek to be as comprehensive as possible, and to be compatible with important factors including water transfer plans, environmental restoration needs, economic factors (including agriculture) and the rights of Native Americans. The Department shall develop the plan in cooperation with the State of California and the Salton Sea Authority. In addition the Committee urges the Department to consider the funding needs of the Salton Sea National Wildlife Refuge for operations including laboratory support from the U.S. Geological Survey, supplemental field staff during declared die-off episodes to recover dead and dying wildlife and to monitor wildlife health at the Sea, on-site and remote field hospital operations for sick wildlife from the sea, incineration and disposal facilities for dead wildlife, and for high priority research needs identified by the 1997 Salton Sea Needs Assessment Workshop.

Mr. GORTON. I recognize the importance of addressing the emerging crisis at the Salton Sea. I share your concerns, and will carefully consider this language for possible inclusion in the Statement of Managers accompanying the conference report on the Interior bill. I would note, however, that the funding constraints under which the Interior agencies operate do not allow for agencies to perform tasks that should rightly be the responsibility of the States. Should the conferees request the report suggested by the Senator for California, such report should include a discussion of an appropriate division of responsibilities among the Federal Government, the State of California, and other relevant agencies.

TECHNICAL CORRECTIONS TO THE UTAH MINER'S HOSPITAL GRANT

Mr. BENNETT. Mr. President, I would like to discuss briefly the technical corrections made in this bill to section 116 of the Omnibus Appropriations Act for Fiscal Year 1997. I wish to point out to my colleagues that the original language was intended to ratify the State of Utah's legislative decision to allocate all funds generated by two Federal land grants for a miner's hospital to the University of Utah in Salt Lake City for construction and support of a physical rehabilitation center. However, the original language inadvertently failed to include the statutory citation of the first of the two land grants for a miner's hospital. The technical amendments correct this omission, clarifying Congress' ratification of the Utah Legislature's actions with respect to funds generated from miners' hospital land grants in both 1894 and 1929.

Mr. GORTON. I thank the Senator from Utah for the clarification. Will the Senator briefly outline the history of these land grants?

Mr. BENNETT. Certainly. In the Utah Enabling Act, Congress granted the new State of Utah the right to select 50,000 acres of unappropriated federal lands for support of a miner's hospital for disabled miners. This 1894 grant was supplemented in 1929 by the grant of an additional 50,000 acres. In the late 1950's, the Utah legislature, with the support of the United Mineworkers of America, determined that accumulated funds from these two grants could best be used for the construction of a rehabilitation center that would serve both miners and the general public, rather than for the construction of a standalone hospital for

the limited number of disabled miners in the state. This facility was constructed in 1965 and operated under the supervision of an advisory commission that included representatives of the State's mining unions. Subsequent State legislation has provided that ongoing funds generated from the two land grants are to be used to support this rehabilitation center.

Mr. GORTON. Will the Senator explain for the benefit of our colleagues the need for congressional ratification of the Utah legislature's actions concerning these grants?

Mr. BENNETT. Although the rehabilitation center was constructed with the support of the United Mineworkers of America, and has been open to use by the state's miners, some have questioned whether the Utah legislature was permitted under the Utah Enabling Act to use funds generated from these grants for a rehabilitation center open to both miners and the general public, as opposed to a facility open only to miners. Section 116 of the Omnibus Appropriations Act for Fiscal Year 1997 was intended as congressional approval of the Utah Legislature's actions with respect to use of accumulated and ongoing funds from these land grants. However, as I have noted, that act referred only to the 1929 land grant and inadvertently failed to cite the 1894 land grant. These technical amendments correct that omission.

Mr. GORTON. I thank the Senator for the clarification. I am pleased that we can now bring this issue to closure.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 2107, the fiscal year 1998 Interior and related agencies appropriations bill.

I congratulate my good friend, the senior Senator from Washington, for his diligence in fashioning this important appropriations measure. He has done a masterful job throughout the process.

Mr. President, the pending bill provides $13.7 billion in new budget authority and $9.1 billion in new outlays to fund the programs of the Department of the Interior, the Forest Service of the Department of Agriculture, the energy conservation and fossil energy research and development programs of the Department of Energy, the Indian Health Service, and arts-related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill provides a total of $13.8 billion in budget authority and $13.7 billion in outlays for these programs for fiscal year 1998.

I support the bill with the adoption of the manager's amendment to bring the bill within the subcommittee's 302(b) allocation for budget authority. The reported bill is $38 million in outlays under the subcommittee's allocation.

It has been my privilege to serve on the subcommittee with the distinguished chairman. I appreciate the subcommittee's support for several priority projects in my home State of New Mexico.

I support the bill with the exception of the provisions relating to Indian tribes, which I will speak to later in the debate.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee's scoring of the Interior and related agencies appropriations bill for fiscal year 1998 be printed in the RECORD.

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

H.R. 2107, INTERIOR APPROPRIATIONS, 1998: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 1998, $ millions]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		13,701		55	13,756
Outlays		13,691		50	13,741
Senate 302(b) allocation:					
Budget authority		13,700		55	13,755
Outlays		13,729		50	13,779
President's request:					
Budget authority		13,747		55	13,802
Outlays		13,771		50	13,821
House-passed bill:					
Budget authority		12,980		55	13,035
Outlays		13,382		50	13,432
Senate-reported bill compared to:					
Senate 302(b) allocation:					
Budget authority		1			1
Outlays		−38			−38
President's request:					
Budget authority		−46			−46
Outlays		−80			−80
House-passed bill:					
Budget authority		721			721
Outlays		309			309

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

TIMBER ROAD SUBSIDIES

Mr. MCCAIN. Mr. President, yesterday, I voted against the Bryan amendment regarding timber road construction subsidies. I would like to take this opportunity to explain my reasons for doing so.

First, and most important, I believe the amendment goes too far. I have consistently opposed the current subsidy because I believe it is unfair to use the value of natural resources that belong to all taxpayers to offset the full cost of access roads needed by the timber industry to harvest those resources for their own profit. I agree with the proponents of the amendment that this is nothing more than a handout of Federal assets at a loss to the taxpayers.

However, because many of these roads serve dual or multiple purposes, I do not believe it is fair to shift the cost entirely to the timber industry, unless the industry is the only user of the road. This is a position I had clearly staked out in an amendment I offered in late 1995. In that amendment, I proposed to change the current system to require timber companies to pay a fair share of the costs of construction and maintenance of forest access roads. If, for example, the road would be used half of the time for recreation, maintenance or firefighting access, or some other legitimate purpose, then the timber industry would only have to pay for half of road construction. If, however, the road would only serve the timber company, the company would pay the entire cost of construction.

I believe this is a fair means of allocating responsibility for construction and maintenance costs—based on actual use of the road. The Bryan amendment would have gone much too far and unfairly penalized the timber industry.

Second, the amendment would have cut $10 million from the Forest Service budget for road construction and maintenance. Anyone familiar with some of the roads through our Nation's forest lands recognizes the need for more funding, not less, for maintenance of existing roads. Even supporters of the amendment pointed out that the Forest Service has a $440 million backlog of road maintenance needs for existing roads.

Many of these roads were built and paid for by the timber industry, and have since been turned over to the Forest Service. Many of them remain multi-purpose roads, providing ready access for the timber industry as well as the public and others to our forest

areas. The Forest Service budget for maintenance of these roads is limited, and the Bryan amendment would have cut funding that could be used to maintain existing forest roads.

Finally, the amendment does not adequately protect the counties from a cut in the funding they receive from timber sales. Because the timber industry would be required to fully fund access roads, companies would likely submit lower bids for the timber. County governments rely on revenues from timber sales to maintain their own roadways. Because the money counties receive is based on a fixed share of total timber revenues, a smaller pot would mean less money to the counties. The National League of Counties has written a very strong letter opposing the Bryan amendment.

Let me address briefly the concerns of environmental organizations about the timber access road program. I believe we have to strike a balance in our forest management policy between preservation and production, focusing on healthy, well-maintained forests that will be preserved for future generations.

However, I doubt seriously that eliminating the road construction subsidy for timber companies would result in less logging of our forests. The key to limiting logging and road-building in our forests is a rational, reasonable forest management policy. In fact, because the revenue from timber sales would decline with lower timber bids, our forests could actually be harmed. The Forest Service would have even less funding to carry out its important preservation and management activities, and those wishing to utilize these roads for recreational access to forest lands would be denied that opportunity.

Mr. President, this amendment was cast as an anti-pork amendment. My commitment to eliminating pork-barrel spending is quite well known to my colleagues, whether it be earmarks in an annual appropriations bill or corporate subsidies. But it is important that we look at the details of this amendment, because it would have had serious consequences for local communities and others who use these roads that I do not believe the authors intended, and which have nothing to do with pork.

Mr. President, for these reasons, I voted against the Bryan amendment. I will continue to pursue elimination of unfair and inequitable corporate subsidies, including the current timber access road subsidy. One mechanism which would help in the effort to eliminate such subsidies is an independent, non-partisan commission to study all corporate subsidies and prepare a package of recommendations for Congressional review and action, and I have authored a bill, S. 207, with several of my colleagues to set up such a commission. And I am prepared to work with Senator BRYAN and my colleagues to craft an amendment to eliminate this inequitable corporate subsidy and put in place a fair and equitable program to share the costs of timber access roads among all users, and to ensure that rural counties already strapped by declines in the timber industry are held harmless.

NEW WORLD MINE

Mr. BUMPERS. Mr. President, more than a year ago I addressed this body to tell my colleagues about a proposed gold mine that posed a major threat to Yellowstone National Park. Crown Butte Mining, Inc. proposed to construct a 72-acre impoundment area with a dam that would be somewhere between 75 and 100 feet high, which would have a plastic lining on the bottom and some sort of a cap on top to keep oxygen away from the 5.5 million tons of tailings from the mining operation that would go into this impoundment area. The purpose of keeping the oxygen away from it is to keep the waste from turning into sulfuric acid. This earthfill dam would be located high above Yellowstone National Park and the Yellowstone River, in one of the most seismically active, earthquake-prone areas of the country. An area where it snows thirty feet a year.

I introduced a bill at the time to withdraw Federal lands from around that mine from further disposal under the mining laws, and to draw attention to this problem. I said at that time that my bill would not legally stop Crown Butte from proceeding with the mine, but that I hoped my bill would discourage them and dissuade them from doing it. I said that I hoped that Crown Butte, as good corporate citizens, would not force the issue and leave us to wonder whether or not this 5.5 million tons of tailings that they proposed to impound there could possibly break loose and pollute the Clarks Fort and Soda Butte Creek, which flows right into Yellowstone National Park.

To their credit, Crown Butte has not proceeded. They recognized that the public wanted to protect Yellowstone, and they were going to have to overcome some fairly significant environmental problems. And they reached an agreement with the administration and with local conservation groups that had sued them, and they agreed to let the United States buy out their interest. They reached that agreement more than a year ago, and the only thing that is required for it to be consummated—for Yellowstone to be protected from this threat and for the company to receive what they believe is fair compensation—is for us to fund that agreement in this bill.

The Interior Appropriations bill includes $65 million for this purpose. So we have the money to accomplish this goal of protecting Yellowstone National Park.

Unfortunately, as the bill currently stands, it requires further legislation for the administration to actually use the money for that purpose. I hope we dispense with that requirement. The question is simple—do we protect Yellowstone National Park through an agreement which is supported by both the mining company and the National Park Service, and which involves paying the mining company the appraised value of its property? Or do we need to kick this around for another two years, and reward the mining company for being a responsible corporate citizen by saying, "We've got to think more about this"?

As the ranking minority Member of the Senate Energy Committee, I am very sensitive to that Committee's responsibilities. But it is quite clear that no new law is required for this agreement to be consummated. It involves purchasing private inholdings in a National Forest—something the Interior Appropriations Committee has funded in hundreds of places over the past several years on the authority of existing law.

The question is simple. Do we take the opportunity to save Yellowstone, or throw it away?

I went to Yellowstone when I was 12 years old—breathtaking. I never forgot any part of it, the geysers, the magnificent waterfalls—all of it. Here is the first national park in America. Yellowstone, a crown jewel. To allow a huge industrial development generating hundreds of tons of highly acidic mine waste to threaten to destroy the first national park in America, one of the real crown jewels of the world, not just America, is absolutely unacceptable.

Many times we find that we in this Chamber can't agree on some proposal to protect environmental values because there is another side, and a conflict. Here there is no other side. The mining company wants to solve this problem. The conservation community wants to solve this problem. I hope that when we take this matter up in conference, we will drop this requirement for further legislation and simply solve the problem.

WEATHERIZATION AND STATE ENERGY CONSERVATION PROGRAMS

Mr. LEAHY. Mr. President, I want to thank Chairman GORTON for increasing funding for the Low-Income Weatherization Assistance Program and the State Energy Conservation Program from the levels provided in 1997. As a strong supporter of these programs, I am encouraged to see the Senate reverse the disheartening trend of the last few years whereby the programs had been reduced to 50 percent of the 1995 level.

These programs are very important in Vermont, where high energy costs are a stark reality. Last year, Vermont and the entire Northeast experienced a dramatic price spike in heating fuel,

twenty-five percent higher than the previous winter. These price spikes hurt all Vermonters, but low-income families carry a greater burden. Energy costs account for fourteen percent of their total income, four-times as much as the average household. The Weatherization assistance program eases this burden by helping families insulate their homes, replace inefficient heaters and ventilation systems and seal drafty windows and doors. One thing Vermont has plenty of is drafty, old houses.

But the Weatherization assistance program is not just about keeping homes warm, it is also about keeping homes safe. The program gives priority to houses with unsafe chimneys and wiring, cracked heating systems, carbon monoxide and combustion air concerns, and faulty mechanical systems. In Vermont, this program is saving lives. Let me share one example with my colleagues. During a routine energy audit at the home of an elderly couple, the weatherization auditor found extremely high and dangerous levels of carbon monoxide being emitted from the gas cooking range. He discovered that when the power goes out, the couple puts a blanket up around the kitchen and uses the cooking range for heat. As it turns out, the couple had been suffering from carbon monoxide poisoning in the dark every time there was a power outage. Through the Weatherization program, the defective valve system was replaced to make the home easier to heat and healthier for the couple.

Finally, the Weatherization and State Energy Conservation programs make economic sense. The Weatherization program returns $1.80 in energy savings for every $1.00 spent on weatherization activities. The average savings per home that participates in these programs is $4,000 annually. Again, these are savings for low-income families who are having to make the tough choices between heating their homes and feeding their children. These programs also benefit our economy as a whole, by creating jobs in the energy efficient technology industry and in the service sector. In Vermont, for every dollar we spend on energy efficiency, over seventy percent remains in our economy.

I commend Chairman GORTON for his support and look forward to supporting the Senate level in conference as the minimum necessary for these critical programs. As we attempt to make our nation more energy efficient we cannot turn our backs on the programs that actually work and deliver real benefits to real people. Whether these programs are insulating the homes of the elderly, disabled or poor, or helping to reduce energy costs for our hard-pressed schools and hospitals, we need to support these effective programs. I hope that we can have a successful conference in this area.

Mr. BOND. Mr. President, I rise today to commend my colleague Senator GORTON on his amendment to provide kindergarten through 12th grade education funding directly to local educational agencies. Last month, I traveled through my home State of Missouri to discuss education and the importance of parent involvement in their child's education. I strongly believe that parents are the key to educational progress. As I visited with parents, educators, and local school officials, they were in full agreement concerning the education of our children; they need the flexibility to improve the quality of education at the local level without federal intrusion. As responsible parents and educators, the need for our children to be properly educated was a top priority.

Over the last 30 years, federal involvement in education has burgeoned and I am disturbed by the growth of federal involvement in what is constitutionally the right of states: to provide for high-quality, public education. This growth has been a wolf in sheep's clothing: states and localities have been offered additional funding in exchange for adhering to federal rules and regulations. The result has been that local school officials, who are directly accountable to parents, have experienced increasingly less control over education.

The Gorton amendment gives local schools and States what they have been requesting for years: the flexibility to develop challenging academic standards and programs that works in each locality. States and communities are where the action should be in designing standards and programs. It is at those levels that disputes are most likely to be resolved and important local priorities recognized. We must return to the traditional role of education and reduce federal control.

States and local school districts are making great strides in educating our young people; however, the federal government cannot continue to impede their ability to provide a high-quality education which they are perfectly capable of doing. The Gorton amendment sends us in the right direction, allowing both parents and educators to work together for quality education. It is bringing education back where it belongs: at the local level. We have lost too much already by the impositions of the federal government, and it is time to remedy this problem to prepare our children for the 21st century.

This amendment will ease regulations that prevent teachers, school administrators, and parents from doing what is best to improve their schools. Our goal is to ensure that our children are equipped with solid academic basics, which is learning to read, write, compute, think, and speak. There is no need to reinvent the wheel because we know what works and that is parents, teachers, and local communities working together to find local solutions to local problems to educate our children. We know that our children could be doing better and I want to ensure that local schools have every possible resource to make that happen.

Mr. President, the Gorton amendment will help strengthen our educational system by increasing local school districts' flexibility and funding to improve the quality of education for our children. I am proud to support this amendment and urge my colleagues to adopt this provision in conference.

NATIONAL ENDOWMENT FOR HUMANITIES

Mr. JOHNSON. Mr. President, I rise today to express my strong support for the National Endowment for Humanities (NEH). While I am aware of the national importance of the NEH, I am particularly supportive of continued federal funding for NEH because of the regular and critical funding my state of South Dakota receives. Grants from NEH are vital to the people of my state in preserving the rich and unique cultural heritage of South Dakota and the surrounding great plains states.

NEH programs exemplify the type of federal-state-local partnerships that have traditionally fostered a collective dedication to cultural and historic education. The NEH gives state humanities councils the necessary freedoms to meet local education needs. In the last five years, institutions in South Dakota have received roughly $2.7 million from the NEH and the South Dakota Humanities Council for a variety of library programs and exhibits, literary publications, and cultural heritage visitors centers.

The South Dakota Humanities Council relies on the NEH for 90 percent of its funding. That support goes directly to schools and small communities for projects like "Calamity Jane: The Woman and the Legend" produced by the Deadwood Historic Preservation Commission, and "Lakota: Language, History, and Culture" at the Bonesteel Fairfax School. At the same time, broader educational projects continue the literary legacy of many of this nation's most acclaimed authors and long time South Dakota residents, including Laura Ingalls Wilder, who gave us the "Little House" series, and L. Frank Baum, author of the classic "The Wonderful Wizard of Oz." This year, South Dakota celebrated Baum's work with the Wizard of Oz Festival in Baum's hometown of Aberdeen. This festival bloomed into a statewide, year-long celebration, including reading programs in public schools, travelling educational programs, and symposiums involving scholarly interpretations of Baum's work at state colleges and universities. This far reaching festival celebrating Frank Baum's literature was made possible through several NEH grants.

The many NEH-funded heritage fairs and events held throughout my state every year are endorsed by the South Dakota State Arts and Humanities Councils, as well as state and local tourism authorities. Recently, the South Dakota State Humanities Council received one of only two national awards presented at the National Conference of State Humanities Councils for the Oscar Michaux Festival held in Gregory, SD. These and countless other worthy public education programs will disappear in my rural State, and the creativity behind this type of education programming will be thwarted if efforts to gut or eliminate the NEH continue.

Although the United States provides far less public support for the humanities than we spend on military bands, the NEH continues to play a critically important role in improving the quality of life in rural areas, such as South Dakota. I will continue to support Federal funding for the humanities because of the NEH's very positive assistance to cultural and historic organizations and schools throughout America.

LOW-INCOME WEATHERIZATION PROGRAM

Mr. D'AMATO. Mr. President, I would like to engage my colleague from Washington in a colloquy on the importance of the Low-Income Weatherization Assistance Program and the State Energy Conservation Program to the people of New York, as well as the entire country.

Mr. President, I would first like to acknowledge the fact that Chairman GORTON has crafted a good bill under difficult circumstances. This bill combines a number of different agencies and functions within a tight budget cap, and I appreciate his effort to balance these different needs.

Mr. President, the Weatherization Program upgrades the energy efficiency of the homes of the poor, elderly, and disabled in this Nation. This is important in warm and cold climates alike, providing people with long-term solutions to housing affordability. This program is highly effective with low administrative costs. The State Energy Conservation Program permits States to target energy programs in all sectors of the economy, from making schools and hospitals more energy efficient to promoting alternative motor fuels and renewable energy. This program is highly leveraged with large amounts of State, local, and private funding. As the country moves forward to restructure the electric industry, these two programs will be all the more important to meet the needs of low-income families.

Mr. President, the committee's bill provides $5 million more than the House-passed bill for weatherization and $1.1 million more than the House for the State Energy Conservation Program. I would like to urge Senator GORTON to stand firm in support of the Senate numbers in conference with the House.

OUTER CONTINENTAL SHELF LEASING PROGRAM

Mrs. HUTCHISON. Mr. President, I would like to rise today, with my colleague, Senator JOHN BREAUX, to engage in a colloquy about a serious matter that has only recently come to our attention.

Mr. GORTON. I yield the floor for your colloquy.

Mrs. HUTCHISON. Mr. President, if these concerns are not addressed, one of our country's most successful programs, the Outer Continental Shelf Leasing Program, may be jeopardized. Under that program, the Federal Government has raised hundreds of millions of dollars in rents and royalties over the last 25 years, while at the same time developing safe and secure sources of energy for our country. Crucial to the success of that program is the ability of the private sector to conduct exploration of the Gulf of Mexico before submitting bids on the tracts offered for oil and gas leases.

I recently learned that the Minerals Management Service [MMS] has proposed changes to the rules under which that exploration is conducted. These changes would potentially jeopardize the continuity and success of the Outer Continental Shelf Lands Act [OCSLA] program.

Currently, geological and geophysical companies [G&G companies] conduct seismic surveys under MMS permits which require the permittees to provide the data they collect to the MMS under strict guarantees of confidentiality.

The G&G companies then provide the oil companies access to the data through nonexclusive licenses. The licenses allow the oil companies to use the data for any purpose including reprocessing the data using their own technology and data. These licenses are given on the condition that the licensee will not show or share the data with anyone else. In this way, the G&G companies are able to offer data to the largest number of possible users at the lowest cost.

Under the proposed regulations, MMS intends to extend its ability to obtain data from just the G&G companies to all of the companies who have licensed and reprocessed that data using their own technology. By requiring all industry to share reprocessed data with the MMS, the threat of disclosure of extremely sensitive business data exists. Under any number of situations, including appeal of fair market values, it is unclear if the proposed changes would protect the confidentiality of that data. This threat to sensitive business data could ultimately threaten the success of the OCS leasing program.

I understand and appreciate the need for MMS to have accurate data. However, I question the need of the Government to obtain reprocessed data that belongs to the business community especially if it could potentially be released to competitor companies.

It is my understanding that my colleague, Senator BREAUX was an author of the original OCSLA. Do you believe the MMS' proposed regulations accurately reflect the purpose of that legislation?

Mr. BREAUX. Mr. President, as one of the original authors of the Outer Continental Shelf Lands Act, I can advise the Senate that we spent a great deal of time and effort in developing a law that would result in the information, data, and interpretation remaining confidential. Any steps that would put that confidentiality at risk are contrary to the spirit and intent of what we were trying to accomplish in 1972.

At that time, geophysical contractors were particularly concerned about the data sharing and confidentiality provisions of the OCSLA because they felt any breach of that confidentiality would destroy the market for the data, which is the geophysical contractors' sole asset. To protect that confidentiality, provisions were adopted requiring MMS to make sure the agency obtained permission from the permittee and anyone to whom the permittee sold the data under promise of confidentiality before sharing any data obtained from the permittee with a State government.

Shortly after the amendment of the OCSLA, MMS promulgated regulations spelling out the mechanics of how data was to be made available to it and how it was to be protected once it had been turned over. Among those rules is one that mandates that the permittee, who had agreed to make its geophysical data available to MMS as a condition of the permit, require any party to whom the data is transferred to agree to the terms of the permit regarding data sharing as a condition of the transfer. Industry contends that when that regulation was proposed, MMS proposed to define the term "transfer" in a way that included nonexclusive licensees, but dropped that requirement from the final rule. Industry believes that MMS has now proposed to extend its data sharing requirements to nonexclusive licensees and to amend its regulations in several other significant ways.

MMS contends that, in the 25-year span of its statutory responsibility to hold geophysical data confidential, this confidentiality has never been breached. And, MMS believes its current rulemaking is fully consistent with its authority under the OCSLA. In other words, MMS is going forward with its rulemaking without further public input.

Mrs. HUTCHISON. I share your concerns regarding the intent of the original OCSLA and the effect of the MMS' actions.

MMS is threatening to implement regulations without adequate discussions between the agency, industry, and the original authors of the OCSLA. By utilizing a negotiated rulemaking, we have a unique opportunity to avoid the problems that MMS' current course of action will create. There are many stakeholders in this debate that have valid concerns which deserve to be addressed. The exploration contractors, the oil and gas companies and the MMS all have a lot to lose by pushing through regulations that will cause more problems than they will fix.

Each of the stakeholders can make significant contributions to a set of regulations that will accomplish the goals of the OCSLA, the MMS and the industry. I am frankly at a loss to understand why MMS has refused to engage in substantive negotiations on these issues when it is clear that substantive concerns remain unaddressed.

The notice and comment rulemaking that surrounded this proposed rule was insufficient. Significant disagreements continue to exist where solutions seem eminently reachable. It makes sense to get the interested parties together to see if they can find a mutually agreeable solution. I strongly urge MMS to abandon the current rulemaking proceeding and to negotiate immediately with the affected parties to avoid placing the OCS lease program in jeopardy.

Mr. BREAUX. Mr. President, I am very concerned about the tenor of these proceedings. MMS is the Federal agency charged with the responsibility to manage the mineral resources of the Outer Continental Shelf in an environmentally sound and safe manner and to timely collect, verify, and distribute mineral revenues from Federal and Indian lands. So, I want to know that this proposal is the best way to get at the objective that underlies it—a fair and reliable royalty system. But, I also want to ensure that the individuals and businesses affected by the MMS proposal are accorded every opportunity to have their concerns heard.

I agree that MMS needs access to G&G information to discharge its important duties. But, it ought to accomplish that duty in a way that does not risk disrupting one of the Federal Government's most successful revenue programs. The G&G industry estimates that the proposed regulations will, if adopted, require the renegotiation of thousands of existing license agreements and, until that renegotiation is complete, no data can be licensed. This renegotiation process may take several months, if not years. During that time, there will be no exploration. Thus, the process that recently led to another record oil and gas lease sale on the Gulf of Mexico Outer Continental Shelf, providing needed revenue to the Federal Treasury, will come to a grinding halt. This is an interruption we cannot afford.

For 50 years, oil and natural gas have been produced from the Outer Continental Shelf [OCS] underlying the Gulf of Mexico. This production represents more than 83 percent of total OCS oil production and more than 99 percent of all OCS natural gas production. In 1995, production from this area accounted for 15 percent of all oil produced in the United States and about a quarter of the natural gas.

Maintaining public trust in our royalty system is critical to the future of oil and gas leasing, both onshore and offshore. Federal royalty policy must balance the need to encourage public resource development with the need to ensure that the public gets its fair royalty share. That balancing act requires government and industry to work together. The OCS leasing program is one example of government and the private sector working together—reflected by the recent record leases, records bonus payments and increased exploration in the Gulf of Mexico.

I hope we can advance that partnership here. Let's take another opportunity to learn from each other what is working, what is not working under the current system—and how the MMS proposal addresses those problems. Then, we can move forward with a balanced policy that assures timely and accurate royalty payments for the people of the United States.

Mr. GORTON. Mr. President, I appreciate the kind remarks of my colleague from New York. I would like to assure him that I will seek to uphold the Senate position on the weatherization program and the State Energy Conservation Program in conference. I appreciate the help and interest of the Senator from New York in these two important programs.

Mr. D'AMATO. I thank the chairman.

Mr. LOTT. Mr. President, I think we are ready now for final passage on the Interior appropriations bill. I thank all the Senators for their cooperation. I'm sorry it took so long to get to this point.

Senator DASCHLE and I have been working on a unanimous-consent agreement that would allow us to pass this bill and to get an understanding of how we will proceed on the FDA reform.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LOTT. Mr. President, I ask unanimous consent that following the filing of the cloture motion on the FDA bill tonight, Senator KENNEDY be recognized for debate only for up to 1 hour, and the pending Harkin amendment be temporarily laid aside until Tuesday, September 23.

I further ask that when the Senate reconvenes on Friday, all time from adjournment on Thursday and reconvening on Friday count against the 30-hour cap postcloture.

I further ask that the Durbin amendments Nos. 1139 and 1140 be in order on Friday and limited to 30 minutes each, equally divided, and the votes occur in a stacked sequence at 9:30 a.m. on Tuesday, September 23, with 2 minutes for debate between each vote.

Further, I ask unanimous consent that the time between 9:30 a.m. and 10:30 a.m. on Friday be under the control of Senator KENNEDY for debate only, and when the Senate resumes consideration of FDA on Tuesday, September 23, that 5 hours remain postcloture to be equally divided, and following the stacked votes, Senator REED of Rhode Island be recognized to offer his amendment No. 1177 and all other provisions of rule XXII remain in status quo.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Therefore, in light of this agreement, the next vote tonight will be the last vote this week. The next votes will occur at 9:30 a.m., Tuesday, September 23.

I yield the floor.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Minnesota [Mr. WELLSTONE] are absent on official business.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "aye."

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

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—93

Abraham	Bond	Burns
Allard	Boxer	Byrd
Baucus	Breaux	Campbell
Bennett	Brownback	Chafee
Biden	Bryan	Cleland
Bingaman	Bumpers	Coats

Cochran	Hatch	Moseley-Braun
Collins	Hollings	Murkowski
Conrad	Hutchinson	Murray
Coverdell	Hutchison	Nickles
Craig	Inhofe	Reed
D'Amato	Inouye	Reid
Daschle	Jeffords	Robb
DeWine	Johnson	Roberts
Dodd	Kempthorne	Rockefeller
Domenici	Kennedy	Roth
Dorgan	Kerrey	Santorum
Durbin	Kerry	Sarbanes
Enzi	Kohl	Sessions
Feingold	Kyl	Shelby
Feinstein	Landrieu	Smith (NH)
Ford	Lautenberg	Smith (OR)
Frist	Leahy	Snowe
Glenn	Levin	Specter
Gorton	Lieberman	Stevens
Graham	Lott	Thomas
Gramm	Lugar	Thompson
Grams	Mack	Thurmond
Grassley	McCain	Torricelli
Gregg	McConnell	Warner
Hagel	Mikulski	Wyden

NAYS—3

Ashcroft	Faircloth	Helms

NOT VOTING—4

Akaka	Moynihan
Harkin	Wellstone

The bill (H.R. 2107), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the President be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. HAGEL] appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

Mr. GORTON. As the Presiding Officer is well aware, this has been a highly complex bill with a large number of amendments, colloquies, inquiries, extensive debate and the like, and it almost, but not quite, goes without saying that it would have been impossible to reach this point without the service of large numbers of dedicated staff, many of those for individual Senators with whom my staff and committee staff have worked. But I want particularly to thank Ginny James, Anne McInerney, Martin Delgado, Hank Kashdan, and Kevin Johnson of the majority staff of the Interior subcommittee for countless hours in preparing the bill and helping me in debate; Sue Masica, Lisa Mendelson and Carole Geagley, of Senator BYRD's staff, for similar and equally important work. The two staff directors of the overall Appropriations Committee in the minority, Steve Cortese and Jim English; from my own personal staff, Chuck Berwick and Nina Nguyen, who also have worked countless hours. But most of all, the young man sitting beside me, Bruce Evans, who is the new staff director for the Interior subcommittee, who has gone through this for the first time with flying colors; who seems to be able to write some of my remarks in exactly the same way I would phrase them myself and who has been vital to our success. I hope this praise spurs them on to ever more successful work as we deal with the House, and the many differences between the two bills.

Finally, I want to say, Mr. President, even though he is absent, how greatly I appreciated the guidance and support of Senator BYRD, the most senior Member of the Democratic Party, the ranking member of the Appropriations Committee, and of course the ranking member of this subcommittee. From the moment I took the chairmanship of the subcommittee, he has been helpful and cooperative. He has pointed out many pitfalls into which I otherwise would have fallen, and has been a true friend and colleague, in a bill I think it is safe to say that is highly bipartisan in nature. In spite of the many amendments with great contests, most of them have involved votes that have crossed party lines. And Senator BYRD has been a wonderful ally and friend in that connection.

With that, I am ready to go to conference on this bill and allow the Senate to move onto another subject.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

FAST TRACK NEGOTIATING AUTHORITY ON TRADE AGREEMENTS

Mr. BYRD. Mr. President, The President this week submitted to the Congress the "Export Expansion and Reciprocal Trade Agreement Act of 1997", designed to renew so-called "fast track" procedures for trade agreements. There are many issues associated with this proposal, evidenced by the reports that the White House has essentially established a "war room" to marshall the votes in the Congress to support its proposal. We all know the United States needs to be competitive in foreign markets, and we all know the administration needs to strike the best deals it can with foreign nations on behalf of American business and consumers. There is no dispute over these goals. My concern today is over the procedure which the administration wishes to incorporate in considering this proposal which is driven by the insistence by the Clinton Administration that it can only be effective in promoting U.S. trade and negotiating such agreements if the legislative vehicle we consider is subject to one up-and-down vote, after a period of limited debate.

The administration has elevated its desire to eliminate the opportunity for the Congress to amend such enacting legislation to the stature or degree of a religious mantra. The administration seems to think that any agreement it submits to the Congress will, in fact, be amended, forcing it to renegotiate agreements it has reached with foreign nations and thereby shredding its stature as a negotiator The argument goes that fast-track authority is critical because it sends to our negotiating partners a necessary promise of good faith, that is, they will know that the deals hammered out at the negotiating table won't be dismembered by amendments in the Congress. The proposition is now being stated and restated by the administration's legions ad nauseam that without fast track all is lost, American leadership is gone, nations won't negotiate with us, our strategy on trade as a nation will fail, the sky will go dark, all life forms will perish, and on and on. These assertions are repeated at every opportunity, as if repetition really makes them valid. I say they are wild exaggerations, wild exaggerations, wild exaggerations, which underestimate both the capabilities of our negotiators and the sound judgment of the Congress of the United States.

Mr. President, the insistence on the no-amendment strategy reveals a staggering lack of confidence on the part of the administration in its own negotiating prowess. It suggests that, heaven forbid, possible weaknesses in the agreements that are reached will be discovered and acted upon by the Congress. It shows no sense of confidence—no sense of confidence—on the part of the administration that it can prevail in arguing the merits of a particular agreement to the Congress, thereby forcing the administration to return to the negotiating table to change an agreement. From what I understand, for instance, the relative tariff barriers between the U.S. and Chile are such that an agreement reducing the Chilean barriers is desirable. Why would the Congress not want to support an agreement that is in our interest in penetrating the Chilean market, to even out the playing field on trade matters between the U.S. and Chile?

There is no inconsistency between supporting free trade, or freer trade, as negotiated by the administration around the world, and preserving the right of the Congress not only to scrutinize the agreements reached for their worthiness, but also to question, if necessary, parts of the agreement that might appear not to be in our overall interest. If the administration does its job and negotiates sound agreements, they should be approved by the Congress as such, intact, regardless if

there is "fast-track" procedure or not. The Senate is not unresponsive to arguments made by the administration that an international agreement that it has negotiated is in the national interest and that amendments could unravel it. That is not to say that if there is a flaw in the agreement that is serious enough for renegotiation, it may just be in the American national interest for the negotiators to be forced to go back to the table by the people's elected representatives and get it right. If they do the job right in the first place, renegotiation should not be necessary.

Mr. President, one could just as easily make the case that, if the Senate retained amending authority, our negotiators might just come up with a somewhat better product, knowing that the entire agreement will be scrutinized by the elected representatives of the American people. After all, the agreements that are negotiated are presumably on the behalf of the American people, the same constituency that is represented by this Senate. On the other hand, the Senate has a responsibility to turn back amendments that might be offered representing special interests, but not the overall American interest. That is the "American Way." Would such amendments be offered? Possibly. Would they be approved by a majority of Senate? Not if the American interest in the overall agreement would be hurt. This body has the capability of exerting leadership on trade, just as on any other matter. It can do what is in the best interests of the nation and yet not kill trade agreements through special interest amendments.

The administration, in its insistence on a no-amendment treaty on trade indicates either a lack of confidence in the integrity of this body, or a lack of confidence on the part of its own negotiators, or just simply a desire to have its way and not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

It wants to have it the easy way, no questions asked, just present the agreement to the Senate and the House of Representatives and both bodies just roll over and sleep, sleep, sleep; not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

None of these reasons seems to justify eliminating through a special procedure the power of this body to amend if a majority of this body, or the other body, finds it necessary to do so. None of this justifies Congress' handing off its exclusive power under Article I Section 8, of the Constitution, to "regulate Commerce with foreign nations". The amending potential is a healthy check on sloppy work. The amending potential can prevent a lazy presentation of the issues, or just plain bad negotiating results.

Here is what one pundit says about the need for fast-track negotiating authority. According to David Rothkopf, in an article appearing in the current issue of "The New Democrat": "If the United States doesn't have fast-track authority it cannot negotiate agreements."

Piffle! That is sheer nonsense, "If the United States doesn't have fast-track authority it cannot negotiate agreements."

It goes on to say that this is supposedly a crucial tool that the "administration needs," according to Mr. Rothkopf "to ensure that U.S. businesses and workers are treated fairly in the global economy." I contend that this is all a non sequitur—it just does not follow that preserving the power of the Senate over legislation is inconsistent with America's ability to negotiate agreements. If the Congress does not want the trading environment supposedly created by particular agreements, it can vote the whole thing down. Fast track authority does not, somehow by itself, produce an immediate supporting of freer trade in the Congress.

The administration has expended a huge amount of energy in an exercise to convince the Congress to foreswear its normal ability to amend legislation. And there will be some in here who will fall for that. The administration might be better served to put those tremendous energies into negotiating sound agreements with our negotiating partners and then selling the value of those agreements to the Congress on the merits of the agreements themselves.

Mr. President, the highly respected head of the U.S. Trade Representative's office, Ambassador Charlene Barshefsky, who did such an excellent job in negotiating an intellectual property agreement with China, made a presentation before the Senate Finance Committee yesterday, Wednesday, in support of the administration's fast track proposal to the Senate. She asserted that fast track is "critical to increase access to foreign markets." I would think, rather, that good solid provisions in a trade agreement, resulting from negotiations that focus on what is in our national interest, will increase America's access to foreign markets. Fast track consideration of poorly negotiated, badly constructed provisions would not necessarily give us increased access. Fast track of the intellectual property agreement with the Chinese did not make the negotiating process with the Chinese, always excruciatingly difficult, any easier. There is no substitute for tough implementation and policing of solid provisions, as Ambassador Barshefsky well knows. She is a fine negotiator, but had to negotiate that agreement twice, and it still is not clear that we have free access to the Chinese market and that the provisions safeguarding U.S. intellectual property are yet in place in the Chinese market. This has nothing whatever to do with fast track, slow track or any other track on the Senate floor. It has to do with the implementation of agreements to gain access to those markets, a very serious problem in the Pacific where the deficits we are running on our merchandise account are so huge, and growing, that they themselves are the single major factor jeopardizing the administration's so-called "free trade" philosophy.

Mrs. Barshefsky stated in her testimony that, under fast track, the "Congress and the President work together." We can, and do, certainly work together, day in and day out on legislation of all kinds and all subjects without, however, crippling our authority to amend those vehicles. Can one really say that we in the Senate are less serious about trade when we wish to scrutinize and carefully assess all parts of a trade agreement? Nonsense!

Mrs. Barshefsky echoes the administration's line—here it is: "if we do not renew fast track, . . . our trading partners are not willing to wait for us to pass another bill." Who believes that? Who will believe that? In other words they won't negotiate with us if we in the Congress don't grant the administration nonamendable rules and limited debate concessions. This is absurd! Absurd. If our trading partners believe that trade agreements with us are in their own national interest, it strains my credulity to hear that they will not negotiate trade agreements with us in the absence of fast track. From 1934 to 1974, there was no fast track, and Mrs. Barshefsky testified that in those 40 years, "Congress gave the president authority to negotiate mutual tariff reductions with our trading partners. Congress renewed that authority repeatedly over the years and successive Presidents used that authority to dramatically reduce tariff barriers around the world." So, apparently over that 40-year period, our trading partners were willing to negotiate with us with no mention of truncated legislative rules. Everything was fine.

Mrs. Barshefsky goes on to testify that to complete the negotiating agenda of the World Trade Organization, in government procurement, intellectual property rights, agriculture and services, where we seek enhanced global access to markets, "we must have fast track authority to enter these various talks or countries will not put meaningful offers on the table." Now, who is so gullible as to believe that? I just do not believe this assertion, provided the agreements to be reached are in the interests of the negotiating countries. And we have to assume that that will be their goal, to reach agreements that are in their own interests. Countries

seek to promote their self-interests, fast track or slow track, or whatever track, and it is the job of our negotiators to get the best deal possible. It is just a typical bargaining situation.

Mr. President, Senators might well consider the impact of fast track-no amendment authority on the basic leverage available to U.S. negotiators. I believe the proposition that fast track enhances U.S. negotiators' capabilities is open to very serious question. It would be a matter of enhanced leverage for U.S. negotiators that a certain matter should be included in an agreement because it is a matter of strong concern to the Senate. The threat that a provision would not be supported by the Senate is a threat that I as a negotiator, if I were a negotiator, might like to have as additional leverage in a negotiation. Fast track eliminates this form of leverage. There is nobody watching over your shoulder. The administration maintains that fast track authority prohibiting amendments "tells U.S. trading partners that the United States speaks at the bargaining table with one voice and that the Congress will not seek to reopen trade agreements after they are negotiated", according to the documents accompanying the President's proposal delivered to the Senate yesterday. I think that, on the contrary, this basically weakens the leverage available to our negotiators in dealing with tough issues at the table vis-a-vis the representatives of other nations.

It is our apparent inability to implement agreements which promise access abroad that is the central trouble in our trading situation, and the continued inability of the administration to address and begin to solve it will be the key problem—not fast track—over the next decade regarding the so-called global market. Indeed, the administration would do well to worry about congressional reaction over the next couple of years to this situation. It would do well to spend less time trying to manipulate protective devices around its agreements when they are considered by the Congress.

Does the frenzied attempt by the administration to wrap a protective cover around the agreements it negotiates have anything to do with what has been generally acknowledged to be an overselling of the NAFTA—the North American Free Trade Agreement—a few years ago? That was oversold. The overpromising of the benefits of that agreement should instruct us that the administration needs to be more careful in evaluating what it has actually accomplished. A dose of reality and caution in marketing the prowess of our negotiators would be well advised. If the Senate provided the President the authority to negotiate trade agreements, but failed to give him protection against amendments, it would not be the end of the world. The skies would not fall, the mountains would not crumble, the waters in the oceans would not rise. It would not be the end. My bet is that a good agreement with Chile, for example, could be reached which would sail through the Congress. At the same time, one would hope that the era of the oversell would be ended. And we have had that oversell for many, many years. Every administration that comes in, Republican and Democrat, wants to have it all their way. They don't want Congress to have a say when it comes to amending a trade treaty.

This extensive marketing job for fast track is a transparent attempt, using the most exaggerated series of assertions I have heard on any matter in a long time, to stampede the Senate into abandoning its constitutional right, its constitutional power, its constitutional prerogatives over fundamental legislation affecting the people of the United States in the market and at the mall. Now we hear a drumbeat that if you are for unlimited debate, if you are for amendable treatment of trade agreements and implementing legislation, like virtually all other kinds of legislation, you are a protectionist—you are a protectionist.

What a bad word. That's what you are. If you want to uphold the powers of the Constitution vested in the Senate and House, if you want to uphold those powers when it comes to trade, you are a protectionist. Fie on you—a protectionist!

If you are for shortchanging the legislative process, you are for free trade. That makes no sense whatever to me, for I am for free trade if it is fair to all parties, but I am for protecting Senate powers and responsibilities in the handling of legislation which is, after all, our constitutional duty. And what do we mean when we say, "I am for protecting the Senate's power"? It means I am for protecting the rights of the people, because those rights are given life here in this forum of the States. That is our constitutional duty, as I say. We should think long and hard before we concede this authority. Senators need to read the fine print of the legislative proposal to understand just what broad powers are being relinquished and they need to go back and read the Constitution again. The administration, I think, has it exactly backwards: instead of concentrating its energies on accumulating as much leverage as it can vis-a-vis our trading partners, it is marshaling these energies in the opposite direction—wrong way Corrigan—inward, to convince the Congress to reduce its leverage, and by extension, the nation's vital leverage abroad.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the distinguished leader, the Senator from West Virginia. He has really brought us a sobering reminder of the constitutional function of the National Congress. Article I, section 8 of the Constitution doesn't say the Supreme Court nor the Executive, but rather the Congress shall regulate foreign commerce.

As Senator BYRD mentions protectionists, I remember the second inauguration of President Reagan in the Rotunda due to inclement weather. The distinguished President, taking that oath, pledged with hand raised and the other hand on the Bible, to preserve, protect and defend. Then we came back down and somehow got into a debate relative to trade and well, we were all protectionists.

We have the Army to protect us from enemies without; the FBI to protect us from enemies within; we have Social Security to protect us from old age; Medicare to protect us from ill health. The very function of Government is to protect.

What is really at issue here, not just fast track on Mercosur or Chile, but really the fact is that we as politicians, Republican and Democrat both, come in and say, before you open up Gregg manufacturing, you first must have clean air, clean water, minimum wage, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe machinery, safe working place. Oh, we all go around jumping up and down to make sure that we have safe and healthy remunerative employment in America. Then we come around, and when the industry in my backyard moves down to Mexico because labor costs just 58 cents an hour and industry has none of those requirements, they say, "Free trade, free trade, free, free, free." There is nothing free.

Cordell Hull said reciprocal free trade, competitive free trade. That has to be understood. We have to understand more particularly that the security and success of this Republic stands like on a three-legged stool. We have the one leg of the values we have as a Nation. That is unquestioned. For instance, we commit ourselves to try and bring about peace in the Mideast. Our Secretary of State continued to try just this past week.

We commit our troops in Bosnia for peacekeeping. We have an ongoing ambassador there in Northern Ireland. Our values for freedom and the individual rights are unquestioned, and our second leg of military strength and power is unquestioned.

That third leg, though, the economic leg, is somewhat fractured, intentionally—for the simple reason that we sacrificed our economy to keep the alliance together in the cold war.

I was here in those days when we just sort of gave away unfettered access to American markets back in the 1950's,

1960's, right on up here until now. Today, however, there is a sobering of the American people. An overwhelming majority of the American people, according to the Business Week that has just come out, oppose fast track because they have had enough of this nonsense going on and on and on. Ten years ago we had 26 percent of our work force in manufacturing and we are down to 13 percent. We are not making things.

Look at the business page of the Wall Street Journal, this morning. There is an article entitled—"Remember When Companies Actually Created Products." Now they don't make things.

I can see Akio Morita, the former chairman of the board of Sony at a seminar in Chicago, IL, in the early 1980's, talking of Third World emerging nations, how they could become nation-states. He counseled, in order to become a nation-state, they had to have a strong manufacturing capacity. He finally pointed over toward me, and he said: "And that world power that loses its manufacturing power will cease to be a world power."

That is the global competition that this Congress has to wake up and listen to. It is competitive free trade. It is not just the environment. It is not just the labor rights. It is the overall picture of making agreements for the public good.

Let me get right to just one point, one comment made by my distinguished leader from West Virginia reminds me now of the arrogance of power.

As a young Governor back in 1961, I had negotiated a sort of policy with respect to textiles. In order to permit the President to promulgate a sort of textile trade policy, the law required that you had to find the item in question important to our national security.

We coordinated five Secretaries—Labor, Commerce, State, Defense, and Agriculture. And after hearings, we found that textiles was, next to steel, the second most important. You could not send the troops to war in a Japanese uniform.

I came over to the White House. There had been leaders in the Congress advocating the same kind of policy. For the first time I got an inkling of the White House staff. They do not look upon Congress as a friend. They look upon Congress as the adversary. They are always planning daily for their President to get around Congress or forget about Congress or thwart Congress. It is just a mindset.

This was confirmed later. As a freshman Senator I was allowed to be on the policy committee. I was listening to the distinguished senior Senator from Arkansas, Senator Fulbright, then chairman of the Foreign Relations Committee, talking about the arrogance of power, not just that we were trying to impose the American way the world around, but how we became involved in the war in Vietnam.

Our wonderful friend, my hero of long time, Senator Dick Russell of Georgia, spoke up and said, "Well, these Presidents and Vice Presidents travel the world around and make all kinds of commitments, and then come back here and give us the bill, and Congress is not even in on it, and we don't even know what it is, and we have to put the money up for it."

He said, "The Vice President has just gone around and promised a camel driver something." I remember it was when President Johnson was the President. Senator Mansfield, the majority leader, turned to Senator Russell and said, "Write that up as a resolution, sort of a commitments resolution." And Senator Russell had emphysema, and he said, "No. That's really for Senator Fulbright." Senator Fulbright did it. It did not get far because the stance taken by Senator Fulbright in those days was not popular. Later it was taken up by Senator Javits. We passed it. The President vetoed the commitments resolution, and we overrode the veto. The arrogance of power over at the White House.

Now comes trade. We know you need not have any kind of fast track for complicated treaties and agreements. The Salt I treaty—I was here in that particular debate. We did not have fast track for that. The intermediate missile debate, more recently the Chemical Warfare Treaty, nobody said, fast track. But the business community is superimposed. They are the multinational policy of money, money, money. They do not have the responsibility of the economy. They have the responsibility of making money. They do not have to look out for that third leg that I spoke of.

So having been up here with NAFTA, with an undemocratic agreement, that certainly has not worked. They said, "We're going to add jobs." We have minus jobs. They said, "We're going to have a surplus in the balance of trade," We went from plus $5 billion balance to minus $16 billion balance.

They said NAFTA would solve other problems. Immigration has gotten worse. I can talk at length on these things. It was going to solve the drug problem. The drug problem got worse.

But they are still trying, they put up the white tent and they got the country's rich to lobby. I have heard from constituents that the Business Roundtable has now written their members and said: $100,000 is your pledge to come up with. We have already got 60 percent performance. We are getting up a multimillion dollar kitty to bamboozle that Congress. Put up the white tent and go ahead and make another agreement.

What really nettles the Senator from South Carolina is that while we cannot amend, they do. I will never forget, when I was first in the State legislature back in the 1940s, they had a Representative Keenan from Aiken County who kept running around: "Big you and little me; big you and little me." Well, here I am almost 50 years later—"Big you and little me"—and what we have is just that, the President coming along and saying, "Here is the agreement. Take it or leave it. And by the way, I will amend it in order to get sufficient votes."

In NAFTA, let us have a little quick rollcall here. We had the orange juice commitment to get the Florida vote. I was talking to that crowd and had some votes, I thought, at one time because Castro was selling his citrus to Mexico and Mexico was selling their citrus to us. I was going to use that, but they made a commitment that it would not occur, in order to get the Florida vote.

Textiles and apparel. I will never forget, I was amazed at one in my delegation—a few textile Senators were voting for it for the simple reason they promised more customs agents to cut out the over $5 billion of transshipments illegally coming into this country. Thousands of jobs; $1 billion is for 20,000 jobs; $5 billion is 100,000 jobs. So they gave in.

The Canadian transportation subsidy of durum wheat. That got the Northwest and some fellows up there. And then the administration, the executive branch, worked on high fructose sugar. They picked up the Louisiana vote on that one. Then the snap back for winter vegetables. That was a California vote. Peanut butter for Georgia and wine for more Californians.

Oh, they just went around. By the time I went around and tried to talk sense, the Congressman or the Senator was put in a position, "Well, I'm against this fast track and I'm against this agreement, and ordinarily I would vote against the agreement, but I got this, and this happens to particularly pertain to my State, so I've got to go along."

There were stricter rules of origin for beef imports, domestic appliances for Iowa.

Mr. President, if you did not get in on this, I am giving a rollcall here so you can hurry up and get in on the deal.

Additional purchases of C–17 military cargo. That was down in Texas. We had that vote that said, "Oh, no, we're going to get more C–17's." So we lost that Congressman. And the Cross Border Development Bank—there was a Congressman from California that got the Cross Border Development Bank. Worker retraining, urban development, a bridge in Houston, the Center for the Study of Trade. My friend Jake Pickle, he was gone. He got the Center for Trade. That was gone. They gathered some votes by scaling back a proposal regarding grazing fees on public lands.

They even considered lowering the proposed increase in cigarette taxes to pick up some North Carolina votes. Flat glass for Michigan, helium, asparagus, pipe.

Well, what you have, Mr. President, is just that, the use of patience in article I, section 8, of the Constitution. I will never forget George Washington's Farewell Address. He said: If in the opinion of the people, the distribution or modification of the powers under the Constitution be in any particular wrong, let it be changed in the way that the Constitution designates. For while you are so patient you may in the one instance be the instrument of good, it is the customary weapon by which free governments are destroyed.

What we are finding is the Executive with the arrogance of power coming in and superimposing the Business Roundtable, the white tent and the minions running around swapping off, wheeling and dealing, so that the people generally cannot be heard. It is a disgrace. It is the use of patience. And it is an endangerment to our country.

Fast track. Chile. I said at the time of NAFTA I would agree with a free trade agreement with Chile. Chile had the entities of a free market—labor rights, due process, property rights. They had a concern for the environment, a respected judiciary. They had convicted the murderers of Letelier. Mexico had none of that.

Our distinguished colleague from New York was saying, just bringing it into focus, saying "how can you have free trade when you do not even have a free election?" That is the difference between Chile and Mexico. Chile is the one country they have in mind, not the other members of the WTO. They do not need fast track to negotiate with Chile.

But this is just their way of doing business so that they will not have to fool with the Congress. They make it a take it or leave it deal. And giving out the amendments—yes, the Executive can amend, but the Congress cannot.

I say, bring on the treaty and let us vote it up or down. There could be an amendment on Chile for wine. We have to take care of that industry out on the west coast, some other things of that kind. But that isn't the way now of doing business here.

What we come to do, which is outrageous in and of itself, is actually start back from the lowering of the deficits. Fiscal responsibility is gone. I will go over that because that is even more important—We passed the so-called spending increases and revenue decreases, spending increases and tax cuts, and running around all over the Halls of Congress calling "Balance, balance, balance."

In less than 2 weeks' time, on September 30, this particular fiscal year will terminate and the Congressional Budget Office, on page 35 of their recent report, says we will have a deficit not of $36 or $37 billion as they are trying to write about in the media but a deficit of $177 billion.

Five years out, my distinguished friend, 5 years out, instead of a balanced budget agreement and a balanced budget law or reconciliation bill, we will have a deficit of $161 billion. During that 5-year period, add it up, those deficits, and the Government of the United States will spend an additional $1 trillion more than we take in. And all the time we are talking about balance. How can you spend $1 trillion more than you take in, and get to balance? Or how can you increase your spending and cut your revenues, at the same time, and say "We are going to reduce the deficit and have balance?" Obviously, you cannot.

It is time we talk sense to the American people. As Adlai Stevenson used to say, "Let's get the facts on top of the table."

This fast track is a disgrace. It is in total disregard of the needs of the American people. They are out there competing. The productivity of the industrial work of the United States is at its highest. What is not competing is the Government here in Washington.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 17, 1997, the Federal debt stood at $5,394,894,064,595.35. (Five trillion, three hundred ninety-four billion, eight hundred ninety-four million, sixty-four thousand, five hundred ninety-five dollars and thirty-five cents)

One year ago, September 17, 1996, the Federal debt stood at $5,190,808,000,000. (Five trillion, one hundred ninety billion, eight hundred eight million)

Five years ago, September 17, 1992, the Federal debt stood at $4,035,824,000,000. (Four trillion, thirty-five billion, eight hundred twenty-four million)

Ten years ago, September 17, 1987, the Federal debt stood at $2,354,373,000,000. (Two trillion, three hundred fifty-four billion, three hundred seventy-three million)

Fifteen years ago, September 17, 1982, the Federal debt stood at $1,106,720,000,000. (One trillion, one hundred six billion, seven hundred twenty million) which reflects a debt increase of more than $4 trillion—$4,288,174,064,595.35 (Four trillion, two hundred eighty-eight billion, one hundred seventy-four million, sixty-four thousand, five hundred ninety-five dollars and thirty-five cents) during the past 15 years.

CONGRATULATING THE PRESIDENT FOR HIS FIRM STAND DURING THE OSLO LAND MINE TREATY NEGOTIATIONS

Mr. ENZI. Mr. President, yesterday, President Clinton held a press conference in which he outlined his reasons for refusing to sign onto the Oslo Land Mine Treaty. As my colleagues know, this treaty is intended to eliminate the horrible and very real carnage thrust on people of war torn countries by abandoned and old-fashioned land mines. The President said that the refusal of the signatories to consider our Nation's security requirements with regard to our use of self-deactivating, so-called smart mines, and our obligations to the defense of our loyal South Korean allies, represented a line which he simply could not cross for the good of the Nation.

Honesty compels me to speak out when I disagree. It also demands that I recognize a person when he is right without regard to which side of the aisle he may occupy. I rise today to commend the President's act of courage in refusing to sign the Oslo Treaty, and for being willing to stand up and say we need to protect our soldiers when they have to be in the field. As we all know, the pressure on him to sign—especially during the last several weeks—has been worldwide, relentless, and most intense—even from his own party.

Thankfully for our troops, the President understands the danger of taking this defensive weapon away from them. Thankfully for our troops, the President understands the importance of land mines to the defense of the hottest spot on the globe today—the Korean Peninsula. Thankfully for our troops, the President understands that taking smart mines away will not help one person in any mine-infested country in the world. Thankfully for our troops, the President understands that you simply cannot legislate the horror out of war.

I commend President Clinton for his exercise of good judgment in the face of overwhelming public pressure to do otherwise. I also commend the Joint Chiefs of Staff and all the many generals and admirals, both retired and active duty, including Gen. Norman Schwarzkopf, who have made their opposition to this treaty known. I commend so many of my colleagues who, during recent meetings with Canadian lawmakers, expressed their support for the President's efforts. Finally, I command Secretary of Defense Cohen, for his wise counsel.

Regrettably, the effort to take this necessary defensive weapon away from our troops is still active. There is still legislation proposed that would do exactly that. But yesterday a battle was won in that struggle, and every American soldier, current and future, who might ever have to go into harm's way,

and each mother, father, son, and daughter owes our President a debt of gratitude. He did the right thing for our country.

ABUSIVE AND EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I rise today to speak about an important issue, child labor. Over the years, I have come to this floor many times to speak about abusive and exploitative child labor and have introduced legislation to combat it.

But today I am here to specifically raise awareness about child servitude and to speak out against this horrific practice. Several years ago, the South Asian Coalition on Child Servitude (SAACS) based in New Delhi, India, began to devote this day, September 18, to raising awareness about children forced to work. I would like to take a moment to talk about SAACS and their endeavors under the leadership of my good friend, Kailash Satiyarti. In April of this year, I visited Mukti Ashram or liberation retreat established by SAACS which is located outside of New Delhi. This is a place where bonded child laborers are freed from the shackles of slavery and are able to attend school, learn a trade and most importantly to regain their self-worth. I was deeply moved by these children and impressed by their progress in overcoming their previous circumstances.

Mr. President, I want to be clear. I am not talking about children who work part-time after school or on weekends. There's nothing wrong with that. I worked in my youth—perhaps so did you. That is not the issue.

The issue is children who are forced to work in hazardous environments—many under slave-like conditions who sweat long hours for little or no pay and are thus denied education or the opportunity to grow and develop. It's the kind of work that endangers a child's physical and emotional well-being.

And let there be no mistake: When the growth of children is stopped so is the growth of a nation.

I would also like to take a moment to remember a former child laborer whose life was ended but whose message still resonates throughout the world. His name was Iqbal Masih. He was sold into slavery at age of 4. He was shackled to the carpet looms to slave 14 hours a day, 6 days a week for 6 long years. Until, he broke free.

But instead of turning away from the hell that was his life, Iqbal did the opposite. He brought his world to us. He showed us things we didn't want to see. He told us things we didn't want to hear. And he challenged us, when he said "the world's enslaved children are your responsibility." Iqbal Masih was a leader and a crusader, sadly, he was assassinated on April 16, 1995. At the age of 13, his voice was silenced. We remember him today and the hundreds of millions of children who toil away and remember them in the best way possible—by keeping his message alive and his crusade going strong.

As I mentioned earlier, I traveled to South Asia in April and laid a wreath at Iqbal's grave in Pakistan. I also visited the school in Kasur that was built in Iqbal's memory with the support of students from the Broad Meadows School in Quincy, MA and donations from children throughout the United States.

Throughout my visit to South Asia, I carried the same message everywhere I went and to anyone who would listen: child labor is a big concern in the United States and that concern is not going to go away. I am going to continue to work hard to make sure that it's on the agenda in Congress, at the United Nations next month, and at the ILO.

The definition of child labor is not an American standard—it is an international one. ILO Convention 138 is clear. The minimum age for employment is 15 years—developing countries may invoke a transitional age of 14—and 18 years is the minimum for hazardous work.

Virtually every nation on Earth has similar laws on its books today. So let me put to rest the notion that somehow this is the "West" imposing its will on others. These are not the West's standards. These are the world's standards.

And the fact is, some of the most powerful calls for the elmination of child labor have been sounded from the governments of the developing world. The Delhi Declaration, adopted in 1995, includes a strongly worded resolution on child labor. As does a resolution adopted at last year's ministerial conference of the South Asian Association of Regional Cooperation held in Pakistan.

I believe that it is our job to work together to transform the resolutions we adopt from words to deeds—from intentions to actions. And that is what I have committed much of my time and energy to doing.

In 1992, I introduced the Child Labor Deterrence Act, the most comprehensive legislative initiative in the United States to end abusive and exploitative child labor. Some called it revolutionary legislation but, in truth, it is rooted in the most conservative of notions: International trade cannot ignore international values.

It is true that the vast majority of child laborers do not work in the export sector. And of course, the exploitation of children is deplorable under any circumstances. But, the reason I have focused on child labor in industries that export to the United States is that we need to begin somewhere. The export sector is an area where we have leverage and where we can try and effect some change now.

Since the time I began my effort, support has grown tremendously. As I have traveled around the United States and spoken with people about the issue of child labor, I have found that consumers want to get involved. They want information.

They want to know if products on the shelves are made by children. And they don't want to buy it if it is. A recent survey by Marymount University of Virginia found that more than three out of four Americans said they would avoid shopping at stores if they were aware that the goods sold there were made by child labor.

Consumers also said that they would be willing to pay more for a garment if it were guaranteed to be made under humane conditions. So, Mr. President, American consumers have spoken. They don't want to reward companies with their hard earned dollars by buying products made with child labor.

And the Senate too has spoken. In 1993, this body appropriately put itself on record in opposition to the exploitation of children for commercial gain. In my view this was the first step toward ending child labor.

Earlier this year, I introduced a bill, the Child Labor Free Consumer Information Act, to inform and empower American consumers by establishing a voluntary labeling system for wearing apparel and sporting goods made without child labor. I support labeling for three fundamental reasons. First, it takes a comprehensive approach. It says legislative assemblies—such as the U.S. Congress—can't do it alone through legislation. The U.S. Department of Labor—can't do it alone through enforcement. It takes all of us from the private sector to labor groups to human rights organizations—to take responsibility and work together. We must attack the scourge of child labor from all fronts.

Second, labeling is based on choice. Companies can choose whether to use the label to keep consumers fully informed and consumers can choose to vote against child labor with their pocketbook.

Third, I support labeling because it is practical. It is working. Earlier this year, I traveled to India to visit Kailash Satyarthi, the founder of South Asian Coalition on Child Servitude, and the RUGMARK headquarters. RUGMARK is a label placed on hand-knotted carpets to assure consumers that they were made without child labor. In Europe, about 700,000 carpets have been imported from India bearing the RUGMARK label. And here in the United States, where the RUGMARK campaign just began, several thousand rugs have already been imported.

So, Mr. President, I would conclude by saying this. We have made some

progress. Five years ago, I introduced the Child Labor Deterrence Act.

Four years ago, the U.S. Senate unanimously approved a resolution, which I sponsored, prohibiting the importation of products made by child labor.

Three years ago, the U.S. Department of Labor began a series of reports on child labor that represents the most thorough documentation ever assembled by the American Government on this issue.

Two years ago, a historic memorandum of understanding was signed in Bangladesh to move children from garment factories to schools.

Last year, a similar effort began in Pakistan in the soccer ball industry.

Mr. President, in the coming weeks we will be debating the fast track legislation which gives the President the authority to negotiate trade agreements. I have been a supporter of such legislation in the past. During these past weeks, I have had several meetings with members of the administration and have raised my concerns about children making goods or picking agricultural products in Mexico that end up in the United States.

So, Mr. President, I have to ask are the NAFTA side agreements on labor standards adequately preventing the exploitation of children for commercial gain?

According to the September 1 issue of the U.S. News and World Report, as many as 4 million children work in Mexico. These children can be found gluing shoes in workshops, lifting two or three times their body weight in produce and cleaning up toxic oil residues, despite the laws in their country outlawing child labor.

Mr. President, the administration is fond of saying that trade agreements are necessary to level the playing field for American workers, but for the life of me I can't understand how an American worker can compete with a child working 7 days a week, 14 hours a day for 14 cents. The United States must not lower its standards rather we should insist on countries raising their standards to ours.

It seems to me that the challenge before us is how to stop this exploitation. The global market is now the local market. Today our neighbors are no longer around the block, they are around the world. And we all have a responsibility to help our neighbors.

Now is the time to learn from our past trade agreements and insist on a basic fundamental premise of protecting children. While, I don't claim to have all the answers on eradicating child labor. I will continue my efforts to end the scourge of child labor. I am always looking for new suggestions, ideas and approaches. But I do say the progress that's been made on eradicating child labor is irreversible. We must keep looking forward.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1977

The PRESIDING OFFICER. The clerk will report S. 830.

The assistant legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

The Senate proceeded to consider the bill.

Pending:

Modified committee amendment in the nature of a substitute. (The modification incorporated the language of Jeffords Amendment No. 1130, in the nature of a substitute.)

Harkin Amendment No. 1137 (to Amendment No. 1130), authorizing funds for each of fiscal years 1998 through 2002 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine.

The PRESIDING OFFICER. The Senator from Vermont.

CLOTURE MOTION

Mr. JEFFORDS. Mr. President, I send a cloture motion to the desk on the FDA bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on Calendar No. 105, S. 830, the FDA reform bill:

Trent Lott, Jim Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher Bond, Strom Thurmond, Judd Gregg, Don Nickles, Paul Coverdell.

Mr. JEFFORDS. I ask unanimous consent the mandatory quorum under rule XXII be waived.

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

Mr. JEFFORDS. For the information of all Senators, this cloture vote will occur immediately following the adoption of the committee substitute, which I hope will be by early afternoon on Tuesday, September 23.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, Calendar No. 253 and Calendar No. 254. I ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

David A. Lipton, of Massachusetts, to be an Under Secretary of the Treasury.

Timothy F. Geithner, of New York, to be a Deputy Under Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–27

Mr. JEFFORDS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 18, 1997, by the President of the United States:

Treaty with Australia on Mutual Assistance in Criminal Matters—Treaty document No. 105–27.

I further ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, signed at Washington on April 30, 1997, and a related exchange of diplomatic notes signed the same date. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses, terrorism and other violent crime, money laundering and other "white-collar" crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking testimony

or statements of persons; providing documents, records, and other articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures and for restitution; immobilizing instrumentalities and proceeds of crime; assisting in proceedings related to forfeiture or confiscation; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1997.*

APPOINTMENT OF ADDITIONAL CONFEREES—H.R. 2378

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator STEVENS and Senator BYRD be added as conferees to H.R. 2378, the Treasury-Postal appropriations bill.

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

RELIGIOUS WORKERS ACT OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senate proceed to the consideration of S. 1198, introduced earlier today by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to provide permanent authority for 5,000 visas per year for religious groups to use to sponsor for permanent residency people who come to this country to do God's work.

Mr. President, the Immigration Act of 1990 took a significant step in recognizing the needs of America's religious institutions by creating these religious worker visas. At that time the Act only provided temporary authority for this program in order to see how it would work. I think we have now had enough experience with it to know that it works very well. The time has come to place religious institutions on an equal footing with businesses and universities with regards to sponsoring needed workers by giving these visas the same status as all our other immigrant visas.

Prior to 1990, churches, synagogues, mosques, and their affiliated organizations experienced significant difficulties in trying to gain admission for a much needed minister or other individual necessary to provide religious services to their communities. The 1990 Act changed that. It set aside 10,000 visas per year for "special immigrants." Up to 5,000 of these visas annually can be used for ministers of a religious denomination.

In addition, a related provision of the law provides 5,000 visas per year to individuals working for religious organizations in "a religious vocation or occupation" or in a "professional capacity in a religious vocation or occupation." This has allowed nuns, brothers, cantors, lay preachers, religious instructors, religious counselors, missionaries, and other persons to work at their vocations or occupations for religious organizations or their affiliates. The sponsoring organization must be a bona fide religious organization or an affiliate of one, and must be certified or eligible to be certified under Section 501(c)(3) of the Internal Revenue Code. Religious workers must have 2 years work experience to qualify for an immigrant visa. The authority for these visas is what expires this year.

Mr. President, we often hear the charge that immigrants are somehow taking from our communities, when, as I heard at a recent subcommittee hearing on this subject, the opposite is much more often the case. As Bishop John Cummins of Oakland has written: "Religious workers provide a very important pastoral function to the American communities in which they work and live, performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor market. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding."

Bishop Cummins notes that "The steady decline in native-born Americans entering religious vocations and occupations, coupled with the dramatically increasing need for charitable services in impoverished communities makes the extension of this special immigrant provision a necessity for numerous religious denominations in the United States."

Mr. President, I and I am sure most Americans share Bishop Cummins' views. Indeed the special immigrant program has won universal praise in religious communities across the nation. Our office has received letters from religious orders and organizations throughout the nation. A recent letter signed jointly by Jewish, Catholic, Baptist, Lutheran and Evangelical organizations states: "Failure to extend the [special immigrant visa categories] would substantially undermine the services that religious denominations and organizations in the United States provide to their members, parishioners, and communities.

Mr. President, our nation was founded by people who came to these shores in search of a place where they and their children could worship freely. It is only fitting that our country welcome those who wish to help our religious organizations provide pastoral and other relief to people in need.

That is why I am introducing "The Religious Workers Act of 1997." This bill will eliminate the sunset provisions and extend permanently the religious workers provisions of the Immigration and Nationality Act. I believe religious organizations' ability to sponsor individuals who provide service to their local communities should be a permanent fixture of our immigration law, just as it is for those petitioning for close family members and skilled workers. No longer should religious institutions have to worry about whether Congress will act in time to renew the religious workers provisions. I am pleased that the entire leadership of the Senate Judiciary Committee and its Immigration Subcommittee—Senators KENNEDY, HATCH, LEAHY and I—are cosponsoring this legislation, along with a large number of other colleagues.

Finally, Mr. President, I would like to close with a letter that was sent to me recently. It's a letter that helped convince me that we should move without further delay toward permanent extension of the religious workers provisions of the Immigration and Nationality Act. The letter reads as follows:

Dear Senator Abraham:

I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.

It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

Signed: Mother Teresa.

My office received this letter, a copy of which I ask unanimous consent to have printed in the RECORD, only a few weeks before Mother Teresa's death.

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

(See exhibit 1.)

Mr. ABRAHAM. I believe that all of us who have been inspired by Mother

Teresa's life have asked ourselves what we might do to honor her memory. For me, at least, moving this legislation forward is something I would like to do to remember her great and noble works in the name of God and on behalf of humanity.

I urge my colleagues to support the crucial faith-based institutions that have so enriched all our lives by supporting this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

I yield the floor.

EXHIBIT 1

MISSIONARIES OF CHARITY,
Calcutta, India, July 20, 1997.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: This brings you my prayers, greetings and gratitude for all that you have done to help my Sisters and all Religious serve the poor in the United States.

I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.

It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

God bless you.

M. TERESA, *MC.*

Mr. KENNEDY. Mr. President, I am honored to join with Senator ABRAHAM, Senator HATCH, Senator LEAHY and my other colleagues in sponsoring legislation to reauthorize provisions of our laws permitting immigrants to come to this country to serve communities in churches and other religious institutions across the United States.

One of the most significant achievements of the Immigration Act of 1990, which I sponsored in the Senate, was the creation of this important visa category. Religious institutions perform extraordinary services for families and communities. In doing so, they often find it worthwhile to bring in religious workers from other lands as immigrants, to help them carry out their activities in the United States.

One of the best known supporters of this practice was Mother Teresa. Missionaries in her Order come to the United States frequently to work with the poor in our country. She and the members of her Order have directly touched the lives of millions of Americans. Much of the recent work by her Missionaries of Charity in this country would not have been possible without this important provision in our immigration laws.

Unfortunately, this visa category expires on September 30, just two weeks from today. We cannot allow this to happen.

As His Eminence Cardinal Maida of Detroit testified before the Immigration Subcommittee last week, "Should the program be permitted to expire, the impact would be far reaching. Not only would religious organizations and denominations lose access to the much needed contributions of these religious workers, but so, too, would the many communities in which these individuals work."

The legislation we are sponsoring would make this visa a permanent part of our immigration laws. Renewal of this visa would be a small, but enduring memorial to Mother Teresa and her work in America. It will enable the members of her Order to continue their charitable and compassionate work in this country long into the future.

I have been honored to see her good work in America and around the world. I recall meeting her when I visited India in 1971 and viewed firsthand the extraordinary compassion of this remarkable woman. And I was impressed also by the tremendous difference that she and her Missionaries of Charity made in the lives of hundreds of thousands of starving families during the famine in Ethiopia and Sudan in 1984 and 1985. My family and I visited the area during the Christmas season in 1984, and was deeply moved by Mother Teresa's extraordinary healing presence amid that great tragedy.

Since this visa category was established in 1990, over 20,000 religious workers have entered the United States to serve in our communities. These men and women have brought their skills and compassion to churches, synagogues, mosques, and other places of worship across America. They teach in our parochial schools. They serve as health care workers, cantors, and catechists. They provide religious training to youths and after-school programs that keep young people off the streets and give them hope for a better future.

I have been deeply moved by the ways in which this special visa has benefited Massachusetts. Maria Alvarez came to Boston at the invitation of the African Mission Fathers, and has devoted her life to helping city youth deal with gang violence, depression, and other problems that plague inner cities. She has also extended her helping hand to refugees in the Boston area, helping them build new lives in our state.

Sister Vitolia came to Lawrence, Massachusetts on a religious worker visa through the Society of Mary. She works with unemployed and homeless Spanish speakers there. She helps them find jobs and helps keep their families together.

Once again, I commend Senator ABRAHAM for his leadership on this issue, and I urge my colleagues to support this important legislation.

AMENDMENT NO. 1247

(Purpose: To provide for waiver of fees for nonimmigrants engaged in certain charitable activities)

Mr. JEFFORDS. Mr. President, Senator HATCH has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. HATCH, for himself and Mr. KENNEDY, proposes an amendment numbered 1247.

The amendment is as follows:

At the end of the bill, add the following:

SECTION 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".

Mr. KENNEDY. Mr. President, I am pleased to join with Senator HATCH in sponsoring legislation requested by Mother Teresa to waive visa application fees for religious workers coming to the United States to perform charitable work for temporary periods.

During her visits to the United States, Mother Teresa asked President Clinton to take this step to waive visa fees for her missionaries coming to work in this country. Her Missionaries of Charity come to America to help the poor in our communities and to minister to the sick and the elderly. Each time they travel here, they are required to pay a $120 visa fee to the United States Government.

It makes no sense to require these religious workers to pay a fee to the federal government in order to come here to help our communities. The legislation we introduce today would waive the fee in these instances.

This past weekend, while attending Mother Teresa's funeral in India, the First Lady met with Sister Nirmala, Mother Teresa's successor at the Missionaries of Charity Order in Calcutta. Sister Nirmala asked once again for a waiver of the visa fee and was delighted to learn that the United States Senate would be considering legislation this

week to accomplish this goal as Mother Teresa had requested.

This is an important step that Congress can take to honor the memory of Mother Theresa and the compassionate work that her Order brings to America. I urge my colleagues to support this legislation.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table, and finally, any statements relating to the bill be placed at this point in the RECORD.

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

The amendment (No. 1247) was agreed to.

The bill (S. 1198), as amended, was considered as read the third time and passed, as follows:

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 "Religious Workers Act of 1997".

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "before October 1, 1997," each of the two places it appears.

SEC. 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a non-immigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2248. An act 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.

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 910. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

The President pro tempore (Mr. THURMOND) announced that on September 17, 1997, he had signed the following enrolled bills previously signed by the Speaker:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe; to the Committee on Environment and Public Works.

MEASURE PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance and placed on the calendar pursuant to section 1023 of P.L. 93–344:

S. 1157. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105–34.

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–2973. A communication from the Administrator of Rural Development, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Rural Telephone Bank" (RIN0572-AB32) received on September 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2974. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of Forest Service accomplishments for fiscal year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2975. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Tree Assistance Program" (RIN0560-AF17) received on September 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2976. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, four rules including a rule entitled "Oriental Fruit Fly; Designation of Quarantined Area" (RIN0579-AA64); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2977. A communication from the Administrator of the Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "Milk in the Tennessee Valley Marketing Area" (DA-97-09, FV97-905-1, FV97-998-3); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2978. 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 People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–2979. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Rural Rental Housing Improvement Act of 1997"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2980. A communication from the Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, a

rule entitled "Exemptions from the Requirement to Report Large Currency Transactions" (RIN1506-AA11) received on September 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2981. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report for the calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-2982. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to the Portfolio Reengineering Demonstration Program for fiscal years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2983. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule received on September 10, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2984. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency (Administrator of National Banks), transmitting, pursuant to law, a rule entitled "Prohibition Against Use of Interstate Branching Primarily for Deposit Production" (RIN3064-AB97) received on September 5, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2985. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule entitled "Home Investment Partnerships Program" (FR4111) received on September 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2986. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to loan portfolio valuation; to the Committee on Banking, Housing, and Urban Affairs.

EC-2987. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Bank Holding Companies and Change in Bank Control" received on August 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2988. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Collection of Checks and Other Items" received on September 11, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2989. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report relative to the Exchange Stabilization Fund for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-2990. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Depositaries and Financial Agents of the Federal Government" received on August 21, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2991. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Regulations Governing Book-Entry Treasury Bonds, Notes and Bills" received on September 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2992. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on September 8, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2993. A communication from the Acting Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on August 19, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2994. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of the proposed issuance of an export license; to the Committee on Foreign Relations.

EC-2995. A communication from the President of the United States, transmitting, pursuant to law, the report on U.S. exports of defense articles and services, and on imports of military articles to the United States; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 1086. A bill to codify without substantive change laws related to transportation and to improve the United States Code.

S. Res. 122. Resolution declaring September 26, 1997, as "Austrian-American Day".

S. 170. A bill to provide for a process to authorize the use of clone pagers, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 493. A bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Richard A. Lazzara, of Florida, to be U.S. District Judge for the Middle District of Florida.

Marjorie O. Rendell, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

Christina A. Snyder, of California, to be U.S. District Judge for the Central District of California.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601 and to be appointed as Chief of Staff, U.S. Air Force under the provisions of title 10, United States Code, section 8033:

To be general

Gen. Michael E. Ryan, 9889

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be admiral

Adm. Harold W. Gehman, Jr., 3817

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Charles E. Wilhelm, 4063

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1191. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. KENNEDY):

S. 1192. A bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. FORD):

S. 1193. A bill to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself, Mr. BOND, Mr. GRAMM, and Mr. NICKLES):

S. 1194. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN):

S. 1195. A bill to promote the adoption of children in foster care, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD):

S. 1196. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1197. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LEAHY, Mr. DEWINE, Mr. DURBIN, Mr. BIDEN, and Mr. D'AMATO):

S. 1198. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of

certain religious workers; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1191. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

THE SENATE CAMPAIGN FINANCE REFORM ACT OF 1997

Mr. SPECTER. Mr. President, in seeking recognition, I am putting forward legislation on campaign finance reform which builds upon the experience of the Governmental Affairs Committee hearings, which are now in progress, on illegalities and improprieties of campaign finance reform. I have served on that committee for the past 8 months while we have conducted the investigation and the 6 weeks of hearings which we have had. The legislation which I am about to introduce builds on those hearings.

At the outset, I compliment my colleagues, Senator JOHN MCCAIN and Senator RUSS FEINGOLD, for the work which they have done with the leadership. I have stated publicly that I applaud their efforts, but I disagree with a key provision of their bill, S. 25, which would give candidates free television advertising time. I have been advised that the McCain-Feingold bill may be modified as to that aspect.

I have talked to my colleague, Senator MCCAIN, today and had previously circulated my bill. Senator MCCAIN advises he is interested in bringing the matter to the floor next week. We discussed the possibility of integrating the legislation or my adding amendments to his proposed bill.

I have circulated this proposed legislation among a number of my colleagues on both sides of the aisle. I think there is an excellent chance we will have a number of cosponsors to this legislation. But I want to proceed now to make this brief statement on the substance of my legislation and to put the bill in so that our colleagues could consider this bill during the course of the next week before the matter comes to the Senate floor.

My bill does six things.

First, it eliminates "soft money." We have seen an avalanche of soft money, into the hundreds of millions of dollars, influencing the 1996 election.

My bill, second, defines "express advocacy" to enforce the intent of the Federal election laws to prevent coordinated campaigns.

What we have seen on both sides of the aisle from both Democrats and Republicans are advertisements in the 1996 election, by the Republicans extolling the virtues of Senator Dole and criticizing President Clinton, and vice versa for the Democrats, praising President Clinton and criticizing Senator Dole. But for some reason those advertisements have not been defined to be "express advocacy."

The third provision of my bill would make "independent expenditures" truly independent by requiring affidavits from those who are involved in the process.

My proposal would say that if someone is to make an independent expenditure, that person will have to file with the Federal Election Commission, swearing under oath under the penalties of perjury that the expenditure is truly independent.

Then after that affidavit is filed with the FEC, the FEC will notify the candidate and the committee on behalf of whom the independent expenditure was made and require from that candidate and that committee an affidavit subject to the penalties of perjury that there is no coordination. My experience as prosecuting attorney has been that when people are compelled to take affidavits, they pay a lot more attention to what they are doing than some provision of the law which they might not know about, might not understand, or think has been disregarded. My sense is that as a general matter, not in all cases, but in many cases, these so-called independent expenditures are not independent at all.

The fourth provision that I am proposing would be to try to deal with the Buckley versus Valeo decision that anyone may spend as much of his or her own money that he or she chooses.

My bill incorporates the so-called Maine Standby Public Financing provision where, illustratively, if candidate A spends $10 million of his/her own money, then there would be public financing for the amount by which such expenditure exceeds the relevant spending cap.

I am opposed to public financing generally, and opposed S. 2 which was introduced in this body years ago on that subject, because I think there ought not be public financing. But this "standby" provision I think would act principally to deter somebody from spending $10 million of their own money. The Government would put up money equal to the amount of the excess. I think that would deter somebody from spending the money knowing that their financial advantage would be matched. And to the extent that the expenditures would have to be made, I think that is worthwhile. It would stop people from buying seats in the U.S. Congress.

The fifth provision would eliminate foreign transactions which funnel money into U.S. campaigns.

Our Governmental Affairs investigation has shown what happened in the so-called Young brothers' transaction which went through the Republican National Committee and ended up placing foreign money in a political committee. This legislation would preclude that from happening again.

The sixth and final provision would impose limitations and require reporting of contributions to the legal defense funds for Federal officeholders and candidates.

The Governmental Affairs hearings have again shown, with the actions of Mr. Charlie Trie, hundreds of thousands of dollars came into the Clinton campaign for the legal defense fund. They were not reported. They were not identified. They were kept secret until after the election had occurred. And they are first cousins to campaign contributions. And this legislation would impose limitations and required reporting.

Mr. President, this legislation is being introduced a little earlier than I had intended because I believe that we will have a number of cosponsors, Senators who are now considering the bill. But I thought it important to make this brief statement and to put the provisions of the bill into the CONGRESSIONAL RECORD so that Senators may have an opportunity to consider this proposal between now and next week when there may be an opportunity in one form or another to discuss campaign finance reform.

As I say, with the modification that Senator MCCAIN has apparently made taking out the provision requiring free television time, it may be possible to integrate these two bills or piecemeal amendments from my legislation into the McCain-Feingold bill. I had been unwilling to cosponsor that legislation because I think that constitutes a taking in violation of the provision against due process against taking without compensation.

Six months of investigation and 5 weeks of hearings by the Senate Governmental Affairs Committee have confirmed 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 everyone in or out of the system uneasy about the way political campaigns are financed.

I believe my colleagues Senator JOHN MCCAIN and Senator RUSS FEINGOLD have done an excellent job in providing leadership for campaign finance reform even though I disagree with the key provisions of their bill (S. 25) which would give candidates free television advertising time. In my judgment, taking such property without compensation is confiscatory and unconstitutional.

Our Government Affairs hearings have highlighted issues not covered by the McCain-Feingold legislation and those hearings have suggested the need for other legislative reforms.

My proposed legislation would: First, end "soft money"; second, define "express advocacy" to enforce the intent of the Federal election laws to prevent coordinated campaigns; third, require

affidavits to make "independent expenditures" truly independent; fourth, eliminate foreign transactions which funnel money into U.S. campaigns; fifth, deter massive spending of personal wealth by adapting a new "standby public financing" framework similar to one recently enacted by Maine; and sixth, impose limitations and require reporting of contributions to legal defense funds for federal officeholders and candidates.

SOFT MONEY

The factual need for reform of the soft-money rules has been well documented. Public funding of Presidential campaigns was intended to eliminate collateral contributions. But soft money for so-called issue advocacy has created a gaping loophole that permits spending without limit. An estimated $223 million of soft money was raised by both parties in 1996. According to Congressional Quarterly, that figure represents almost 3 times what was raised as soft money in 1992 and more than 11 times that raised in 1980.

While many have focused on the allegedly corrupting influence of political action committees, PAC's pale in comparison to soft money. For example, Congressional Quarterly has also reported that Enron Corp. gave $44,000 less through its political action committee in 1996 than it did in 1994, but the firm quintupled its soft money contributions to $627,400.

Soft money flows not only from individuals, but also from corporations and labor unions, which are expressly prohibited from giving directly to candidates. Archer Daniels Midland donated a total of $380,000 to the Democratic and Republican National Committees during the recent election cycle. Phillip Morris, the Nation's leading tobacco company, donated a total of more than $2.7 million to the two parties in 1995 and 1996, with $2.1 million going to the Republican Party.

In the first half of 1997, Common Cause reports that the tobacco companies gave $1.9 million to Republican and Democratic committees, at a time when Congress and the President have begun consideration of the tobacco litigation settlement. In 1996, telecommunications companies reportedly donated $14.5 million in soft money; twice as much as they did in 1992. In short, both parties have emerged as the vehicles for evading post-Watergate contribution limits, and neither will disarm unilaterally.

Currently, there is a $20,000 cap on the amount that any individual can give to the national committee of a political party in any 1 year. In order to circumvent this limit, some individuals contribute to the non-Federal accounts of political parties which are not subject to any caps. These funds are then often spent on behalf of the party's candidate in a Federal election.

To close this loophole the bill:

Maintains the $20,000 a year cap which would apply to the total amount individuals can contribute to political parties, whether at the national, State or local level, for use in Federal elections.

Prohibits the national committees of political parties from soliciting or receiving any contributions not subject to the provisions and caps of the Federal Election Campaign Act.

Provides that State party committee expenditures that may influence the outcome of a Federal election may be made only from funds subject to the limitations and prohibitions imposed by Federal law.

Expands the reporting requirements so that all national committees, including all congressional and Senate campaign committees, must report all receipts and disbursements, whether or not in connection with a Federal election.

These restrictions on soft money contributions to parties are constitutional and consistent with the reasoning applied by the Supreme Court in Buckley. The logic of Buckley and its progeny permits Congress to cap campaign contributions when necessary to avoid the impropriety and the appearance of impropriety caused by large gifts. In Buckley the Supreme Court struck down certain caps on campaign expenditures that were originally included in the Federal Election Campaign Act [FECA]. At the same time, however, Buckley upheld a number of FECA's caps on campaign contributions, including the $1,000 cap in the amount that individuals can contribute to candidates, the $5,000 cap on the amount that individuals can contribute to political action committees, and the $20,000 cap on the amount that individuals can contribute to national committees of political parties. Buckley also upheld FECA's $25,000 cap on the total amount an individual can contribute to campaigns, PAC's and national committees in any 1 year. This bill extends the scope of these permitted caps to cover contributions to the State and local committees of political parties for use in Federal campaigns.

The concept of proposing further caps on contributions to political parties was endorsed by the Supreme Court in its decision in Colorado Republican Federal Campaign Committee versus Federal Election Commission. In that case, the Court ruled that the sections of FECA that limited the amount of independent expenditures that could be made by a political party were unconstitutional. In reaching this conclusion, however, the Court approved limiting individual contributions to political parties:

> The greatest danger of corruption . . . appears to be from the ability of donors to give sums up to $20,000 to a party which may be used for independent party expenditures for the benefit of a particular candidate. *We could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties.* [Emphasis added]

The potential for evasion of the contribution limits clearly does exist, and the fact of evasion of these limits clearly does exist. It is indeed time that Congress changes FECA's limitations on contributions to political parties.

EXPRESS AND ISSUE ADVOCACY

In the 1996 Presidential elections, the line was blurred beyond recognition between party and candidate activities. There is substantial evidence that soft money was spent illegally during the 1996 campaign by both parties. According to a November 18, 1996, article in Time magazine, President Clinton's media strategists collaborated in the creation of a DNC television commercials. The article describes a cadre of Clinton-Gore advisors, including Dick Morris, working side by side with DNC operatives to craft the DNC advertisement which extolled the President's accomplishments and criticized Republican policies. Republicans did the same.

Such cooperation constitutes violation of the Federal Election Campaign Act [FECA] which provides:

> Expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate. 2 U.S.C. 441a(a)(7)(B)(1)

Thus, if the alleged cooperation between the Clinton/Gore campaign and the DNC took place, then all of the money spent on those DNC advertisements constituted contributions to the Clinton campaign. Under FECA, such contributions would have to be reported upon receipt and would have to be included when calculating the campaign's compliance with FECA's strict contribution and expenditure limits. The failure to treat the expenditures as contributions would be a violation of FECA, and the knowing and willful failure to treat the expenditures as contributions would be a criminal violation of FECA.

There are indications that the Clinton/Gore campaign advisors did realize they were violating the law at the time. The Time article quotes one as saying, "If the Republicans keep the Senate, they're going to subpoena us."

The content of the DNC and RNC advertisements appears to have violated Federal election law. When an entity engages in issues advocacy to promote a particular policy, it is exempt from the limitation of FECA and can fund these activities from any source. When an entity engages in express advocacy on behalf of a particular candidate, it is subject to the limitations of FECA

and is not permitted to fund such activities with soft money. Where the DNC and RNC advertisements did contain express advocacy, and funded these advertisements with soft money, then these committees violated FECA.

The FEC 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

In my judgment, both the DNC and RNC television advertisement crossed the line from issues advocacy to express advocacy. While the DNC and RNC ads did not use the words "Vote for Clinton" or "Dole for President," these advertisements certainly urged the election of one candidate and the defeat of another. For example, the following is the script of a widely broadcast DNC television commercial:

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.

Does this advertisement convey any core message other than urging us to vote for President Clinton?

The RNC ads similarly crossed the line into express advocacy. The following is the script of a widely broadcast RNC television commercial:

(Announcer) Compare the Clinton rhetoric with the Clinton record.

(Clinton) "We need to end welfare as we know it."

(Announcer) But he vetoed welfare reform not once, but twice. He vetoed work requirements for the able-bodied. He vetoed putting time limits on welfare. And Clinton still supports giving welfare benefits to illegal immigrants. The Clinton rhetoric hasn't matched the Clinton record.

(Clinton) "Fool me once, shame on you. Fool me twice, shame on me."

(Announcer) Tell President Clinton you won't be fooled again.

Similarly, the Democrats, through their shared use of campaign consultants such as Dick Morris for Clinton-Gore 1996 and the Democratic National Committee, crossed the line into illegal contributions on television advertisements.

There has been substantial information in the public domain about the President's personal activities in preparing television commercials for the 1996 campaign. The activity of the President has been documented in a book by Dick Morris and in public statements by former Chief of Staff, Leon Panetta. There is no doubt—and the Attorney General conceded this in oversight hearings by the Judiciary Committee on April 30, 1997—that there would be a violation of the Federal election law if, and when the President prepared campaign commercials that were express advocacy commercials contrasted with issue advocacy commercials.

This bill will end the charade by providing a clear-cut statutory definition of express advocacy wherever the name or likeness of a candidate appears with language which praises or criticizes that candidate.

INDEPENDENT EXPENDITURES

This bill would put teeth into the law to make independent expenditures truly independent. Current law requires political committees or individuals to file reports quarterly until the end of a campaign and to report expenditures of more than $1,000 within 24 hours during the final 20 days of the campaign. This legislation would require reporting for independent expenditures of $10,000 or more within 24 hours during the last 3 months of a campaign. This bill would require the individual making the independent expenditure or the treasurer of the committee making the independent expenditure to take and file an affidavit with the FEC that the expenditures were not coordinated with the candidate or his-her committee. Then, the Federal Election Commission would notify within 48 hours the candidate, campaign treasurer, and campaign manager of that independent expenditure. Those individuals would then have 48 hours to take and file affidavits with the FEC that the expenditures were not coordinated with the candidate or his/her committees.

Taking such affidavits coupled with the penalty for perjury would be significant steps to preclude illegal coordination.

CLAMPING DOWN ON FOREIGN CONTRIBUTIONS

Anyone who has watched the Governmental Affairs hearings knows the alarming role of illegal foreign contributions in our 1996 campaigns. This legislation would strengthen the existing law to better prevent transactions which effectively fund domestic political campaigns with foreign financing schemes.

Under current law, it is illegal for a foreign national to contribute money or anything of value, including loan guarantees, either directly or indirectly through another person, in connection with an election to any political office. Knowing and willful violations can result in criminal penalties against the offending parties.

Mr. Haley Barbour's recent testimony before the Governmental Affairs Committee highlights the need to strengthen and more actively enforce the foreign money statute to ensure that foreign nationals do not circumvent this intended prohibition on foreign political contributions. This bill would clarify the law to cover all arrangements from foreign entities through third parties where funds from these transactions ultimately reach a U.S. political party or candidate.

In his testimony, Mr. Barbour acknowledged that the National Policy Forum [NPF], which he headed, received a $2.1 million loan guarantee in October 1994, from Young Brothers Development, the U.S. subsidiary of a Hong Kong company which provided the money. The loan guarantee served as collateral for a loan NPF received from a U.S. bank. Shortly thereafter, NPF sent two checks totaling $1.6 million to the Republican National Committee [RNC]. NPF ultimately defaulted on its loan with the U.S. bank and Young Brothers eventually ended up paying approximately $700,000 to cover the default.

The weak link in the existing law is that many people, including Attorney General Reno, have argued that the Federal campaign finance law does not apply to soft money. Accordingly, there are those who would argue that the NPF transaction described above would be legal so long as only soft money was involved. We need to make it 100 percent clear that foreign nationals cannot contribute to U.S. political parties or candidates under any circumstances. My bill closes this potential loophole by explicitly stating that the foreign money provisions of the bill apply to all foreign contributions and donations, both soft and hard money.

LIMITING INDIVIDUAL EXPENDITURES

The decision of the Supreme Court of the United States in Buckley versus Valeo prohibits legislation limiting the amount of money an individual may spend on his-her campaign. Maine recently enacted a statute designed to deal with this issue which provides a model for Federal legislation.

Under the Maine legislation, a voluntary cap is placed on the total amount that candidates can spend during their campaigns for public office. The law further provides that if one candidate exceeds the spending limit, an opponent who has complied with the limit will be given public matching funds in an amount equal to the amount by which the offending candidate exceeded the spending limit. With such matching funds available, it would be a real deterrent to prevent a candidate from exceeding the expenditure cap since that candidate would no longer receive an advantage from his or her additional expenditure. This provision would probably not result in significant public expenditures; and to the extent it did, it would be worth it.

LEGAL DEFENSE FUND

This bill would subject contributions for legal defense funds to limits and mandatory disclosure for all Federal office holders and candidates. Testimony before the Governmental Affairs Committee disclosed that Mr. Yah Lin

"Charlie" Trie brought in $639,000 for President Clinton's legal defense fund. While those funds were ultimately returned, there was never any identification of the donors and the fact of those contributions was delayed until after the 1996 election.

Contributions to legal defense funds pose a public policy issue similar to campaign contributions.

This bill would impose the same limits on contributions to legal defense funds which are currently required for political contributions with jurisdiction for such reporting being vested in the Federal Election Commission.

So at this time, Mr. President, I urge my colleagues to take a look at the legislation. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1191

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Campaign Finance Reform Act of 1997".

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

Sec. 1. Short title; table of contents.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

Sec. 101. Senate election spending limits and benefits.

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Provisions Relating to Soft Money of Political Party Committees

Sec. 201. Soft money of political party committees.
Sec. 202. State party grassroots funds.
Sec. 203. Reporting requirements.

Subtitle B—Soft Money of Persons Other Than Political Parties

Sec. 211. Soft money of persons other than political parties.

Subtitle C—Contributions

Sec. 221. Prohibition of contributions to Federal candidates and of donations of anything of value to political parties by foreign nationals.
Sec. 222. Closing of soft money loophole.
Sec. 223. Contribution to defray legal expenses of certain officials.

Subtitle D—Independent Expenditures

Sec. 231. Clarification of definitions relating to independent expenditures.
Sec. 232. Reporting requirements for independent expenditures.

TITLE III—APPROPRIATIONS

Sec. 301. Authorization of appropriations.

TITLE IV—SEVERABILITY; JUDICIAL REVIEW; EFFECTIVE DATE; REGULATIONS

Sec. 401. Severability.
Sec. 402. Expedited review of constitutional issues.
Sec. 403. Effective date.
Sec. 404. Regulations.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE ELECTION SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (c) and (d);

"(2) meets the primary and runoff election expenditure limits of subsection (b); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—The requirements of this subsection are met if—

"(1) the candidate and the candidate's authorized committees did not make expenditures for the primary election in excess of 67 percent of the general election expenditure limit under section 502(a); and

"(2) the candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(a).

"(c) PRIMARY FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files with the Commission a certification that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (b); and

"(ii) will accept only an amount of contributions for the primary and runoff elections that does not exceed those limits; and

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(a).

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(d) GENERAL ELECTION FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files a certification with the Commission under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (b); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (b), whichever is applicable, reduced by any amounts transferred to the current election cycle from a preceding election cycle;

"(B) at least one other candidate has qualified for the same general election ballot under the law of the candidate's State; and

"(C) the candidate and the authorized committees of the candidate—

"(i) except as otherwise provided by this title, will not make expenditures that exceed the general election expenditure limit under section 502(a);

"(ii) will not accept any contributions in violation of section 315; and

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that the contribution would cause the aggregate amount of contributions to exceed the sum of the amount of the general election expenditure limit under section 502(a), reduced by any amounts transferred to the current election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii).

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date on which the candidate qualifies for the general election ballot under State law; or

"(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(a); or

"(B) $250,000.

"(2) DEFINITIONS.—In this subsection:

"(A) ALLOWABLE CONTRIBUTION.—The term 'allowable contribution' means a contribution that is made as a gift of money by an individual pursuant to a written instrument identifying the individual as the contributor.

"(B) APPLICABLE PERIOD.—The term 'applicable period' means—

"(i) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on the date on which the certification under subsection (c)(2) is filed by the candidate; or

"(ii) in the case of a special election for the office of Senator, the period beginning on the date on which the vacancy in the office occurs and ending on the date of the general election.

"SEC. 502. LIMITATION ON EXPENDITURES.

"(a) GENERAL ELECTION EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the greater of—

"(A) $950,000; or

"(B) $400,000; plus

"(i) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(ii) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) INDEXING.—The amounts determined under paragraph (1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.

"(b) PAYMENT OF TAXES.—The limitation under subsection (a) shall not apply to any expenditure for Federal, State, or local taxes with respect to earnings on contributions raised.

"SEC. 503. MATCHING FUNDS FOR ELIGIBLE SENATE CANDIDATES IN RESPONSE TO EXPENDITURES BY NON-ELIGIBLE OPPONENTS.

"(a) IN GENERAL.—Not later than 5 days after the Commission determines that a Senate candidate has made or obligated to make expenditures or accepted contributions during an election in an aggregate amount in

excess of the applicable election expenditure limit under section 502(a) or 501(b), the Commission shall make available to an eligible Senate candidate in the same election an aggregate amount of funds equal to the amount in excess of the applicable limit.

"(b) ELIGIBLE SENATE CANDIDATE OPPOSED BY MORE THAN 1 NON-ELIGIBLE SENATE CANDIDATE.—For purposes of subsection (a), if an eligible Senate candidate is opposed by more than 1 non-eligible Senate candidate in the same election, the Commission shall take into account only the amount of expenditures of the non-eligible Senate candidate that expends, in the aggregate, the greatest amount of funds.

"(c) TIME TO MAKE DETERMINATIONS.—The Commission may, on the request of a candidate or on its own initiative, make a determination whether a candidate has made or obligated to make an aggregate amount of expenditures in excess of the applicable limit under subsection (a).

"(d) USE OF FUNDS.—Funds made available to a candidate under subsection (a) shall be used in the same manner as contributions are used.

"(e) TREATMENT OF FUNDS.—An expenditure made with funds made available to a candidate under this section shall not be treated as an expenditure for purposes of the expenditure limits under sections 501(b) and 502(a).

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—Not later than 48 hours after an eligible candidate qualifies for a general election ballot, the Commission shall certify the candidate's eligibility for matching funds under section 503.

"(b) DETERMINATIONS BY COMMISSION.—A determination (including a certification under subsection (a)) made by the Commission under this title shall be final, except to the extent that the determination is subject to examination and audit by the Commission under section 505.

"SEC. 505. REVOCATION; MISUSE OF BENEFITS.

"(a) REVOCATION OF STATUS.—If the Commission determines that any eligible Senate candidate has received contributions or made or obligated to make expenditures in excess of—

"(1) the applicable primary election expenditure limit under this title; or

"(2) the applicable general election expenditure limit under this title,

the Commission shall revoke the certification of the candidate as an eligible Senate candidate and notify the candidate of the revocation.

"(b) MISUSE OF BENEFITS.—If the Commission determines that any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title or that a candidate has violated any of the spending limits contained in this Act, the Commission shall notify the candidate, and the candidate shall pay the Commission an amount equal to the value of the benefit.".

(b) TRANSITION PERIOD.—Expenditures made before January 1, 1998, shall not be counted as expenditures for purposes of the limitations contained in the amendment made by subsection (a).

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Provisions Relating to Soft Money of Political Party Committees

SEC. 201. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

"(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party, an entity that is established, financed, maintained, or controlled by the national committee, a national congressional campaign committee of a political party, and an officer or agent of any such party or entity but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) LIMITATION.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party and an agent or officer of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that identifies a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY NOT INCLUDED IN PARAGRAPH (1).—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING.—Any amount that is expended or disbursed by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in subparagraph (A) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) TAX-EXEMPT ORGANIZATIONS.—No national, State, district, or local committee of a political party shall solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

"(d) CANDIDATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office may—

"(A) solicit or receive funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

"(B) solicit or receive funds that are to be expended in connection with any election for other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

"(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.".

SEC. 202. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) (as amended by section 105) is amended—

(1) in subparagraph (C) by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) OVERALL LIMIT.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

"(3) OVERALL LIMIT.—

"(A) ELECTION CYCLE.—No individual shall make contributions during any election cycle that, in the aggregate, exceed $60,000.

"(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

"(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.".

(2) DEFINITION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) ELECTION CYCLE.—The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the period beginning on the day after the date of the most recent general election for the specific office or seat that the candidate seeks and ending on the date of the next general election for that office or sea; and

"(B) in the case of all other persons, the period beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(d) STATE PARTY GRASSROOTS FUNDS.—

(1) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) (as amended by section 201) is amended by adding at the end the following:

"SEC. 325. STATE PARTY GRASSROOTS FUNDS.

"(a) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

"(b) TRANSFERS.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

"(1) has established a separate segregated fund for the purposes described in section 324(b)(1); and

"(2) uses the transferred funds solely for those purposes.

"(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

"(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in section 324(b)(1) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(f) if—

"(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in paragraphs (1)(A) and (2)(A) of section 315(a); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

"(ii) certifies that the requirements were met.

"(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

"(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

"(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.".

(2) DEFINITION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by subsection (c)(2)) is amended by adding at the end the following:

"(21) STATE PARTY GRASSROOTS FUND.—The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for the purpose of making expenditures and other disbursements described in section 325(a).".

SEC. 203. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 232) is amended by adding at the end the following:

"(f) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 325 APPLIES.—A political committee (not described in paragraph (1)) to which section 325(b)(1) applies shall report all receipts and disbursements.

"(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

"(4) TRANSFERS TO STATE COMMITTEES.—Any political committee shall include in its report under paragraph (1) or (2) the amount of any contribution received by a national committee which is to be transferred to a State committee for use directly (or primarily to support) activities described in section 325(b)(2) and shall itemize such amounts to the extent required by subsection (b)(3)(A).

"(5) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraph (3)(A), (5), or (6) of subsection (b).

"(6) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by adding at the end the following:

"(C) The exclusion provided in subparagraph (B)(viii) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

"(g) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking "and" at the end of subparagraph (H);

(B) by inserting "and" at the end of subparagraph (I); and

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

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year"; and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

Subtitle B—Soft Money of Persons Other Than Political Parties

SEC. 211. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by adding at the end the following:

"(h) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 for activities described in paragraph (2) shall file a statement with the Commission—

"(A) within 48 hours after the disbursements are made; or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) any activity described in section 315(b)(2)(A) that refers to any candidate for

Federal office, any political party, or any Federal election; and

"(B) any activity described in subparagraph (B) or (C) of section 315(b)(2).

"(3) ADDITIONAL STATEMENTS.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

"(4) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

"(A) the name and address of the person or entity to whom the disbursement was made;

"(B) the amount and purpose of the disbursement; and

"(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

Subtitle C—Contributions

SEC. 221. PROHIBITION OF CONTRIBUTIONS TO FEDERAL CANDIDATES AND OF DONATIONS OF ANYTHING OF VALUE TO POLITICAL PARTIES BY FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting "PROHIBITION OF CONTRIBUTIONS TO CANDIDATES AND DONATIONS OF ANYTHING OF VALUE TO POLITICAL PARTIES BY FOREIGN NATIONALS"; and

(2) in subsection (a)—

(A) by inserting "or to make a donation of money or any other thing of value to a political committee of a political party" after "office"; and

(B) by inserting "or donation" after "contribution" the second place it appears.

SEC. 222. CLOSING OF SOFT MONEY LOOPHOLE.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "contributions" and inserting "contributions (as defined in section 301) to a candidate or donations (including a contribution as defined in section 301) to political committees".

SEC. 223. CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES OF CERTAIN OFFICIALS.

(a) CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES.—

(1) PROHIBITION ON MAKING OF CONTRIBUTIONS.—It shall be unlawful for any person to make a contribution to a candidate for nomination to, or election to, a Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3))), an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of such individual, to defray legal expenses of such individual—

(1) to the extent it would result in the aggregate amount of such contributions from such person to or on behalf of such individual to exceed $10,000 for any calendar year; or

(2) if the person is—

(A) a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)); or

(B) a person prohibited from contributing to the campaign of a candidate under section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b).

(2) PROHIBITION ON ACCEPTANCE OF CONTRIBUTIONS.—No person shall accept a contribution if the contribution would violate paragraph (1).

(3) PENALTY.—A person that knowingly and willfully commits a violation of paragraph (1) or (2) shall be fined an amount not to exceed the greater of $25,000 or 300 percent of the contribution involved in such violation, imprisoned for not more than 1 year, or both.

(4) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to permit the making of a contribution that is otherwise prohibited by law.

(b) REPORTING REQUIREMENTS.—A candidate for nomination to, or election to, a Federal office, an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of such individual, that accepts contributions to defray legal expenses of such individual shall file a quarterly report with the Federal Election Commission including the following information:

(1) The name and address of each contributor who makes a contribution in excess of $25.

(2) The amount of each contribution.

(3) The name and address of each individual or entity receiving disbursements from the fund.

(4) A brief description of the nature and amount of each disbursement.

(5) The name and address of any provider of pro bono services to the fund.

(6) The fair market value of any pro bono services provided to the fund.

Subtitle D—Independent Expenditures

SEC. 231. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure that—

"(A) contains express advocacy; and

"(B) is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

"(18) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' means a communication that, taken as a whole and with limited reference to external events, makes positive statements about or negative statements about or makes an expression of support for or opposition to a specific candidate, a specific group of candidates, or candidates of a particular political party.

"(B) EXPRESSION OF SUPPORT FOR OR OPPOSITION TO.—In subparagraph (A), the term 'expression of support for or opposition to' includes a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or to refrain from taking action.

"(C) VOTING RECORDS.—The term 'express advocacy' does not include the publication and distribution of a communication that is limited to providing information about votes by elected officials on legislative matters and that does not expressly advocate the election or defeat of a clearly identified candidate.".

SEC. 232. REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES.

(a) TIME FOR REPORTING CERTAIN EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

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

(3) by inserting after paragraph (2), as amended by paragraph (1), the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person that makes or obligates to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made or obligated to be made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures are made or obligated to be made aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person that makes or obligates to make independent expenditures aggregating $10,000 or more after the 90th day and up to and including the 20th day before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made or obligated to be made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures are made or obligated to be made aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) CONTENTS OF REPORT.—A report under this subsection—

"(A) shall be filed with the Commission;

"(B) shall contain the information required by subsection (c).".

(b) AFFIDAVIT REQUIREMENT.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended—

(1) in subsection (c)(2)(B), by inserting "(in the case of a committee, by both the chief executive officer and the treasurer of the committee)" after "certification"; and

(2) by adding at the end the following:

"(e) CERTIFICATION REQUIREMENTS.—

"(1) COMMISSION.—Not later than 48 hours after receipt of a certification under subsection (c)(2)(B), the Commission shall notify the candidate to which the independent expenditure refers and the candidate's campaign manager and campaign treasurer that an expenditure has been made and a certification has been received.

"(2) CANDIDATE.—Not later than 48 hours after receipt of notification under paragraph (1), the candidate and the candidate's campaign manager and campaign treasurer shall each file with the Commission a certification, under penalty of perjury, stating whether or not the independent expenditure was made in cooperation, consultation, or concert, with, or at the request or suggestion of, the candidate or authorized committee or agent of such candidate.".

TITLE III—APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

The Federal Election Campaign Act of 1971 is amended—

(1) by striking section 314 (2 U.S.C. 439c) and inserting the following:

"SEC. 314. [REPEALED].";

and

(2) by inserting after section 407 the following:

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act and chapters 95 and 96 of the Internal Revenue Code of 1986 such sums as are necessary.".

TITLE IV—SEVERABILITY; JUDICIAL REVIEW; EFFECTIVE DATE; REGULATIONS

SEC. 401. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 402. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on January 1, 1998.

SEC. 404. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act not later than 9 months after the effective date of this Act.

By Ms. SNOWE (for herself, Mr. KERRY and Mr. KENNEDY):

S. 1192. A bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan; to the Committee on Commerce, Science, and Transportation.

THE NORTH ATLANTIC FISHERIES RESOURCE CONSERVATION ACT

Ms. SNOWE. Mr. President, in keeping with the old adage that those who do not know history are doomed to repeat it, I am introducing a bill today with Senator KERRY which is designed to avoid repeating the mistakes of the past in fisheries management.

Most of the major commercial fisheries in both the United States and the world are either fully exploited or overexploited. In many instances, these fisheries have approached or reached an overfished condition because the fishing fleets which targeted them became overcapitalized before the management system in place could respond effectively to this excess fishing capacity. As a result, we find ourselves today faced with case after case of having to make wrenching management decisions to reduce fishing effort that have substantial socioeconomic impacts on coastal communities that depend on fishing for their livelihoods.

In the cases of Atlantic herring and Atlantic mackerel, however, we still have time. Through torturous but ultimately fortunate historical circumstances, the offshore stocks of these fisheries remain, at least according to the best information presently available, fairly abundant. And because of their relative abundance, these fisheries have attracted increasing attention from fishermen in the Northeast and the mid-Atlantic, many of whom have been displaced from the now-depleted New England groundfish fishery.

Earlier this year, however, a dramatic new proposal came to light which could alter the planned course of sustainable development for these fisheries. A United States-Dutch group intends to bring a 369-foot factory trawler into the Atlantic herring and mackerel fisheries by the spring of 1998. This vessel is more than twice the size of any other vessel currently fishing in New England, and it intends to harvest 50,000 tons of fish annually. Many concerns have been raised from Maine to New Jersey about the potential impacts that this enormous vessel will have on the herring and mackerel stocks, and on the composition of the fisheries that have been developing in recent years through the hard work of many people in the region. To take one example of these concerns, while the National Marine Fisheries Service indicates that herring is, according to the best information, fairly abundant off Georges Bank and southern New England, there are legitimate concerns about the health of the Gulf of Maine stocks which form the major source of supply for the sardine and lobster bait industries, and which do appear to interact and aggregate with the offshore stocks at certain times of the year. Unfortunately, today's science cannot tell us with a high degree of precision what impacts the increased fishing of offshore stocks would have on all of the key Gulf of Maine stocks.

The uncertainties surrounding the Atlantic Star proposal are the kinds of things that must be carefully reviewed, and the most appropriate forums for reviewing these questions are the regional fishery management councils established to manage our fisheries under the Magnuson-Stevens Act. Unfortunately, neither of the councils with jurisdiction over herring and mackerel had addressed the issues raised by the Atlantic Star before the vessel's owners were able to get it permitted. The Atlantic herring fishery does not have a federal fishery management plan, meaning that it is largely unregulated. And the existing management plan for mackerel was developed before it was known that the Atlantic Star would seek to operate in that fishery.

To ensure that the Atlantic Star and other vessels of its class receive the thorough consideration intended in the Magnuson-Stevens Act, the bill introduced by Senator KERRY and I calls a temporary timeout on the entry of very large vessels into the herring and mackerel fisheries until the councils have time to act. Our bill states that no vessel over 165 feet or with greater than 3,000 horsepower can harvest these species unless the appropriate council specifically authorizes it in a fishery management plan or plan amendment. But unlike other bills that have been introduced on this issue, our bill ensures that this matter is addressed in a reasonable timeframe. It establishes deadlines for action on the Atlantic Star by the councils and the Commerce Department of September 30, 1998, whether the decision is favorable or unfavorable.

Mr. President, this bill simply ensures that the analytical and deliberative process outlined in the Magnuson-Stevens Act has a chance to work as it was intended. And when the issue is the introduction of a dramatically different new fishing technology into two relatively healthy fisheries of substantial importance to many people who live in the region, the integrity of this process could not be more important. It is unfortunate that this issue was not resolved by the councils and the Commerce Department sooner, but the fact is that it was not, and Congress, if it is to ensure that our fisheries are managed responsibly, must intervene in a responsible manner. The remedy that we have proposed is responsible, temporary, and reasonable.

Mr. KERRY. Mr. President, I rise today to join with my friend and colleague, the distinguished Senator from Maine, in introducing legislation on a topic of growing importance to coastal communities throughout the Northeast—conservation of North Atlantic fisheries resources.

Since I arrived in the Senate over 12 years ago, I have worked to address the many challenges confronting our ocean and coastal resources. After all, few States draw as much of their national and regional identity from their coasts as does Massachusetts. My efforts have been principally through my participation as a member on the Commerce, Science, and Transportation Committee, and particularly as ranking member of the Oceans and Fisheries Subcommittee and as co-chair of its predecessor, the National Ocean Policy Study.

During my tenure, I have worked with my colleagues to develop innovative policy solutions to achieve the long-term protection and sustainable use of vulnerable marine resources. Our goal has been to ensure strong coastal economies and a clean, healthy ocean environment from the Gulf of Maine to the Gulf of Alaska.

One of our recent successes was last year's bill to reauthorize and strengthen the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). That legislation, the Sustainable Fisheries Act, ultimately should provide the framework for rebuilding depleted fish stocks and developing management schemes to prevent overfishing. Unfortunately, many of the ideas and safeguards the new law contains represent difficult lessons learned from the devastating collapse of the New England groundfish fishery. In other regional fisheries, we have been too late to stop the depletion.

This brings us to the issue at hand: How can we prevent repetition of the groundfish experience, maintain the current health of Atlantic herring and mackerel stocks, and encourage their sustainable use? The first step, of course, is through development of conservative and comprehensive fishery management plans. Toward that end, on June 17, 1997, I wrote the National Marine Fisheries Service, asking it to work with the New England Fishery Management Council to ensure the immediate development and implementation of a fishery management plan for Atlantic herring. Such a plan is essential to protect herring stocks and traditional fishery participants as proposals move forward to expand the herring fishery in Federal waters.

Atlantic herring is an important part of New England's fishing tradition. For generations, we have harvested herring for use as canned sardines, as bait in lobster pots, and for other products. Fishermen using small boats form the base of the fishery, and it is those fishermen, more than any others, who seek an intelligent plan for managing the fishery and protecting against overharvest. In addition, Atlantic herring play a key role in the marine ecosystem off New England coasts by providing a primary food source for whales, seabirds, and other fish including groundfish, tuna, striped bass, and bluefish.

The challenge now is to prevent a flood of new or displaced boats from entering the herring fishery and overwhelming the harvesting capacity of the resource. The National Marine Fisheries Service estimates that herring stocks are now at levels that would support an expanded harvest level. However, New England's past has taught us that in an unregulated environment, this current healthy condition could rapidly be reversed. Given the present lack of a Federal fishery management plan for herring and questionable scientific information on the status of the stocks, the uncontrolled expansion of this fishery could have devastating consequences.

We need to slow down the increase in fishing power entering the herring fishery, and we need to give the New England Council the time to develop a thoughtful Federal management plan for herring that responds to local interests and needs. While I had hoped that the council and the Secretary of Commerce would be able to accomplish these goals through the process established by the Magnuson-Stevens Act and other fishery laws, it has become clear in recent weeks that we must impose temporary legislative safeguards until that process is complete.

The bill which Senators SNOWE, KENNEDY, and I are introducing today, the North Atlantic Fisheries Resource Conservation Act, provides those safeguards. First, by September 30, 1998, the New England and Mid-Atlantic Councils and the Secretary of Commerce are required to develop and implement both a fishery management plan for herring and a plan amendment for Atlantic mackerel. Second, a fishing vessel that is longer than 165 feet or has engines that exceed 3,000 horsepower is prohibited from harvesting either herring or mackerel until the councils and the Secretary have addressed the potential impact of such vessels in the management plan.

While the provisions of the North Atlantic Fisheries Resource Conservation Act are specific to two Northeast fisheries, the issues which they address should become part of a broader national policy debate about our vision for the American fishing industry in the 21st century. For over two decades, our fishery policies have focused on two goals: conservation and management of U.S. fishery resources and development of the domestic fishing industry. We have succeeded beyond our expectations in achieving the second goal of developing the U.S. fishing industry. I am optimistic that the Sustainable Fisheries Act will move us toward achieving the first goal of improving conservation and management. With the achievement of those goals, however, come new questions. What do we want our fishing industry to look like in the years to come? What should we as a nation do to preserve traditional coastal communities centered on small-boat fishermen? What restrictions if any should be placed on enormous factory trawlers? In New England, these large ships conjure up memories of foreign factory trawlers vacuuming up and destroying U.S. fishery resources in the days before the Magnuson-Stevens Act. Are such ships an appropriate element in other U.S. fisheries?

The legislation before us today focuses on the actions needed to safeguard the Atlantic herring and mackerel fisheries. However, I look forward to the broader debate. By the prompt enactment of this legislation I hope we can contribute to that debate and begin to shift the national example set by New England fisheries from one of overfishing and painful rebuilding toward one of conservative management that is successful in preserving both the fishermen and the fish.

By Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN):

S. 1195. A bill to promote the adoption of children in foster care, and for other purposes; to the Committee on Finance.

THE PROMOTION OF ADOPTION SAFETY AND SUPPORT FOR ABUSED AND NEGLECTED CHILDREN ACT

Mr. CHAFEE. Mr. President, I am pleased to introduce the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act, the so-called PASS Act. This legislation will make critical reforms to the Nation's child welfare and foster care system and will go a long way toward improving the lives of the hundreds of thousands of abused and neglected children across America. These are children without a safe family setting. They are children who face abuse and neglect every day of their lives. They are America's forgotten children. And, all too often, they are children without hope.

This chilling picture has brought the sponsors of this bill together to take immediate action. The goals of the PASS Act are twofold: to ensure that abused and neglected children are in safe settings, and to move children more rapidly out of the foster care system and into permanent placements.

While the goal of reunifying children with their biological families is laudable, we should not be encouraging States to return abused or neglected children to homes that are clearly unsafe. Regrettably, this is occurring under current law.

About 500,000—half a million—abused or neglected children currently live outside their homes, either in foster care or with relatives. In Rhode Island alone, there are nearly 1,500 children who have been removed from their homes and are in foster care. The Rhode Island Department of Children and Families has an active case load of about 7,700 children who have been abused or neglected.

Many of these children will be able to return to their parents, but many will not. Too often, children who cannot return to their parents wait for years in foster care before they are adopted. In today's child welfare system, it has become a lonely and tragic wait with no end. To us, that is an unacceptable way of life for any child to have to endure.

The PASS Act seeks to shorten the time a child must wait to be adopted, all the while ensuring that wherever a child is placed, his or her safety and health will be the first concern.

The PASS Act also contains important new financial incentives to help these children find adoptive homes.

State agencies will receive bonuses for each child that is adopted, and families who open their hearts and their homes to these children will be eligible for Federal financial assistance and Medicaid coverage for the child.

I believe the PASS Act is a good bipartisan, compromise package. The sponsors of this bill have worked hard to come together in support of a child welfare reform bill. And we expect this new, revised legislation to move quickly through the Senate, as the Majority Leader has indicated that adoption legislation is one of a select few priorities to be dealt with before expected adjournment in early November.

But the real reason we need to move this bill is not because of legislative haste. It is because each passing day we do not act to bring hope and relief to abused and neglected children is a dark day for Congress and the Nation.

Finally let me thank my friend JAY ROCKEFELLER, who has worked so tirelessly on these issues and whose leadership was key to this bill. I also want to pay special tribute to LARRY CRAIG—without his commitment to these children this agreement would not have been possible. I am proud of this bipartisan effort, and I hope all of my colleagues will support this measure. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 1195

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act".

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

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

Sec. 101. Clarification of the reasonable efforts requirement.
Sec. 102. Including safety in case plan and case review system requirements.
Sec. 103. Multidisciplinary/multiagency child death review teams.
Sec. 104. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
Sec. 105. Notice of reviews and hearings; opportunity to be heard.
Sec. 106. Use of the Federal Parent Locator Service for child welfare services.
Sec. 107. Criminal records checks for prospective foster and adoptive parents and group care staff.
Sec. 108. Development of State guidelines to ensure safe, quality care to children in out-of-home placements.
Sec. 109. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.
Sec. 202. Promotion of adoption of children with special needs.
Sec. 203. Technical assistance.
Sec. 204. Adoptions across State and county jurisdictions.
Sec. 205. Facilitation of voluntary mutual reunions between adopted adults and birth parents and siblings.
Sec. 206. Annual report on State performance in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Expansion of child welfare demonstration projects.
Sec. 302. Permanency planning hearings.
Sec. 303. Kinship care.
Sec. 304. Standby guardianship.
Sec. 305. Clarification of eligible population for independent living services.
Sec. 306. Coordination and collaboration of substance abuse treatment and child protection services.
Sec. 307. Reauthorization and expansion of family preservation and support services.
Sec. 308. Innovation grants to reduce backlogs of children awaiting adoption and for other purposes.

TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.
Sec. 402. Reporting requirements.
Sec. 403. Report on fiduciary obligations of State agencies receiving SSI payments.
Sec. 404. Allocation of administrative costs of determining eligibility for medicaid and TANF.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

"(15) provides that—

"(A) in determining reasonable efforts, as described in this section, the child's health and safety shall be the paramount concern;

"(B) reasonable efforts shall be made to preserve and reunify families when possible—

"(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home when the child can be cared for at home without endangering the child's health or safety; or

"(ii) to make it possible for the child to safely return to the child's home;

"(C) reasonable efforts shall not be required on behalf of any parent—

"(i) if a court of competent jurisdiction has made a determination that the parent has—

"(I) committed murder of another child of the parent;

"(II) committed voluntary manslaughter of another child of the parent;

"(III) aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or

"(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent;

"(ii) if a court of competent jurisdiction determines that returning the child to the home of the parent would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights with respect to a sibling of the child); or

"(iii) if the State, through legislation, has specified cases in which the State is not required to make reasonable efforts because of serious circumstances that endanger a child's health or safety;

"(D) if reasonable efforts to preserve or reunify a family are not made in accordance with subparagraph (C), and placement with either parent would pose a serious risk to the child's health or safety, or in any case in which a State's goal for the child is adoption or placement in another permanent home, reasonable efforts shall be made to place the child in a timely manner with an adoptive family, with a qualified relative or legal guardian, or in another planned permanent living arrangement, and to complete whatever steps are necessary to finalize the adoption or legal guardianship; and

"(E) reasonable efforts of the type described in subparagraph (D) may be made concurrently with reasonable efforts of the type described in subparagraph (B);".

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B) (as redesignated by section 5592(a)(1)(A)(iii) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 644))—

(A) in clause (iii)(I), by inserting "safe and" after "where"; and

(B) in clause (iv), by inserting "safely" after "remain"; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safety and" after "discussion of the"; and

(ii) in subparagraph (B)—

(I) by inserting "safe and" after "child receives"; and

(II) by inserting "safe" after "return of the child to his own"; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting "a safe setting that is" after "placement in"; and

(ii) in subparagraph (B)—

(I) by inserting "the safety of the child," after "determine"; and

(II) by inserting "and safely maintained in" after "returned to".

SEC. 103. MULTIDISCIPLINARY/MULTIAGENCY CHILD DEATH REVIEW TEAMS.

(a) STATE CHILD DEATH REVIEW TEAMS.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended by adding at the end the following:

"(c)(1) In order to investigate and prevent child death from fatal abuse and neglect, not later than 2 years after the date of the enactment of this subsection, a State, in order to be eligible for payments under this part, shall submit to the Secretary a certification that the State has established and is maintaining, in accordance with applicable confidentiality laws, a State child death review team, and if necessary in order to cover all counties in the State, child death review teams on the regional or local level, that shall review child deaths, including deaths in which—

"(A) there is a record of a prior report of child abuse or neglect or there is reason to suspect that the child death was caused by, or related to, child abuse or neglect; or

"(B) the child who died was a ward of the State or was otherwise known to the State or local child welfare service agency.

"(2) A child death review team established in accordance with this subsection should have a membership that will present a range of viewpoints that are independent from any specific agency, and shall include representatives from, at a minimum, specific fields of expertise, such as law enforcement, health, mental health, and substance abuse, and from the community.

"(3) A State child death review team shall—

"(A) provide support to a regional or local child death review team;

"(B) make public an annual summary of case findings;

"(C) provide recommendations for systemwide improvements in services to investigate and prevent future fatal abuse and neglect; and

"(D) if the State child death review team covers all counties in the State on its own, carry out the duties of a regional or local child death review team described in paragraph (4).

"(4) A regional or local child death review team shall—

"(A) conduct individual case reviews;

"(B) recommend followup procedures for child death cases; and

"(C) suggest and assist with system improvements in services to investigate and prevent future fatal abuse and neglect.".

(b) FEDERAL CHILD DEATH REVIEW TEAM.—Section 471 of the Social Security Act (42 U.S.C. 671), as amended by subsection (a), is amended by adding at the end the following:

"(d)(1) The Secretary shall establish a Federal child death review team that shall consist of at least the following:

"(A) Representatives of the following Federal agencies who have expertise in the prevention or treatment of child abuse and neglect:

"(i) Department of Health and Human Services.

"(ii) Department of Justice.

"(iii) Bureau of Indian Affairs.

"(iv) Department of Defense.

"(v) Bureau of the Census.

"(B) Representatives of national child-serving organizations who have expertise in the prevention or treatment of child abuse and neglect and that, at a minimum, represent the health, child welfare, social services, and law enforcement fields.

"(2) The Federal child death review team established under this subsection shall—

"(A) review reports of child deaths on military installations and other Federal lands, and coordinate with Indian tribal organizations in the review of child deaths on Indian reservations;

"(B) upon request, provide guidance and technical assistance to States and localities seeking to initiate or improve child death review teams and to prevent child fatalities; and

"(C) develop recommendations on related policy and procedural issues for Congress, relevant Federal agencies, and States and localities for the purpose of preventing child fatalities.".

SEC. 104. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) REQUIREMENT FOR PROCEEDINGS.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State for 12 of the most recent 18 months, or for a lifetime total of 24 months, or, if a court of competent jurisdiction has determined an infant to have been abandoned (as defined under State law), or made a determination that the parent has committed murder of another child of such parent, committed voluntary manslaughter of another child of such parent, aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter, or committed a felony assault that results in serious bodily injury to the surviving child or to another child of such parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

"(i) at the option of the State, the child is being cared for by a relative; or

"(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.".

(b) DETERMINATION OF BEGINNING OF FOSTER CARE.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), 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) a child shall be considered to have entered foster care on the latter of—

"(i) the first time the child is removed from the home; or

"(ii) the date of the first judicial hearing on removal of the child from the home.".

(c) ELIMINATION OF UNNECESSARY COURT DELAYS.—

(1) ONE-YEAR STATUTE OF LIMITATIONS FOR APPEALS OF ORDERS TERMINATING PARENTAL RIGHTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 5591(b) of the Balanced Budget Act of 1997, is amended—

(A) by striking "and" at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting "; and"; and

(C) by adding at the end the following:

"(20) provides that an order terminating parental rights shall only be appealable during the 1-year period that begins on the date the order is issued.".

(2) ONE-YEAR STATUTE OF LIMITATIONS FOR APPEALS OF ORDERS OF REMOVAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by subsection (a), is amended—

(A) in paragraph (19), by striking "and" at the end;

(B) in paragraph (20), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(21) provides that a court-ordered removal of a child shall only be appealable during the 1-year period that begins on the date the order is issued.".

(d) RULE OF CONSTRUCTION.—Nothing in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating or finalizing the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to children entering foster care under the responsibility of the State after the date of enactment of this Act.

(2) TRANSITION RULE FOR CURRENT FOSTER CARE CHILDREN.—Subject to paragraph (3), with respect to any child in foster care under the responsibility of the State on or before the date of enactment of this Act, the amendments made by this section shall not apply to such child until the date that is 1 year after the date of enactment of this Act.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—The provisions of section 501(b) shall apply to the effective date of the amendments made by this section.

SEC. 105. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 104(b), is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) the foster parents (if any) of a child and any relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to make any foster parent or relative a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.".

SEC. 106. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting "or making or enforcing child custody or visitation orders" after "obligations,"; and

(B) in subparagraph (A)—

(i) by striking "or" at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting "; or"; and

(iii) by inserting after clause (iii) the following:

"(iv) who has or may have parental rights with respect to a child,"; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting "; and"; and

(B) by adding at the end the following:

"(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.".

SEC. 107. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 104(c)(2), is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following:

"(22) provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of

a residential child-care institution before the foster parent or adoptive parent, or the residential child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including violent drug-related offenses, rape, sexual or other physical assault, battery, or homicide, approval shall not be granted, unless the individual provides substantial evidence to local law enforcement officials and the State child protection agency proving that there are extraordinary circumstances which demonstrate that approval should be granted; and

"(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.".

SEC. 108. DEVELOPMENT OF STATE GUIDELINES TO ENSURE SAFE, QUALITY CARE TO CHILDREN IN OUT-OF-HOME PLACEMENTS.

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by inserting "and guidelines" after "standards" each place it appears; and

(2) by inserting "ensuring quality services that protect the safety and health of children in foster care placements with nonprofit and for-profit agencies," after "related to".

SEC. 109. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)—

(A) in the last sentence—

(i) by striking "the case plan must also include"; and

(ii) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(B) by adding at the end, the following:

"(E) In the case of a child with respect to whom the State's goal is adoption or placement in another permanent home, documentation of the steps taken by the agency to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems."; and

(2) in paragraph (5)(B), by inserting "(including the requirement specified in paragraph (1)(E))" after "case plan".

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

"SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary may make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State for the fiscal year under this section, which shall be payable in the immediately succeeding fiscal year.

"(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

"(3) the State is in compliance with subsection (c) for the fiscal year; and

"(4) the fiscal year is any of fiscal years 1998 through 2002.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for fiscal year 1997 (or, if later, the fiscal year that precedes the first fiscal year for which the State seeks a grant under this section) and for each succeeding fiscal year.

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

"(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1997 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State in May of the fiscal year and in November of the succeeding fiscal year, and approved by the Secretary by April 1 of the succeeding fiscal year.

"(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEAR 1997.—For purposes of the determination described in subparagraph (A) for fiscal year 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

"(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with the requirements.

"(d) ADOPTION INCENTIVE PAYMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

"(A) $2,000, multiplied by amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

"(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated for that fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

"(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

"(B) the percentage represented by the amount appropriated for that year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

"(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under section 474.

"(g) DEFINITIONS.—As used in this section:

"(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

"(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

"(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means, with respect to a fiscal year, the largest number of foster child adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

"(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means, with respect to a fiscal year, the largest number of special needs adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For grants under this section, there are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.".

SEC. 202. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking paragraph (2) and inserting the following:

"(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child—

"(i) prior to termination of parental rights and the initiation of adoption proceedings was in the care of a public or licensed private child care agency or Indian tribal organization either pursuant to a voluntary placement agreement (provided the child was in care for not more than 180 days) or as a result of a judicial determination to the effect that continuation in the home would be contrary to the safety and welfare of such child, or was residing in a foster family home or child care institution with the child's minor parent (either pursuant to such a voluntary placement agreement or as a result of such a judicial determination); and

"(ii) has been determined by the State pursuant to subsection (c) to be a child with special needs, which needs shall be considered by the State, together with the circumstances of the adopting parents, in determining the amount of any payments to be made to the adopting parents.

"(B) Notwithstanding any other provision of law, and except as provided in paragraph (7), a child who is not a citizen or resident of the United States and who meets the requirements of subparagraph (A) and is otherwise determined to be eligible for the receipt of adoption assistance payments, shall be eligible for adoption assistance payments under this part.

"(C) A child who meets the requirements of subparagraph (A) and who is otherwise determined to be eligible for the receipt of adoption assistance payments shall continue to be eligible for such payments in the event that the child's adoptive parent dies or the child's adoption is dissolved, and the child is placed with another family for adoption.".

(b) EXCEPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any child that—

"(i) would be considered a child with special needs under subsection (c);

"(ii) is not a citizen or resident of the United States; and

"(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

"(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for a child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of such child by the parents described in such subparagraph.".

(c) REQUIREMENT FOR USE OF STATE SAVINGS.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)), as amended by subsection (b), is amended by adding at the end the following:

"(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2) on and after the effective date of the amendment to such paragraph made by section 202(a) of the Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.".

SEC. 203. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

(b) LIMITATIONS.—The technical assistance provided under subsection (a) shall support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and shall include the following:

(1) The development of best practice guidelines for expediting termination of parental rights.

(2) Models to encourage the use of concurrent planning.

(3) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(4) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(5) Models to encourage the fast tracking of children who have not attained 1 year of age into adoptive and pre-adoptive placements.

(6) Development of programs that place children in pre-adoptive families without waiting for termination of parental rights.

(7) Development of programs to recruit adoptive parents.

SEC. 204. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) ELIMINATION OF GEOGRAPHIC BARRIERS TO INTERSTATE ADOPTION.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following:

"(23) provides that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may—

"(A) deny to any person the opportunity to become an applicant for custody of a child, licensure as a foster or adoptive parent, or for foster care maintenance payments or adoption assistance payments under this part on the basis of the geographic residence of the person or of the child involved; or

"(B) delay or deny the placement of a child for adoption, into foster care, or in the child's original home on the basis of the geographic residence of an adoptive or foster parent or of the child involved.".

(b) STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall appoint an advisory panel that shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions;

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children; and

(C) not later than 12 months after the final appointment to the advisory panel, submit to the Secretary the report described in paragraph (3).

(2) COMPOSITION OF ADVISORY PANEL.—In establishing the advisory panel required under paragraph (1), the Secretary shall appoint members from the general public who are individuals knowledgeable on adoption and foster care issues, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who, at a minimum, include the following:

(A) Adoptive and foster parents.

(B) Public and private child welfare agencies that place children in and out of home care.

(C) Family court judges.

(D) Adoption attorneys.

(E) An Administrator of the Interstate Compact on the Placement of Children and an Administrator of the Interstate Compact on Adoption and Medical Assistance.

(F) A representative cross-section of individuals from other organizations and individuals with expertise or advocacy experience in adoption and foster care issues.

(3) CONTENTS OF REPORT.—The report required under paragraph (1)(C) shall include the results of the study conducted under subparagraphs (A) and (B) of paragraph (1) and recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

(4) CONGRESS.—The Secretary shall submit a copy of the report required under paragraph (1)(C) to the appropriate committees of Congress, and, if relevant, make recommendations for proposed legislation.

SEC. 205. FACILITATION OF VOLUNTARY MUTUAL REUNIONS BETWEEN ADOPTED ADULTS AND BIRTH PARENTS AND SIBLINGS.

The Secretary of Health and Human Services, at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 years of age or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling who is 21 years of age or older, of the adult child,

if all such persons involved in any such reunion have, on their own initiative, expressed a desire for a reunion and agree to keep confidential the name and location of the other birth parent of the adult adopted child and any other adult adopted sibling of the adult adopted child.

SEC. 206. ANNUAL REPORT ON STATE PERFORMANCE IN PROTECTING CHILDREN.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479A. ANNUAL REPORT.

"(a) IN GENERAL.—The Secretary shall issue an annual report containing ratings of the performance of each State in protecting children who are placed in foster care, for adoption, or with a relative or guardian. The report shall include ratings on outcome measures for categories related to safety and permanence for children.

"(b) OUTCOME MEASURES.—

"(1) IN GENERAL.—The Secretary shall develop a set of outcome measures to be used in preparing the report.

"(2) CATEGORIES.—In developing the outcome measures, the Secretary shall develop

measures that can track performance over time for the following categories:

"(A) The number of children placed annually for adoption, the number of placements of children with special needs, and the number of children placed permanently in a foster family home, with a relative, or with a guardian who is not a relative.

"(B) The number of children, including those with parental rights terminated, that annually leave foster care at the age of majority without having been adopted or placed with a guardian.

"(C) The median and mean length of stay of children in foster care, for children with parental rights terminated, and children for whom parental rights are retained by the biological or adoptive parent.

"(D) The median and mean length of time between a child having a plan of adoption and termination of parental rights, between the availability of a child for adoption and the placement of the child in an adoptive family, and between the placement of the child in such a family and the finalization of the adoption.

"(E) The number of deaths of children in foster care and other out-of-home care, including kinship care, resulting from substantiated child abuse and neglect.

"(F) The specific steps taken by the State to facilitate permanence for children.

"(3) MEASURES.—In developing the outcome measures, the Secretary shall use data from the Adoption and Foster Care Analysis and Reporting System established under section 479 to the maximum extent possible.

"(c) RATING SYSTEM.—The Secretary shall develop a system (including using State census data and poverty rates) to rate the performance of each State based on the outcome measures.

"(d) INFORMATION.—In order to receive funds under this part, a State shall annually provide to the Secretary such adoption, foster care, and guardianship information as the Secretary may determine to be necessary to issue the report for the State.

"(e) PREPARATION AND ISSUANCE.—On October 1, 1998, and annually thereafter, the Secretary shall prepare, submit to Congress, and issue to the States the report described in subsection (a). Each report shall rate the performance of a State on each outcome measure developed under subsection (b), include an explanation of the rating system developed under subsection (c) and the way in which scores are determined under the rating system, analyze high and low performances for the State, and make recommendations to the State for improvement.".

(b) CONFORMING AMENDMENTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 204(a), is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(24) provides that the State shall annually provide to the Secretary the information required under section 479A.".

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9(a)) is amended by striking "10" and inserting "15".

SEC. 302. PERMANENCY PLANNING HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking "dispositional" and inserting "permanency planning";

(2) by striking "no later than" and all that follows through "12 months" and inserting "not later than 12 months after the original placement (and not less frequently than every 6 months"; and

(3) by striking "future status of" and all that follows through "long term basis)" and inserting "permanency plans for the child (including whether and, if applicable, when, the child will be returned to the parent, referred for termination of parental rights, placed for adoption, or referred for legal guardianship, or other planned permanent living arrangement)".

SEC. 303. KINSHIP CARE.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(A) not later than March 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as "kinship care"); and

(B) not later than November 1, 1998, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the goal for a permanent living arrangement for the child and the actions being taken by the State to achieve the goal;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) ADVISORY PANEL REVIEW.—

(1) IN GENERAL.—The advisory board on child abuse and neglect established under section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102), or, if on the date of enactment of this Act such advisory board does not exist, the advisory panel authorized under paragraph (2), shall review the report prepared pursuant to subsection (a) and submit to the Secretary comments on the report not later than July 1, 1998.

(2) AUTHORIZATION FOR APPOINTMENTS.—Subject to paragraph (1), the Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, may appoint an advisory board for the purpose of reviewing and commenting on the report prepared pursuant to subsection (a). Such advisory board shall include parents, foster parents, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

SEC. 304. STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

SEC. 305. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting "(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)" before the comma.

SEC. 306. COORDINATION AND COLLABORATION OF SUBSTANCE ABUSE TREATMENT AND CHILD PROTECTION SERVICES.

(a) STUDY AND REPORT ON SOURCES OF SUPPORT FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT FOR PARENTS AND CHILDREN AND COLLABORATION AMONG STATE AGENCIES.—

(1) STUDY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) prepare an inventory of all Federal and State programs that may provide funds for substance abuse prevention and treatment services for families receiving services directly or through grants or contracts from public child welfare agencies; and

(B) examine—

(i) the availability and results of joint prevention and treatment activities conducted by State substance abuse prevention and treatment agencies and State child welfare agencies; and

(ii) how such agencies (jointly or separately) are responding to and addressing the needs of infants who are exposed to substance abuse.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under paragraph (1). Such report shall include—

(A) a description of the extent to which clients of child welfare agencies have substance abuse treatment needs, the nature of those needs, and the extent to which those needs are being met;

(B) a description of the barriers that prevent the substance abuse treatment needs of clients of child welfare agencies from being treated appropriately;

(C) a description of the collaborative activities of State child welfare and substance abuse prevention and treatment agencies to jointly assess clients' needs, fund substance abuse prevention and treatment, train and

consult with staff, and evaluate the effectiveness of programs serving clients in both agencies' caseloads;

(D) a summary of the available data on the treatment and cost-effectiveness of substance abuse treatment services for clients of child welfare agencies; and

(E) recommendations, including recommendations for Federal legislation, for addressing the needs and barriers, as described in subparagraphs (A) and (B), and for promoting further collaboration of the State child welfare and substance abuse prevention and treatment agencies in meeting the substance abuse treatment needs of families.

(b) PRIORITY IN PROVIDING SUBSTANCE ABUSE TREATMENT.—Section 1927 of the Public Health Service Act (42 U.S.C. 300x-27) is amended—

(1) in the heading, by inserting "**AND CARETAKER PARENTS**" after "**WOMEN**"; and

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "all caretaker parents who are referred for treatment by the State or local child welfare agency and who" after "referred for and"; and

(ii) by striking "is given" and inserting "are given"; and

(B) in paragraph (2)—

(i) by striking "such women" and inserting "such pregnant women and caretaker parents"; and

(ii) by striking "the women" and inserting "the pregnant women and caretaker parents".

(c) FOSTER CARE PAYMENTS FOR CHILDREN WITH PARENTS IN RESIDENTIAL FACILITIES.—Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period and inserting ", or"; and

(3) by adding at the end the following:

"(3) placed with the child's parent in a residential program that provides treatment and other necessary services for parents and children, including parenting services, when—

"(A) the parent is attempting to overcome—

"(i) a substance abuse problem and is complying with an approved treatment plan;

"(ii) being a victim of domestic violence;

"(iii) homelessness;

"(iv) special needs resulting from being a teenage parent; or

"(v) post-partum depression;

"(B) the safety of the child can be assured;

"(C) the range of services provided by the program is designed to appropriately address the needs of the parent and child;

"(D) the goal of the case plan for the child is to try to reunify the child with the family within a specified period of time;

"(E) the parent described in subparagraph (A)(i) has not previously been treated in a residential program serving parents and their children together; and

"(F) the amount of foster care maintenance payments made to the residential program on behalf of such child do not exceed the amount of such payments that would otherwise be made on behalf of the child.".

SEC. 307. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(6) for fiscal year 1999, $275,000,000;

"(7) for fiscal year 2000, $295,000,000;

"(8) for fiscal year 2001, $315,000,000;

"(9) for fiscal year 2002, $335,000,000; and

"(10) for fiscal year 2003, $355,000,000.".

(2) CONFORMING AMENDMENT.—Section 430(d)(1) of the Social Security Act (42 U.S.C. 630(d)(1)) is amended by striking "and 1998" and inserting "1998, 1999, 2000, 2001, 2002, and 2003".

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

(1) ADDITION TO STATE PLAN; MINIMUM SPENDING REQUIREMENT.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking "and community-based family support services with significant portions" and inserting ", community-based family support services, and time-limited family reunification services, with not less than 25 percent"; and

(ii) in paragraph (5)(A), by striking "and community-based family support services" and inserting ", community-based family support services, and time-limited family reunification services"; and

(B) in subsection (b)(1), by striking "and family support" and inserting ", family support, and family reunification services".

(2) DEFINITION OF TIME-LIMITED FAMILY REUNIFICATION SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 631(a)) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

"(A) IN GENERAL.—The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 1-year period that begins on the date that the child is removed from the child's home.

"(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

"(i) Individual, group, and family counseling.

"(ii) Inpatient, residential, or outpatient substance abuse treatment services.

"(iii) Mental health services.

"(iv) Assistance to address domestic violence.

"(v) Transportation to or from any of the services and activities described in this subparagraph.".

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking "and community-based family support services" and inserting ", community-based family support services, and time-limited family reunification services".

(B) EVALUATIONS.—Subparagraphs (B) and (C) of section 435(a)(2) of the Social Security Act (42 U.S.C. 629d(a)(2)) are each amended by striking "and family support" each place it appears and inserting ", family support, and family reunification".

SEC. 308. INNOVATION GRANTS TO REDUCE BACKLOGS OF CHILDREN AWAITING ADOPTION AND FOR OTHER PURPOSES.

Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by inserting after section 477, the following:

"SEC. 478. INNOVATION GRANTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants, in amounts determined by the Secretary, to States with approved applications described in subsection (c), for the purpose of carrying out the innovation projects described in subsection (b).

"(b) INNOVATION PROJECTS DESCRIBED.—The innovation projects described in this subsection are projects that are designed to achieve 1 or more of the following goals:

"(1) Reducing a backlog of children in long-term foster care or awaiting adoption placement.

"(2) Ensuring, not later than 1 year after a child enters foster care, a permanent placement for the child.

"(3) Identifying and addressing barriers that result in delays to permanent placements for children in foster care, including inadequate representation of child welfare agencies in termination of parental rights and adoption proceedings, and other barriers to termination of parental rights.

"(4) Implementing or expanding community-based permanency initiatives, particularly in communities where families reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

"(5) Developing and implementing community-based child protection activities that involve partnerships among State and local governments, multiple child-serving agencies, the schools, and community leaders in an attempt to keep children free from abuse and neglect.

"(6) Establishing new partnerships with businesses and religious organizations to promote safety and permanence for children.

"(7) Assisting in the development and implementation of the State guidelines described in section 471(a)(10).

"(8) Developing new staffing approaches to allow the resources of several States to be used to conduct recruitment, placement, adoption, and post-adoption services on a regional basis.

"(9) Any other goal that the Secretary specifies by regulation.

"(c) APPLICATION.—An application for a grant under this section may be submitted for fiscal year 1998 or 1999 and shall contain—

"(1) a plan, in such form and manner as the Secretary may prescribe, for an innovation project described in subsection (b) that will be implemented by the State for a period of not more than 5 consecutive fiscal years, beginning with fiscal year 1998 or 1999, as applicable;

"(2) an assurance that no waivers from provisions in law, as in effect at the time of the submission of the application, are required to implement the innovation project; and

"(3) such other information as the Secretary may require by regulation.

"(d) DURATION.—An innovation project approved under this section shall be conducted for not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of the period originally approved if the Secretary determines that the State conducting the project is not in compliance with the terms of the plan and application approved by the Secretary under this section.

"(e) MATCHING REQUIREMENT.—A State shall not receive a grant under this section

unless, for each year for which a grant is awarded, the State agrees to match the grant with $1 for every $3 received.

"(f) NONSUPPLANTING.—Any funds received by a State under a grant made under this section shall supplement but not replace any other funds that may be available for the same purpose in the localities involved.

"(g) EVALUATIONS AND REPORTS.—

"(1) STATE EVALUATIONS.—Each State administering an innovation project under this section shall—

"(A) provide for ongoing and retrospective evaluation of the project, meeting such conditions and standards as the Secretary may require; and

"(B) submit to the Secretary such reports, at such times, in such format, and containing such information as the Secretary may require.

"(2) REPORTS TO CONGRESS.—The Secretary shall, on the basis of reports received from States administering projects under this section, submit interim reports, and, not later than 6 months after the conclusion of all projects administered under this section, a final report to Congress. A report submitted under this subparagraph shall contain an assessment of the effectiveness of the State projects administered under this section and any recommendations for legislative action that the Secretary considers appropriate.

"(h) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall promulgate final regulations for implementing this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make grants under this section not more than $50,000,000 for each of fiscal years 1998 through 2003.".

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. REPORT ON FIDUCIARY OBLIGATIONS OF STATE AGENCIES RECEIVING SSI PAYMENTS.

Not later than 12 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning State or local child welfare service agencies that act as representative payees on behalf of children under the care of such agencies for purposes of receiving supplemental security income payments under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93-66) for the benefit of such children. Such report shall include an examination of the extent to which such agencies—

(1) have complied with the fiduciary responsibilities attendant to acting as a representative payee under title XVI of such Act; and

(2) have received supplemental security income payments on behalf of children that the agencies cannot identify or locate, and if so, the disposition of such payments.

SEC. 404. ALLOCATION OF ADMINISTRATIVE COSTS OF DETERMINING ELIGIBILITY FOR MEDICAID AND TANF.

(a) MEDICAID.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (x) and section 1919(g)(3)(C)"; and

(2) by adding at the end the following:

"(x)(1) Notwithstanding any other provision of law, for purposes of determining the amount to be paid to a State under subsection (a)(7) for quarters in any fiscal year, beginning with fiscal year 1997, amounts expended for the proper and efficient administration of the State plan under this title (including under any waiver of such plan) shall not include common costs related to determining the eligibility under such State plan (or waiver) of individuals in a household applying for or receiving benefits under the State program under part A of title IV unless the State elects the option described in paragraph (2).

"(2) A State that meets the requirements of paragraph (3) may elect to allocate equally between the State program under part A of title IV and the State plan under this title (including any waiver of such plan) the administrative costs associated with such programs that are incurred in serving households and individuals eligible or applying for benefits under the State program under part A of title IV and under the State plan (or under a waiver of such plan) under this title.

"(3) A State meets the requirements of this paragraph if the Secretary determines that—

"(A) the State conforms the eligibility rules and procedures of, and integrates the administration of the eligibility procedures of, the State program funded under part A of title IV and the State plan under this title (including any waiver of such plan); and

"(B) the State uses the same application form for assistance described in section 1931(e).".

(b) TANF.—

(1) IN GENERAL.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) DESIGNATION OF GRANTS UNDER THIS PART IN ALLOCATING ADMINISTRATIVE COSTS.—Subject to section 1903(x), a State to which a grant is made under section 403 shall designate the program funded under this part as the primary program for the purpose of allocating common administrative costs incurred in serving households eligible or applying for benefits under such program and any other Federal means-tested public benefit program administered by the State.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) to section 408 of the Social Security Act (42 U.S.C. 608) shall take effect as if included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2112).

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 1997.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. CRAIG. Mr. President, I am pleased to join my distinguished colleagues in introducing PASS, the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act.

Foster care was never intended to be anything more than a temporary refuge for children from troubled families. Yet all too often, "temporary" becomes "permanent," and decisions made for children in the system are driven by considerations other than the child's own well-being. Tragically, it's the children who ultimately pay for the flaws in the system—sometimes with their very lives.

The problem does not lie with the vast majority of foster parents, relatives, and caseworkers who work valiantly to provide the care needed by these children. Rather, the problem is the system itself, and incentives built into it, that frustrate the goal of moving children to permanent, safe, loving homes.

PASS will fundamentally shift the foster care paradigm, without destroying what is good and necessary in the system. For the first time, a child's health and safety will have to be the paramount concerns in any decisions made by the State. for the first time, efforts to find an adoptive or other permanent home will not only be required but documented and rewarded. For the first time, steps will have to be taken to free a child for adoption or other permanent placement if the child has been languishing in foster care for a year or more.

These are only some of the many critical reforms in Pass, designed to promote adoption, ensure the safety of abused and neglected children, accelerate permanent placement, and fix flaws in the system. The package, taken as a whole, will make an enormous difference in the lives of thousands of children.

This comprehensive bill is the product of extensive discussion and negotiation among Senators representing a veritable universe of viewpoints on adoption and foster care reform. Although we may have come to the table from different perspectives, we agreed on a fundamental principle: that reforms are needed to ensure that a child's health, safety and permanency are paramount concerns of the foster care system. In the end, on behalf of the children, we came together and resolved our differences. PASS is the result, and I commend it to all our colleagues.

Change is needed now; every day of delay is an eternity to a child unfairly bearing the burdens of the current system. I hope every Senator will take a careful look at PASS, and work with us to achieve true reforms in this area.

Mr. ROCKEFELLER. Mr. President, abused and neglected children are among the most vulnerable and poorly protected members of American society. Too many of these children are left to wander aimlessly through the foster care system—a system which, from the outset, was never designed or intended to be a permanent home. We can no longer continue to sentence these foster children to endless waits—a legal limbo in which they no longer feel welcome in their biological families but are unable to be adopted into new and loving homes. Despite the thousands of dedicated foster parents and child welfare workers who strive daily to effectively address the many needs of abused and neglected children in an overloaded system, we know that nothing can replace a permanent and loving home made by adults who can be counted on without condition or limitation.

Acknowledging our collective obligation to allow no child to fall between the cracks, I am proud to join together with Senator JOHN CHAFEE and my other colleagues in a truly extraordinary bipartisan effort to introduce the Promotion of Adoption Safety and Support for Abused and Neglected Children Act [PASS]. Under Senator CHAFEE's committed leadership on children's issues, this bipartisan group has worked extremely hard to forge an effective compromise—a compromise which offers concrete, practical strategies to provide permanency in lives of foster children and to ensure that health and safety are built into every level of America's abuse and neglect system. Central to this entire effort was also Senator LARRY CRAIG, who brought focus and determination to the sometimes difficult bipartisan negotiations. I would like to take this opportunity to extend my most sincere thanks to my other colleagues, Senators JEFFORDS, DEWINE, COATS, BOND, LANDRIEU, and LEVIN for making possible this outstanding example of bipartisan teamwork.

The Promotion of Adoption Safety and Support for Abused and Neglected Children Act will fundamentally shift the focus of the foster care system by insisting that a child's health, safety, and opportunity to find a permanent home should be the paramount concern when a State makes any decision concerning the well-being of abused and neglected children. As a comprehensive package based on bipartisan consensus, PASS will accelerate and improve the response to these concerns, promote safe adoptions, and restore safety and permanency to the lives of abused and neglected children.

The main objective of this bill is to move abused and neglected children into adoptive or other permanent homes and to do so more quickly and more safely than ever before. Right now, many foster care children are forced to wait years before being adopted—even in cases where loving families are ready and willing to adopt them. Some children lose their chance for adoption altogether. While PASS preserves the requirement to reunify families where appropriate, it does not require States to use reasonable efforts to reunify families that have been irreparably broken by abandonment, torture, physical abuse, sexual abuse, murder, manslaughter, and sexual assault. The PASS Act maintains the delicate balance in protecting the rights of parents and families while placing primary focus where it should be: on the health and safety of child.

PASS encourages adoptions by rewarding States financial incentives for facilitating adoption for all foster children—especially those with special needs which, sadly, make them more difficult to place. For those situations where children cannot go home again, PASS requires States to use reasonable efforts to place them into safe adoptive homes or into the permanent care of loving relatives. In addition, PASS cuts by one-third the time that an abused and neglected child must wait in order to be placed in such adoptive homes. In response to a candid and focused look at today's foster care crisis, the bill also seeks to rescue children from the legal limbo of the current system by requiring States to take the necessary legal steps to free for adoption those children who have been forced to linger in the system for a year or more. PASS also prevents further abuse of children in the foster care system by requiring criminal records checks for all foster and adoptive parents. PASS is about helping the individual child but, equally as importantly, fixing the system.

It is always the right time to focus on the needs of children—especially those unfortunate enough to find themselves in the sometimes dysfunctional labyrinth of the abuse and neglect system. Unfortunately, however, reform has never been more necessary. President Clinton's "Adoption 2002 Report" found that there are currently half a million children in temporary foster care placements. One hundred thousand of those children should be adopted, but less than half of that number are legally eligible to become part of an adoptive family. In my home State of West Virginia alone, referrals to Child Protective Services are expected to rise to an all-time high of 17,000 this year. Foster care placements have jumped from 2,900 children in January 1996 to 3,113 children in January 1997. These staggering figures reveal a foster care crisis of unprecedented proportions.

PASS is the first step in a vital, ongoing effort to put children at the very top of our national agenda. It is time that we provide all children with their most profound wish: to live in a safe and loving home with caretakers who treat them with respect and dignity. If we are unable to address this most fundamental need, these children will not be able to grow, learn, and provide a secure place for their own families. It is unthinkable to deny abused and neglected children such vital opportunities.

Mr. BOND. Mr. President, there may not be many things in life on which there is a consensus but I think we all can agree on the vital importance of ensuring the safety of abused and neglected children and moving them out of the foster care system more rapidly and into permanent homes. I am proud to join with my colleagues in this bipartisan effort to develop the new, consensus legislation called the Promotion of Adoption, Safety, and Support for Abused and Neglected Children [PASS] Act.

The reality is that all too often children simply languish in the foster care system. Nationwide, there are more than 500,000 children in foster care. In Missouri, there are 10,361 children in the foster care system. Since 1975, the number of reported incidents of abuse and neglect has increased from less than 10,000 to 52,964 in 1995, an all-time high and frightening statistic.

Federal law has hindered State child welfare agencies from moving more quickly to place children who are in foster care because of abuse and neglect into permanent homes.

The PASS Act will provide incentives to increase adoptions and reduce by one third the amount of time a child lingers in foster care waiting for a permanency plan, with a review required every six months so that foster care is truly viewed as a temporary care system for our most vulnerable children.

The bill clarifies "reasonable efforts" and establishes a federal standard so that the health and safety of the child is the primary concern, above family reunification interest. There are some parents for whom reunification with their children is not reasonable—certainly sustained abuse or neglect or

danger of physical harm would fit that category. In those cases, we need to move swiftly to get the children out of harm's way and then quickly to get them into permanent homes.

Just count the number of cases of child abuse and neglect that has been reported over the past few months. One too many! A little, five-year old Kansas City girl named Angel Hart was beaten and drowned to death by her mother's boyfriend because she could not recite the alphabet.

Under the PASS Act, States are encouraged to enact laws that would make it easier to terminate parental rights in abusive cases and prevent abused and neglected children from returning to homes in which their health and safety are at risk. In addition, this legislation promotes adoption of all special needs children and ensures health coverage for special needs children who are adopted.

I am very optimistic that Congress will move this bill forward this year. There are far too many innocent lives at stake and no child should be denied a loving home. Unfortunately, for thousands of kids now caught in permanent limbo in the foster care system, that is exactly what is happening. The PASS Act will improve child safety and permanency, enabling some children to return home safely and others to move to adoptive families more quickly.

By Mr. McCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD):

S. 1196. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Commerce, Science, and Transportation.

THE FOREIGN AIR CARRIER FAMILY SUPPORT ACT

Mr. McCAIN. Mr. President, I am pleased to join with my colleagues, Senator GORTON, Senator HOLLINGS and Senator FORD, to introduce the Foreign Air Carrier Family Support Act. This bill would require foreign air carriers to implement disaster family assistance plans should an accident involving their carriers occur on American soil. I would like to recognize my colleagues in the House, especially Representative UNDERWOOD from Guam, who introduced the companion bill in the House of Representatives earlier this week.

The legislation, if enacted, would build on the family assistance provisions that we enacted last year as part of the Federal Aviation Reauthorization Act of 1996. Let me be clear about one point. Domestic air carriers are already operating under the same legislative requirements set out in the legislation before us today.

The need for extending the requirements to foreign air carriers came into a clear focus with the tragic crash of Korean Air Flight 801 in Guam. I do not intend to single out Korean Air for blame. An accident of this magnitude, involving the loss of more than 200 lives, in rough and isolated terrain, is bound to create mass confusion and hysteria. Even so, coverage of the accident made us all acutely aware of the criticisms made by the family members, and the pain they suffered in relation to the search and rescue efforts, as well as the media involvement following the accident.

The U.S. civil, military and Federal personnel at the scene should be commended for their contributions toward the search and rescue efforts. I also praise their attempts to console and assist family members on Guam, as well as those who traveled to the accident site from South Korea and the continental United States. Without a doubt, though, their efforts would have been more productive had there been a prearranged plan in effect. Greater coordination would have made things easier not only for the victims' family members, but also for the National Transportation Safety Board [NTSB] officials and military personnel who were on-site and who had to respond immediately in an emotional and potentially hazardous situation.

The Foreign Air Carrier Family Support Act would require a foreign air carrier to provide the Secretary of Transportation and the Chairman of the NTSB with a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of that foreign air carrier, and that involves a significant loss of life. The Secretary of Transportation could not grant permission for the foreign air carrier to operate in the United States unless the Secretary had received a sufficient family assistance plan.

The family assistance plan required of the foreign air carrier would include a reliable, staffed toll-free number for the passengers' families, and a process for expedient family notification prior to public notice of the passengers' identities. An NTSB employee would serve as director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The foreign air carrier would provide these family liaisons with updated passenger lists following the crash. The legislation would require that the carrier consult and coordinate with the families on the disposition of remains and personal effects.

This is important legislation. It is critical, given the increasing global nature of aviation. As we work to promote and implement open skies agreements with foreign countries, these countries' carriers will have increasing freedom to operate in the United States and its territories.

I plan to bring this legislation before the Commerce Committee for markup as early as next week. Unfortunate but true, we have already seen the positive effects of the congressionally mandated family assistance provisions, as they relate to domestic air carriers. I urge my colleagues to support extending these assistance provisions to foreign carriers operating in the United States.

Mr. GORTON. Mr. President, I rise to join my distinguished colleagues, Senator McCAIN, Senator HOLLINGS, and Senator FORD to introduce the Foreign Air Carrier Family Support Act. This act will provide assistance to the families of aviation accident victims who were flying on foreign airlines operating in the United States, assistance that is now provided in the event of the crash of a domestic airline. I would also take this opportunity to recognize Representative UNDERWOOD of Guam who recently introduced the companion bill in the House with Representative DUNCAN and Representative LIPINSKI.

The recent tragic crash of Korean Air Flight 801 in Guam, which took the lives of more than 200 people, clearly shows the need for this legislation. As we all know, the news of an air disaster spreads quickly around the world, with pictures and reports about the crash. The media is often at the sight of crash as soon as, if not before, the rescue teams.

You can imagine how devastating it was for the family members of those flying on Flight 801, as it would be for any family members, to receive media reports about a crash just after it happened. Anyone in such a situation wants to know as quickly as possible what has happened to their loved ones. That is why the Congress passed the Aviation Disaster Family Assistance Act of 1996, which obligates domestic air carriers to have disaster support plans in place. It is why we now need to extend this type of plan to foreign air carriers in the event that they have an accident on American soil.

Despite the best efforts of rescue personnel and National Transportation Safety Board personnel, it is clear that family members would have been better served if an accident plan had been in effect following the crash of flight 801. Coverage of the accident made us aware that family members suffered a great deal of pain in relation to the search and rescue efforts. We have, sadly enough, already seen the positive effects of family assistance plans for the accidents of domestic air carriers.

Simply stated, the bill would require that following an accident resulting in a significant loss of life, the foreign airline would have a plan in place to publicize a toll-free number, have staff

available to take calls, have an up-to-date list of passengers, and have a process to notify families—in person if possible—before any public notification that a family member was onboard the crashed aircraft. A National Transportation Safety Board employee would serve as the director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The legislation also requires the Secretary of Transportation to refuse a foreign air carrier a permit to operate in the U.S. if the carrier does not have a plan in place.

As Senator MCCAIN indicated, he plans to bring this legislation before the Commerce Committee for markup as early as next week. I will work with Senator MCCAIN to see that we move this legislation as expeditiously as possible.

I hope that it will never be necessary for the plans required under this legislation to be used. However, should a foreign air carrier have an accident in the United States, we should extend to the family members of victims the consideration and compassion that this legislation provides. I would urge my colleagues to join me in supporting this bill.

Mr. HOLLINGS. Mr. President, I rise to join my colleagues, Senators MCCAIN, GORTON, and FORD in introducing the Foreign Air Carrier Family Support Act, which will assign to foreign air carriers the statutory duty to provide support to the families of victims of aircraft accidents.

Last month, 228 people died in the crash of Korean Air flight 801 in Guam. The United States, as a policy matter, has decided that our air carriers must be prepared to work with the families of victims. In fact, we require our carriers to file plans covering items like toll-free phone lines, notification of families of the accident, consultation on the disposition of the remains, and the return of family possessions.

These changes came about following the crash of TWA flight 800 last July. It was clear, following the crash, that the families of the victims needed assistance, and in a coordinated way. The National Transportation Safety Board representatives worked night and day to let the families know what was going on, but the carriers, too, have a responsibility and those responsibilities, for U.S. carriers, were statutorily imposed. The bill today will make sure that foreign carriers like Korean Air will have similar responsibilities for crashes that occur in the United States.

I urge my colleagues to support the bill.

Mr. FORD. Mr. President, I want to join my colleagues in sponsoring the Foreign Air Carrier Family Support Act. The bill, which I hope will be considered shortly by the Commerce Committee, is intended to close a loophole in law. Last year, we passed legislation requiring U.S. air carriers to file plans with the Secretary and NTSB outlining how they would address the needs of the families of victims of aviation disasters. The bill today will require foreign airlines that serve the United States. In light of the tragic crash in Guam, this bill will make sure that carriers like Korean Air are prepared to deal with the families of victims when a crash occurs on U.S. soil.

The bill is supported by the administration and I hope that we can pass it quickly.

By Mrs. FEINSTEIN:

S. 1197. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE REFORM ACT OF 1997

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation on campaign spending reform.

I recognize that this is not the first bill introduced in Congress on this issue. In fact, at last count, there were 85 bills introduced in either the House or the Senate on campaign finance reform—17 of them in the Senate alone.

Frankly, I would be quite satisfied if the bill I am introducing today was tabled in favor of a floor vote on the McCain-Feingold bill, of which I am a cosponsor.

Last week, all 45 Democrats in the Senate pledged to vote for McCain-Feingold if given the opportunity. Combined with the three Republican cosponsors of the bill, this legislation needs only three more votes for passage. Surely there are three more Republicans who will support this bill.

But we are not there yet, and I believe strongly that action must be taken on this subject now. Today. This Congress. This session.

This Congress has spent $10 million in taxpayer funds investigating wrongdoing in the last election cycle.

Eighty-four Members of this Congress have called for special prosecutors.

We've spent 6 months in public hearings decrying how bad the system is, how bad soft money is, and how badly we need reform.

There is nothing to hide behind if this Congress does not act on reform.

I do not believe Members of this body can or should be able to take a pass on reform based on disagreements with McCain-Feingold, or based on an all-or-nothing attitude. Therefore, I offer my legislation as a bill that contains the common denominators—the basic elements—of reform that many of us profess to agree on.

Let me state clearly; I am a cosponsor of McCain-Feingold and will vote for McCain-Feingold if it comes to the floor for approval, as I believe it should.

My legislation is an alternative, focussed on what I, and what most of my colleagues, have said are the most pressing areas in need of reform: the elimination of soft money, greater disclosure on contributions, and regulation of dollars now unregulated.

The cornerstone of any campaign reform bill must address the issue of soft money. After all the charges and disclosures about the abuse of soft money in Federal campaigns, we would be hard-pressed to explain to the public why we did not take action at least on this issue.

However, just banning soft money—for which there appears to be sufficient support in both Houses—cannot be our only action. A simple ban on soft money will force the shifting of these dollars into unregulated independent expenditure campaigns where huge amounts of anonymous money is used to influence campaigns and—most commonly—to attack candidates.

Between $135 and $150 million was spent on so-called issue ads in 1996—about 35 percent of the $400 million spent on all campaign advertising in 1996, according to a new study released yesterday by the Annenberg Center at the University of Pennsylvania. The study—the most comprehensive on this issue to date—showed that, compared with other forms of political advertising and coverage, the content of issue ads were the highest in "pure attack."

To this end, I have prepared this small package of measures—many of which appear in other bills—which, taken together, is a step on the road to spending reform, and would be a solid step forward in the battle to decrease the flood of unregulated money in campaigns.

Specifically, this bill would:

Ban soft money to national parties. During the last election, both parties spent a combined total of over $270 million in soft money. Democrats spent $122 million and Republicans spent almost $150 million. Over the first 6 months of this year, both parties have raised $34 million in soft money, with Republicans out-pacing Democrats $23 to $11 million.

Change the definition of "express advocacy" to include any communication that uses a candidate's name or picture within 60 days of an election as express advocacy. Only hard dollars—limited in amount and fully disclosed—could be used to fund independent campaigns of a candidate's name or image is used in express advocacy for or against a candidate.

Change the personal contribution limit from $1,000 to $2,000 per election and index those contribution limits for inflation in the future. The $1,000 per election limits have not been changed since 1974. That was 23 years ago and, as every candidate knows, the cost of printing, postage, and buying media has more than quadrupled in that time.

Increase the disclosure requirements so that any group or individual spending more than $10,000 up to 20 days prior to an election would have to report that to the FEC within 48 hours. This threshold drops to $1,000 within 20 days of an election.

Implement a policy whereby if a person is not eligible to vote in U.S. elections, he or she would not be permitted to contribute to candidates or parties.

Lower the threshold for reporting contributions to candidates from $200 to $50. This increases disclosure.

Allow the FEC to seek an injunction in U.S. district court if it has evidence that a violation of campaign laws is about to occur.

Permit the FEC to refer matters to the Attorney General for prosecution if any significant evidence of criminal wrongdoing exists.

I believe a bill containing these elements is doable this year and I offer it as a package for the consideration of this body.

In closing, it is my sincere hope we will move to enact meaningful campaign finance reform this year. If we can't act now, after all that has been said and done this year, I'm afraid we never will. The American people deserve more than lip service on campaign reform.

I implore the majority leader to bring the McCain-Feingold bill to the floor and allow us to debate it, amend it, and vote on it. If we can't agree on the McCain-Feingold bill, then let us vote on an alternative such as mine. Either way, let us have at it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1197

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Campaign Reform Act of 1997".

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

Sec. 1. Short title; table of contents.

TITLE I—BAN ON SOFT MONEY OF POLITICAL PARTY COMMITTEES

Sec. 101. Soft money of political party committees.
Sec. 102. State party grassroots funds.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT EXPENDITURES; SOFT MONEY

Sec. 201. Express advocacy.
Sec. 202. Reporting requirements for certain independent expenditures.
Sec. 203. Soft money of persons other than political parties.

TITLE III—ENFORCEMENT

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Audits.
Sec. 303. Authority to seek injunction.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Increase in penalty for knowing and willful violations.
Sec. 306. Prohibition of contributions by individuals not qualified to register to vote.
Sec. 307. Use of candidates' names.
Sec. 308. Prohibition of false representation to solicit contributions.
Sec. 309. Expedited procedures.
Sec. 310. Reference of suspected violation to the attorney general.

TITLE IV—MISCELLANEOUS

Sec. 401. Contribution limits; indexing.
Sec. 402. Use of contributed amounts for certain purposes.
Sec. 403. Campaign advertising.
Sec. 404. Limit on congressional use of the franking privilege.

TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 501. Severability.
Sec. 502. Review of constitutional issues.
Sec. 503. Effective date.
Sec. 504. Regulations.

TITLE I—BAN ON SOFT MONEY OF POLITICAL PARTY COMMITTEES

SEC. 101. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF PARTY COMMITTEES.

"(a) NATIONAL COMMITTEES.—

"(1) ALL CONTRIBUTIONS, DONATIONS, TRANSFERS, AND SPENDING TO BE SUBJECT TO THIS ACT.—A national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) DONATION LIMIT.—In addition to the amount of contributions that a person may make to a national committee of a political party under section 315, a person may make donations of anything of value to a national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) in an aggregate amount not exceeding $25,000 during the 24 months preceding the date of a general election for Federal office.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING COSTS.—Any amount spent by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

"(d) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

"(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

"(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

"(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of the Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

"(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.".

SEC. 102. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B) by striking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) LIMITS.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

"(3) OVERALL LIMITS.—

"(A) INDIVIDUAL LIMIT.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $30,000.

"(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

"(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.".

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

"(21) STATE PARTY GRASSROOTS FUND.—The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 325(d).".

(d) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

"SEC. 325. STATE PARTY GRASSROOTS FUNDS.

"(a) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

"(b) TRANSFERS.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

"(1) has established a separate segregated fund for the purposes described in subsection (d); and

"(2) uses the transferred funds solely for those purposes.

"(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

"(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(e) if—

"(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

"(ii) certifies that the requirements were met.

"(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

"(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

"(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

"(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(1) any generic campaign activity;

"(2) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(4) voter registration; and

"(5) development and maintenance of voter files during an even-numbered calendar year.".

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 202) is amended by adding at the end the following:

"(e) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee (not described in paragraph (1)) to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in section 324(b) (1) and (2)(iii).

"(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

"(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

"(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking "and" at the end of subparagraph (H);

(B) by inserting "and" at the end of subparagraph (I); and

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

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE II—INDEPENDENT EXPENDITURES; SOFT MONEY

SEC. 201. EXPRESS ADVOCACY.

(a) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting a semicolon; and

(3) by adding at the end the following:

"(iii) any payment during an election year (or in a nonelection year, during the period beginning on the date on which a vacancy for Federal office occurs and ending on the date of the special election for that office) for a communication that is made through any broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising by a national, State, district, or local committee of a political party, including a congressional campaign committee of a party, that refers to a clearly identified candidate; and

"(iv) any payment for a communication that contains express advocacy.".

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure that—

"(i) contains express advocacy; and

"(ii) is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.".

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 102(c)) is amended by adding at the end the following:

"(22) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' includes—

"(i) a communication that conveys a message that advocates the election or defeat of a clearly identified candidate for Federal office by using an expression such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' 'reject,' '(name of candidate) for Congress', 'vote pro-life,' or 'vote pro-choice', accompanied by a listing or picture of a clearly identified candidate described as 'pro-life' or 'pro-choice,' 'reject the incumbent', or a similar expression;

"(ii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of the candidate, and that is made within 60 days before the date of a primary election (and is targeted to the State in which the primary is occurring), or 60 days before a general election; or

"(iii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of a candidate, that is made before the date that is 30 days before the date of a primary election, or 60 days before the date of a general election, and that is made for the purpose of advocating the election or defeat of the candidate, as shown by 1 or more factors such as a statement or action by the person making the communication, the targeting or placement of the communication, or the use by the person making the communication of polling, demographic, or other similar data relating to the candidate's campaign or election.

"(B) EXCLUSION.—The term 'express advocacy' does not include the publication or distribution of a communication that is limited solely to providing information about the voting record of elected officials on legislative matters and that a reasonable person would not understand as advocating the election or defeat of a particular candidate.".

SEC. 202. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or obligates to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report each time that independent expenditures aggregating an additional $1,000 are made or obligated to be made with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or obligates to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made or obligated to be made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report each time that independent expenditures aggregating an additional $10,000 are made or obligated to be made with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 203. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c)) is amended by adding at the end the following:

"(g) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 for activities described in paragraph (2) shall file a statement with the Commission—

"(A) within 48 hours after the disbursements are made; or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) any activity described in section 316(b)(2)(A) that refers to any candidate for Federal office, any political party, or any Federal election; and

"(B) any activity described in subparagraph (B) or (C) of section 316(b)(2).

"(3) ADDITIONAL STATEMENTS.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

"(4) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

"(A) the name and address of the person or entity to whom the disbursement was made;

"(B) the amount and purpose of the disbursement; and

"(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

TITLE III—ENFORCEMENT

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting at the end the following:

"(11) FILING REPORTS.—

"(A) COMPUTER ACCESSIBILITY.—The Commission may prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in that manner if not required to do so under regulations prescribed under clause (i).

"(B) FACSIMILE MACHINE.—The Commission shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) VERIFICATION OF SIGNATURE.—In prescribing regulations under this paragraph,

the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

SEC. 302. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 303. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) AUTHORITY TO SEEK INJUNCTION.—

"(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person".

SEC. 305. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking "the greater of $10,000 or an amount equal to 200 percent" and inserting "the greater of $15,000 or an amount equal to 300 percent".

SEC. 306. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding "AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE" at the end; and

(2) in subsection (a)—

(A) by striking "(a) It shall" and inserting the following:

"(a) PROHIBITIONS.—

"(1) FOREIGN NATIONALS.—It shall"; and

(B) by adding at the end the following:

"(2) INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.".

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution" after "employer"; and

(2) in subparagraph (B) by inserting "and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution" after "such person".

SEC. 307. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 308. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 309. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 303) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in paragraph (13)(A) (ii), (iii), and (iv) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

SEC. 310. REFERENCE OF SUSPECTED VIOLATION TO THE ATTORNEY GENERAL.

Section 309(a)(5) of Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended by striking subparagraph (C) and inserting the following:

"(C) REFERRAL TO THE ATTORNEY GENERAL.—The Commission may at any time, by an affirmative vote of 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 to the Attorney General of the United States, without regard to any limitations set forth in this section.".

TITLE IV—MISCELLANEOUS

SEC. 401. CONTRIBUTION LIMITS; INDEXING.

(a) INCREASE IN CANDIDATE CONTRIBUTION LIMIT.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$2,000".

(b) INDEXING OF CANDIDATE CONTRIBUTION LIMIT.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in the second sentence of paragraph (1), by striking "subsection (b) and subsection (d)" and inserting "subsections (a)(1)(A), (b), and (d)"; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974." and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsection (a)(1)(A), calendar year 1997.".

SEC. 402. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended

by striking section 313 and inserting the following:

"SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

"(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) PROHIBITED USE.—

"(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

"(2) CONVERSION TO PERSONAL USE.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(G) dues, fees, and other payments to a health club or recreational facility.".

SEC. 403. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 404. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 502. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 503. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 504. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 89

At the request of Ms. SNOWE, the name of the Senator from California [Mrs. BOXER] 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. 232

At the request of Mr. HARKIN, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 232, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 290

At the request of Mr. MURKOWSKI, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 290, a bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

S. 474

At the request of Mr. KYL, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 474, a bill to amend sections 1081 and 1084 of title 18, United States Code.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Maine [Ms. COLLINS], the Senator from Florida [Mr. MACK], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 852

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1021

At the request of Mr. HAGEL, the names of the Senator from Arizona

[Mr. MCCAIN] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1050

At the request of Mr. JEFFORDS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1050, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children.

S. 1089

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1177

At the request of Mr. WARNER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1177, a bill to prohibit the exhibition of B–2 and F–117 aircraft in public air shows not sponsored by the Armed Forces.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Resolution 94, A resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

AMENDMENT NO. 1196

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Oregon [Mr. SMITH], the Senator from Colorado [Mr. ALLARD], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Amendment No. 1196 proposed to H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1218

At the request of Mr. TORRICELLI, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of amendment No. 1218 proposed to H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

STEVENS (AND DODD) AMENDMENT NO. 1219

Mr. STEVENS (for himself and Mr. DODD) proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 3 . It is the sense of the Senate that, inasmuch as there is disagreement as to what extent, if any, Federal funding for the arts is appropriate, and what modifications to the mechanism for such funding may be necessary; and further, inasmuch as there is a role for the private sector to supplement the Federal, State and local partnership in support of the arts, hearings should be conducted and legislation addressing these issues should be brought before the full Senate for debate and passage during this Congress.

ENZI (AND OTHERS) AMENDMENT NO. 1220

(Ordered to lie on the table.)

Mr. ENZI (for himself, Mr. BROWNBACK, and Mr. COATS) submitted an amendment intended to be proposed by them to an amendment intended to be the bill, H.R. 2107, supra; as follows:

At the end of the amendment, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—The term "class III gaming" has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact which has been approved by the State's Governor and State Legislature.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact which has been approved by the State's Governor and State Legislature.

ENZI (AND OTHERS) AMENDMENT NO. 1221

Mr. ENZI (for himself, Mr. BROWNBACK, Mr. COATS, Mr. LUGAR, Mr. BRYAN, Mr. BOND, Mr. SESSIONS, and Mr. ASHCROFT) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—the term "class III gaming" has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITED.—During fiscal year 1998, the Secretary many not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

(B) RULE CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

BRYAN (AND REID) AMENDMENT NO. 1222

Mr. BRYAN (for himself and Mr. REID) proposed an amendment to amendment No. 1221 proposed by Mr. ENZI to the bill, H.R. 2107, supra; as follows:

At the end of the amendment, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING INDIAN GAMING.

"It is the Sense of the Senate that the United States Department of Justice should

vigorously enforce the provisions of the Indian Gaming Regulatory Act requiring an approved Tribal-State gaming impact prior to the initiation of class III gaming on Indian lands."

KYL (AND OTHERS) AMENDMENT NO. 1223

Mr. KYL (for himself, Mr. CAMPBELL, and Mr. HATCH) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . In addition to the amounts made available to the Bureau of Indian Affairs under this title, $4,840,000 shall be made available to the Bureau of Indian Affairs to be used for Bureau of Indian Affairs special law enforcement efforts to reduce gang violence.

On page 96, line 9, strike "$5,840,000" and insert "$1,000,000".

BUMPERS (AND OTHERS) AMENDMENT NO. 1224

Mr. BUMPERS (for himself, Mr. GREGG, and Ms. LANDRIEU) proposed an amendment to the bill, H.R. 2107, supra, as follows:

Add the following at the end of the pending Committee amendment as amended:

"(c)(1) Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be.

"(2) Each person responsible for making royalty payments under this section shall make such payments to the Secretary of the Interior not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first place in marketable condition, consistent with prevailing practices in the industry.

"(3) All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

"(4) The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this subsection.

"(5) Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

"(6) This subsection shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

"(d)(1) Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net proceeds as percentage of gross proceeds:	*Rate*[1]
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

[1] Rate of fee as percentage of net proceeds.

"(2) Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this subsection for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

"(3) The amount of all fees payable under this subsection for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

"(e) Receipts from the fees collected under subsections and (d) shall be paid into an Abandoned Minerals Mine Reclamation Fund.

"(f)(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be administered by the Secretary.

"(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

"(3) The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

"(A) Reclamation and restoration of abandoned surface mined areas.

"(B) Reclamation and restoration of abandoned milling and processing areas.

"(C) Sealing, filling, and grading abandoned deep mine entries.

"(D) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

"(E) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

"(F) Control of surface subsidence due to abandoned deep mines.

"(G) Such expenses as may be necessary to accomplish the purposes of this section.

"(4) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

"(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

"(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

"(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

"(5) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

"(g) As used in this Section:

"(1) The term "gross proceeds" means the value of any extracted hardrock mineral which was:

(A) sold;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use or sale; or

(D) initially used in a manufacturing process or in providing a service.

"(2) The term "net proceeds" means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

"(3) The term "hardrock minerals" means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

"(4) The term "Secretary" means the Secretary of the Interior.

"(5) The term "patented mining claim" means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

"(6) The term "general mining laws" means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code."

BENNETT (AND HATCH) AMENDMENT NO. 1225

Mr. GORTON (for Mr. BENNETT, for himself and Mr. HATCH) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 5, line 17, strike "$9,400,000" and insert "$8,600,000" and on page 65, line 18, strike "$160,269,000," and insert "$161,069,000," and on page 65, line 23, after "205" insert ", of which $800,000 shall be available for the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest".

DEWINE AMENDMENT NO. 1226

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title III, insert the following:

SEC. . (a) In providing services of awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

GRAHAM AMENDMENT NO. 1227

Mr. GORTON (for Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

REID (AND BRYAN) AMENDMENT NO. 1228

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place insert the following: No funds provided in this or any other Act may be expended to develop a rulemaking process relevant to amending the National Indian Gaming Commission's definition regulations located at 25 CFR 502.7 and 502.8.

BINGAMAN (AND MURKOWSKI) AMENDMENT NO. 1229

Mr. BINGAMAN (for himself and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 80, strike line 14 and all that follows through page 81, line 6 and insert the following:

"STRATEGIC PETROLEUM RESERVE

"(INCLUDING TRANSFER OF FUNDS)

"for necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy and Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, of which $207,500,000 shall be repaid from the "SPR Operating Fund" from amounts made available from sales under this heading: *Provided*, That, consistent with Public Law 104–106, proceeds in excess of $2,000,000,000 from the sale of the Naval Petroleum Reserve Numbered 1 shall be deposited into the "SPR Operating Fund", and are hereby appropriated, to remain available until expended, for repayments under this heading and for operations of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve: *Provided further*, That if the Secretary of Energy finds that the proceeds from the sale of the Naval Petroleum Reserve Numbered 1 will not be at least $2,207,500,000 in fiscal year 1998, the Secretary, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998, and deposit the proceeds into the "SPR Operating Fund", in amounts sufficient to make deposits into the fund total $207,500,000 in that fiscal year: *Provided further*, That the amount of $2,000,000,000 in the first proviso and the amount of $2,207,500,000 in the second proviso shall be adjusted by the Director of the Office of Management and Budget to amounts not to exceed $2,415,000,000 and $2,622,500,000, respectively, only to the extent that an adjustment is necessary to avoid a sequestration, or any increase in a sequestration due to this section, under the procedures prescribed in the Budget Enforcement Act of 1990, as amended. *Provided further*, That the Secretary of Energy, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998 sufficient to deposit $15,000,000 into the General Fund of the Treasury of the United States, and shall transfer such amount to the General Fund: *Provided further*, That proceeds deposited into the "SPR Operating Fund" under this heading shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations and activities of the Strategic Petroleum Reserve and to satisfy the requirements specified under this heading."

MURRAY (AND OTHERS) AMENDMENT NO. 1230

Mr. GORTON (for Mrs. MURRAY, for herself, Mr. GORTON, and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of Title III, add the following:

SEC. . Within 90 days of enactment of this legislation, the Forest Service shall complete its export policy and procedures on the use of Alaskan Western Red Cedar. In completing this policy, the Forest Service shall evaluate the costs & benefits of a pricing policy that offers any Alaskan Western Red Cedar in excess of domestic processing needs in Alaska first to United States domestic processors.

MCCAIN (AND OTHERS) AMENDMENT NO. 1231

Mr. MCCAIN (for himself, Mr. STEVENS, and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . DISPOSITION OF CERTAIN OIL LEASE REVENUE.

(a) DEPOSIT IN FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "National Parks and Environmental Improvement Fund" (referred to in this section as the "Fund").

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d); and

(2) 40 percent of such amounts shall be available for the state-side matching grant under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8); and

(3) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(2) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreational and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects proposed to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the "Board"). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests; and

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

MURKOWSKI (AND THOMAS) AMENDMENT NO. 1232

Mr. MURKOWSKI (for himself and Mr. THOMAS) proposed an amendment to amendment No. 1231 proposed by Mr. MCCAIN to the bill, H.R. 2107, supra; as follows:

In the amendment proposed by the Senator from Arizona strike all after "(a) DEPOSIT IN FUND.—" and insert in lieu thereof:

"All of the amounts awarded by the Supreme Court to the United States in the case of *United States of America* v. *State of Alaska* (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "Parks and Environmental Improvement Fund" (referred to in this section as the "Fund").

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into, and form a part of, the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d);

(2) 40 percent shall be available for the state-side matching grant program under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8); and

(3) 20 percent shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(1) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreation and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—

(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (the Board). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of Alaska SeaLife Center; and

(K) five members appointed by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall

represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. The Governor of Alaska shall submit three nominations for member appointed under subparagraph (K). Board members appointed under subparagraph (K) shall serve for a three year term and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with priorities established by the Board. The Secretary shall provide the Board with such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) FINANCIAL ASSISTANCE TO THE STATES.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)) is amended—

(1) APPORTIONMENT AMONG STATES; NOTIFICATION.—

(A) By striking paragraphs (1), (2), and (3) and inserting the following:

"(1) Sixty percent shall be apportioned equally among the several States;

"(2) Twenty percent shall be apportioned on the basis of the proportion which the population of each State bears to the total population of the United States; and

"(3) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas)."

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

"(4) The total allocation to an individual State under paragraphs (1) through (3) shall not exceed 10 percent of the total amount allocated to the several States in any one year.

(g) FUNDS FOR INDIAN TRIBES.—Section 6(b)(6) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)(6)) (as so redesignated) is amended—

(1) by inserting "(A)" after "(6)"; and

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

"(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) shall be treated collectively as one State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Alaska Native Corporation receives more than 10 percent of the total amount made available to all Indian tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Alaska Native Corporation under this subparagraph may be expended only for the purposes specified in subsection (a). Receipt in any given year of an apportionment under this section shall not prevent an Indian tribe or Alaska Native Corporation from receiving grants for other purposes under than regular apportionment of the State in which it is located."

THE PUBLIC HOUSING REFORM AND RESPONSIBILITY ACT OF 1997

MACK AMENDMENT NO. 1233

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill (S. 462) A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Housing Reform and Responsibility Act of 1997".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Effective date.
Sec. 5. Proposed regulations; technical recommendations.
Sec. 6. Elimination of obsolete documents.
Sec. 7. Annual reports.

TITLE I—PUBLIC HOUSING

Sec. 101. Declaration of policy.
Sec. 102. Membership on board of directors.
Sec. 103. Rental payments.
Sec. 104. Definitions.
Sec. 105. Contributions for lower income housing projects.
Sec. 106. Public housing agency plan.
Sec. 107. Contract provisions and requirements.
Sec. 108. Expansion of powers for dealing with public housing agencies in substantial default.
Sec. 109. Public housing site-based waiting lists.
Sec. 110. Public housing capital and operating funds.
Sec. 111. Community service and self-sufficiency.
Sec. 112. Repeal of energy conservation; consortia and joint ventures.
Sec. 113. Repeal of modernization fund.
Sec. 114. Eligibility for public and assisted housing.
Sec. 115. Demolition and disposition of public housing.
Sec. 116. Repeal of family investment centers; voucher system for public housing.
Sec. 117. Repeal of family self-sufficiency; homeownership opportunities.
Sec. 118. Revitalizing severely distressed public housing.
Sec. 119. Mixed-finance and mixed-ownership projects.
Sec. 120. Conversion of distressed public housing to tenant-based assistance.
Sec. 121. Public housing mortgages and security interests.
Sec. 122. Linking services to public housing residents.
Sec. 123. Prohibition on use of amounts.
Sec. 124. Pet ownership.
Sec. 125. City of Indianapolis flexible grant demonstration.

TITLE II—SECTION 8 RENTAL ASSISTANCE

Sec. 201. Merger of the certificate and voucher programs.
Sec. 202. Repeal of Federal preferences.
Sec. 203. Portability.
Sec. 204. Leasing to voucher holders.
Sec. 205. Homeownership option.
Sec. 206. Law enforcement and security personnel in public housing.
Sec. 207. Technical and conforming amendments.
Sec. 208. Implementation.
Sec. 209. Definition.
Sec. 210. Effective date.
Sec. 211. Recapture and reuse of annual contribution contract project reserves under the tenant-based assistance program.

TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

Sec. 301. Screening of applicants.
Sec. 302. Termination of tenancy and assistance.
Sec. 303. Lease requirements.
Sec. 304. Availability of criminal records for public housing resident screening and eviction.
Sec. 305. Definitions.
Sec. 306. Conforming amendments.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Public housing flexibility in the CHAS.
Sec. 402. Determination of income limits.
Sec. 403. Demolition of public housing.
Sec. 404. National Commission on Housing Assistance Program Costs.
Sec. 405. Technical correction of public housing agency opt-out authority.
Sec. 406. Review of drug elimination program contracts.
Sec. 407. Treatment of public housing agency repayment agreement.
Sec. 408. Ceiling rents for certain section 8 properties.
Sec. 409. Sense of Congress.
Sec. 410. Other repeals.
Sec. 411. Guarantee of loans for acquisition of property.
Sec. 412. Prohibition on use of assistance for employment relocation activities.
Sec. 413. Use of HOME funds for public housing modernization.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there exists throughout the Nation a need for decent, safe, and affordable housing;

(2) the inventory of public housing units owned and operated by public housing agencies, an asset in which the Federal Government has invested approximately

$90,000,000,000, has traditionally provided rental housing that is affordable to low-income persons;

(3) despite serving this critical function, the public housing system is plagued by a series of problems, including the concentration of very poor people in very poor neighborhoods and disincentives for economic self-sufficiency;

(4) the Federal method of overseeing every aspect of public housing by detailed and complex statutes and regulations aggravates the problem and places excessive administrative burdens on public housing agencies;

(5) the interests of low-income persons, and the public interest, will best be served by a reformed public housing program that—

(A) consolidates many public housing programs into programs for the operation and capital needs of public housing;

(B) streamlines program requirements;

(C) vests in public housing agencies that perform well the maximum feasible authority, discretion, and control with appropriate accountability to both public housing residents and localities; and

(D) rewards employment and economic self-sufficiency of public housing residents; and

(6) voucher and certificate programs under section 8 of the United States Housing Act of 1937 are successful for approximately 80 percent of applicants, and a consolidation of the voucher and certificate programs into a single, market-driven program will assist in making section 8 tenant-based assistance more successful in assisting low-income families in obtaining affordable housing and will increase housing choice for low-income families.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the various programs and activities under the public housing programs administered by the Secretary in a manner designed to reduce Federal overregulation;

(2) to redirect the responsibility for a consolidated program to States, localities, public housing agencies, and public housing residents;

(3) to require Federal action to overcome problems of public housing agencies with severe management deficiencies; and

(4) to consolidate and streamline tenant-based assistance programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) PUBLIC HOUSING AGENCY.—The term "public housing agency" has the same meaning as in section 3 of the United States Housing Act of 1937.

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except with respect to any provision or amendment identified by the Secretary under subsection (b) and as otherwise specifically provided in this Act or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) DETERMINATION.—Not later than 2 months after the date of enactment of this Act, the Secretary shall identify any provision of this Act, or any amendment made by this Act, the implementation of which, in the determination of the Secretary—

(A) requires a substantial exercise of discretion, such that there exists a significant risk of litigation;

(B) requires a need for uniform interpretation; or

(C) is otherwise problematic, such that immediate implementation is inappropriate.

(2) NOTICE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 6 months after the date on which the Secretary makes any identification under paragraph (1), the Secretary shall implement each provision or amendment so identified by notice published in the Federal Register, which notice shall—

(i) include such requirements as may be necessary to implement the provision or amendment; and

(ii) invite public comments on those requirements.

(B) EFFECTIVE DATE OF NOTICE.—The notice published under paragraph (2) may, in the discretion of the Secretary, take effect upon publication.

(3) FINAL REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue such final regulations as may be necessary, taking into account any comments received under paragraph (2)(A)(ii), to implement each provision or amendment identified under paragraph (1).

SEC. 5. PROPOSED REGULATIONS; TECHNICAL RECOMMENDATIONS.

(a) PROPOSED REGULATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress proposed regulations that the Secretary determines are necessary to carry out the United States Housing Act of 1937, as amended by this Act.

(b) TECHNICAL RECOMMENDATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, recommended technical and conforming legislative changes necessary to carry out this Act and the amendments made by this Act.

SEC. 6. ELIMINATION OF OBSOLETE DOCUMENTS.

Effective 1 year after the date of enactment of this Act, no rule, regulation, or order (including all handbooks, notices, and related requirements) pertaining to public housing or section 8 tenant-based programs issued or promulgated under the United States Housing Act of 1937 before the date of enactment of this Act may be enforced by the Secretary.

SEC. 7. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on—

(1) the impact of the amendments made by this Act on—

(A) the demographics of public housing residents and families receiving tenant-based assistance under the United States Housing Act of 1937; and

(B) the economic viability of public housing agencies; and

(2) the effectiveness of the rent policies established by this Act and the amendments made by this Act on the employment status and earned income of public housing residents.

TITLE I—PUBLIC HOUSING

SEC. 101. DECLARATION OF POLICY.

Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"It is the policy of the United States to promote the general welfare of the Nation by employing the funds and credit of the Nation, as provided in this title—

"(1) to assist States and political subdivisions of States to remedy the unsafe housing conditions and the acute shortage of decent and safe dwellings for low-income families;

"(2) to assist States and political subdivisions of States to address the shortage of housing affordable to low-income families; and

"(3) consistent with the objectives of this title, to vest in public housing agencies that perform well, the maximum amount of responsibility and flexibility in program administration, with appropriate accountability to both public housing residents and localities.".

SEC. 102. MEMBERSHIP ON BOARD OF DIRECTORS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) by redesignating the second section designated as section 27 (as added by section 903(b) of Public Law 104–193 (110 Stat. 2348)) as section 28; and

(2) by adding at the end the following:

"SEC. 29. MEMBERSHIP ON BOARD OF DIRECTORS.

"(a) REQUIRED MEMBERSHIP.—Except as provided in subsection (b), the membership of the board of directors of each public housing agency shall contain not less than 1 member—

"(1) who is a resident who directly receives assistance from the public housing agency; and

"(2) who may, if provided for in the public housing agency plan (as developed with appropriate notice and opportunity for comment by the resident advisory board) be elected by the residents directly receiving assistance from the public housing agency.

"(b) EXCEPTION.—Subsection (a) shall not apply to any public housing agency—

"(1) that is located in a State that requires the members of the board of directors of a public housing agency to be salaried and to serve on a full-time basis; or

"(2) with less than 300 units, if—

"(A) the public housing agency has provided reasonable notice to the resident advisory board of the opportunity of not less than 1 resident described in subsection (a) to serve on the board of directors of the public housing agency pursuant to that subsection; and

"(B) within a reasonable time after receipt by the resident advisory board of notice under subparagraph (A), the public housing agency has not been notified of the intention of any resident to participate on the board of directors.

"(c) NONDISCRIMINATION.—No person shall be prohibited from serving on the board of directors or similar governing body of a public housing agency because of the residence of that person in a public housing project.".

SEC. 103. RENTAL PAYMENTS.

(a) IN GENERAL.—Section 3(a)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)(A)) is amended by inserting before the semicolon the following: "or, if the family resides in public housing, an amount established by the public housing agency, which shall not exceed 30 percent of the monthly adjusted income of the family".

(b) AUTHORITY OF PUBLIC HOUSING AGENCIES.—Section 3(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)) is amended to read as follows:

"(2) AUTHORITY OF PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a public housing agency may adopt

ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

"(i) 75 percent of the monthly cost to operate the housing of the public housing agency; and

"(ii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency).

"(B) MINIMUM RENT.—Notwithstanding paragraph (1), a public housing agency may provide that each family residing in a public housing project or receiving tenant-based or project-based assistance under section 8 shall pay a minimum monthly rent in an amount not to exceed $25 per month.

"(C) POLICE OFFICERS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), a public housing agency may, in accordance with the public housing agency plan, allow a police officer who is not otherwise eligible for residence in public housing to reside in a public housing unit. The number and location of units occupied by police officers under this clause, and the terms and conditions of their tenancies, shall be determined by the public housing agency.

"(ii) INCREASED SECURITY.—A public housing agency may take the actions authorized in clause (i) only for the purpose of increasing security for the residents of a public housing project.

"(iii) DEFINITION.—In this subparagraph, the term 'police officer' means any person determined by a public housing agency to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency thereof (including a public housing agency having an accredited police force).

"(D) EXCEPTION TO INCOME LIMITATIONS FOR CERTAIN PUBLIC HOUSING AGENCIES.—

"(i) DEFINITION OF OVER-INCOME FAMILY.—In this subparagraph, the term 'over-income family' means an individual or family that is not a low-income family or a very low-income family.

"(ii) AUTHORIZATION.—Notwithstanding any other provision of law, a public housing agency that manages less than 250 units may, on a month-to-month basis, lease a unit in a public housing project to an over-income family in accordance with this subparagraph, if there are no eligible families applying for residence in that public housing project for that month.

"(iii) TERMS AND CONDITIONS.—The number and location of units occupied by over-income families under this subparagraph, and the terms and conditions of those tenancies, shall be determined by the public housing agency, except that—

"(I) rent for a unit shall be in an amount that is equal to not less than the costs to operate the unit;

"(II) if an eligible family applies for residence after an over-income family moves in to the last available unit, the over-income family shall vacate the unit not later than the date on which the month term expires; and

"(III) if a unit is vacant and there is no one on the waiting list, the public housing agency may allow an over-income family to gain immediate occupancy in the unit, while simultaneously providing reasonable public notice of the availability of the unit.

"(E) ENCOURAGEMENT OF SELF-SUFFICIENCY.—Each public housing agency shall develop a rental policy that encourages and rewards employment and economic self-sufficiency.".

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by this section.

(2) TRANSITION RULE.—

(A) IN GENERAL.—Subject to subparagraph (B), prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be—

(i) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937 (amended by subsection (b) of this section);

(ii) equal to the 95th percentile of the rent paid for a unit of comparable size by residents in the same public housing project or a group of comparable projects totaling 50 units or more; or

(iii) equal to the fair market rent for the area in which the unit is located.

(B) MINIMUM AMOUNT.—The amount of any ceiling rent implemented by a public housing agency under this paragraph may not be less than 75 percent of the monthly cost to operate the housing.

SEC. 104. DEFINITIONS.

(a) DEFINITIONS.—

(1) SINGLE PERSONS.—Section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)) is amended—

(A) in subparagraph (A), by striking the third sentence; and

(B) in subparagraph (B), in the second sentence, by striking "regulations of the Secretary" and inserting "public housing agency plan".

(2) ADJUSTED INCOME.—Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended to read as follows:

"(5) ADJUSTED INCOME.—The term 'adjusted income' means the income that remains after excluding—

"(A) $480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—

"(i) who is under 18 years of age; or

"(ii) who is—

"(I) 18 years of age or older; and

"(II) a person with disabilities or a full-time student;

"(B) $400 for an elderly or disabled family;

"(C) the amount by which the aggregate of—

"(i) medical expenses for an elderly or disabled family; and

"(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed;

exceeds 3 percent of the annual income of the family;

"(D) child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education; and

"(E) any other adjustments to earned income that the public housing agency determines to be appropriate, as provided in the public housing agency plan.".

(b) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING RENT DETERMINATIONS.—

(1) IN GENERAL.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(A) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act); and

(B) by adding at the end the following:

"(d) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING RENT DETERMINATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under subsection (a) by a family—

"(A) that—

"(i) occupies a unit in a public housing project; or

"(ii) receives assistance under section 8; and

"(B) whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program);

may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

"(2) PHASE-IN OF RATE INCREASES.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(B) shall be phased in over a subsequent 3-year period.

"(3) OVERALL LIMITATION.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).

"(e) INDIVIDUAL SAVINGS ACCOUNTS.—

"(1) IN GENERAL.—In lieu of a disallowance of earned income under subsection (d), upon the request of a family that qualifies under subsection (d), a public housing agency may establish an individual savings account in accordance with this subsection for that family.

"(2) DEPOSITS TO ACCOUNT.—The public housing agency shall deposit in any savings account established under this subsection an amount equal to the total amount that otherwise would be applied to the family's rent payment under subsection (a) as a result of employment.

"(3) WITHDRAWAL FROM ACCOUNT.—Amounts deposited in a savings account established under this subsection may only be withdrawn by the family for the purpose of—

"(A) purchasing a home;

"(B) paying education costs of family members;

"(C) moving out of public or assisted housing; or

"(D) paying any other expense authorized by the public housing agency for the purpose of promoting the economic self-sufficiency of residents of public and assisted housing.".

(2) APPLICABILITY OF AMENDMENT.—

(A) PUBLIC HOUSING.—Notwithstanding the amendment made by paragraph (1), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act, shall be governed by that authority after that date.

(B) SECTION 8.—The amendment made by paragraph (1) shall apply to tenant-based assistance provided under section 8 of the United States Housing Act of 1937, with funds appropriated on or after October 1, 1997.

(c) DEFINITIONS OF TERMS USED IN REFERENCE TO PUBLIC HOUSING.—

(1) IN GENERAL.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended—

(A) in paragraph (1), by inserting "and of the fees and related costs normally involved in obtaining non-Federal financing and tax credits with or without private and nonprofit partners" after "carrying charges"; and

(B) in paragraph (2), in the first sentence, by striking "security personnel)," and all that follows through the period and inserting the following: "security personnel), service coordinators, drug elimination activities, or financing in connection with a public housing project, including projects developed with non-Federal financing and tax credits, with or without private and nonprofit partners.".

(2) TECHNICAL CORRECTION.—Section 622(c) of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 3817) is amended by striking "'project.'" and inserting "paragraph (3)".

(3) NEW DEFINITIONS.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended by adding at the end the following:

"(6) PUBLIC HOUSING AGENCY PLAN.—The term 'public housing agency plan' means the plan of the public housing agency prepared in accordance with section 5A.

"(7) DISABLED HOUSING.—The term 'disabled housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency for occupancy exclusively by disabled persons or families.

"(8) ELDERLY HOUSING.—The term 'elderly housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency exclusively for occupancy exclusively by elderly persons or families, including elderly disabled persons or families.

"(9) MIXED-FINANCE PROJECT.—The term 'mixed-finance project' means a public housing project that meets the requirements of section 30.

"(10) CAPITAL FUND.—The term 'Capital Fund' means the fund established under section 9(c).

"(11) OPERATING FUND.—The term 'Operating Fund' means the fund established under section 9(d).".

SEC. 105. CONTRIBUTIONS FOR LOWER INCOME HOUSING PROJECTS.

(a) IN GENERAL.—Section 5 of the United States Housing Act of 1937 (42 U.S.C. 1437c) is amended by striking subsections (h) through (l).

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 21(d), by striking "section 5(h) or";

(2) in section 25(l)(1), by striking "and for sale under section 5(h)"; and

(3) in section 307, by striking "section 5(h) and".

SEC. 106. PUBLIC HOUSING AGENCY PLAN.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by inserting after section 5 the following:

"SEC. 5A. PUBLIC HOUSING AGENCY PLANS.

"(a) 5-YEAR PLAN.—

"(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 fiscal years, each public housing agency shall submit to the Secretary a plan that includes, with respect to the 5 fiscal years immediately following the date on which the plan is submitted—

"(A) a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency during those fiscal years; and

"(B) a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve the needs identified pursuant to subparagraph (A) during those fiscal years.

"(2) INITIAL PLAN.—The initial 5-year plan submitted by a public housing agency under this subsection shall be submitted for the 5-year period beginning with the first fiscal year following the date of enactment of the Public Housing Reform and Responsibility Act of 1997 for which the public housing agency receives assistance under this Act.

"(b) ANNUAL PLAN.—

"(1) IN GENERAL.—Each public housing agency shall submit to the Secretary a public housing agency plan under this subsection for each fiscal year for which the public housing agency receives assistance under sections 8(o) and 9.

"(2) UPDATES.—For each fiscal year after the initial submission of a plan under this section by a public housing agency, the public housing agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

"(c) PROCEDURES.—

"(1) IN GENERAL.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of those plans.

"(2) CONTENTS.—The procedures established under paragraph (1) shall provide that a public housing agency shall—

"(A) consult with the resident advisory board established under subsection (e) in developing the plan; and

"(B) ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating that strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act and contains a certification by the appropriate State or local official that the plan meets the requirements of this paragraph and a description of the manner in which the applicable contents of the public housing agency plan are consistent with the comprehensive housing affordability strategy.

"(d) CONTENTS.—An annual public housing agency plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

"(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the jurisdiction served by the public housing agency, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the public housing agency intends, to the maximum extent practicable, to address those needs.

"(2) FINANCIAL RESOURCES.—A statement of financial resources available to the agency and the planned uses of those resources.

"(3) ELIGIBILITY, SELECTION, AND ADMISSIONS POLICIES.—A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing dwelling units and housing assistance under section 8(o).

"(4) RENT DETERMINATION.—A statement of the policies of the public housing agency governing rents charged for public housing dwelling units and rental contributions of assisted families under section 8(o).

"(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the public housing agency (which shall include measures necessary for the prevention or eradication of infestation by cockroaches), and management of the public housing agency and programs of the public housing agency.

"(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the public housing agency.

"(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

"(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the public housing agency—

"(A) a description of any housing to be demolished or disposed of; and

"(B) a timetable for that demolition or disposition.

"(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the public housing agency, a description of any developments (or portions thereof) that the public housing agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 7.

"(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by a public housing agency—

"(A) a description of any building or buildings that the public housing agency is required to convert to tenant-based assistance under section 31 or that the public housing agency voluntarily converts under section 22;

"(B) an analysis of those buildings required under that section for conversion; and

"(C) a statement of the amount of grant amounts to be used for rental assistance or other housing assistance.

"(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the public housing agency and the requirements for participation in and the assistance available under those programs.

"(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

"(A) any programs relating to services and amenities provided or offered to assisted families;

"(B) any policies or programs of the public housing agency for the enhancement of the economic and social self-sufficiency of assisted families; and

"(C) how the public housing agency will comply with the requirements of subsections (c) and (d) of section 12.

"(13) SAFETY AND CRIME PREVENTION.—A description of policies established by the public housing agency that increase or maintain the safety of public housing residents.

"(14) CERTIFICATION.—An annual certification by the public housing agency that the public housing agency will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further the goal of fair housing.

"(15) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the public housing agency.

"(e) RESIDENT ADVISORY BOARD.—

"(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall establish 1 or more resident advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent the residents of the dwelling units owned, operated, or assisted by the public housing agency.

"(2) PURPOSE.—Each resident advisory board established under this subsection shall assist and make recommendations regarding the development of the public housing agency plan. The public housing agency shall consider the recommendations of the resident advisory boards in preparing the final public housing agency plan, and shall include a copy of those recommendations in the public housing agency plan submitted to the Secretary under this section.

"(3) WAIVER.—The Secretary may waive the requirements of this subsection with respect to the establishment of resident advisory boards, if the public housing agency demonstrates to the satisfaction of the Secretary that there exists a resident council or other resident organization of the public housing agency that—

"(A) adequately represents the interests of the residents of the public housing agency; and

"(B) has the ability to perform the functions described in paragraph (2).

"(f) PUBLICATION OF NOTICE.—

"(1) IN GENERAL.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the public housing agency shall publish a notice informing the public that—

"(A) the proposed public housing agency plan is available for inspection at the principal office of the public housing agency during normal business hours; and

"(B) a public hearing will be conducted to discuss the public housing agency plan and to invite public comment regarding that plan.

"(2) PUBLIC HEARING.—Each public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1).

"(3) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2), and after considering all public comments received and, in consultation with the resident advisory board, making any appropriate changes in the public housing agency plan, the public housing agency shall—

"(A) adopt the public housing agency plan; and

"(B) submit the plan to the Secretary in accordance with this section.

"(g) AMENDMENTS AND MODIFICATIONS TO PLANS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall preclude a public housing agency, after submitting a plan to the Secretary in accordance with this section, from amending or modifying any policy, rule, regulation, or plan of the public housing agency, except that no such significant amendment or modification may be adopted or implemented—

"(A) other than at a duly called meeting of commissioners (or other comparable governing body) of the public housing agency that is open to the public; and

"(B) until notification of the amendment or modification is provided to the Secretary and approved in accordance with subsection (h)(2).

"(2) CONSISTENCY.—Each significant amendment or modification to a public housing agency plan submitted to the Secretary under this section shall—

"(A) meet the consistency requirement of subsection (c)(2);

"(B) be subject to the notice and public hearing requirements of subsection (f); and

"(C) be subject to approval by the Secretary in accordance with subsection (h)(2).

"(h) TIMING OF PLANS.—

"(1) IN GENERAL.—

"(A) INITIAL SUBMISSION.—Each public housing agency shall submit the initial plan required by this section, and any amendment or modification to the initial plan, to the Secretary at such time and in such form as the Secretary shall require.

"(B) ANNUAL SUBMISSION.—Not later than 60 days prior to the start of the fiscal year of the public housing agency, after initial submission of the plan required by this section in accordance with subparagraph (A), each public housing agency shall annually submit to the Secretary a plan update, including any amendments or modifications to the public housing agency plan.

"(2) REVIEW AND APPROVAL.—

"(A) REVIEW.—Subject to subparagraph (B), after submission of the public housing agency plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subparagraph, the Secretary shall review the public housing agency plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

"(i) set forth the information required by this section to be contained in a public housing agency plan;

"(ii) are consistent with information and data available to the Secretary, including the approved comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act of the jurisdiction in which the public housing agency is located; and

"(iii) are prohibited by or inconsistent with any provision of this title or other applicable law.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may, by regulation, provide that 1 or more elements of a public housing agency plan shall be reviewed only if the element is challenged.

"(ii) INAPPLICABILITY TO CERTAIN PROVISIONS.—Notwithstanding clause (i), the Secretary shall review the information submitted under paragraphs (7) and (14) of subsection (d).

"(C) APPROVAL.—

"(i) IN GENERAL.—Except as provided in paragraph (3)(B), not later than 60 days after the date on which a public housing agency plan is submitted in accordance with this section (or, with respect to the initial provision of notice under this subparagraph, not later than 75 days after the date on which the initial public housing agency plan is submitted in accordance with this section), the Secretary shall provide written notice to the public housing agency if the plan has been disapproved, stating with specificity the reasons for the disapproval.

"(ii) FAILURE TO PROVIDE NOTICE OF DISAPPROVAL.—If the Secretary does not provide notice of disapproval under clause (i) before the expiration of the period described in clause (i), the public housing agency plan shall be deemed to be approved by the Secretary.

"(3) SECRETARIAL DISCRETION.—

"(A) IN GENERAL.—The Secretary may require such additional information as the Secretary determines to be appropriate for each public housing agency that is—

"(i) at risk of being designated as troubled under section 6(j); or

"(ii) designated as troubled under section 6(j).

"(B) TROUBLED AGENCIES.—The Secretary shall provide explicit written approval or disapproval, in a timely manner, for a public housing agency plan submitted by any public housing agency designated by the Secretary as a troubled public housing agency under section 6(j).

"(C) ADVISORY BOARD CONSULTATION ENFORCEMENT.—Following a written request by the resident advisory board that documents a failure on the part of the public housing agency to provide adequate notice and opportunity for comment under subsection (f), and upon a Secretarial finding of good cause within the time period provided for in paragraph (2)(B) of this subsection, the Secretary may require the public housing agency to adequately remedy that failure prior to a final approval of the public housing agency plan under this section.

"(4) STREAMLINED PLAN.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan for—

"(A) public housing agencies that are determined by the Secretary to be high performing public housing agencies;

"(B) public housing agencies with less than 250 public housing units that have not been designated as troubled under section 6(j); and

"(C) public housing agencies that only administer tenant-based assistance and that do not own or operate public housing.

"(5) COMPLIANCE WITH PLAN.—

"(A) IN GENERAL.—In providing assistance under this title, a public housing agency shall comply with the rules, standards, and policies established in the public housing agency plan of the public housing agency approved under this section.

"(B) INVESTIGATION AND ENFORCEMENT.—In carrying out this title, the Secretary shall—

"(i) provide an appropriate response to any complaint concerning noncompliance by a public housing agency with the applicable public housing agency plan; and

"(ii) if the Secretary determines, based on a finding of the Secretary or other information available to the Secretary, that a public housing agency is not complying with the applicable public housing agency plan, take such actions as the Secretary determines to be appropriate to ensure such compliance.".

(b) IMPLEMENTATION.—

(1) INTERIM RULE.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim rule to require the submission of an interim public housing agency plan by each public housing agency, as required by section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(2) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall promulgate final regulations implementing section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(c) AUDIT AND REVIEW; REPORT.—

(1) AUDIT AND REVIEW.—Not later than 1 year after the effective date of final regulations promulgated under subsection (b)(2), in

order to determine the degree of compliance with public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) by public housing agencies, the Comptroller General of the United States shall conduct—

(A) a review of a representative sample of the public housing agency plans approved under such section 5A before that date; and

(B) an audit and review of the public housing agencies submitting those plans.

(2) REPORT.—Not later than 2 years after the date on which public housing agency plans are initially required to be submitted under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) the Comptroller General of the United States shall submit to Congress a report, which shall include—

(A) a description of the results of each audit and review under paragraph (1); and

(B) any recommendations for increasing compliance by public housing agencies with their public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

SEC. 107. CONTRACT PROVISIONS AND REQUIREMENTS.

(a) CONDITIONS.—Section 6(a) of the United States Housing Act of 1937 (42 U.S.C. 1437d(a)) is amended—

(1) in the first sentence, by inserting ", in a manner consistent with the public housing agency plan" before the period; and

(2) by striking the second sentence.

(b) REPEAL OF FEDERAL PREFERENCES; REVISION OF MAXIMUM INCOME LIMITS; CERTIFICATION OF COMPLIANCE WITH REQUIREMENTS; NOTIFICATION OF ELIGIBILITY.—Section 6(c) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)) is amended to read as follows:

"(c) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

"(1) ESTABLISHMENT.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project.

"(2) ACCESS TO RECORDS.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

"(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.".

(c) EXCESS FUNDS.—Section 6(e) of the United States Housing Act of 1937 (42 U.S.C. 1437d(e)) is amended to read as follows:

"(e) [Reserved.]".

(d) PERFORMANCE INDICATORS FOR PUBLIC HOUSING AGENCIES.—Section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking "obligated" and inserting "provided"; and

(ii) by striking "unexpended" and inserting "unobligated by the public housing agency";

(B) in subparagraph (D), by striking "energy" and inserting "utility";

(C) by redesignating subparagraph (H) as subparagraph (L); and

(D) by inserting after subparagraph (G) the following:

"(H) The extent to which the public housing agency—

"(i) coordinates, promotes, or provides effective programs and activities to promote the economic self-sufficiency of public housing residents; and

"(ii) provides public housing residents with opportunities for involvement in the administration of the public housing.

"(I) The extent to which the public housing agency implements—

"(i) effective screening and eviction policies; and

"(ii) other anticrime strategies;

including the extent to which the public housing agency coordinates with local government officials and residents in the development and implementation of these strategies.

"(J) The extent to which the public housing agency is providing acceptable basic housing conditions.

"(K) The extent to which the public housing agency successfully meets the goals and carries out the activities and programs of the public housing agency plan under section 5(A).";

(2) in paragraph (2)(A)(i), by inserting after the first sentence the following: "The Secretary may use a simplified set of indicators for public housing agencies with less than 250 public housing units."; and

(3) by adding at the end the following:

"(5)(A) To the extent that the Secretary determines such action to be necessary in order to ensure the accuracy of any certification made under this section, the Secretary shall require an independent auditor to review documentation or other information maintained by a public housing agency or resident management corporation pursuant to this section to substantiate each certification submitted by the agency or corporation relating to the performance of that agency or corporation.

"(B) The Secretary may withhold, from assistance otherwise payable to the agency or corporation under section 9, amounts sufficient to pay for the reasonable costs of any review under this paragraph.".

(e) DRUG-RELATED AND CRIMINAL ACTIVITY.—Section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)) is amended, in the matter following paragraph (6)—

(1) by striking "drug-related" and inserting "violent or drug-related"; and

(2) by inserting "or any activity resulting in a felony conviction," after "on or off such premises,".

(f) LEASES.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(1) in paragraph (3), by striking "not be less than" and all that follows through the end of paragraph (3) and inserting: "be the period of time required under State or local law, except that the public housing agency may provide such notice within a reasonable time which does not exceed the lesser of—

"(A) the period provided under applicable State or local law; or

"(B) 30 days—

"(i) if the health or safety of other tenants, public housing agency employees, or persons residing in the immediate vicinity of the premises is threatened; or

"(ii) in the event of any drug-related or violent criminal activity or any felony conviction;";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) following:

"(7) provide that any occupancy in violation of section 7(e)(1) or the furnishing of any false or misleading information pursuant to section 7(e)(2) shall be cause for termination of tenancy; and".

(g) PUBLIC HOUSING ASSISTANCE TO FOSTER CARE CHILDREN.—Section 6(o) of the United States Housing Act of 1937 (42 U.S.C. 1437d(o)) is amended by striking "Subject" and all that follows through ", in" and inserting "In".

(h) PREFERENCE FOR AREAS WITH INADEQUATE SUPPLY OF VERY LOW-INCOME HOUSING.—Section 6(p) of the United States Housing Act of 1937 (42 U.S.C. 1437d(p)) is amended to read as follows:

"(p) [Reserved.]".

(i) TRANSITION RULE RELATING TO PREFERENCES.—During the period beginning on the date of enactment of this Act and ending on the date on which the initial public housing agency plan of a public housing agency is approved under section 5A of the United States Housing Act of 1937 (as added by this Act) the public housing agency may establish local preferences for making available public housing under the United States Housing Act of 1937 and for providing tenant-based assistance under section 8 of that Act.

SEC. 108. EXPANSION OF POWERS FOR DEALING WITH PUBLIC HOUSING AGENCIES IN SUBSTANTIAL DEFAULT.

(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) solicit competitive proposals from other public housing agencies and private housing management agents that, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;";

(B) by striking clause (iv) and inserting the following:

"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency."; and

(C) by inserting after clause (iii) the following:

"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and

(2) by striking subparagraphs (B) through (D) and inserting the following:

"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

"(ii)(I) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Reform and Responsibility Act of 1997, the Secretary shall—

"(aa) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(bb) in the case of a troubled public housing agency with fewer than 1,250 units, either petition for the appointment of a receiver pursuant to subparagraph (A)(ii), or take

possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

"(II) During the period between the date on which a petition is filed under item (aa) and the date on which a receiver assumes responsibility for the management of the public housing agency under that item, the Secretary may take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(III) may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of 1 or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.".

(b) APPLICABILITY.—The provisions of, and duties and authorities conferred or confirmed by, the amendments made by subsection (a) shall apply with respect to any action taken before, on, or after the effective date of this Act and shall apply to any receiver appointed for a public housing agency before the date of enactment of this Act.

(c) TECHNICAL CORRECTION REGARDING APPLICABILITY TO SECTION 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting "(except as provided in section 6(j)(3))" after "6".

SEC. 109. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937 is amended by adding at the end the following:

"(s) SITE-BASED WAITING LISTS.—

"(1) IN GENERAL.—A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system under which applicants may apply directly at or otherwise designate the development or developments in which they seek to reside.

"(2) CIVIL RIGHTS.—Any procedures established under paragraph (1) shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

"(3) NOTICE REQUIRED.—Any system described in paragraph (1) shall provide for the full disclosure by the public housing agency to each applicant of any option available to the applicant in the selection of the development in which to reside.".

SEC. 110. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

(a) IN GENERAL.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended to read as follows:

"SEC. 9. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

"(a) IN GENERAL.—Except for assistance provided under section 8 of this Act or as otherwise provided in the Public Housing Reform and Responsibility Act of 1997, all programs under which assistance is provided for public housing under this Act on the day before October 1, 1998, shall be merged, as appropriate, into either—

"(1) the Capital Fund established under subsection (c); or

"(2) the Operating Fund established under subsection (d).

"(b) USE OF EXISTING FUNDS.—With the exception of funds made available pursuant to section 8 or section 20(f) and funds made available for the urban revitalization demonstration program authorized under the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts—

"(1) funds made available to the Secretary for public housing purposes that have not been obligated by the Secretary to a public housing agency as of October 1, 1998, shall be made available, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate; and

"(2) funds made available to the Secretary for public housing purposes that have been obligated by the Secretary to a public housing agency but that, as of October 1, 1998, have not been obligated by the public housing agency, may be made available by that public housing agency, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate.

"(c) CAPITAL FUND.—

"(1) IN GENERAL.—The Secretary shall establish a Capital Fund for the purpose of making assistance available to public housing agencies to carry out capital and management activities, including—

"(A) the development and modernization of public housing projects, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the development of mixed-finance projects;

"(B) vacancy reduction;

"(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

"(D) planned code compliance;

"(E) management improvements;

"(F) demolition and replacement;

"(G) resident relocation;

"(H) capital expenditures to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation;

"(I) capital expenditures to improve the security and safety of residents; and

"(J) homeownership activities.

"(2) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The Secretary shall develop a formula for providing assistance under the Capital Fund, which may take into account—

"(A) the number of public housing dwelling units owned or operated by the public housing agency and the percentage of those units that are occupied by very low-income families;

"(B) if applicable, the reduction in the number of public housing units owned or operated by the public housing agency as a result of any conversion to a system of tenant-based assistance;

"(C) the costs to the public housing agency of meeting the rehabilitation and modernization needs, and meeting the reconstruction, development, replacement housing, and demolition needs of public housing dwelling units owned and operated by the public housing agency;

"(D) the degree of household poverty served by the public housing agency;

"(E) the costs to the public housing agency of providing a safe and secure environment in public housing units owned and operated by the public housing agency;

"(F) the ability of the public housing agency to effectively administer the Capital Fund distribution of the public housing agency; and

"(G) any other factors that the Secretary determines to be appropriate.

"(3) CONDITION ON USE OF THE CAPITAL FUND FOR DEVELOPMENT AND MODERNIZATION.—

"(A) DEVELOPMENT.—Any public housing developed using amounts provided under this subsection shall be operated for a 40-year period under the terms and conditions applicable to public housing during that period, beginning on the date on which the development (or stage of development) becomes available for occupancy.

"(B) MODERNIZATION.—Any public housing, or portion thereof, that is modernized using amounts provided under this subsection shall be maintained and operated for a 20-year period under the terms and conditions applicable to public housing during that period, beginning on the latest date on which modernization is completed.

"(C) APPLICABILITY OF LATEST EXPIRATION DATE.—Public housing subject to this paragraph or to any other provision of law mandating the operation of the housing as public housing or under the terms and conditions applicable to public housing for a specified length of time shall be maintained and operated as required until the latest expiration date.

"(d) OPERATING FUND.—

"(1) IN GENERAL.—The Secretary shall establish an Operating Fund for the purpose of making assistance available to public housing agencies for the operation and management of public housing, including—

"(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units (including amounts sufficient to pay for the reasonable costs of review by an independent auditor of the documentation or other information maintained pursuant to section 6(j)(5) by a public housing agency or resident management corporation to substantiate the performance of that agency or corporation);

"(B) activities to ensure a program of routine preventative maintenance;

"(C) anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

"(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

"(E) activities to provide for management and participation in the management and policymaking of public housing by public housing residents;

"(F) the costs associated with the operation and management of mixed-finance projects, to the extent appropriate (including the funding of an operating reserve to ensure affordability for low-income and very low-income families in lieu of the availability of operating funds for public housing units in a mixed-finance project);

"(G) the reasonable costs of insurance;

"(H) the reasonable energy costs associated with public housing units, with an emphasis on energy conservation; and

"(I) the costs of administering a public housing work program under section 12, including the costs of any related insurance needs.

"(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The Secretary shall establish a formula for providing assistance under the Operating Fund, which may take into account—

"(A) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

"(B) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

"(C) the degree of household poverty served by a public housing agency;

"(D) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing residents;

"(E) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

"(F) the costs of the public housing agency associated with anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

"(G) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency; and

"(H) any other factors that the Secretary determines to be appropriate.

"(e) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Each public housing agency may use not more than 20 percent of the Capital Fund distribution of the public housing agency for activities that are eligible for assistance under the Operating Fund under subsection (d), if the public housing agency plan provides for such use.

"(2) NEW CONSTRUCTION.—

"(A) IN GENERAL.—A public housing agency may not use any of the Capital Fund or Operating Fund distributions of the public housing agency for the purpose of constructing any public housing unit, if such construction would result in a net increase in the number of public housing units owned or operated by the public housing agency on the date of enactment of the Public Housing Reform and Responsibility Act of 1997, including any public housing units demolished as part of any revitalization effort.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), a public housing agency may use the Capital Fund or Operating Fund distributions of the public housing agency for the construction and operation of housing units that are available and affordable to low-income families in excess of the limitations on new construction set forth in subparagraph (A), except that the formulas established under subsections (c)(2) and (d)(2) shall not provide additional funding for the specific purpose of allowing construction and operation of housing in excess of those limitations.

"(ii) EXCEPTION.—Notwithstanding clause (i), subject to reasonable limitations set by the Secretary, the formulae established under subsections (c)(2) and (d)(2) may provide additional funding for the operation and modernization costs (but not the initial development costs) of housing in excess of amounts otherwise permitted under this paragraph if—

"(I) those units are part of a mixed-finance project or otherwise leverage significant additional private or public investment; and

"(II) the estimated cost of the useful life of the project is less than the estimated cost of providing tenant-based assistance under section 8(o) for the same period of time.

"(f) DIRECT PROVISION OF OPERATING AND CAPITAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall directly provide operating and capital assistance under this section to a resident management corporation managing a public housing development pursuant to a contract under this section, but only if—

"(A) the resident management corporation petitions the Secretary for the release of the funds

"(B) the contract provides for the resident management corporation to assume the primary management responsibilities of the public housing agency; and

"(C) the Secretary determines that the corporation has the capability to effectively discharge such responsibilities.

"(2) USE OF ASSISTANCE.—Any operating and capital assistance provided to a resident management corporation pursuant to this subsection shall be used for purposes of operating the public housing developments of the agency and performing such other eligible activities with respect to public housing as may be provided under the contract.

"(3) RESPONSIBILITY OF PUBLIC HOUSING AGENCY.—If the Secretary provides direct funding to a resident management corporation under this subsection, the public housing agency shall not be responsible for the actions of the resident management corporation.

"(g) TECHNICAL ASSISTANCE.—To the extent approved in advance in appropriations Acts, the Secretary may make grants or enter into contracts in accordance with this subsection for purposes of providing, either directly or indirectly—

"(1) technical assistance to public housing agencies, resident councils, resident organizations, and resident management corporations, including assistance relating to monitoring and inspections;

"(2) training for public housing agency employees and residents;

"(3) data collection and analysis; and

"(4) training, technical assistance, and education to assist public housing agencies that are—

"(A) at risk of being designated as troubled under section 6(j) from being so designated; and

"(B) designated as troubled under section 6(j) in achieving the removal of that designation.

"(h) EMERGENCY RESERVE.—

"(1) IN GENERAL.—

"(A) SET-ASIDE.—In each fiscal year, the Secretary shall set aside not more than 2 percent of the amount made available for use under the capital fund to carry out this section for that fiscal year for use in accordance with this subsection.

"(B) USE OF FUNDS.—Amounts set aside under this paragraph shall be available to the Secretary for use in connection with—

"(i) emergencies and other disasters;

"(ii) housing needs resulting from any settlement of litigation; and

"(iii) the Operation Safe Home program, except that amounts set aside under this clause may not exceed $10,000,000 in any fiscal year.

"(2) LIMITATION.—With respect to any fiscal year, the Secretary may carry over not more than a total of $25,000,000 in unobligated amounts set aside under this subsection for use in connection with the activities described in paragraph (1)(B) during the succeeding fiscal year.

"(3) REPORTS.—The Secretary and the Office of Inspector General shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives regarding the feasibility of transferring the authority to administer the program functions implemented to reduce violent crime in public housing under Operation Safe Home to the Office of Public and Indian Housing or to the Department of Justice.

"(4) PUBLICATION.—The Secretary shall publish the use of any amounts allocated under this subsection relating to emergencies (other disasters and housing needs resulting from any settlement of litigation) in the Federal Register.

"(5) ELIGIBLE USES.—In carrying out this subsection, the Secretary may use amounts set aside under this subsection for—

"(A) any eligible use under the Operating Fund or the Capital Fund established by this section; or

"(B) the provision of tenant-based assistance in accordance with section 8.

"(i) PENALTY FOR SLOW EXPENDITURE OF CAPITAL FUNDS.—

"(1) IN GENERAL.—

"(A) TIME PERIOD.—Except as provided in paragraph (2), and subject to subparagraph (B) of this paragraph, a public housing agency shall obligate any assistance received under this section not later than 24 months after, as applicable—

"(i) the date on which the funds become available to the agency for obligation in the case of modernization; or

"(ii) the date on which the agency accumulates adequate funds to undertake comprehensive modernization, substantial rehabilitation, or new construction of units.

"(B) EXTENSION OF TIME PERIOD.—The Secretary—

"(i) may, extend the time period described in subparagraph (A) , for such period of time as the Secretary determines to be necessary, if the Secretary determines that the failure of the public housing agency to obligate assistance in a timely manner is attributable to—

"(I) litigation;

"(II) obtaining approvals of a Federal, State, or local government;

"(III) complying with environmental assessment and abatement requirements;

"(IV) relocating residents;

"(V) an event beyond the control of the public housing agency; or

"(VI) any other reason established by the Secretary by notice published in the Federal Register;

"(ii) shall disregard the requirements of subparagraph (A) with respect to any unobligated amounts made available to a public housing agency, to the extent that the total of those amounts does not exceed 10 percent of the original amount made available to the public housing agency; and

"(iii) may, with the prior approval of the Secretary, extend the period of time described in subparagraph (A), for an additional period not to exceed 12 months, based on—

"(I) the size of the public housing agency;

"(II) the complexity of capital program of the public housing agency;

"(III) any limitation on the ability of the public housing agency to obligate the Capital Fund distributions of the public housing agency in a timely manner as a result of State or local law; or

"(IV) such other factors as the Secretary determines to be relevant.

"(C) EFFECT OF FAILURE TO COMPLY.—

"(i) IN GENERAL.—A public housing agency shall not be awarded assistance under this section for any month during any fiscal year in which the public housing agency has funds unobligated in violation of subparagraph (A) or (B).

"(ii) EFFECT OF FAILURE TO COMPLY.—During any fiscal year described in clause (i), the Secretary shall withhold all assistance that would otherwise be provided to the public housing agency. If the public housing agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year.

"(iii) REDISTRIBUTION.—The total amount of any funds not provided public housing agencies by operation of this subparagraph shall be distributed to high-performing agencies, as determined under section 6(j).

"(2) EXCEPTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary has consented, before the date of enactment of the Public Housing Reform and Responsibility Act of 1997, to an obligation period for any agency longer than provided under paragraph (1)(A), a public housing agency that obligates its funds before the expiration of that period shall not be considered to be in violation of paragraph (1)(A).

"(B) FISCAL YEAR 1995.—Notwithstanding subparagraph (A)—

"(i) any funds appropriated to a public housing agency for fiscal year 1995, or for any preceding fiscal year, shall be fully obligated by the public housing agency not later than September 30, 1998; and

"(ii) any funds appropriated to a public housing agency for fiscal year 1996 or 1997 shall be fully obligated by the public housing agency not later than September 30, 1999.

"(3) EXPENDITURE OF AMOUNTS.—

"(A) IN GENERAL.—A public housing agency shall spend any assistance received under this section not later than 4 years (plus the period of any extension approved by the Secretary under paragraph (1)(B)) after the date on which funds become available to the agency for obligation.

"(B) ENFORCEMENT.—The Secretary shall enforce the requirement of subparagraph (A) through default remedies up to and including withdrawal of the funding.

"(4) RIGHT OF RECAPTURE.—Any obligation entered into by a public housing agency shall be subject to the right of the Secretary to recapture the obligated amounts for violation by the public housing agency of the requirements of this subsection.".

(b) IMPLEMENTATION; EFFECTIVE DATE; TRANSITION PERIOD.—

(1) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall establish the formulas described in subsections (c)(3) and (d)(2) of section 9 of the United States Housing Act of 1937, as amended by this section.

(2) EFFECTIVE DATE.—The formulas established under paragraph (1) shall be effective only with respect to amounts made available under section 9 of the United States Housing Act of 1937, as amended by this section, in fiscal year 1999 or in any succeeding fiscal year.

(3) TRANSITION PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), prior to the effective date described in paragraph (2), the Secretary shall provide that each public housing agency shall receive funding under sections 9 and 14 of the United States Housing Act of 1937, as those sections existed on the day before the date of enactment of this Act.

(B) QUALIFICATION.—If a public housing agency establishes a rental amount that is less than 30 percent of the monthly adjusted income of the family under section 3(a)(1)(A) of the United States Housing Act of 1937 (as amended by section 103(a) of this Act), or a rental amount that is based on an adjustment to income under section 3(b)(5)(E) (as amended by section 104(a)(2) of this Act), the

Secretary shall not take into account any reduction of or increase in the per unit dwelling rental income of the public housing agency resulting from the use of that rental amount in calculating the contributions for the public housing agency for the operation of the public housing under section 9 of the United States Housing Act of 1937 (as in existence on the day before the date of enactment of this Act).

SEC. 111. COMMUNITY SERVICE AND SELF-SUFFICIENCY.

Section 12 of the United States Housing Act of 1937 (42 U.S.C. 1437j) is amended by adding at the end the following:

"(c) COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT.—

"(1) MINIMUM REQUIREMENT.—Notwithstanding any other provision of law, each adult resident of a public housing project shall—

"(A) contribute not less than 8 hours per month of community service (not to include any political activity) within the community in which that adult resides; or

"(B) participate in a self-sufficiency program (as that term is defined in subsection (d)(1)) for not less than 8 hours per month.

"(2) INCLUSION IN PLAN.—Each public housing agency shall include in the public housing agency plan a detailed description of the manner in which the public housing agency intends to implement and administer paragraph (1).

"(3) EXEMPTIONS.—The Secretary may provide an exemption from paragraph (1) for any adult who—

"(A) has attained age 62;

"(B) is a blind or disabled individual, as defined under section 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c) and who is unable to comply with this section, or a primary caretaker of that individual;

"(C) is engaged in a work activity (as that term is defined in subsection (d)(1)(C)); or

"(D) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency is located.

"(4) GEOGRAPHIC LOCATION; PROHIBITION AGAINST REPLACEMENT OF EMPLOYEES.—

"(A) GEOGRAPHIC LOCATION.—The requirement described in paragraph (1) may include community service or participation in a self-sufficiency program performed at a location not owned by the public housing agency.

"(B) PROHIBITION AGAINST REPLACEMENT OF EMPLOYEES.—In carrying out this subsection, a public housing agency may not—

"(i) substitute community service or participation in a self-sufficiency program, as described in paragraph (1), for work performed by a public housing employee; or

"(ii) supplant a job at any location at which community work requirements under section 111 are fulfilled.

"(d) SELF-SUFFICIENCY.—

"(1) DEFINITIONS.—In this section—

"(A) the term 'covered family' means a family that—

"(i) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program; and

"(ii) resides in a public housing dwelling unit or is provided tenant-based assistance;

"(B) the term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare and apprenticeship; and

"(C) the term 'work activities' has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)) (as in effect on and after July 1, 1997).

"(2) COMPLIANCE.—

"(A) SANCTIONS.—Notwithstanding any other provision of law, if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement, or because of an act of fraud by any member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

"(B) REVIEW.—Any covered family that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedure for the public housing agency.

"(C) NOTICE.—Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with self-sufficiency program or an applicable work activities requirement and the level of such reduction.

"(D) NO APPLICATION OF REDUCTIONS BASED ON TIME LIMIT FOR ASSISTANCE.—For purposes of this paragraph, a reduction in benefits as a result of the expiration of a lifetime time limit for a family receiving welfare or public assistance benefits shall not be considered to be a failure to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement.

"(3) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(4) COOPERATION AGREEMENTS FOR SELF-SUFFICIENCY ACTIVITIES.—

"(A) REQUIREMENT.—To the maximum extent practicable, a public housing agency providing public housing dwelling units or tenant-based assistance for covered families shall enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (c) or paragraph (2) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

"(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public and other assisted housing developments, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

"(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.".

SEC. 112. REPEAL OF ENERGY CONSERVATION; CONSORTIA AND JOINT VENTURES.

Section 13 of the United States Housing Act of 1937 (42 U.S.C. 1437k) is amended to read as follows:

"SEC. 13. CONSORTIA, JOINT VENTURES, AFFILIATES, AND SUBSIDIARIES OF PUBLIC HOUSING AGENCIES.

"(a) CONSORTIA.—

"(1) IN GENERAL.—Any 2 or more public housing agencies may participate in a consortium for the purpose of administering any or all of the housing programs of those public housing agencies in accordance with this section.

"(2) EFFECT.—With respect to any consortium described in paragraph (1)—

"(A) any assistance made available under this title to each of the public housing agencies participating in the consortium shall be paid to the consortium; and

"(B) all planning and reporting requirements imposed upon each public housing agency participating in the consortium with respect to the programs operated by the consortium shall be consolidated.

"(3) RESTRICTIONS.—

"(A) AGREEMENT.—Each consortium described in paragraph (1) shall be formed and operated in accordance with a consortium agreement, and shall be subject to the requirements of a joint public housing agency plan, which shall be submitted by the consortium in accordance with section 5A.

"(B) MINIMUM REQUIREMENTS.—The Secretary shall specify minimum requirements relating to the formation and operation of consortia and the minimum contents of consortium agreements under this paragraph.

"(b) JOINT VENTURES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency, in accordance with the public housing agency plan, may—

"(A) form and operate wholly owned or controlled subsidiaries (which may be nonprofit corporations) and other affiliates, any of which may be directed, managed, or controlled by the same persons who constitute the board of commissioners or other similar governing body of the public housing agency, or who serve as employees or staff of the public housing agency; or

"(B) enter into joint ventures, partnerships, or other business arrangements with, or contract with, any person, organization, entity, or governmental unit—

"(i) with respect to the administration of the programs of the public housing agency, including any program that is subject to this title; or

"(ii) for the purpose of providing or arranging for the provision of supportive or social services.

"(2) USE OF AND TREATMENT INCOME.—Any income generated under paragraph (1)—

"(A) shall be used for low-income housing or to benefit the residents of the public housing agency; and

"(B) shall not result in any decrease in any amount provided to the public housing agency under this title.

"(3) AUDITS.—The Comptroller General of the United States, the Secretary, and the Inspector General of the Department of Housing and Urban Development may conduct an audit of any activity undertaken under paragraph (1) at any time.".

SEC. 113. REPEAL OF MODERNIZATION FUND.

(a) IN GENERAL.—Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is repealed.

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 5(c)(5), by striking "for use under section 14 or";

(2) in section 5(c)(7)—

(A) in subparagraph (A)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively; and

(B) in subparagraph (B)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively;

(3) in section 6(j)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively;

(4) in section 6(j)(2)(A)—

(A) in clause (i), by striking "The Secretary shall also designate," and all that follows through the period at the end; and

(B) in clause (iii), by striking "(including designation as a troubled agency for purposes of the program under section 14)";

(5) in section 6(j)(2)(B)—

(A) in clause (i), by striking "and determining that an assessment under this subparagraph will not duplicate any review conducted under section 14(p)"; and

(B) in clause (ii)—

(i) by striking "(I) the agency's comprehensive plan prepared pursuant to section 14 adequately and appropriately addresses the rehabilitation needs of the agency's inventory, (II)" and inserting "(I)"; and

(ii) by striking "(III)" and inserting "(II)";

(6) in section 6(j)(3)—

(A) in clause (ii), by adding "and" at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii);

(7) in section 6(j)(4)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" at the end and inserting a period; and

(C) by striking subparagraph (F);

(8) in section 20—

(A) by striking subsection (c) and inserting the following:

"(c) [Reserved.]"; and

(B) by striking subsection (f) and inserting the following:

"(f) [Reserved.]";

(9) in section 21(a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(10) in section 21(a)(3)(A)(v), by striking "the building or buildings meet the minimum safety and livability standards applicable under section 14, and";

(11) in section 25(b)(1), by striking "From amounts reserved" and all that follows through "the Secretary may" and inserting the following: "To the extent approved in appropriations Acts, the Secretary may";

(12) in section 25(e)(2)—

(A) by striking "The Secretary" and inserting "To the extent approved in appropriations Acts, the Secretary"; and

(B) by striking "available annually from amounts under section 14";

(13) in section 25(e), by striking paragraph (3);

(14) in section 25(f)(2)(G)(i), by striking "including—" and all that follows through "an explanation" and inserting "including an explanation";

(15) in section 25(i)(1), by striking the second sentence; and

(16) in section 202(b)(2)—

(A) by striking "(b) FINANCIAL ASSISTANCE.—" and all that follows through "The Secretary may," and inserting the following:

"(b) FINANCIAL ASSISTANCE.—The Secretary may"; and

(B) by striking paragraph (2).

SEC. 114. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended to read as follows:

"SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) INCOME ELIGIBILITY FOR PUBLIC HOUSING.—

"(1) IN GENERAL.—Of the dwelling units of a public housing agency, including public housing units in a designated mixed-finance project, made available for occupancy in any fiscal year of the public housing agency—

"(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

"(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

"(3) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments.

"(4) MIXED-INCOME HOUSING STANDARD.—Each public housing agency plan submitted by a public housing agency shall include a plan for achieving a diverse income mix among residents in each public housing project of the public housing agency and among the scattered site public housing of the public housing agency.

"(b) INCOME ELIGIBILITY FOR CERTAIN ASSISTED HOUSING.—

"(1) TENANT-BASED ASSISTANCE.—Of the dwelling units receiving tenant-based assistance under section 8 made available for occupancy in any fiscal year of the public housing agency—

"(A) not less than 65 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

"(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

"(3) PROJECT-BASED ASSISTANCE.—Of the total number of dwelling units in a project receiving assistance under section 8, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

"(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income;

"(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(c) DEFINITION OF AREA MEDIAN INCOME.—In this section, the term 'area median income' means the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.".

SEC. 115. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

(a) IN GENERAL.—Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) is amended to read as follows:

"SEC. 18. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

"(a) APPLICATIONS FOR DEMOLITION AND DISPOSITION.—Except as provided in subsection (b), not later than 60 days after receiving an application by a public housing agency for authorization, with or without financial assistance under this title, to demolish or dispose of a public housing project or a portion of a public housing project (including any transfer to a resident-supported nonprofit entity), the Secretary shall approve the application, if the public housing agency certifies—

"(1) in the case of—

"(A) an application proposing demolition of a public housing project or a portion of a public housing project, that—

"(i) the project or portion of the public housing project is obsolete as to physical condition, location, or other factors, making it unsuitable for housing purposes; and

"(ii) no reasonable program of modifications is cost-effective to return the public housing project or portion of the project to useful life; and

"(B) an application proposing the demolition of only a portion of a public housing project, that the demolition will help to assure the viability of the remaining portion of the project;

"(2) in the case of an application proposing disposition of a public housing project or

other real property subject to this title by sale or other transfer, that—

"(A) the retention of the property is not in the best interests of the residents or the public housing agency because—

"(i) conditions in the area surrounding the public housing project adversely affect the health or safety of the residents or the feasible operation of the project by the public housing agency; or

"(ii) disposition allows the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as low-income housing;

"(B) the public housing agency has otherwise determined the disposition to be appropriate for reasons that are—

"(i) in the best interests of the residents and the public housing agency;

"(ii) consistent with the goals of the public housing agency and the public housing agency plan; and

"(iii) otherwise consistent with this title; or

"(C) for property other than dwelling units, the property is excess to the needs of a public housing project or the disposition is incidental to, or does not interfere with, continued operation of a public housing project;

"(3) that the public housing agency has specifically authorized the demolition or disposition in the public housing agency plan, and has certified that the actions contemplated in the public housing agency plan comply with this section;

"(4) that the public housing agency—

"(A) will provide for the payment of the actual and reasonable relocation expenses of each resident to be displaced;

"(B) will ensure that each displaced resident is offered comparable housing—

"(i) that meets housing quality standards; and

"(ii) which may include—

"(I) tenant-based assistance;

"(II) project-based assistance; or

"(III) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the resident that is comparable to the rental rate applicable to the unit from which the resident is vacated;

"(C) will provide any necessary counseling for residents who are displaced; and

"(D) will not commence demolition or complete disposition until all residents residing in the unit are relocated;

"(5) that the net proceeds of any disposition will be used—

"(A) unless waived by the Secretary, for the retirement of outstanding obligations issued to finance the original public housing project or modernization of the project; and

"(B) to the extent that any proceeds remain after the application of proceeds in accordance with subparagraph (A), for the provision of low-income housing or to benefit the residents of the public housing agency; and

"(6) that the public housing agency has complied with subsection (c).

"(b) DISAPPROVAL OF APPLICATIONS.—The Secretary shall disapprove an application submitted under subsection (a) if the Secretary determines that—

"(1) any certification made by the public housing agency under that subsection is clearly inconsistent with information and data available to the Secretary or information or data requested by the Secretary; or

"(2) the application was not developed in consultation with—

"(A) residents who will be affected by the proposed demolition or disposition; and

"(B) each resident advisory board and resident council, if any, that will be affected by the proposed demolition or disposition.

"(c) RESIDENT OPPORTUNITY TO PURCHASE IN CASE OF PROPOSED DISPOSITION.—

"(1) IN GENERAL.—In the case of a proposed disposition of a public housing project or portion of a project, the public housing agency shall, in appropriate circumstances, as determined by the Secretary, initially offer the property to any eligible resident organization, eligible resident management corporation, or nonprofit organization acting on behalf of the residents, if that entity has expressed an interest, in writing, to the public housing agency in a timely manner, in purchasing the property for continued use as low-income housing.

"(2) TIMING.—

"(A) THIRTY-DAY NOTICE.—A resident organization, resident management corporation, or other resident-supported nonprofit entity referred to in paragraph (1) may express interest in purchasing property that is the subject of a disposition, as described in paragraph (1), during the 30-day period beginning on the date of notification of a proposed sale of the property.

"(B) SIXTY-DAY NOTICE.—If an entity expresses written interest in purchasing a property, as provided in subparagraph (A), no disposition of the property shall occur during the 60-day period beginning on the date of receipt of that written notice, during which time that entity shall be given the opportunity to obtain a firm commitment for financing the purchase of the property.

"(d) REPLACEMENT UNITS.—Notwithstanding any other provision of law, replacement housing units for public housing units demolished in accordance with this section may be built on the original public housing location or in the same neighborhood as the original public housing location if the number of those replacement units is fewer than the number of units demolished.".

(b) HOMEOWNERSHIP REPLACEMENT PLAN.—

(1) IN GENERAL.—Section 304(g) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa-3(g)), as amended by section 1002(b) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred At Oklahoma City, and Rescissions Act, 1995 (Public Law 104-19; 109 Stat. 236), is amended to read as follows:

"(g) [Reserved.]".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to any plan for the demolition, disposition, or conversion to homeownership of public housing that is approved by the Secretary after September 30, 1995.

(c) UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT.—The Uniform Relocation and Real Property Acquisition Act shall not apply to activities under section 18 of the United States Housing Act of 1937, as amended by this section.

SEC. 116. REPEAL OF FAMILY INVESTMENT CENTERS; VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—Section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t) is amended to read as follows:

"SEC. 22. VOUCHER SYSTEM FOR PUBLIC HOUSING.

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—A public housing agency may convert any public housing project (or portion thereof) owned and operated by the public housing agency to a system of tenant-based assistance in accordance with this section.

"(2) REQUIREMENTS.—In converting to a tenant-based system of assistance under this section, the public housing agency shall develop a conversion assessment and plan under subsection (b) in consultation with the appropriate public officials, with significant participation by the residents of the project (or portion thereof), which assessment and plan shall—

"(A) be consistent with and part of the public housing agency plan; and

"(B) describe the conversion and future use or disposition of the public housing project, including an impact analysis on the affected community.

"(b) CONVERSION ASSESSMENT AND PLAN.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Public Housing Reform and Responsibility Act of 1997, each public housing agency shall assess the status of each public housing project owned and operated by that public housing agency, and shall submit to the Secretary an assessment that includes—

"(A) a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing tenant-based assistance under section 8 for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing project proposed for conversion for the remaining useful life of the project;

"(B) an analysis of the market value of the public housing project proposed for conversion both before and after rehabilitation, and before and after conversion;

"(C) an analysis of the rental market conditions with respect to the likely success of tenant-based assistance under section 8 in that market for the specific residents of the public housing project proposed for conversion, including an assessment of the availability of decent and safe dwellings renting at or below the payment standard established for tenant-based assistance under section 8 by the public housing agency;

"(D) the impact of the conversion to a system of tenant-based assistance under this section on the neighborhood in which the public housing project is located; and

"(E) a plan that identifies actions, if any, that the public housing agency would take with regard to converting any public housing project or projects (or portions thereof) of the public housing agency to a system of tenant-based assistance.

"(2) STREAMLINED ASSESSMENT.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of paragraph (1) or otherwise require a streamlined assessment with respect to any public housing project or class of public housing projects.

"(3) IMPLEMENTATION OF CONVERSION PLAN.—

"(A) IN GENERAL.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

"(i) will not be more expensive than continuing to operate the public housing project (or portion thereof) as public housing; and

"(ii) will principally benefit the residents of the public housing project (or portion thereof) to be converted, the public housing agency, and the community.

"(B) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if—

"(i) the plan is plainly inconsistent with the conversion assessment under subsection (b);

"(ii) there is reliable information and data available to the Secretary that contradicts that conversion assessment; or

"(iii) the plan otherwise fails to meet the requirements of this subsection.

"(c) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the public housing agency to provide tenant-based assistance under section 8 shall be added to the annual contribution contract administered by the public housing agency.".

(b) SAVINGS PROVISION.—The amendment made by subsection (a) does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

SEC. 117. REPEAL OF FAMILY SELF-SUFFICIENCY; HOMEOWNERSHIP OPPORTUNITIES.

(a) IN GENERAL.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended to read as follows:

"SEC. 23. PUBLIC HOUSING HOMEOWNERSHIP OPPORTUNITIES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency may, in accordance with this section—

"(1) sell any public housing unit in any public housing project of the public housing agency to—

"(A) the low-income residents of the public housing agency; or

"(B) any organization serving as a conduit for sales to those persons; and

"(2) provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence.

"(b) RIGHT OF FIRST REFUSAL.—In making any sale under this section, the public housing agency shall initially offer the public housing unit at issue to the resident or residents occupying that unit, if any, or to an organization serving as a conduit for sales to any such resident.

"(c) SALE PRICES, TERMS, AND CONDITIONS.—Any sale under this section may involve such prices, terms, and conditions as the public housing agency may determine in accordance with procedures set forth in the public housing agency plan.

"(d) PURCHASE REQUIREMENTS.—

"(1) IN GENERAL.—Each resident that purchases a dwelling unit under subsection (a) shall, as of the date on which the purchase is made—

"(A) intend to occupy the property as a principal residence; and

"(B) submit a written certification to the public housing agency that such resident will occupy the property as a principal residence for a period of not less than 12 months beginning on that date.

"(2) RECAPTURE.—Except for good cause, as determined by a public housing agency in the public housing agency plan, if, during the 1-year period beginning on the date on which any resident acquires a public housing unit under this section, that public housing unit is resold, the public housing agency shall recapture 75 percent of the amount of any proceeds from that resale that exceed the sum of—

"(A) the original sale price for the acquisition of the property by the qualifying resident;

"(B) the costs of any improvements made to the property after the date on which the acquisition occurs; and

"(C) any closing costs incurred in connection with the acquisition.

"(e) PROTECTION OF NONPURCHASING RESIDENTS.—If a public housing resident does not exercise the right of first refusal under subsection (b) with respect to the public housing unit in which the resident resides, the public housing agency shall—

"(1) ensure that either another public housing unit or rental assistance under section 8 is made available to the resident; and

"(2) provide for the payment of the actual and reasonable relocation expenses of the resident.

"(f) NET PROCEEDS.—The net proceeds of any sales under this section remaining after payment of all costs of the sale and any unassumed, unpaid indebtedness owed in connection with the dwelling units sold under this section unless waived by the Secretary, shall be used for purposes relating to low-income housing and in accordance with the public housing agency plan.

"(g) HOMEOWNERSHIP ASSISTANCE.—From amounts distributed to a public housing agency under section 9, or from other income earned by the public housing agency, the public housing agency may provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence, including a residence other than a residence located in a public housing project.".

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 8(y)(7)(A)—

(A) by striking ", (ii)" and inserting ", and (ii)"; and

(B) by striking ", and (iii)" and all that follows before the period at the end; and

(2) in section 25(l)(2)—

(A) in the first sentence, by striking ", consistent with the objectives of the program under section 23,"; and

(B) by striking the second sentence.

(c) SAVINGS PROVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section do not affect any contract or other agreement entered into under section 23 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

(2) EXCEPTION.—Section 23(d)(3) of the United States Housing Act of 1937, as in existence on the day before the date of enactment of this Act, shall not apply to any contract or other agreement after the date of enactment of this Act.

SEC. 118. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended to read as follows:

"SEC. 24. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies for the purposes of—

"(1) enabling the demolition of obsolete public housing projects or portions thereof;

"(2) revitalizing sites (including remaining public housing units) on which such public housing projects are located;

"(3) the provision of replacement housing, which will avoid or lessen concentrations of very low-income families; and

"(4) the provision of tenant-based assistance under section 8 for use as replacement housing.

"(b) COMPETITION.—The Secretary shall make grants under this section on the basis of a competition, which shall be based on such factors as—

"(1) the need for additional resources for addressing a severely distressed public housing project;

"(2) the need for affordable housing in the community;

"(3) the supply of other housing available and affordable to a family receiving tenant-based assistance under section 8; and

"(4) the local impact of the proposed revitalization program.

"(c) TERMS AND CONDITIONS.—The Secretary may impose such terms and conditions on recipients of grants under this section as the Secretary determines to be appropriate to carry out the purposes of this section, except that such terms and conditions shall be similar to the terms and conditions of either—

"(1) the urban revitalization demonstration program authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts; or

"(2) section 24 of the United States Housing Act of 1937, as such section existed before the date of enactment of the Public Housing Reform and Responsibility Act of 1997.

"(d) ALTERNATIVE MANAGEMENT.—The Secretary may require any recipient of a grant under this section to make arrangements with an entity other than the public housing agency to carry out the purposes for which the grant was awarded, if the Secretary determines that such action is necessary for the timely and effective achievement of the purposes for which the grant was awarded.

"(e) SUNSET.—No grant may be made under this section on or after October 1, 2000.".

SEC. 119. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 30. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

"(a) IN GENERAL.—A public housing agency may own, operate, assist, or otherwise participate in 1 or more mixed-finance projects in accordance with this section.

"(b) REQUIREMENTS.—

"(1) MIXED-FINANCE PROJECT.—In this section, the term 'mixed-finance project' means a project that meets the requirements of paragraph (2) and that is occupied both by 1 or more very low-income families and by 1 or more families that are not very low-income families.

"(2) STRUCTURE OF PROJECTS.—Each mixed-finance project shall be developed—

"(A) in a manner that ensures that units are made available in the project, by master contract, individual lease, or equity interest for occupancy by eligible families identified by the public housing agency for a period of not less than 20 years;

"(B) in a manner that ensures that the number of public housing units bears approximately the same proportion to the total number of units in the mixed-finance project as the value of the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the project, or shall not be less than the number of units that could have been developed under the conventional public housing program with the assistance; and

"(C) in accordance with such other requirements as the Secretary may prescribe by regulation.

"(3) TYPES OF PROJECTS.—The term 'mixed-finance project' includes a project that is developed—

"(A) by a public housing agency or by an entity affiliated with a public housing agency;

"(B) by a partnership, a limited liability company, or other entity in which the public

housing agency (or an entity affiliated with a public housing agency) is a general partner, managing member, or otherwise participates in the activities of that entity;

"(C) by any entity that grants to the public housing agency a right of first refusal to acquire the public housing project within the applicable period of time after initial occupancy of the public housing project in accordance with section 42(i)(7) of the Internal Revenue Code of 1986; or

"(D) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

"(c) TAXATION.—

"(1) IN GENERAL.—A public housing agency may elect to have all public housing units in a mixed-finance project subject to local real estate taxes, except that such units shall be eligible at the discretion of the public housing agency for the taxing requirements under section 6(d).

"(2) LOW-INCOME HOUSING TAX CREDIT.—With respect to any unit in a mixed-finance project that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents may be set at levels not to exceed the amounts allowable under that section.

"(d) RESTRICTION.—No assistance provided under section 9 shall be used by a public housing agency in direct support of any unit rented to a family that is not a low-income family.

"(e) EFFECT OF CERTAIN CONTRACT TERMS.—If an entity that owns or operates a mixed-finance project under this section enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units to the maximum extent practicable.".

(b) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to promote the development of mixed-finance projects, as that term is defined in section 30 of the United States Housing Act of 1937 (as added by this Act).

SEC. 120. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 31. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

"(a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify all public housing projects of the public housing agency—

"(1) that are on the same or contiguous sites;

"(2) that the public housing agency determines to be distressed, which determination shall be made in accordance with guidelines established by the Secretary, which guidelines shall take into account the criteria established in the Final Report of the National Commission on Severely Distressed Public Housing (August 1992);

"(3) identified as distressed housing under paragraph (2) for which the public housing agency cannot assure the long-term viability as public housing through reasonable modernization expenses, density reduction, achievement of a broader range of family income, or other measures; and

"(4) for which the estimated cost, during the remaining useful life of the project, of continued operation and modernization as public housing exceeds the estimated cost, during the remaining useful life of the project, of providing tenant-based assistance under section 8 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development costs required for modernization).

"(b) CONSULTATION.—Each public housing agency shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying any public housing projects under subsection (a).

"(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

"(1) IN GENERAL.—

"(A) DEVELOPMENT OF PLAN.—Each public housing agency shall develop and, to the extent provided in advance in appropriations Acts, carry out a 5-year plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) from the inventory of the public housing agency and the annual contributions contract.

"(B) APPROVAL OF PLAN.—The plan required under subparagraph (A) shall—

"(i) be included as part of the public housing agency plan;

"(ii) be certified by the relevant local official to be in accordance with the comprehensive housing affordability strategy under title I of the Housing and Community Development Act of 1992; and

"(iii) include a description of any disposition and demolition plan for the public housing units.

"(2) EXTENSIONS.—The Secretary may extend the 5-year deadline described in paragraph (1) by not more than an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

"(3) DETERMINATION OF SECRETARY.—

"(A) FAILURE TO IDENTIFY PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has failed to identify 1 or more public housing projects that the Secretary determines should have been identified under subsection (a), the Secretary may designate the public housing projects to be removed from the inventory of the public housing agency pursuant to this section.

"(B) ERRONEOUS IDENTIFICATION OF PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has identified 1 or more public housing projects that should not have been identified pursuant to subsection (a), the Secretary shall—

"(i) require the public housing agency to revise the plan of the public housing agency under this subsection; and

"(ii) prohibit the removal of any such public housing project from the inventory of the public housing agency under this section.

"(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

"(1) IN GENERAL.—To the extent approved in advance in appropriations Acts, the Secretary shall make authority available to a public housing agency to provide assistance under this Act to families residing in any public housing project that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to this section.

"(2) PLAN REQUIREMENTS.—Each plan under subsection (c) shall require the agency—

"(A) to notify each family residing in the public housing project, consistent with any guidelines issued by the Secretary governing such notifications, that—

"(i) the public housing project will be removed from the inventory of the public housing agency;

"(ii) the demolition will not commence until each resident residing in the public housing project is relocated; and

"(iii) each family displaced by such action will be offered comparable housing—

"(I) that meets housing quality standards; and

"(II) which may include—

"(aa) tenant-based assistance;

"(bb) project-based assistance; or

"(cc) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the family that is comparable to the rental rate applicable to the unit from which the family is vacated;

"(B) to provide any necessary counseling for families displaced by such action; and

"(C) to provide any actual and reasonable relocation expenses for families displaced by such action.

"(e) REMOVAL BY SECRETARY.—The Secretary shall take appropriate actions to ensure removal of any public housing project identified under subsection (a) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under subsection (c) with respect to that project, or fails to adequately implement such plan in accordance with the terms of the plan.

"(f) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary may require a public housing agency to provide to the Secretary or to public housing residents such information as the Secretary considers to be necessary for the administration of this section.

"(2) APPLICABILITY OF SECTION 18.—Section 18 does not apply to the demolition of public housing projects removed from the inventory of the public housing agency under this section.".

(b) CONFORMING AMENDMENT.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) is repealed.

SEC. 121. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 32. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

"(a) GENERAL AUTHORIZATION.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to mortgage or otherwise grant a security interest in any public housing project or other property of the public housing agency.

"(b) TERMS AND CONDITIONS.—

"(1) CRITERIA FOR APPROVAL.—In making any authorization under subsection (a), the Secretary may consider—

"(A) the ability of the public housing agency to use the proceeds of the mortgage or security interest for low-income housing uses;

"(B) the ability of the public housing agency to make payments on the mortgage or security interest; and

"(C) such other criteria as the Secretary may specify.

"(2) TERMS AND CONDITIONS OF MORTGAGES AND SECURITY INTERESTS OBTAINED.—Each mortgage or security interest granted under this section shall be—

"(A) for a term that—

"(i) is consistent with the terms of private loans in the market area in which the public housing project or property at issue is located; and

"(ii) does not exceed 30 years; and

"(B) subject to conditions that are consistent with the conditions to which private loans in the market area in which the subject project or other property is located are subject.

"(3) NO FEDERAL LIABILITY.—No action taken under this section shall result in any liability to the Federal Government.".

SEC. 122. LINKING SERVICES TO PUBLIC HOUSING RESIDENTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 33. SERVICES FOR PUBLIC HOUSING RESIDENTS.

"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies on behalf of public housing residents, or directly to resident management corporations, resident councils, or resident organizations (including nonprofit entities supported by residents), for the purposes of providing a program of supportive services and resident empowerment activities to assist public housing residents in becoming economically self-sufficient.

"(b) ELIGIBLE ACTIVITIES.—Grantees under this section may use such amounts only for activities on or near the property of the public housing agency or public housing project that are designed to promote the self-sufficiency of public housing residents, including activities relating to—

"(1) physical improvements to a public housing project in order to provide space for supportive services for residents;

"(2) the provision of service coordinators or a congregate housing services program for elderly disabled individuals, nonelderly disabled individuals, or temporarily disabled individuals;

"(3) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;

"(4) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding, and insurance needed to operate such enterprises;

"(5) resident management activities and resident participation activities; and

"(6) other activities designed to improve the economic self-sufficiency of residents.

"(c) FUNDING DISTRIBUTION.—

"(1) IN GENERAL.—Except for amounts provided under subsection (d), the Secretary may distribute amounts made available under this section on the basis of a competition or a formula, as appropriate.

"(2) FACTORS FOR DISTRIBUTION.—Factors for distribution under paragraph (1) shall include—

"(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

"(B) the ability of the applicant to leverage additional resources for the provision of services; and

"(C) the extent to which the grant will result in a high quality program of supportive services or resident empowerment activities.

"(d) MATCHING REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements each dollar made available under this section with funds from sources other than this section, in an amount equal to not less than 25 percent of the grant amount, including—

"(1) funds from other Federal sources;

"(2) funds from any State or local government sources;

"(3) funds from private contributions; and

"(4) the value of any in-kind services or administrative costs provided to the applicant.

"(e) FUNDING FOR RESIDENT COUNCILS.—Of amounts appropriated for activities under this section, not less than 25 percent shall be provided directly to resident councils, resident organizations, and resident management corporations.".

SEC. 123. PROHIBITION ON USE OF AMOUNTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 34. PROHIBITION ON USE OF AMOUNTS.

"None of the amounts made available to the Department of Housing and Urban Development to carry out this Act, that are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, may be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.".

SEC. 124. PET OWNERSHIP.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 35. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

"(a) OWNERSHIP CONDITIONS.—

"(1) IN GENERAL.—A resident of a dwelling unit in federally assisted rental housing may own 1 or more common household pets or have 1 or more common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing, if the resident maintains each pet responsibly and in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations.

"(2) REQUIREMENTS.—The reasonable requirements described in paragraph (1) may include—

"(A) requiring payment of a nominal fee, a pet deposit, or both, by residents owning or having pets present, to cover the reasonable operating costs to the project relating to the presence of pets and to establish an escrow account for additional costs not otherwise covered, respectively;

"(B) limitations on the number of animals in a unit, based on unit size; and

"(C) prohibitions on—

"(i) certains breeds or types of animals that are determined to be dangerous; and

"(ii) individual animals, based on certain factors, including the size and weight of the animal.

"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

"(c) DEFINITIONS.—In this section:

"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any public housing project or any rental housing receiving project-based assistance under—

"(A) the new construction and substantial rehabilitation program under section 8(b)(2) of this Act (as in effect before October 1, 1983);

"(B) the property disposition program under section 8(b);

"(C) the moderate rehabilitation program under section 8(e)(2) of this Act (as it existed prior to October 1, 1991);

"(D) section 23 of this Act (as in effect before January 1, 1975);

"(E) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965;

"(F) section 8 of this Act, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; or

"(G) loan management assistance under section 8 of this Act.

"(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

"(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".

SEC. 125. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 36. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

"(a) DEFINITIONS.—In this section:

"(1) COVERED HOUSING ASSISTANCE.—The term 'covered housing assistance' means—

"(A)(i) operating assistance under section 9 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997), modernization assistance under section 14 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997); and

"(ii) assistance for the certificate and voucher programs under section 8 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997);

"(B) assistance for public housing under the Capital and Operating Funds established under section 9; and

"(C) tenant-based rental assistance under section 8.

"(2) CITY.—The term 'City' means the city of Indianapolis, Indiana.

"(b) PURPOSE.—The Secretary shall carry out a demonstration program in accordance with this section under which the City, in coordination with the public housing agency of the City—

"(1) may receive and combine program allocations of covered housing assistance; and

"(2) shall have the flexibility to design creative approaches for providing and administering Federal housing assistance that—

"(A) provide incentives to low-income families with children whose head of the household is employed, seeking employment, or preparing for employment by participating in a job training or educational program, or any program that otherwise assists individuals in obtaining employment and attaining economic self-sufficiency;

"(B) reduce costs of Federal housing assistance and achieve greater cost-effectiveness in Federal housing assistance expenditures;

"(C) increase the stock of affordable housing and housing choices for low-income families;

"(D) increase homeownership among low-income families; and

"(E) achieve such other purposes with respect to low-income families, as determined by the City in coordination with the public housing agency.

"(c) PROGRAM ALLOCATION.—In each fiscal year, the amount made available to the City under this section shall be equal to the sum of the amounts that would otherwise be made available to the public housing agency of the City under the provisions of this Act described in subparagraphs (A) through (C) of subsection (a)(1).

"(d) APPLICABILITY OF PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—In each fiscal year of the demonstration program under this section, amounts made available to the City under this section shall be subject to the same terms and conditions as those amounts would be subject if made available under the provisions of this Act pursuant to which covered housing assistance is otherwise made available to the public housing agency of the City under this Act, except that—

"(A) the Secretary may waive any such term or condition to the extent that the Secretary determines such action to be appropriate to carry out the demonstration program under this section; and

"(B) the City may combine the amounts made available and use the amounts for any activity eligible under each such program under section 8 or 9.

"(2) NUMBER OF FAMILIES ASSISTED.—In carrying out the demonstration program under this section, the City shall assist substantially the same total number of eligible low-income families as would have otherwise been served by the public housing agency of the City.

"(3) PROTECTION OF RECIPIENTS.—Nothing is this section shall be construed to authorize the termination of assistance to any recipient of assistance under this Act before the date of enactment of this section, as a result of the implementation of the demonstration program under this section.

"(e) PLAN REQUIREMENT.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan and planning process for the City in accordance with section 5A.

"(f) EFFECT ON ABILITY TO COMPETE FOR OTHER CATEGORICAL PROGRAMS.—Nothing in this section shall be construed to affect the ability of the City (or the public housing agency of the City) to compete or otherwise apply for or receive assistance under any other housing assistance program administered by the Secretary.

"(g) PERFORMANCE STANDARDS.—The Secretary and the City shall collectively establish standards for evaluating the performance of the City in meeting the goals set forth in subsection (b) including—

"(1) moving dependent low-income families to economic self-sufficiency;

"(2) reducing the per-family cost of providing housing assistance;

"(3) expanding the stock of affordable housing and housing choices of low-income families;

"(4) increasing the number of homeownership opportunities for low-income families; and

"(5) any other performance goals established by the Secretary and the City.

"(h) RECORDS AND REPORTS.—

"(1) RECORDS.—The City shall maintain such records as the Secretary may require in order to—

"(A) document the amounts received by the City under this Act, and the disposition of those amounts under the demonstration program under this section;

"(B) ensure compliance by the City with this section; and

"(C) evaluate the performance of the City under the demonstration program under this section.

"(2) REPORTS.—

"(A) IN GENERAL.—The City shall annually submit to the Secretary a report in a form and at a time specified by the Secretary.

"(B) CONTENTS.—Each report under this paragraph shall include—

"(i) documentation of the use of funds made available to the City under this section;

"(ii) such data as the Secretary may request to assist the Secretary in evaluating the demonstration program under this section; and

"(iii) a description and analysis of the effect of assisted activities in addressing the objectives of the demonstration program under this section.

"(3) ACCESS TO DOCUMENTS BY THE SECRETARY AND COMPTROLLER GENERAL.—The Secretary and the Comptroller General of the United States, or any duly authorized representative of the Secretary or the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records maintained by the City that relate to the demonstration program under this section.

"(i) PERFORMANCE REVIEW AND EVALUATION.—

"(1) PERFORMANCE REVIEW.—Based on the performance standards established under subsection (g), the Secretary shall monitor the performance of the City in providing assistance under this section.

"(2) STATUS REPORT.—Not later than 60 days after the last day of the second year of the demonstration program under this section, the Secretary shall submit to Congress an interim report on the status of the demonstration program and the progress of the City in achieving the purposes of the demonstration program under subsection (b).

"(3) TERMINATION AND EVALUATION.—

"(A) TERMINATION.—The demonstration program under this section shall terminate not less than 2 and not more than 5 years after the date on which the program is commenced under this section.

"(B) EVALUATION.—Not later than 6 months after the termination of the demonstration program under this section, the Secretary shall submit to Congress a final report, which shall include—

"(i) an evaluation the effectiveness of the activities carried out under the demonstration program under this section; and

"(ii) any findings and recommendations of the Secretary for any appropriate legislative action.".

TITLE II—SECTION 8 RENTAL ASSISTANCE

SEC. 201. MERGER OF THE CERTIFICATE AND VOUCHER PROGRAMS.

(a) IN GENERAL.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:

"(o) VOUCHER PROGRAM.—

"(1) PAYMENT STANDARD.—

"(A) IN GENERAL.—The Secretary may provide assistance to public housing agencies for tenant-based assistance using a payment standard established in accordance with subparagraph (B). The payment standard shall be used to determine the monthly assistance that may be paid for any family, as provided in paragraph (2).

"(B) ESTABLISHMENT OF PAYMENT STANDARD.—Except as provided under subparagraph (D), the payment standard shall not exceed 110 percent of the fair market rental established under subsection (c) and shall be not less than 90 percent of that fair market rental.

"(C) SET-ASIDE.—The Secretary may set aside not more than 5 percent of the budget authority available under this subsection as an adjustment pool. The Secretary shall use amounts in the adjustment pool to make adjusted payments to public housing agencies under subparagraph (A), to ensure continued affordability, if the Secretary determines that additional assistance for such purpose is necessary, based on documentation submitted by a public housing agency.

"(D) APPROVAL.—The Secretary may require a public housing agency to submit the payment standard of the public housing agency to the Secretary for approval, if the payment standard is less than 90 percent of the fair market rent or exceeds 110 percent of the fair market rent.

"(E) REVIEW.—The Secretary—

"(i) shall monitor rent burdens and review any payment standard that results in a significant percentage of the families occupying units of any size paying more than 30 percent of adjusted income for rent; and

"(ii) may require a public housing agency to modify the payment standard of the public housing agency based on the results of that review.

"(2) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—

"(A) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT DOES NOT EXCEED PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) does not exceed the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the rent exceeds the greatest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

"(B) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT EXCEEDS PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) exceeds the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the applicable payment standard exceeds the greatest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

"(C) FAMILIES RECEIVING PROJECT-BASED ASSISTANCE.—For a family receiving project-based assistance under this title, the rent that the family is required to pay shall be determined in accordance with section 3(a)(1), and the amount of the housing assistance payment shall be determined in accordance with subsection (c)(3) of this section.

"(3) FORTY PERCENT LIMIT.—At the time a family initially receives tenant-based assistance under this title with respect to any dwelling unit, the total amount that a family may be required to pay for rent may not exceed 40 percent of the monthly adjusted income of the family.

"(4) ELIGIBLE FAMILIES.—At the time a family initially receives assistance under this subsection, a family shall qualify as—

"(A) a very low-income family;

"(B) a family previously assisted under this title;

"(C) a low-income family that meets eligibility criteria specified by the public housing agency;

"(D) a family that qualifies to receive a voucher in connection with a homeownership program approved under title IV of the Cranston-Gonzalez National Affordable Housing Act; or

"(E) a family that qualifies to receive a voucher under section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

"(5) ANNUAL REVIEW OF FAMILY INCOME.—Each public housing agency shall, not less frequently than annually, conduct a review of the family income of each family receiving assistance under this subsection.

"(6) SELECTION OF FAMILIES.—

"(A) IN GENERAL.—Each public housing agency may establish local preferences consistent with the public housing agency plan submitted by the public housing agency under section 5A, including a preference for families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

"(B) SELECTION OF TENANTS.—The selection of tenants shall be made by the owner of the dwelling unit, subject to the annual contributions contract between the Secretary and the public housing agency.

"(7) LEASE.—Each housing assistance payment contract entered into by the public housing agency and the owner of a dwelling unit—

"(A) shall provide that the screening and selection of families for those units shall be the function of the owner;

"(B) shall provide that the lease between the tenant and the owner shall be for a term of not less than 1 year, except that the public housing agency may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the public housing agency determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be an acceptable local market practice;

"(C) shall provide that the dwelling unit owner shall offer leases to tenants assisted under this subsection that—

"(i) are in a standard form used in the locality by the dwelling unit owner; and

"(ii) contain terms and conditions that—

"(I) are consistent with State and local law; and

"(II) apply generally to tenants in the property who are not assisted under this section;

"(D) shall provide that the dwelling unit owner may not terminate the tenancy of any person assisted under this subsection during the term of a lease that meets the requirements of this section unless the owner determines, on the same basis and in the same manner as would apply to a tenant in the property who does not receive assistance under this subsection, that—

"(i) the tenant has committed a serious or repeated violation of the terms and conditions of the lease;

"(ii) the tenant has violated applicable Federal, State, or local law; or

"(iii) other good cause for termination of the tenancy exists;

"(E) shall provide that any termination of tenancy under this subsection shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable State and local law; and

"(F) may include any addenda appropriate to set forth the provisions of this title.

"(8) INSPECTION OF UNITS BY PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency shall—

"(i) inspect the unit before any assistance payment is made to determine whether the dwelling unit meets housing quality standards for decent safe housing established—

"(I) by the Secretary for purposes of this subsection; or

"(II) by local housing codes or by codes adopted by public housing agencies that—

"(aa) meet or exceed housing quality standards; and

"(bb) do not severely restrict housing choice; and

"(ii) make not less than annual inspections during the contract term.

"(B) LEASING OF UNITS OWNED BY PUBLIC HOUSING AGENCY.—If an eligible family assisted under this subsection leases a dwelling unit (other than public housing) that is owned by a public housing agency administering assistance under this subsection, the Secretary shall require the unit of general local government, or another entity approved by the Secretary, to make inspections and rent determinations as required by this paragraph.

"(9) VACATED UNITS.—If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

"(10) RENT.—

"(A) REASONABLE MARKET RENT.—The rent for dwelling units for which a housing assistance payment contract is established under this subsection shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted, local market.

"(B) NEGOTIATED RENT.—A public housing agency shall, at the request of a family receiving tenant-based assistance under this subsection, assist that family in negotiating a reasonable rent with a dwelling unit owner. A public housing agency shall review the rent for a unit under consideration by the family (and all rent increases for units under lease by the family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a dwelling unit is not reasonable, the public housing agency shall not make housing assistance payments to the owner under this subsection with respect to that unit.

"(C) UNITS EXEMPT FROM LOCAL RENT CONTROL.—If a dwelling unit for which a housing assistance payment contract is established under this subsection is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the market area that are exempt from local rent control provisions.

"(D) TIMELY PAYMENTS.—Each public housing agency shall make timely payment of any amounts due to a dwelling unit owner under this subsection. The housing assistance payment contract between the owner and the public housing agency may provide for penalties for the late payment of amounts due under the contract, which shall be imposed on the public housing agency in accordance with generally accepted practices in the local housing market.

"(E) PENALTIES.—Unless otherwise authorized by the Secretary, each public housing agency shall pay any penalties from administrative fees collected by the public housing agency, except that no penalty shall be imposed if the late payment is due to factors that the Secretary determines are beyond the control of the public housing agency.

"(11) MANUFACTURED HOUSING.—

"(A) IN GENERAL.—A public housing agency may make assistance payments in accordance with this subsection on behalf of a family that utilizes a manufactured home as a principal place of residence. Such payments may be made for the rental of the real property on which the manufactured home owned by any such family is located.

"(B) RENT CALCULATION.—

"(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent for the space on which a manufactured home is located and with respect to which assistance payments are to be made shall include maintenance and management charges and tenant-paid utilities.

"(ii) PAYMENT STANDARD.—The public housing agency shall establish a payment standard for the purpose of determining the monthly assistance that may be paid for any family under this paragraph. The payment standard may not exceed an amount approved or established by the Secretary.

"(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment under this paragraph shall be determined in accordance with paragraph (2).

"(12) CONTRACT FOR ASSISTANCE PAYMENTS.—

"(A) IN GENERAL.—If the Secretary enters into an annual contributions contract under this subsection with a public housing agency pursuant to which the public housing agency will enter into a housing assistance payment contract with respect to an existing structure under this subsection—

"(i) the housing assistance payment contract may not be attached to the structure unless the owner agrees to rehabilitate or newly construct the structure other than with assistance under this Act, and otherwise complies with this section; and

"(ii) the public housing agency may approve a housing assistance payment contract for such existing structure for not more than 15 percent of the funding available for tenant-based assistance administered by the public housing agency under this section.

"(B) EXTENSION OF CONTRACT TERM.—In the case of a housing assistance payment contract that applies to a structure under this paragraph, a public housing agency may enter into a contract with the owner, contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, to extend the term of the underlying housing assistance payment contract for such period as the Secretary determines to be appropriate to achieve long-term affordability of the housing. The contract shall obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

"(C) RENT CALCULATION.—For project-based assistance under this paragraph, housing assistance payment contracts shall establish rents and provide for rent adjustments in accordance with subsection (c).

"(D) ADJUSTED RENTS.—With respect to rents adjusted under this paragraph—

"(i) the adjusted rent for any unit shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted local market; and

"(ii) the provisions of subsection (c)(2)(C) do not apply.

"(13) INAPPLICABILITY TO TENANT-BASED ASSISTANCE.—Subsection (c) does not apply to tenant-based assistance under this subsection.

"(14) HOMEOWNERSHIP OPTION.—

"(A) IN GENERAL.—A public housing agency providing assistance under this subsection may, at the option of the agency, provide assistance for homeownership under subsection (y).

"(B) ALTERNATIVE ADMINISTRATION.—A public housing agency may contract with a nonprofit organization to administer a homeownership program under subsection (y).

"(15) RENTAL VOUCHERS FOR RELOCATION OF WITNESSES AND VICTIMS OF CRIME.—

"(A) IN GENERAL.—Of amounts made available for assistance under this subsection in each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement or prosecution agencies.

"(B) VICTIMS OF CRIME.—

"(i) IN GENERAL.—Of amounts made available for assistance under this section in each fiscal year, the Secretary shall make available such sums as may be necessary for the relocation of families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

"(ii) NOTICE.—A public housing agency that receives amounts under this subparagraph shall establish procedures for providing notice of the availability of that assistance to families that may be eligible for that assistance.".

(b) CONFORMING AMENDMENT.—Section 8(f)(6) of the United States Housing Act (42 U.S.C. 1437f(f)(6)) is amended by striking "(d)(2)" and inserting "(o)(12)".

SEC. 202. REPEAL OF FEDERAL PREFERENCES.

(a) SECTION 8 EXISTING AND MODERATE REHABILITATION.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

"(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted by the public housing agency under section 5A;".

(b) SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION.—

(1) REPEAL.—Section 545(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended to read as follows:

"(c) [Reserved.]".

(2) PROHIBITION.—The provisions of section 8(e)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983, that require tenant selection preferences shall not apply with respect to—

(A) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983; or

(B) projects financed under section 202 of the Housing Act of 1959, as in existence on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act.

(c) RENT SUPPLEMENTS.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:

"(k) [Reserved.]".

(d) CONFORMING AMENDMENTS.—

(1) UNITED STATES HOUSING ACT OF 1937.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(A) in section 6(o), by striking "preference rules specified in" and inserting "written selection criteria established pursuant to";

(B) in section 8(d)(2)(A), by striking the last sentence; and

(C) in section 8(d)(2)(H), by striking "Notwithstanding subsection (d)(1)(A)(i), an" and inserting "An".

(2) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended—

(A) in section 455(a)(2)(D)(iii), by striking "would qualify for a preference under" and inserting "meet the written selection criteria established pursuant to"; and

(B) in section 522(f)(6)(B), by striking "any preferences for such assistance under section 8(d)(1)(A)(i)" and inserting "the written selection criteria established pursuant to section 8(d)(1)(A)".

(3) LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP ACT OF 1990.—The second sentence of section 226(b)(6)(B) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4116(b)(6)(B)) is amended by striking "requirement for giving preferences to certain categories of eligible families under" and inserting "written selection criteria established pursuant to".

(4) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "preferences for occupancy" and all that follows before the period at the end and inserting "selection criteria established by the owner to elderly families according to such written selection criteria, and to near-elderly families according to such written selection criteria, respectively".

(5) REFERENCES IN OTHER LAW.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection or section 201 to the preferences for assistance under section 8(d)(1)(A)(i) or 8(o)(3)(B) of the United States Housing Act of 1937, as those sections existed on the day before the effective date of this title, shall be considered to refer to the written selection criteria established pursuant to section 8(d)(1)(A) or 8(o)(6)(A), respectively, of the United States Housing Act of 1937, as amended by this subsection and section 201 of this Act.

SEC. 203. PORTABILITY.

Section 8(r) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)) is amended—

(1) in paragraph (1)—

(A) by striking "assisted under subsection (b) or (o)" and inserting "receiving tenant-based assistance under subsection (o)"; and

(B) by striking "the same State" and all that follows before the semicolon and inserting "any area in which a program is being administered under this section";

(2) in paragraph (2), by striking the last sentence;

(3) in paragraph (3)—

(A) by striking "(b) or"; and

(B) by adding at the end the following: "The Secretary shall establish procedures for the compensation of public housing agencies that issue vouchers to families that move into or out of the jurisdiction of the public housing agency under portability procedures. The Secretary may reserve amounts available for assistance under subsection (o) to compensate those public housing agencies."; and

(4) by adding at the end the following:

"(5) LEASE VIOLATIONS.—A family may not receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit of the family in violation of a lease.".

SEC. 204. LEASING TO VOUCHER HOLDERS.

Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) is amended to read as follows:

"(t) [Reserved.]".

SEC. 205. HOMEOWNERSHIP OPTION.

(a) IN GENERAL.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) in paragraph (1)—

(A) by striking "A family receiving" and all that follows through "if the family" and inserting the following: "A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible

family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by 1 or more members of the family, and will be occupied by the family, if the family";

(B) in subparagraph (A), by inserting before the semicolon ", or owns or is acquiring shares in a cooperative"; and

(C) in subparagraph (B)—

(i) by striking "(i) participates" and all that follows through "(ii) demonstrates" and inserting "demonstrates"; and

(ii) by inserting ", except that the Secretary may provide for the consideration of public assistance in the case of an elderly family or a disabled family" after "other than public assistance";

(2) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—

"(A) MONTHLY EXPENSES DO NOT EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

"(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.";

(3) by striking paragraphs (3) and (4) and inserting the following:

"(3) INSPECTIONS AND CONTRACT CONDITIONS.—

"(A) IN GENERAL.—Each contract for the purchase of a unit to be assisted under this section shall—

"(u) provide for pre-purchase inspection of the unit by an independent professional; and

"(ii) require that any cost of necessary repairs be paid by the seller.

"(B) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) for annual inspections shall not apply to units assisted under this section.

"(4) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

"(A) limit the term of assistance for a family assisted under this subsection; and

"(B) modify the requirements of this subsection as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.";

(4) by striking paragraph (5); and

(5) by redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(b) DEMONSTRATION.—

(1) IN GENERAL.—With the consent of the affected public housing agencies, the Secretary may carry out (or contract with 1 or more entities to carry out) a demonstration program under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) to expand homeownership opportunities for low-income families.

(2) REPORT.—The Secretary shall report annually to Congress on activities conducted under this subsection.

SEC. 206. LAW ENFORCEMENT AND SECURITY PERSONNEL IN PUBLIC HOUSING.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end the following:

"(cc) LAW ENFORCEMENT AND SECURITY PERSONNEL.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, in the case of assistance attached to a structure, for the purpose of increasing security for the residents of a public housing project, an owner may admit, and assistance may be provided to, police officers and other security personnel who are not otherwise eligible for assistance under the Act).

"(2) RENT REQUIREMENTS.—With respect to any assistance provided by an owner under this subsection, the Secretary may—

"(A) permit the owner to establish such rent requirements and other terms and conditions of occupancy that the Secretary considers to be appropriate; and

"(B) require the owner to submit an application for those rent requirements, which application shall include such information as the Secretary, in the discretion of the Secretary, determines to be necessary.".

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LOWER INCOME HOUSING ASSISTANCE.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (a), by striking the second and third sentences;

(2) in subsection (b)—

(A) in the subsection heading, by striking "RENTAL CERTIFICATES AND"; and

(B) in the first undesignated paragraph—

(i) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(ii) by striking the second sentence;

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B);

(B) in the first sentence of paragraph (4), by striking "or by a family that qualifies to receive" and all that follows through "1990";

(C) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(D) by striking paragraph (7) and redesignating paragraphs (8) through (10) as paragraphs (6) through (8), respectively;

(E) effective on October 1, 1997, in paragraph (7), as redesignated, by striking "housing certificates or vouchers under subsection (b) or" and inserting "a voucher under subsection"; and

(F) in paragraph (8), as redesignated, by striking "(9)" and inserting "(7)";

(4) in subsection (d)—

(A) in paragraph (1)(B)(iii), by striking "drug-related criminal activity on or near such premises" and inserting "violent or drug-related criminal activity on or off such premises, or any activity resulting in a felony conviction";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking the third sentence and all that follows through the end of the subparagraph; and

(ii) by striking subparagraphs (B) through (E) and redesignating subparagraphs (F) through (H) as subparagraphs (B) through (D), respectively;

(5) in subsection (f)—

(A) in paragraph (6), by striking "(d)(2)" and inserting "(o)(11)"; and

(B) in paragraph (7)—

(i) by striking "(b) or"; and

(ii) by inserting before the period the following: "and that provides for the eligible family to select suitable housing and to move to other suitable housing";

(6) by striking subsection (j) and inserting the following:

"(j) [Reserved.]";

(7) by striking subsection (n) and inserting the following:

"(n) [Reserved.]";

(8) in subsection (q)—

(A) in the first sentence of paragraph (1), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(B) in paragraph (2)(A)(i), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section"; and

(C) in paragraph (2)(B), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(9) in subsection (u)—

(A) in paragraph (2), by striking ", certificates"; and

(B) by striking "certificates or" each place that term appears; and

(10) in subsection (x)(2), by striking "housing certificate assistance" and inserting "tenant-based assistance".

(b) PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437s(b)(3)) is amended—

(1) in the first sentence, by striking "(at the option of the family) a certificate under section 8(b)(1) or a housing voucher under section 8(o)" and inserting "tenant-based assistance under section 8"; and

(2) by striking the second sentence.

(c) DOCUMENTATION OF EXCESSIVE RENT BURDENS.—Section 550(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1), by striking "assisted under the certificate and voucher programs established" and inserting "receiving tenant-based assistance";

(2) in the first sentence of paragraph (2)—

(A) by striking ", for each of the certificate program and the voucher program" and inserting "for the tenant-based assistance under section 8"; and

(B) by striking "participating in the program" and inserting "receiving tenant-based assistance"; and

(3) in paragraph (3), by striking "assistance under the certificate or voucher program" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(d) GRANTS FOR COMMUNITY RESIDENCES AND SERVICES.—Section 861(b)(1)(D) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12910(b)(1)(D)) is amended by striking "certificates or vouchers" and inserting "assistance".

(e) SECTION 8 CERTIFICATES AND VOUCHERS.—Section 931 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and (o) of such Act" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(f) ASSISTANCE FOR DISPLACED RESIDENTS.—Section 223(a) of the Housing and Community Development Act of 1987 (12 U.S.C. 4113(a)) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and 8(o)" and inserting "tenant-based assistance under section 8".

(g) RURAL HOUSING PRESERVATION GRANTS.—Section 533(a) of the Housing Act of 1949 (42 U.S.C. 1490m(a)) is amended in the second sentence by striking "assistance payments as provided by section 8(o)" and inserting "tenant-based assistance as provided under section 8".

(h) REPEAL OF MOVING TO OPPORTUNITIES FOR FAIR HOUSING DEMONSTRATION.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is repealed.

(i) PREFERENCES FOR ELDERLY FAMILIES AND PERSONS.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "the first sentence of section 8(o)(3)(B)" and inserting "section 8(o)(6)(A)".

(j) ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS.—Section 201(m)(2)(A) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a(m)(2)(A)) is amended by striking "section 8(b)(1)" and inserting "section 8".

(k) MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.—Section 203(g)(2) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(g)(2)) is amended by striking "8(o)(3)(B)" and inserting "8(o)(6)(A)".

SEC. 208. IMPLEMENTATION.

In accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall issue such regulations as may be necessary to implement the amendments made by this title after notice and opportunity for public comment.

SEC. 209. DEFINITION.

In this title, the term "public housing agency" has the same meaning as section 3 of the United States Housing Act of 1937, except that such term shall also include any other nonprofit entity serving more than 1 local government jurisdiction that was administering the section 8 tenant-based assistance program pursuant to a contract with the Secretary or a public housing agency prior to the date of enactment of this Act.

SEC. 210. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall become effective not later than 1 year after the date of enactment of this Act.

(b) CONVERSION ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide for the conversion of assistance under the certificate and voucher programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937, as those sections existed on the day before the effective date of the amendments made by this title, to the voucher program established by the amendments made by this title.

(2) CONTINUED APPLICABILITY.—The Secretary may apply the provisions of the United States Housing Act of 1937, or any other provision of law amended by this title, as those provisions existed on the day before the effective date of the amendments made by this title, to assistance obligated by the Secretary before that effective date for the certificate or voucher program under section 8 of the United States Housing Act of 1937, if the Secretary determines that such action is necessary for simplification of program administration, avoidance of hardship, or other good cause.

SEC. 211. RECAPTURE AND REUSE OF ANNUAL CONTRIBUTION CONTRACT PROJECT RESERVES UNDER THE TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by adding at the end the following:

"(5) RECAPTURE AND REUSE OF ANNUAL CONTRIBUTION CONTRACT PROJECT RESERVES.—

"(A) RECAPTURE.—To the extent that the Secretary determines that the amount in the annual contribution contract reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the public housing agency, the Secretary shall recapture such excess amount.

"(B) REUSE.—The Secretary may hold any amounts under this paragraph in reserve until needed to amend or renew an annual contributions contract with any public housing agency.".

TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

SEC. 301. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF PAST EVICTIONS.—

(1) IN GENERAL.—Any household or member of a household evicted from federally assisted housing (as that term is defined in section 305(1)) by reason of drug-related criminal activity (as that term is defined in section 305(3)) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(A) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(B) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

(2) WAIVER.—The requirements of subparagraphs (A) and (B) of paragraph (1) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) OWNERS OF FEDERALLY ASSISTED HOUSING.—The Secretary may require any owner of federally assisted housing to establish admission standards under this subsection.

(3) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency may consider whether such household member—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) PROCEDURE FOR RECEIPT OF INFORMATION FROM A DRUG ABUSE TREATMENT FACILITY ABOUT THE CURRENT ILLEGAL USE OF A CONTROLLED SUBSTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) DRUG ABUSE TREATMENT FACILITY.—The term "drug abuse treatment facility" means—

(i) an entity other than a general medical care facility; or

(ii) an identified unit within a general medical care facility which holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal use of a controlled substance.

(B) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(C) CURRENTLY ENGAGING IN THE ILLEGAL USE OF A CONTROLLED SUBSTANCE.—The term "currently engaging in the illegal use of a controlled substance" means the illegal use of a controlled substance that occurred recently enough to justify a reasonable belief that an applicant's illegal use of a controlled substance is current or that continuing illegal use of a controlled substance by the applicant is a real and ongoing problem.

(2) AUTHORITY.—Notwithstanding any other provision of law other than the Public Health Service Act (42 U.S.C. 201 et seq.), a public housing agency may require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility that is solely related to whether the applicant is currently engaging in the illegal use of a controlled substance.

(3) RESTRICTIONS TO PROTECT THE CONFIDENTIALITY OF AN APPLICANT'S RECORDS.—

(A) LIMITATION ON THE KIND AND AMOUNT OF INFORMATION REQUESTED ON FORM OF WRITTEN CONSENT.—In a form of written consent, a public housing agency may request only whether the drug abuse treatment facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

(B) RECORDS MANAGEMENT.—Each public housing agency that receives information under this subsection from a drug abuse treatment facility shall establish and implement a system of records management that ensures that any information received by the public housing agency under this subsection—

(i) is maintained confidentially in accordance with section 543 of the Public Health Service Act (12 U.S.C. 290dd-2);

(ii) is not misused or improperly disseminated; and

(iii) is destroyed, as applicable—

(I) not later than 5 business days after the date on which the public housing agency gives final approval for an application for admission; or

(II) if the public housing agency denies the application for admission, in a timely manner after the date on which the statute of limitations for the commencement of a civil action from the applicant based upon that denial of admission has expired.

(C) EXPIRATION OF WRITTEN CONSENT.—In addition to the requirements of subparagraph (B), an applicant's signed written consent shall expire automatically after the public housing agency has made a final decision to either approve or deny the applicant's application for admittance to public housing.

(4) RESTRICTIONS TO PROHIBIT THE DISCRIMINATORY TREATMENT OF APPLICANTS.—

(A) FORMS SIGNED.—A public housing agency may only require an applicant for admission to public housing to sign 1 or more forms of written consent under this subsection if the public housing agency requires all such applicants to sign the same form or forms of written consent.

(B) CIRCUMSTANCES OF INQUIRY.—A public housing agency may only make an inquiry to a drug abuse treatment facility under this subsection if—

(i) the public housing agency makes the same inquiry with respect to all applicants; or

(ii) the public housing agency only makes the same inquiry with respect to each and every applicant with respect to whom—

(I) the public housing agency receives information from the criminal record of the applicant that indicates evidence of a prior arrest or conviction; or

(II) the public housing agency receives information from the records of prior tenancy of the applicant that demonstrates that the applicant—

(aa) engaged in the destruction of property;

(bb) engaged in violent activity against another person; or

(cc) interfered with the right of peaceful enjoyment of the premises of another tenant.

(5) FEE PERMITTED.—A drug abuse treatment facility may charge a public housing agency a reasonable fee for information provided under this subsection.

(6) DISCLOSURE PERMITTED BY DRUG ABUSE TREATMENT FACILITIES.—A drug abuse treatment facility shall not be liable for damages based on any information required to be disclosed pursuant to this subsection if such disclosure is consistent with section 543 of the Public Health Service Act (42 U.S.C. 290dd-2).

(7) PUBLIC HOUSING AGENCIES NOT REQUIRED TO MAKE INQUIRIES TO DRUG ABUSE TREATMENT FACILITIES.—A public housing agency shall not be liable for damages based on its decision not to require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility under this subsection.

(8) EFFECTIVE DATE.—This subsection shall take effect upon enactment and without the necessity of guidance from, or any regulation issued by, the Secretary.

(d) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes information relating to—

(1) the proportion of United States public housing agencies that screen applicants for drug and alcohol addiction;

(2) the extent, if any, to which the screening described in paragraph (1), alone or in combination with other initiatives, has reduced crime in public housing; and

(3) the relative value of different types of information used by public housing agencies in the screening process described in paragraph (1), including criminal records, credit histories, tenancy records, and information from drug abuse treatment facilities on current illegal drug use of applicants (as that term is defined in subsection (c)(1)).

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency may require, as a condition of providing admission to the public housing program or assisted housing program under the jurisdiction of the public housing agency, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

(f) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public or assisted housing of any family that includes any individual who is a sexually violent predator.

(2) DEFINITION.—In this subsection, the term 'sexually violent predator' means an individual who—

(A) is a sexually violent predator (as that term is defined in section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3))); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of that Act.

SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) TERMINATION OF ASSISTANCE FOR SERIOUS OR REPEATED LEASE VIOLATION.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious or repeated violation of the lease.

SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that, during the term of the lease—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the resident, any member of the resident's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the public housing agency, owner, or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; or

(C) is drug-related or violent criminal activity on or off the premises, or any activity resulting in a felony conviction.

SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING RESIDENT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraph (2), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or residents of, the public housing program or assisted housing program under the jurisdiction of the public housing agency for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) EXCEPTION.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) INFORMATION REGARDING CRIMES COMMITTED BY SEXUALLY VIOLENT PREDATORS AND CRIMES AGAINST CHILDREN.—

(1) DEFINITION OF APPROPRIATE LAW ENFORCEMENT AGENCY.—In this subsection, the term "appropriate law enforcement agency" means—

(A) the Federal Bureau of Investigation;

(B) a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.); or

(C) any local law enforcement agency authorized by a State law enforcement agency described in subparagraph (B).

(2) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than subsection (a)(2), the appropriate law enforcement agency shall provide to a public housing agency any information collected under the national database established pursuant to section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072), or under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), as applicable, regarding an adult who is an applicant

for, or a resident of, federally assisted housing, for purposes of applicant screening, lease enforcement, or eviction, if the public housing agency—

(A) requests the information; and

(B) presents to the appropriate law enforcement agency a written authorization, signed by the adult at issue, for the release of that information to the public housing agency or other owner of the federally assisted housing.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the resident or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) RECORDS MANAGEMENT.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(e) FEE.—A public housing agency may be charged a reasonable fee for information provided under this section.

(f) DEFINITION OF ADULT.—In this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 305. DEFINITIONS.

In this title:

(1) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (as in existence immediately before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act); and

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

(2) DRUG-RELATED CRIMINAL ACTIVITY.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) OWNER.—The term "owner" means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

SEC. 306. CONFORMING AMENDMENTS.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (l) (as amended by section 107(f) of this Act)—

(A) by striking paragraphs (4) and (5);

(B) by striking the last sentence; and

(C) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively;

(2) by striking subsections (q) and (r); and

(3) by redesignating subsection (s) (as added by section 109 of this Act) as subsection (q).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. PUBLIC HOUSING FLEXIBILITY IN THE CHAS.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by redesignating the second paragraph designated as paragraph (17) (as added by section 681(2) of the Housing and Community Development Act of 1992) as paragraph (20);

(2) by redesignating paragraph (17) (as added by section 220(b)(3) of the Housing and Community Development Act of 1992) as paragraph (19);

(3) by redesignating the second paragraph designated as paragraph (16) (as added by section 220(c)(1) of the Housing and Community Development Act of 1992) as paragraph (18);

(4) in paragraph (16)—

(A) by striking the period at the end and inserting a semicolon; and

(B) by striking "(16)" and inserting "(17)";

(5) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(6) by inserting after paragraph (10) the following:

"(11) describe the manner in which the plan of the jurisdiction will help address the needs of public housing and is consistent with the local public housing agency plan under section 5A of the United States Housing Act of 1937;".

SEC. 402. DETERMINATION OF INCOME LIMITS.

(a) IN GENERAL.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the fourth sentence—

(A) by striking "County," and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the fifth sentence, by striking "County" each place that term appears and inserting "and Rockland Counties".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments made by subsection (a).

SEC. 403. DEMOLITION OF PUBLIC HOUSING.

Notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (as in existence on April 25, 1996) shall be eligible for demolition under—

(1) section 9 of the United States Housing Act of 1937, as amended by this Act; and

(2) section 14 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

SEC. 404. NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAM COSTS.

(a) DEFINITIONS.—In this section—

(1) the term "Commission" means the National Commission on Housing Assistance Program Costs established in subsection (b);

(2) the term "Federal assisted housing programs" means—

(A) the public housing program under the United States Housing Act of 1937;

(B) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937;

(C) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937;

(D) the programs for project-based assistance under section 8 of the United States Housing Act of 1937;

(E) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(F) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(G) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(H) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(I) the program under section 236 of the National Housing Act;

(J) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(K) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine; and

(3) the term "Secretary" means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT; PURPOSE.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Housing Assistance Program Costs".

(2) PURPOSE.—The purpose of the Commission shall be to provide an objective and independent accounting and analysis of the full cost to the Federal Government, public housing agencies, State and local governments, and other entities, per assisted household, of the Federal assisted housing programs, taking into account the qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, of whom—

(A) 1 member shall be the Inspector General of the Department of Housing and Urban Development;

(B) 2 members shall be appointed by the Secretary;

(C) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate;

(D) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives;

(E) 1 member shall be appointed by the Majority Leader of the Senate;

(F) 1 member shall be appointed by the Majority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Minority Leader of the Senate;

(H) 1 member shall be appointed by the Minority Leader of the House of Representatives; and

(I) 1 member shall be an ex-officio member appointed by the Comptroller General of the United States, from among officers and employees of the General Accounting Office.

(2) INITIAL APPOINTMENTS.—The initial members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(3) QUALIFICATIONS.—The members of the Commission appointed under paragraph (1)—

(A) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(B) shall include—

(i) 1 individual who is a distinguished academic engaged in teaching or research;

(ii) 1 individual who is a business leader, financial officer, or management expert; and

(iii) 1 individual who is—

(I) a financial expert employed in the private sector; and

(II) knowledgeable about housing and real estate issues.

(4) ADDITIONAL QUALIFICATIONS.—In selecting members of the Commission for appointment, the individual making the appointment shall ensure that each member selected is able to analyze the Federal assisted housing programs on an objective basis, and that no individual is appointed to the Commission if that individual has a personal financial interest, professional association, or business interest in any Federal assisted housing program, such that it would pose a conflict of interest if that individual were appointed to the Commission.

(d) ORGANIZATION.—

(1) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(3) VOTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(B) EXCEPTION.—The member of the Commission appointed pursuant to subsection (c)(1)(I) shall be a nonvoting member of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation.

(6) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) FUNCTIONS.—

(1) IN GENERAL.—The Commission shall—

(A) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs, including grants, direct subsidies, tax concessions, Federal mortgage insurance liability, periodic renovation and rehabilitation, and modernization costs, demolition costs, and other ancillary costs such as security; and

(B) measure and evaluate qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(2) FINAL REPORT.—Not later than 24 months after the initial members of the Commission are appointed pursuant to subsection (c)(2), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under paragraph (1).

(3) LIMITATION.—The Commission may not make any recommendations regarding Federal housing policy.

(f) POWERS.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(2) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(3) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require to carry out this section.

(B) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(C) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary shall, to the extent possible and subject to the discretion of the Secretary—

(i) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section; and

(ii) provide the Commission with technical assistance in carrying out its duties under this section.

(4) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this section, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this section and assistance received pursuant to this section.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(6) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this section.

(7) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, not to exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(B) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(C) LIMITATION.—Subparagraphs (A) and (B) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(D) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs on an objective basis and that no such individual has a personal financial or business interest in any such program.

(8) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(g) FUNDING.—Of any amounts made available to the Department of Housing and Urban Development for each of fiscal years 1998 and 1999, there shall be available $4,500,000 to carry out this section.

(h) SUNSET.—The Commission shall terminate upon the expiration of the 24-month period beginning on the date on which the initial members of the Commission are appointed pursuant to subsection (c)(2).

SEC. 405. TECHNICAL CORRECTION OF PUBLIC HOUSING AGENCY OPT-OUT AUTHORITY.

Section 214(h)(2)(A) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436(h)(2)(A)) is amended by striking "this section" and inserting "paragraph (1) of this subsection".

SEC. 406. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to Congress regarding the findings under the investigation. With respect to each such contract, the report shall—

(1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations; and

(2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the

Secretary shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 407. TREATMENT OF PUBLIC HOUSING AGENCY REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

SEC. 408. CEILING RENTS FOR CERTAIN SECTION 8 PROPERTIES.

Notwithstanding any other provision of law, upon the request of the owner of the project, the Secretary may establish ceiling rents for the Marshall Field Garden Apartments Homes in Chicago, Illinois, if the ceiling rents are, in the determination of the Secretary, equivalent to rents for comparable properties.

SEC. 409. SENSE OF CONGRESS.

It is the sense of Congress that, each public housing agency involved in the selection of residents under the United States Housing Act of 1937 (including section 8 of that Act) should, consistent with the public housing agency plan of the public housing agency, consider preferences for individuals who are victims of domestic violence.

SEC. 410. OTHER REPEALS.

The following provisions of law are repealed:

(1) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(2) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(3) LOCAL HOUSING ASSISTANCE PLANS.—Subsection (c) of section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(c)).

(4) MISCELLANEOUS PROVISIONS.—Subsections (b)(1), (c), and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97-35, 95 Stat. 406; 42 U.S.C. 1437f note).

(5) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z-6 note).

(6) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z-6 note).

(7) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(8) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(9) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(10) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

SEC. 411. GUARANTEE OF LOANS FOR ACQUISITION OF PROPERTY.

Notwithstanding section 108(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(b)), with respect to any eligible public entity (or any public agency designated by an eligible public entity) receiving assistance under that section (in this section referred to as the "issuer"), a guarantee or commitment to guarantee may be made with respect to any note or other obligation under such section 108 if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would not thereby exceed an amount equal to 6 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the additional grant amount is used only for the purpose of acquiring or transferring the ownership of the production facility located at the following address in order to maintain production: One Prince Avenue, Lowell, Massachusetts 01852.

SEC. 412. PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

"(h) PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used to directly assist in the relocation of any industrial or commercial plant, facility, or operation, from 1 area to another area, if the relocation is likely to result in an increase in the unemployment rate in the labor market area from which the relocation occurs.".

SEC. 413. USE OF HOME FUNDS FOR PUBLIC HOUSING MODERNIZATION.

Notwithstanding section 212(d)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(d)(5)), amounts made available to the City of Bismarck, North Dakota, under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) for fiscal year 1998, 1999, 2000, 2001, or 2002, may be used to carry out activities authorized under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the purpose of modernizing the Crescent Manor public housing project located at 107 East Bowen Avenue, in Bismarck, North Dakota, if—

(1) the Burleigh County Housing Authority (or any successor public housing agency that owns or operates the Crescent Manor public housing project) has obligated all other Federal assistance made available to that public housing agency for that fiscal year; or

(2) the Secretary of Housing and Urban Development authorizes the use of those amounts for the purpose of modernizing that public housing project, which authorization may be made with respect to 1 or more of those fiscal years.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SMITH OF OREGON (AND WYDEN) AMENDMENT NO. 1234

Mr. GORTON (for Mr. SMITH of Oregon, for himself and Mr. WYDEN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 127, at the end of Title III add the following general provision:

SEC. 3 .Of the fund appropriated and designated an emergency requirement in Title II, Chapter 5 of Public Law 104-134, under the heading "Forest Service, Construction," $4,000,000 shall be available for the reconstruction of the Oakridge Ranger Station, on the Willamette National Forest in Oregon: *Provided*, That the amount shall be available only to the extent an official request, that includes designation of the amount as an emergency requirement as defined by the Balanced Budget and Emergency Control Act of 1985, as amended, is transmitted by the President to Congress; *Provider further*, That reconstruction of the facility is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

McCAIN AMENDMENT NO. 1235

Mr. GORTON (for Mr. MCCAIN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 134, beginning on line 2, strike "*Provided*" and all that follows through "heading" on line 8 and insert the following: "*Provided*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which

a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange, including the costs of managing the lands to be acquired; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries".

MACK (AND GRAHAM) AMENDMENT NO. 1236

Mr. GORTON (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—MICCOSUKEE SETTLEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "Miccosukee Settlement Act of 1997".

SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that:

(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.

(2) The pendency of the lawsuit referred to in paragraph (1) clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations.

(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.

(4) The agreement referred to in paragraph (3) requires the consent of Congress in connection with contemplated land transfers.

(5) The Settlement Agreement is in the interest of the Miccosukee Tribe, as the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits.

(6) Land received by the United States pursuant to the Settlement Agreement is in consideration of Miccosukee Indian Reservation lands lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the Settlement Agreement.

(7) The United States lands referred to in paragraph (6) will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.

(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 703. DEFINITIONS.

In this title:

(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term "Board of Trustees of the Internal Improvements Trust Fund" means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.

(2) FLORIDA DEPARTMENT OF TRANSPORTATION.—The term "Florida Department of Transportation" means the executive branch department and agency of the State of Florida that—

(A) is responsible for the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes; and

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) LAWSUIT.—The term "lawsuit" means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation. et. al., docket No. 91-285-Civ-Paine.

(4) MICCOSUKEE LANDS.—The term "Miccosukee lands" means lands that are—

(A) held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands; and

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

(5) MICCOSUKEE TRIBE; TRIBE.—The terms "Miccosukee Tribe" and "Tribe" mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476) and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT; AGREEMENT.—The terms "Settlement Agreement" and "Agreement" mean the assemblage of documents entitled "Settlement Agreement" (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

(ii) after being signed, as described in clause (i), was concurred in by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida.

(8) STATE OF FLORIDA.—The term "State of Florida" means—

(A) all agencies or departments of the State of Florida, including the Florida Department of Transportation and the Board of Trustees of the Internal Improvements Trust Fund; and

(B) the State of Florida as a governmental entity.

SEC. 704. AUTHORITY OF SECRETARY.

As Trustee for the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

(2) upon finding that the Settlement Agreement is legally sufficient and that the State of Florida has the necessary authority to fulfill the Agreement—

(A) sign the Settlement Agreement on behalf of the United States; and

(B) ensure that an individual other that the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

(3) upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department of Transportation as provided in the Settlement Agreement have been or will be met so that the Agreement has been or will be fulfilled, but for the execution of that land transfer and related land transfers—

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 705. MICCOSUKKE INDIAN RESERVATION LANDS.

The lands transferred and held in trust for the Miccosukee Tribe under section 704(4) shall be Miccosukee Indian Reservation lands.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 1237

Mr. GORTON (for BINGAMAN for himself and Mr. DOMENICI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 86, line 11, insert before the period, ": *Provided further*, That an amount not to exceed $200,000 shall be available to fund the Office of Navajo Uranium Workers for health screening and epidemiologic follow up of uranium miners and mill workers, to be derived from funds otherwise available for administrative and travel expenses".

MOSELEY-BRAUN AMENDMENT NO. 1238

Mr. GORTON (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 17, between lines 22 and 23, insert the following:

(REPROGRAMMING)

Of unobligated amounts previously made available for the Jefferson National Expansion Memorial, $838,000 shall be made available for the U-505 National Historic Landmark.

DOMENICI (AND KYL) AMENDMENT NO. 1239

Mr. GORTON (for Mr. DOMENICI, for himself and Mr. KYL) proposed an amendment to the bill, H.R. 2107, supra; as follows:

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

SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104-19).

STEVENS AMENDMENT NO. 1240

Mr. GORTON (for Mr. STEVENS) proposed an amendment to the bill, H.R. 2107, supra; as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.

Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting "(other than in Alaska)" after "city" the first place such term appears.

GORTON (AND BYRD) AMENDMENT NO. 1241

Mr. GORTON (for himself and Mr. BYRD) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 11, line 11, strike "$43,053,000" and insert "$42,053,000".

On page 15, line 25, strike "$1,249,409,000" and insert "$1,250,429,000".

On page 17, line 8, strike "$167,894,000" and insert "$173,444,000".

On page 17, line 18, strike "$1,000,000" and insert "$5,000,000".

On page 18, line 7, strike "$125,690,000" and insert "$126,690,000".

On page 28, line 22, strike "$1,527,024,000" and insert "$1,529,024,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,341,045,000".

On page 65, line 18, strike "$160,269,000" and insert "$154,869,000".

On page 79, line 20, strike "$627,357,000" and insert "$629,357,000".

REID AMENDMENT NO. 1242

Mr. REID proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONVEYANCE OF LAND TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE.—Not later than the date that is 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to Lander County, Nevada, without consideration, all right, title, and interest of the United States, subject to all valid existing rights and to the rights of way described in subsection (b), in the property described as T. 32 N., R. 45 E., sec. 18, lots 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21, Mount Diablo Meridian.

(b) RIGHTS-OF-WAY.—The property conveyed under subsection (a) shall be subject to—

(1) the right-of-way for Interstate 80;

(2) the 33-foot wide right-of-way for access to the Indian cemetery included under Public Law 90-71 (81 Stat. 173); and

(3) the following rights-of-way granted by the Secretary of the Interior:

NEV-010937 (powerline).
NEV-066891 (powerline).
NEV-35345 (powerline).
N-7636 (powerline).
N-56088 (powerline).
N-57541 (fiber optic cable).
N-55974 (powerline).

(c) The property described in this section shall be used for public purposes and should the property be sold or used for other than public purposes, the property shall revert to the United States.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1243

Mr. GORTON (for Mr. ABRAHAM, for himself, Mr. LEVIN, Mr. HATCH, and Mr. DOMENICI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 5, line 8, strike "$120,000,000" and insert "$124,000,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,342,215,000".

BRYAN (AND REID) AMENDMENT NO. 1244

Mr. REID (for Mr. BRYAN, for himself and Mr. REID) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place add the following new section:

"SEC. . Conveyance of Certain Bureau of Land Management Lands in Clark County, Nevada—

(a) FINDINGS.—Congress finds that—

(1) certain landowners who own property adjacent to land managed by the Bureau of Land Management in the North Decatur Boulevard area of Las Vegas, Nevada, bordering on North Las Vegas, have been adversely affected by certain erroneous private land surveys that the landowners believed were accurate;

(2) the landowners have occupied or improved their property in good faith reliance on the erroneous surveys of the properties;

(3) the landowners believed that their entitlement to occupancy was finally adjudicated by a Judgment and Decree entered by the Eighth Judicial District Court of Nevada on October 26, 1989;

(4) errors in the private surveys were discovered in connection with a dependent resurvey and section subdivision conducted by the Bureau of Land Management in 1990, which established accurate boundaries between certain Federally owned properties and private properties; and

(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, at fair market value, the properties described in section 2(b) to the adversely affected landowners.

(b) CONVEYANCE OF PROPERTIES.

(1) PURCHASE OFFERS—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the 'Secretary'), a written offer to purchase the properties.

(B) INFORMATION TO ACCOMPANY OFFER—An offer under subparagraph (A) shall be accompanied by—

(i) a description of each property offered to be purchased;

(ii) information relating to the claim of ownership of the property based on an erroneous land survey; and

(iii) such other information as the Secretary may require.

(2) DESCRIPTION OF PROPERTIES—The properties described in this paragraph, containing 68.60 acres, more or less, are—

(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R 61 E., Mount Diablo Meridian;

(B) Government lots 20, 21, and 24 in sec. 19, T. 19 S., R. 61 E., Mount Diablo Meridian; and

(C) Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian.

(3) CONVEYANCE—

(A) IN GENERAL—Subject to the condition stated in subparagraph (B), the Secretary shall convey to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.

(B) CONDITION—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).

MURKOWSKI AMENDMENT NO. 1245

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place insert the following:

"SEC. . Notwithstanding any other provision of law, in payment for facilities, equipment, and interests destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park, (1) the Secretary of the Interior, within existing funds designated by this Act for expenditure for Departmental Management, shall by September 15, 1998: (A) provide funds, subject to an appraisal in accordance with standard appraisal methods, not to exceed $500,000 to the University of Alaska Fairbanks, School of Mineral Engineering; and, (B) shall remove mining equipment at the Stampede Mine Site identified by the School of Mineral Engineering to a site specified by the School of Mineral Engineering; and (2) the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating conditions, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering. Upon transfer of the funds, mining

equipment, and the completion of all work designated by this section, the University of Alaska Fairbanks, School of Mineral Engineering shall convey all remaining rights and interests in the Stampede Mine Site to the Secretary of the Interior."

MURKOWSKI AMENDMENT NO. 1246

Mr. GORTON (for Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place add the following new section:

"SEC. . DELETE SECTION 103(C)(7) OF PUBLIC LAW 104–333 AND REPLACE THE FOLLOWING:

"(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director of such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code or other laws related to the appointment, compensation or termination of federal employees.".

THE RELIGIOUS WORKERS ACT OF 1997

HATCH (AND KENNEDY) AMENDMENT NO. 1247

Mr. JEFFORDS (for Mr. HATCH, for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; as follows;

At the end of the bill, add the following:

SECTION 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a non-immigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, September 25, 1997 at 9:30 a.m. to conduct a hearing on Capitol security issues.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Thursday, September 25, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 799, a bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land compromising the Steffens family property; S. 814, a bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; H.R. 960, a bill to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mike Menge at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 18, 1997 at 9:00 a.m. in SD–106 to examine the broad implications of the recently proposed tobacco settlement.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 18, 1997, at 9:30 a.m. on the nominations of Robert Mallett to be Deputy Secretary of Commerce and W. Scott Gould to be Assistant Secretary of Commerce.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 18, for purposes of conducting a full committee hearing which is scheduled to begin at 9:00 a.m. The purpose of this hearing is to consider the nominations of Ernest J. Moniz to be Under Secretary, Department of Energy; Michael Telson to be Chief Financial Officer, Department of Energy; Mary Anne Sullivan to be General Counsel, Department of Energy; Dan Reicher to be Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy; Robert Gee to be Assistant Secretary for Policy and International Affairs, Department of Energy; and John Angell to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 18, 1997, at 10:00 am to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask Unanimous Consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 18, at 10:00 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 18, 1997, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 18, 1997, at 2:00 p.m. until business is completed to hold a hearing in order to receive testimony relating to the contested Senate election in Louisiana in November, 1996.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on:

Thursday, September 18, 1997 at 10:00 a.m. to hold an open hearing on China.

Thursday, September 18, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GORTON. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee

of the Committee on Commerce, Science and Transportation be authorized to meet on Thursday, September 18, 1997, at 2:00 p.m. on International Space Station.

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

ADDITIONAL STATEMENTS

COMMEMORATING HISPANIC HERITAGE MONTH

• Mr. ABRAHAM. Mr. President, I rise today to honor one of the Nation's most vibrant communities: Hispanic-Americans, and join in celebrating September 15 through October 15, 1997, as Hispanic Heritage Month.

America is blessed with a wide variety of peoples and cultures. The Hispanic community, comprising cultures from Central and South America as well as Europe, has had an especially far-reaching impact on our Nation. From the arts and literature, to the sciences and business, the Hispanic community has helped shape America into a vibrant, dynamic society envied by the world.

It gives me great pleasure to acknowledge Hispanic Americans and their immigrant ancestors for their many significant and positive contributions to America. This country was built by immigrants—a great many of whom were of Hispanic descent. Hispanic individuals came to this country to seek opportunity, flee oppression, or find a better place to raise their families.

Many of these immigrants became successful in many disciplines, including business, education, entertainment, politics, and medicine. We know them, or their children or grandchildren, as pillars of our communities. And many immigrants went beyond the call of duty to serve their adopted homeland.

One such immigrant was Alfred Rascone, who immigrated to the United States from Mexico. At age 20, as a lawful permanent American resident, Mr. Rascone volunteered for military service in Vietnam as a paratrooper combat medic. On one fateful mission Mr. Rascone twice used his own body to shield wounded comrades from enemy guns. Severely wounded, he refused to be evacuated until all the wounded were safe. He kept tending the wounded until he collapsed, so hurt that a priest at the scene gave him last rites.

Mr. Rascone's comrades are to this day pursuing his proper recognition: the Congressional Medal of Honor.

Our Nation is much richer for having Alfred Rascone in it. He has the kind of character any American would do well to emulate. We can only gain by attracting more Alfred Rascones to our shores.

Across the Nation and in my home State of Michigan, events are taking place which demonstrate the rich Hispanic heritage in our country. These festivities will give every American the chance to participate in Hispanic culture. These events will educate, inform, and entertain, all with a distinctive cultural flair. Hispanic Heritage Month recognizes how important this community is to the United States, and I join my colleagues in looking forward to the many opportunities this month will provide.•

HALF THE WORLD'S POPULATION LIVES WITHOUT BASIC SANITATION

• Mr. LEAHY. Mr. President, Senator McCONNELL and I have worked this year to bring more attention and resources to combat infectious diseases, which afflict many millions of people around the world and pose a serious public health threat to Americans both here and abroad. The scope of this problem was illustrated in a July 23 article in the New York Times, about the UNICEF 1997 "Progress of Nations" report which revealed that nearly half of the world population does not have access to basic sanitation.

For most Americans, it is hard to fathom living without something as basic as a clean toilet. Yet over 2 million children die each year from diseases and diarrhea directly related to a lack of basic sanitation. Some of the countries with populations suffering from the worst sanitation problems, including Haiti and Cambodia, have received millions of dollars in United States and international aid. Addressing these basic needs should be a priority of our assistance programs in these countries.

Mr. President, the United States cannot fund the infrastructure to provide clean water and sanitary sewer systems for the 3 billion people in the world who currently lack such basic necessities. That is beyond our means or responsibilities. However, we should do all we can. The developing countries themselves are investing approximately $200 billion a year on new infrastructure. The Agency for International Development is currently spending about $44 million on urban infrastructure projects in parts of Africa, Asia, Latin America, and Eastern Europe, among other regions. This has shrunk from the $150 million in loan guarantees that were available in 1993 for similar projects.

Epidemics that spread in unsanitary living conditions can and will become threats in the United States. Both the Senate and House fiscal year 1998 Foreign Operations appropriations bills provide additional money to combat infectious diseases. I am hopeful that with these additional resources, AID, the World Health Organization, the Center for Disease Control, and other government and international agencies and private organizations involved in this effort, will be able to develop a coherent plan to expand research, provide training and medicines to public health officials, and help establish the global surveillance and response system necessary to combat these diseases.•

TELECOMMUNICATIONS SUMMIT

• Mr. DOMENICI. Mr. President, for many rural communities in my home State of New Mexico, the wonders and advantages of the telecommunications explosion—Internet, telecommuting, wireless communications—remain an unfulfilled promise. Yet, my recent 2-week trip throughout rural New Mexico showed me signs that the telecommunications revolution has begun to take hold in our State. As I continue to make rural economic development in New Mexico my top economic priority, through an innovative program that we call rural payday, full use of telecommunications will play a key role.

Highlighting the relationship between the telecommunications revolution and rural economic development was a full-day Telecommunications Summit we organized in Albuquerque last month. Organized under the auspices of the Small Business Advocacy Council of New Mexico, which I established 3 years ago, this summit brought together more than 200 telecommunications professionals, businessmen, and scientists from throughout our State. Key to this summit was the help provided by personnel from Sandia National Laboratory, who generously gave of their time, immense talent, and expertise throughout the planning period of the summit and during the day-long event.

What all of us learned from this summit can be summarized easily:

First, for rural small business owners, intelligent and creative use of telecommunications can mean the difference between survival and failure;

Second, the Telecommunications Act of 1996 will continue to play an unpredictable and major role as rural communities try to use telecommunications to solidify their economic futures;

Third, the large telecommunications, Internet and wireless providers must do more to help rural communities try to use telecommunications to solidify their economic futures;

Fourth, basic telecommunications infrastructure remains a serious obstacle to rural economic development in many areas;

Fifth, potential for economic development using telecommunications is limited only by the users' imaginations;

Sixth, the unique expertise of the national laboratories in New Mexico hold the potential to help spread economic development throughout our State and,

by example, beyond the borders of our State.

During my trip in August, I saw many examples of how telecommunications helps small businesses thrive. Let me give you two examples.

In Socorro, NM, Don Tripp of Tripp's Incorporated has expanded his operations by establishing a virtual call center for his sales associates. By capitalizing on advances in telecommunications, Tripp was able to provide many of his employees with the option of telecommuting. This approach has worked well and Tripp's Inc. has moved forward with a happier, more productive and flexible work force.

An example of using the talents of the national laboratories to help foster rural economic development is the recently-developed New Mexico Arts Database in Santa Fe, NM. With the aid of Los Alamos National Laboratory, many New Mexico artists and artisans will soon be able to sell their art over the Internet. No longer will these artists be limited to traditional, and very expensive, outlets or by location. Their art will become accessible via the Internet to potential customers throughout the world.

We hope to coordinate these and other innovative approaches to rural economic development through the Rural Payday, Inc., organization I mentioned earlier. This initiative will focus on attracting and encouraging telecommunications-related businesses, and businesses that can use telecommunications tools more innovatively, to New Mexico. Such businesses as 1-800 call centers, automatic data processing satellite offices, more traditional businesses that can expand into rural New Mexico using new communications tools, and telemedicine firms, to name a few, can become realities for small and rural New Mexico. If we get the cooperation of the major telecommunications firm in infrastructure and basic communications services, a serious problem that rural America must face, we can revive smalltown America. I was glad to see that the major telecommunications providers in our State were at least willing to meet with potential customers from rural areas and try to work out new approaches. More on this front needs to be done, and I pledge that I will push these major firms at every opportunity.

The New Mexico Telecommunications Summit, the first of its kind in our State, opened a little window on the future. With more cooperation between users and providers of telecommunications services, and with the continued good work of our small business community and our national laboratories, New Mexico has the chance to create a thriving rural economy that will expand in the 21st century.

I would like to recognize the many companies and individuals who made this event such a tremendous success. I would like to also thank every Small Business Advocacy Council member who took the time to attend and organize this conference. In addition, I thank especially Angela Atterbury and Paul Silverman for their tireless efforts in coordinating this event on behalf of the SBAC. And, Sandia and Los Alamos National Laboratories deserve credit for all their work at the Summit and the accompanying Business Applications Fair. Finally, thanks to the Internet, wireless and telecommunications providers who participated in this event. We need their help greatly in the future.•

A VICTORY FOR AMERICANS

• Mr. LAUTENBERG. Mr. President, in the House of Representatives yesterday an amendment that would have allowed foreign governments to export to the United States for commercial sale millions of lethal military weapons the U.S. previously made available to them was dropped from the Treasury Appropriations bill. I have vigorously opposed this amendment in the Senate, and have worked to keep it out of Senate Appropriations bills. I congratulate Representatives MCCARTHY, LOWEY, KENNEDY, SHAYS, and MALONEY for successfully working to delete the provision from the House bill.

As my colleagues may know, the amendment was originally adopted during the House Appropriations Committee markup of the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1998 without discussion or debate. Last year a similar amendment was slipped into the Senate version of the Commerce, Justice, State and the Judiciary Appropriations bill, but it was not included in the final version of the spending law.

It has been the policy of the Reagan, Bush, and Clinton Administration's not to permit these American made military weapons to be exported for commercial sale in the U.S. market. The Administration strongly opposed the amendment to allow foreign governments to export them for commercial sale. So did a coalition of fifty organizations, including the Coalition to Stop Gun Violence, Handgun Control, Inc., and the Violence Policy Center. I ask that a copy of a letter from these organizations be printed in the RECORD. I also ask that copies of editorials from the New York Times, the Washington Post, and the Times of Trenton, be printed in the RECORD at the conclusion of my remarks.

The weapons that would have flooded our streets had this amendment been approved were granted or sold to foreign governments, often at a discount, through military assistance programs, and some are even "spoils of war." Their market value exceeds $1 billion. The State Department estimates that 2.5 million such weapons have been granted or sold to foreign governments since 1950. About 1.2 million are M-1 carbines, which are semiautomatic weapons that can easily be converted to illegal, fully automatic weapons. The weapons at issue are called "curios or relics" because they are considered to have historic value or are more than 50 years old. But they are not innocuous antiques. These military weapons may be old, but they are lethal. Ten American police officers have recently been killed with these dangerous weapons. And in just two years the weapons were traced to more than 1800 crimes nationwide.

Allowing the importation of large numbers of these lethal weapons would have undermined efforts to reduce gun violence in this country. It would have reduced the cost of the weapons, making them more accessible to criminals.

Enactment of the provision could also have provided a windfall for foreign governments at the expense of the U.S. taxpayer. Under the proposal, our government's ability to require foreign governments which received American manufactured weapons to return proceeds of the sales to the United States Treasury would have been severely limited. Consequently, countries that the U.S. assisted in times of need, such as South Korea and the Philippines, could have made a handsome profit off of our weapons. Even countries like Iran and Vietnam could have profited.

Allowing more than two million U.S.-origin military weapons to enter the United States would profit a limited number of arms importers but would not be in the overall interest of the American people. These weapons are not designed for hunting or for shooting competitions; they are designed for war. Our own Department of Defense does not sell these weapons on the commercial market for profit in the United States. Foreign countries should not be permitted to do so either.

I'm delighted that this provision has been dropped from the House version of the bill. I have introduced legislation, S. 723, to repeal a loophole in the Arms Export Control Act that could enable these weapons to enter the country under a future Administration. I hope the Congress will approve this bill.

In the meantime, Mr. President, this is a huge victory for the American taxpayer and a victory for all concerned about safety.

The material follows:

[From the New York Times, Sept. 9, 1997]

THE SURPLUS GUN INVASION

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth,

should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M–1 rifles, M–1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries—allies and former allies such as the Philippines, South Korea, Iran and Turkey—got the guns free or at a discount or simply kept them after World War II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sits. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M–1 carbines can be converted to automatic firing, and all the M–1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

[From the Washington Post, Aug. 4, 1997]

SURPLUS WEAPONS, SURPLUS DANGER

Gun sales are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete "curios and relics" of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as $100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weapons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995–96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D–N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as "spoils of war." President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

STEALTH AMENDMENT SNEAKS IN WEAPONS

LAUTENBERG TRIES TO STOP PROVISION

Lobbyists for the National Rifle Association scored a big victory in August when they sneaked in a little clause in the House Appropriations bill allowing about 2.5 million guns to be imported into the United States.

This bill, which sets aside money for the Treasury, Postal Service and general government appropriations, is about to be up for a House vote and, unless this provision is changed, the U.S. market soon will be flooded with these dangerous weapons.

The guns are military weapons that were given or sold to friendly foreign governments, such as South Korea, Turkey, Iran and South Vietnam. They are called "curios and relics" since they were used in international battles or are at least 50 years old.

The NRA claims these weapons, M–1 Garand, M–1 carbine rifles and .45-caliber M1911 pistols, are collectibles for military-history buffs and do no damage.

Sen. Frank Lautenberg, D–N.J., who is leading the charge to remove the gun provision, thinks otherwise. He says they are dangerous weapons and cities 1995 and 1996 Bureau of Alcohol, Tobacco and Firearms statistics linking these particular models to 1,800 crimes, including the killing of at least 10 police officers in the past seven years. Those same statistics show New Jersey ranked seventh in the nation for crime scenes involving M–1 rifles and M1911 pistols.

Lautenberg says about 1.2 million of the weapons are M–1 carbines, semiautomatic weapons which easily are converted into fully automatic weapons.

The State Department, starting in the Reagan era, has forbidden foreign governments from exporting these guns into the United States for sale. It is inconceivable that under the Clinton administration, known for its anti-gun policies, this wise prohibition would be reversed.

Lautenberg, who successfully stopped a similar proposal in the Senate, says no one is paying attention to the provisions in the House bill. The sounds of silence soon may be overcome by the sounds of more needless weapons being fired in this country.

[From the Times, Sept. 14, 1997]

STOP THE GUN INVASION

Congress does its dirtiest work in the dark, with little or no debate. An outstanding example of this propensity was the $50 billion giveaway to the tobacco industry that Senate Majority Leader Trent Lott and House Speaker Newt Gingrich smuggled into the balanced-budget package at the last minute. The huge public protest that followed belated disclosure of that outrage was heard in Washington, and last week the Senate voted 95–3 to repeal the provision. Even Sen. Lott voted yes. Let's hope the lopsidedness of the Senate tally will help persuade the House to go along with the repealer.

Now a similar effort is needed to undo some major mischief committed in the House Appropriations Committee in the days before the August recess. An amendment to the Treasury Department funding bill, hurriedly approved with almost no discussion, would allow some 2.5 million surplus U.S. military rifles and pistols to enter this country. They would come from U.S. allies and former allies, such as the Philippines, South Korea, Turkey and even Iran and Vietnam, which got the guns free or at cost, during the various wars of this century. Present law requires these countries to pay the U.S. government if they sell the guns and prohibits Americans from importing them, but the stealth amendment to the appropriations bill would nullify those provisions. These foreign countries have no right to rake in a windfall from munitions originally supplied by the U.S. government—munitions that our own Department of Defense doesn't sell on the commercial market for profit in the U.S.

The amendment was pushed by—who else?—the National Rifle Association, along with gun wholesalers, who envision making significant profits importing M–1 Garand and M–1 carbine rifles and .45-caliber M1911 pistols. The NRA argues that the guns are "curios or relics" that veterans want to own as mementos. But as weapons made for the battlefield they also happen to be very lethal, and, if imported in quantity, they would be cheap—two attributes that would make them catnip to criminals. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Such guns have killed at least 10 police officers since 1990, including Franklin Township Sgt. Ippolito "Lee" Gonzalez, shot down two years ago with a M1911 wielded by the notorious parolee Robert "Mudman" Simon. The semiautomatic M–1 carbines are light, easy to carry, and easily convertible to illegal automatic weapons.

Last year a similar amendment was slipped into the Senate version of a departmental appropriations bill, but at the insistence of the White House the provision was removed. This year, Sen. Frank Lautenberg, D–N.J., one of the strongest advocates in Congress of a sensible national gun policy, was able to block similar legislation in the Senate, and he's leading the fight to keep the provision out of the final version of the Treasury appropriations bill that's sent to the White House. President Clinton, for his part, should make it clear that he's as opposed as ever to this terrible idea, and will veto any spending bill that includes it.

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions, of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety national security, and taxpayer reasons, we strongly urge you vote to delete the provision from the Fiscal Year 1998 Treasry-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete "curios and relics." In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted

into automatic fire and comes equipped with a 15-30 round detachable magazine.

THIS IS A PUBLIC SAFETY ISSUE

Although the backers of the provision claim that these World War II era weapons are now harmless "curios and relics", in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can easily be converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995-1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

THIS IS A GOVERNMENT OVERSIGHT CONCERN

Nearly 2.5 million of these weapons were given or sold as "security assistance" to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before re-transferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of "U.S. origin ammunition and curio or relic firearms and parts." In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

THIS IS ALSO A TAXPAYER CONCERN

The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300-500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as "spoils of war." The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians; American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund; Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director; Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary; Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWIC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director; National Association of Children's Hospitals and Related Institutions, Stacy Collins, Associate Director, Child Health Improvement; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel; National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair; New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennsylvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative; Texans Against Gun Violence-Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith In Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Handgun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Officer; 20/20 Vision, Robin Caiola, Executive Director.•

WESTLAND CHAMBER OF COMMERCE

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the members of the Westland Chamber of Commerce on the occasion of their 35th anniversary. Since 1962, this organization has done a commendable job in reaching out to the community by supporting such programs as D.A.R.E., the Annual Jobs and Career Fair, and scholarships to local college-bound students. Through these and countless other programs, the Westland Chamber of Commerce has assisted local entrepreneurs as they begin and expand their businesses, and in so doing, has made a significant and substantive impact on the quality of life for residents in the Westland Community.

Mr. President, Westland is the 10th largest city in Michigan and was recently rated third in the top five shopping areas by the Michigan Retailers Association. Much of this success has been thanks, in part, to the chamber's work in promoting local businesses. The community of Westland is grateful for the tremendous support the chamber has given, and on behalf of the U.S. Senate, thanks is due to the chamber for making Michigan a better place.•

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

• Mr. SARBANES. Mr. President, this week, from September 14-20, has been designated National Historically Black Colleges and Universities Week, and I am pleased to take this opportunity to recognize the achievements of these fine institutions of higher education.

For more than 150 years, the 116 historically black colleges and universities [HBCU's] throughout our Nation have played a vital role in providing students with an exceptional education. These institutions have significantly increased educational access for thousands of economically and socially disadvantaged Americans, particularly young African-Americans. In turn, armed with this educational opportunity, these young people have risen to the challenges of our time and have become leaders not only of their own communities, but of our Nation as well.

While constituting only 3 percent of the Nation's colleges, HBCU's enroll 16 percent of all African-American students in higher education. Each year they award approximately 28 percent of all baccalaureate degrees earned by African-Americans nationwide and they

continue to graduate the majority of African-Americans who go on to earn advanced degrees, including 75 percent of all African-American PhD's, 50 percent of all African-American attorneys, and 75 percent of all African-American military officers. The success of these institutions in providing educational opportunities for African-Americans is unparalleled.

My own State of Maryland is privileged to be served by four outstanding historically black colleges and universities: Bowie State University, Coppin State College, Morgan State University, and the University of Maryland Eastern Shore. These four institutions, all of which have undergone dramatic growth in recent years, have contributed significantly to the higher education system in Maryland.

Bowie State, one of the oldest black universities in the United States, is the Nation's first historically African-American institution to offer graduate programs in Europe. While providing high quality education to thousands of African-Americans, Coppin State has uniquely focused on serving the residents of inner-city Baltimore for almost 100 years. Morgan State annually ranks among the top 10 public campuses nationally in the number of baccalaureate recipients who pursue doctorate degrees. The University of Maryland Eastern Shore, which celebrates its 111th anniversary this week, commits itself to combining an excellent education with an emphasis on meeting the needs of the region by providing a doctorate in marine-estuarine-environmental science and toxicology. These are just a few examples of the strong commitment HBCU's have demonstrated throughout the years in preparing our young people for the increasingly technological and global economy.

The extraordinary contributions of historically black colleges and universities in educating African-American students cannot be overstated. They are a valuable national resource which are being rightly honored for their exemplary tradition in the area of higher education. I am very pleased to join with them and citizens throughout the Nation in celebrating National Historically Black Colleges and Universities Week.•

CORRECTION TO SENATE BUDGET COMMITTEE OUTLAY ALLOCATIONS

• Mr. DOMENICI. Mr. President, I submit for the RECORD a technical correction to the Senate committee allocations under section 302 of the Congressional Budget Act.

The correction follows:

Senate Committee	Direct Spending Jurisdiction (In millions of dollars)	
	FY 1998	Total FY 1998–2002
Environment and Public Works:		
Budget Authority	25,437	124,266
Outlays	2,715	10,398•

ARMENIAN INDEPENDENCE DAY, SEPTEMBER 23, 1997

• Mr. ABRAHAM. Mr. President, I rise today to recognize the sixth anniversary of the Republic of Armenia. Through the devastating genocide committed by the Ottoman Turks to the search for independence, the people of Armenia have been steadfast in purpose and spirit. Today, we celebrate the event which happened on September 23, 1991, when Armenia declared its independence from the U.S.S.R. With its new-found independence, the Republic created radical free-market economic reforms, held the first free Presidential election, and is the only former Soviet Republic that is governed by a democratically elected leader with no ties to the Communist Party. Despite the hardships that the people of Armenia have endured, they continue to hold strong to the belief that independence and security are essential for the country to prosper. Oliver Wendell Holmes once said "the great thing in this world is not so much where we stand, as in what direction we are moving." Although the Republic of Armenia continues to face an ongoing blockade by Turkey and Azerbaijan, I am convinced it is not where Armenia stands now but rather the perseverance which exists, that will lead Armenia into the future. Let it be known, that I encourage the citizens and Government of the Republic to remain faithful to the ideals of democracy and to continue to strengthen the relationship between Armenia and the United States.•

ORDERS FOR FRIDAY, SEPTEMBER 19, 1997

Mr. JEFFORDS. 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 Friday, September 19. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate immediately resume consideration of S. 830, the FDA reform bill, with Senator KENNEDY being recognized until 10:30 a.m.

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

Mr. JEFFORDS. I also ask consent that at 10:30 a.m., Senator DURBIN be recognized to debate his amendments under the previous order.

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

Mr. JEFFORDS. I further ask consent that at 12 noon, the Senate proceed to a period of morning business with Senators being permitted to speak up to 5 minutes, with the following exceptions: Senator COVERDELL or his designee, 90 minutes, from 12 noon until 1:30; Senator DASCHLE or his designee, 90 minutes from 1:30 until 3:00.

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

PROGRAM

Mr. JEFFORDS. Mr. President, tomorrow morning the Senate will resume consideration of S. 830, the FDA reform bill. Under the previous order, Senator KENNEDY will be recognized until 10:30 a.m. for debate only. As previously announced, there will be no rollcall votes on Friday.

Following Senator KENNEDY's remarks, Senator DURBIN will be recognized to offer his two amendments. Those amendments are ordered to be set aside with the votes occurring on Tuesday, September 23, at 9:30 a.m. In addition, following the debate on Senator DURBIN's amendments to the FDA reform, the Senate will proceed to a period of morning business.

I thank all Senators for their attention.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Therefore, I ask unanimous consent that, following the remarks of Senator KENNEDY, as under the previous consent, the Senate stand in adjournment under the previous order.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1977

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, as I understand the agreement, we have an hour for the discussion of S. 830, which is the FDA reauthorization bill. Is that correct?

The PRESIDING OFFICER. That is correct, Senator.

Mr. KENNEDY. I thank the Chair. I will say this evening what I have said before, and that is to commend the chairman of our committee, Senator JEFFORDS, and the other members of our committee for working out, by and large, a commendable piece of legislation to bring pharmaceuticals onto the market safely and rapidly, and to assure that Americans would be able to have the benefits of advances in the areas of medical devices.

There is a very important provision which has been included in the bill and which I think poses a very significant threat to the health and safety of the American people. I want to take some time this evening to discuss the reasons why this particular provision should be eliminated from the bill or modified to retain existing protections available under the Food and Drug Act.

I will use the time that I have this evening to try to spell out for the Senate and for those who are watching these proceedings the dangers of this provision so that, hopefully, when the Senate has the opportunity to change this particular provision on Tuesday next it will do so. It is time to make the changes that will protect the American people, and it is important that we do so.

Mr. President, this is not just a provision that I have reservations about. We have put in the RECORD, and I will mention at this time once again, that the President of the United States has indicated that this is one of four major concerns that he has in this legislation because of its potential to adversely affect the public health.

It isn't only the President of the United States who has identified this particular provision as being a danger to the health of the American people, but it is the Patients' Coalition, which is made up of patients from all over this country, who review various pieces of legislation to ensure that the patients of this country are adequately protected: the Consumer Federation of America, the National Women's Health Network, the National Organization of Rare Disorders, the American Public Health Association, Consumers Union, Center for Women's Policy Studies, the National Parent Network on Disabilities, the National Association of Social Workers, and the list goes on and on and on.

That is why, Mr. President, this particular provision should be revised to protect the health of the American people. It does not do so now, and it has not since it has been reported out of the committee.

If this provision becomes law, it would force the Food and Drug Administration to approve unsafe or ineffective medical devices in cases where a manufacturer submits false or misleading information about the product. This issue goes to the heart of the role of the FDA, and it is an unconscionable provision. The result is that patients who rely on medical devices may well be exposed to dangerous products that could maim or kill.

Ninety-five percent of all devices approved by the FDA involve upgrades of existing devices. The upgrades are reviewed in what is called the 510(k) procedure under the statute. Under this procedure, the manufacturer of the device asks for an FDA approval based on the fact that the new device is substantially equivalent to an existing device that is already on the market and that has already been approved as safe and effective.

On this basis, the FDA usually quickly approves the new device. If the new device has significant technological changes, the manufacturer must submit the data to the FDA to show that the new device is as safe and as effective as the older device to which it is being compared. That is the current law.

In making these determinations under the current law, the FDA looks at the use of the earlier device and the claims that the manufacturer of the new device makes on the label for the new product. Sometimes, however, the new device has technological characteristics that make it clear that the device is intended to be used for a new purpose, a different purpose than the one the manufacturer claims on the proposed label.

All we are asking is that the FDA be able to act in these circumstances to assure that the device is safe. We want to prohibit false and misleading labels.

Mr. President, this is not a hypothetical case. A recent case demonstrates the basic problem.

A new biopsy needle for diagnosing breast cancer in women was submitted for approval to the FDA by the U.S. Surgical Corporation, a well-known manufacturer of medical devices. Compared to the existing biopsy needle, the new needle was huge, far larger than would normally be used in a biopsy. In fact, the tissue removed by the device was 50 times as large as the standard instrument would remove.

It was obvious to the FDA that the new needle would be used to remove small tumors, not just to perform a biopsy. In fact, the company marketed the device for that purpose in Canada. Yet, the corporation proposed to market the device with the old biopsy label, which gave no hint of the obvious new use of removing cancer cells. Under current law, the FDA has the authority in such cases to require the manufacturer to submit data on the safety and effectiveness of the needle for the new use, to be sure that it is capable of removing tumors without leaving some cancer cells in place.

Under this legislation, if the FDA said, "Well, let us examine whether this particular medical device provides safety and protection for American women when that device is used to remove tumors," the FDA would not be permitted to do so. Under the old law, it would. Under the new law, it would not.

In this particular case the tissue removed by the device was 50 times as large as the standard instrument would remove. It was obvious to the FDA the new needle would be used to remove small tumors, not just to perform biopsies. In fact, videos were distributed in Canada demonstrating how to use the device to remove breast tumors. Yet, the corporation proposed to market the device with the old biopsy label which gave no hint of the obvious new use for removing tumors.

Under the current law, the FDA has the authority in such cases to require the manufacturer to submit the data on safety and effectiveness of the needle for the new use to be sure that it is capable of removing tumors without leaving some cancer cells in place. But not under the law that is before the U.S. Senate.

No woman would want to have a breast cancer removed by a medical device that cannot do the job safely and effectively. No Member of the Senate would want their wife or mother or sister or daughter put at risk by such a device. That is precisely what this bill does in changing the existing law that would permit the FDA to look behind the label to examine the safety and efficacy of a use clearly intended by the technological characteristics of the device.

The proponents of this legislation say no to an amendment when we have tried to ask that the FDA be able to look at the primary use of medical devices to make sure that when a company, such as the U.S. Surgical Corporation, is going to say that this is really just the old small needle, to permit the FDA to look behind it. They say, "No. We've got the votes. Public be damned."

Unless the American people are going to pay attention to this issue, they will have the votes when we vote on this next Tuesday. But they should not have the votes on it. They should not have the votes on it if we are interested in protecting the American consumer, not only on this particular measure, this particular device, but on others as well.

The justification offered by the proponents of this provision is that the FDA, in its zeal to protect the public, has sometimes required manufacturers to offer data on safety and effectiveness on purely hypothetical, possible uses of the new device, uses never intended by the manufacturer.

If that is the goal of the provision, it goes too far because it puts public health at risk. No American should die or suffer serious injury because the FDA is forced to ignore false or misleading claims. That is what Senator REED's amendment next week will be, just prohibiting false and misleading claims. People will have a chance to vote on that up or down.

No American should die or suffer serious injury because the FDA is forced to ignore false or misleading claims. That is what this is about.

As I mentioned, the administration has singled out this proposal as one of the four in this legislation that merit a veto. It is strenuously opposed by a

broad coalition of health and consumer groups. An obvious compromise can correct this defect so it achieves what the sponsors say is its legitimate purpose, without undermining health and safety. Under the compromise, the FDA will have the authority to look behind the label only in cases where the label is false or misleading.

This is a bare minimum requirement to protect public health. What possible justification can there be for the FDA to approve a device based on false or misleading labels? No ethical manufacturer would submit a device with a false or misleading label. No unethical manufacturer should get away with submitting one. And no Senator should vote to protect a false and misleading label.

The protection is already in the bill for the 5 percent of the devices that go through the traditional approval process. But for the 95 percent of the devices that go through the 510(k) procedures, the bill gives a license to lie to the FDA and harm the public.

Mr. President, a few days ago the public was made aware of the tragedy that resulted from the use of diet drugs in ways that had not been approved by the FDA as safe and effective. This so-called "off-label" use of fen/phen may well have caused serious and irreversible heart damage in tens of thousands of women who thought the drugs were safe. The legislation before us would actually encourage the use of off-label, unapproved uses of medical devices. We have seen in every newspaper in the country, we have heard on every radio station, every television, the dangers that the off-label use of fen/phen has posed for the American people. Now, just at the time that the country is looking at that, we are inviting the same kind of disaster for off-label use of medical devices.

It is shocking that this shameful provision has been so cavalierly included in the bill. It is incomprehensible that reputable device manufacturers are not prepared to support a compromise that allows the FDA to look behind the labels that are false and misleading.

Medical devices can heal, but they can also maim and kill. The history of medical devices is full of medical stories of unnecessary death and suffering. But thanks to the authority the FDA now has, there are also many stories of lives saved by the vigilance of the FDA. What is incomprehensible about the bill before us is that it would take us backward in the direction of less protection of public health rather than more.

That isn't just Senator KENNEDY saying that, Mr. President. Those are the findings of our Secretary of HHS, the Patients' Coalition, Consumer Federation of America, National Women's Health Network, National Organization for Rare Disorders, the American Public Health Association, Consumers Union—the list goes on and on. They have reached the same kind of conclusion, Mr. President, that we are going backwards instead of advancing the interests of the public health.

The whole story of device regulation has been to provide the public greater protections since the mid-1970s.

Mr. President, let me just take a few moments and talk about what has happened previously in terms of medical devices that posed very important health threats, injury and death to American people when we were not attentive to the public health interests of the people of this country.

Two decades ago, the Dalkon Shield disaster led to the passage of a law giving the FDA greater authority over medical devices. At the time, this birth control device went on the market, the FDA had no authority to require manufacturers to show that devices are safe and effective before they are sold. In 1974, an FDA advisory committee recommended that the Dalkon Shield be taken off the market—after almost 3 million women had used it. The device was found to cause septic abortions and pelvic inflammatory disease. Hundreds of women had become sterile, and many required hysterectomies. According to the manufacturer's own estimates, 90,000 women in the United States alone were injured. The manufacturer, A.H. Robins, refused to halt distribution of the device, even though the FDA requested it, while the issue was reviewed by the advisory committee.

The Shiley heart valve disaster was so serious that it led to the enactment of further legislation. This mechanical heart valve was approved in 1979. It was developed by the Shiley Company. The Shiley Company was subsequently sold to Pfizer, which continued marketing the valve. It was taken off the market in 1986 because of its high breakage rate. By that time, as many as 30,000 of these devices had been implanted in heart patients in the United States. One hundred and ninety-five valves broke and 130 patients died. Thousands of other patients who had the defective valves in their hearts had to make an impossible choice—between undergoing a new operation to remove the device, or living with the knowledge that they had a dangerous device in their heart that could rupture and kill them at any moment. Depositions taken from company employees indicated that cracks in defective valves may have been concealed from customers.

Before the defective valve was withdrawn, the manufacturer had tried to introduce a new version with a 70 degree tilt instead of the 60 degree tilt approved by the FDA. The increased tilt was intended to improve blood flow and reduce the risk of clotting. The FDA's review found that the greater tilt increased the likelihood of metal fatigue and valve breakage, and the new version was not approved for use in the United States. Four thousand of the new devices were implanted in Europe. The failure rate was six times higher than for the earlier valve—causing at least 150 deaths.

In another example of a human and public health tragedy involving a medical device, the firm Telectronics marketed a pacemaker wire for use in the heart. Twenty-five thousand of these pacemakers were marketed, beginning in 1994, before it was discovered that the wire could break, cause damage to the wall of the heart, or even destroy the aorta.

The case of artificial jaw joints—referred to as TMJ devices—are another tragedy that devastated tens of thousands of patients, mostly women. These devices were implanted to assist patients with arthritic degeneration of the jaw joint, most with relatively mild discomfort. But the impact of the new joints, sold by a company called Vitek, was catastrophic. The new joints often disintegrated, leaving the victims disfigured and in constant, severe pain. To make matters worse, Vitek refused to notify surgeons of the problems with the joints, and FDA had to get a court order to stop distribution of the product. Similar problems were experienced with Dow Corning silicone jaw implants.

You see with this chart these dramatic, tragic, human disasters caused by unsafe, inadequately tested medical devices. Do we want less safety? Do we want less protection when we have seen these kinds of human tragedies take place, when there have been these instances?

Mr. President, another device disaster is the toxic shock syndrome from super absorbent materials in tampons. Most women would not think that a tampon could kill them, but they would be wrong. About 5 percent of toxic shock syndrome cases are fatal. What seemed like minor design changes, the absorbency of the material, resulted in enormous human tragedy. Women and their families deserve protections from unsafe medical devices. FDA should be strengthened, not crippled.

In yet another example, the FDA was able to block a device that involved a plastic lens implanted in the eye to treat near-sightedness. The device was widely marketed in France, but the FDA refused to approve it for use in the United States. Long-term use of the device was later shown to cause damage to the cornea, with possible blindness.

The angioplasty catheter marketed by the Bard Corporation turned out to be a dangerous device that the company sold with a reckless disregard for both the law and public health. The device was modified several times by the corporation without telling the FDA in advance, as required by the law. The

company was prosecuted and pleaded guilty to 391 counts in the indictment, including mail fraud and lying to the government. Thirty-three cases of breakage occurred in a two-month period, leading to serious cardiac damage, emergency coronary bypass surgery, and even death.

Now, Mr. President, these tragedies resulted in expanded powers for the FDA to protect the public against dangerous devices and greater vigilance on the part of the agency. But this bill steps back by forcing the FDA to protect the public with one hand tied behind its back. This bill actually forces FDA to approve devices based on false and misleading labels.

I have already discussed the dangers of a breast cancer biopsy needle that would have been used to treat breast cancer without adequate evidence that it was effective. There are many other examples of the kind of dangerous devices that could be foisted on the American public, if the provision of the bill allowing false and misleading labels is allowed to stand. Under the provision, the FDA cannot look behind the manufacturer's proposed use to demand appropriate safety and effectiveness data, even if it is obvious that the device has been designed for an altogether different use than the manufacturer claims.

Surgical lasers are increasingly used for general cutting, in place of traditional instruments such as scalpels. In a recent case, a manufacturer called Trimedyne adapted the laser in a way that indicated it was clearly intended for prostate surgery. But it submitted an application to the FDA saying that the laser was only intended for general cutting. The label was clearly false, and the FDA was able to require adequate safety data before the product was allowed on the market. But under this bill, the FDA would be forced to approve the product, without requiring evidence that the device is safe and effective for prostate surgery.

Prostate surgery is a very common procedure affecting tens of thousands, if not hundreds of thousands of older men. Failed surgery can result in permanent incontinence and other devastating side effects. Do we really want surgical tools to be used to treat this common illness that may not be safe and effective? If this legislation passes unchanged, that is exactly the risk that large numbers of patients needing prostate surgery could face.

A further example involves digital mammography, an imaging technology that is becoming an alternative to conventional film mammography. The new device is being tested for better diagnostic imaging of a potentially cancerous lump in the breast that has already been detected and shows great promise. But it is not known whether the new machine can be used effectively in screening for breast cancer when there are no symptoms. Under this bill, if a manufacturer seeks approval for a digital mammography machine that is clearly designed for breast cancer screening, not just for diagnosis, the FDA would be prohibited from requiring data to show that the machine is effective for screening. Does the Senate really want to support legislation that could result in women dying needlessly from undetected breast cancer? That is what this device provision could cause.

We know that there is more money that is going to be made by those particular companies that can get on the market faster than their competitor through this loophole. Is that what we are about in terms of trying to protect the public? The FDA is the principal agency of the government to protect the health and safety.

The various professionals in consumer organizations and patient organizations that spend every day trying to protect the public health understand the dangers that are involved in this provision. They are all saying why doesn't the Senate build in these protections?

But no. There is that majority in the United States Senate that would go ahead and accept this, and pass this legislation as it is without the adequate protections. And, unless the public is going to understand that this is something which is important and let their representatives understand that by Tuesday next, that is what will happen.

The President of the United States has had the courage to say no to this particular provision, because he understands, as the Secretary of Health and Education understands, and as the public health community understands the dangers to the American consumer if we let this provision continue.

Mr. President, I want to review as clearly as I can exactly what the bill that is before us, S. 830, does. It prohibits the FDA from reviewing the safety of a device for uses not listed by the manufacturer.

Senator REED's amendment will prohibit the FDA from reviewing the safety of a device for uses not listed by the manufacturer unless the label is "false or misleading." You would think we would get 100 votes on that. Is the Senate going to say, "OK, it is going to be all right for device manufacturers to have false and misleading labels?"

Other examples in the way that this provision could allow unsafe and ineffective devices abound. A stent designed to open the bile duct for gallstones could be modified in a way that clearly was designed to make it a treatment for blockages of the carotid artery. Without adequate testing, it could put patients at risk of stroke or death. But under this bill, the FDA would be prohibited from looking behind the label to the actual intended use of the device.

Mr. President, the vast majority of medical device manufacturers meet high ethical standards. Most devices are fully tested and evaluated by the FDA before they are marketed. But as many examples make clear, if the FDA does not have adequate authority to protect innocent patients, the result can be unnecessary death and injury to patients across the country. There is no justification—none whatever—for Congress to force the FDA to approve devices with false or misleading labels.

Each and every time amendments to medical device and pharmaceutical provisions have been approved by the Congress, Republican and Democrat, the public health and safety of the American people has been enhanced. There are provisions in this legislation that will do so. But not this provision. This provision, if left to stand, poses significant health risks to American consumers.

We ought to be making sure that when the FDA gives their stamp of approval, that devices are going to be safe and efficacious, and that every doctor in this country and every patient knows they are going to meet the highest safety standards. That ought to be our commitment to the American people.

But this particular provision does not do it. Rather than being a step forward, it is a significant and dangerous step backward. Unscrupulous manufacturers do not deserve a free ride at the expense of public health.

We have good legislation that is going to extend the PDUFA which is going to mean that we will have many excellent additional professional people to help to move various pharmaceutical products onto the market sooner.

The public health organizations know what is happening out there, and they have pleaded with all of us in the Senate and said, My God, for once put the profits of this handful of industries that is trying to circumvent the health and safety protections of the American people, put that aside and make sure, when you act next week, the roll will be called, act to protect the public here in the United States.

That is what this debate is about. That is what we will have a chance to vote on next week.

Mr. President, I believe my time is just about up. I thank the Chair. We will have an opportunity to go back to this tomorrow morning at 9:30 to add additional information. We hope we will hear from the American people if they care about assuring that their children are going to have safe medical devices, that their parents are going to have safe medical devices, that their daughters and their husbands, their grandparents are going to have safe medical devices. There is only one way to do it, and that is on next Tuesday when the rollcall comes, Senators will

support the Reed amendment, which I welcome the opportunity to cosponsor, which will be the most important action we can take in the Senate on this legislation to protect the health and safety of the American people.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. Friday, September 19.

Thereupon, at 11:26 p.m., the Senate adjourned until Friday, September 19, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1997:

SECURITIES AND EXCHANGE COMMISSION

PAUL R. CAREY, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2002, VICE STEVEN MARK HART WALLMAN TERM EXPIRED.

LAURA S. UNGER, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2001, VICE J. CARTER BEESE, JR., RESIGNED.

DEPARTMENT OF JUSTICE

JOSE GERADO TRONCOSO, OF NEVADA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS, VICE HERBERT LEE BROWN.

IN THE COAST GUARD

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD UNDER TITLE 14, UNITED STATES CODE, SECTION 211:

To be ensign

STEVEN C. ACOSTA, X...
STERLING V. ADLAKHA, X...
MARCIE L. ALBRIGHT, X...
KATIE R. ALEXANDER, X...
JEREMY J. ANDERSON, X...
WILLIAM L. ARRITT, X...
LEANNE M. BACON, X...
MATTHEW J. BAER, X...
ABRAHAM C. BANKS, X...
GREGORY R. BARBIAUX, X...
JONATHAN BATES, X...
PAUL R. BEAVIS, X...
SEAN C. BENNETT, X...
CHANDLER BENSON, X...
CHERYL A. BEREZNY, X...
BRENT R. BERGAN, X...
ALEX W. BERGMAN, X...
JAMES B. BERNSTEIN, X...
JASON M. BIGGAR, X...
BRYAN R. BLACKMORE, X...
ANNE M. BLANDFORD, X...
ROBERT R. BOROWCZAK, X...
JOHN B. BRADY, X...
MARC BRANDT, X...
THOMAS K. BRASTED, X...
MARK A. BRAXTON, X...
VERONICA A. BRECHT, X...
JASON A. BRENNELL, X...
JOSEPH D. BROWN, X...
RANDALL E. BROWN, X...
DAVID L. BURGER, X...
KATRINA D. BURRITT, X...
ERIN E. CALVERT, X...
GREGG W. CASAD, X...
GEORGE B. CATHEY, X...
KEMBERLY B. CHAPMAN, X...
SCOTT A. CLEMENTZ, X...
JENNIFER J. COOK, X...
THOMAS D. CRANE, X...
CHARLES C. CULOTTA, X...
KENNETH C. CUTLER, X...
THOMAS C. D'ARCY, X...
THOMAS W. DENUCCI, X...
FREDERICK D. DETAR, X...
ALEXANDER D. DODD, X...
ROGER S. DOYLE, X...
JOHN M. DUNLAP, X...
REGINALD C. EISENHAUER, X...
MEREDITH M. ENGELKE, X...
BRIAN C. ERICKSON, X...
ANTHONY S. ERICKSON, X...
JOSHUA W. FANT, X...
LOUIS B. FAULKNER, X...
GREGORY J. FERRY, X...
BENJAMIN E. FLEMING, X...
AURORA I. FLEMING, X...
ANTHONY T. FRATIANNE, X...
MATTHEW J. FUNDERBURK, X...
LAWRENCE D. GAILLARD, X...
BRENT GARRIEPY, X...
BENJAMIN A. GATES, X...
EDWARD P. GERAGHTY, X...
JENNIFER L. GIRTON, X...
BENJAMIN M. GOLIGHTLY, X...
JASON M. GOODMAN, X...
JENNIFER A. GREEN, X...
ROBERT M. GREEN, X...
PATRICK A. GROVES, X...
ANDREW L. GUEDRY, X...
THOMAS J. HALL, X...
MATTHEW W. HAMMOND, X...
SEAN P. HANNIGAN, X...
ALAN D. HANSEN, X...
JUSTIN H. HARPER, X...
REBECCA J. HEATHERINGTON, X...
CASEY J. HEHR, X...
ERIC A. HELGEN, X...
BRIAN J. HENRY, X...
EDWARD J. HERNAEZ, X...
WESLEY H. HESTER, X...
CURTIS G. HUNTINGTON, X...
KRISTIN A. JAGMIN, X...
CASSIE Q. JANSSEN, X...
CRAIG T. JEANQUART, X...
RAYMOND M. JEBSEN, X...
ANDREW S. JOCA, X...
SCOTT B. JONES, X...
MICHAEL A. KEANE, X...
CORINNA M. KELLICUT, X...
PAUL W. KEMP, X...
IBRAHIM M. KHALIL, X...
MICHAEL E. KICKLIGHTER, X...
JUSTIN A. KIMURA, X...
ELIZABETH A. KIRNER, X...
MICHAEL K. KLINGE, X...
LISA E. KNOPF, X...
DIRK L. KRAUSE, X...
BRIAN C. KRAUTLER, X...
JON M. KREISCHER, X...
JEFFREY W. KUCK, X...
MATTHEW F. LAMMER, X...
JOHN J. LARKIN, X...
JEREMY P. LAW, X...
NINA C. LEONARD, X...
MARCUS A. LINES, X...
MONICA B. LOMASCOLO, X...
NATALIE J. MAGNINO, X...
DANA C. MANCINELLI, X...
HEATHER R. MATTERN, X...
BENJAMIN J. MAULE, X...
BRYAN L. MAY, X...
BENJAMIN E. MAYNARD, X...
JAMES E. MCCOLLUM, X...
IAIN L. MCCONNELL, X...
MATTHEW V. MCGUAN, X...
JOSEPH E. MEUSE, X...
JOSHUA P. MILLER, X...
JOHN MILLER, X...
DEAN J. MILNE, X...
CHRIS S. MOLAND, X...
ROBERT W. MOORE, X...
MATTHEW P. MOORE, X...
STEPHANIE A. MORRISON, X...
CRISTIAN A. MUNOZ, X...
SEAN D. MURPHY, X...
DAVID R. OJEDA, X...
JEFFREY P. PACE, X...
TIMOTHY D. PAYTON, X...
ERIC D. PEACE, X...
KRISTIAN B. PICKRELL, X...
JEFFREY J. PILE, X...
CHRISTOPHER M. PISARES, X...
MICHAEL J. PLUMLEY, X...
JESSICA L. PLUMMER, X...
ERIC C. POPIEL, X...
JODY T. POPP, X...
JUAN M. POSADA, X...
GABRIELLE E. POTTER, X...
CLINTON J. PRINDLE, X...
DAVID A. QUATTRO, X...
CHRISTOPHER G. RAIA, X...
ARTHUR L. RAY, X...
KATIE B. RICHARDSON, X...
ROGER G. ROBITAILLE, X...
BRUST B. ROETHLER, X...
PEDRO J. RUBIO, X...
PAUL F. RUDICK, X...
SHAUN R. RUFFELL, X...
ROBERT G. SALEMBIER, X...
STANTON C. SANCHEZ, X...
DEANNA L. SAND, X...
MICHAEL R. SARNOWSKI, X...
JAMIE L. SCHOLZEN, X...
RICHARD M. SCOTT, X...
KELLY C. SEALS, X...
JAMES T. SEARS, X...
STEPHANIE M. SHERIDAN, X...
KENNETH E. SHOVLIN, X...
MICHAEL R. SINCLAIR, X...
KELLY K. SKILES, X...
JASON M. STAMPER, X...
JOSHUA T. STEFFEN, X...
ERICH V. STEIN, X...
BLAKE D. STOCKWELL, X...
JILL A. SWAYNOS, X...
SCOTT G. SYRING, X...
EVELYN L. TAYLOR, X...
SHAD A. THOMAS, X...
PATRICK M. THOMPSON, X...
ALLEN L. THOMPSON, X...
GREGORY M. TOZZI, X...
JASON P. TRAVIS, X...
NEIL P. TRAVIS, X...
MELISSA M. TULIO, X...
MICHAEL E. VANCE, X...
DIANNA L. VANVALKENBURG, X...
JOSEPH J. VEALENCIS, X...
KRISTI L. WALKER, X...
DANIEL R. WARREN, X...
ZACHARY A. WEISS, X...
TIMOTHY P. WIELAND, X...
JERRED C. WILLIAMS, X...
DARLENE D. WILSON, X...
AMY E. WIRTS, X...
CHRISTOPHER G. WOLFE, X...
MARC A. ZLOMEK, X...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be commander

FRANK P. ACHORN, JR., X...
PETER J. ADAMS, X...
WILLIAM B. ADAMS, X...
STEPHEN T. AHLERS, X...
ANDREW S. ALAMAR, X...
MICHAEL E. ALLAIN, X...
JOSE R. ALMAGUER, X...
ROBERT J. AMAYA, X...
CHRISTOPHER L. AMLING, X...
EVAN A. APPLEQUIST, X...
BRENDA A. ARMSTRONG, X...
PETER M. ARN, X...
LISA L. ARNOLD, X...
ANDREW M. ASHE, X...
BRADLEY R. AUFFARTH, X...
SCOTT W. BAILEY, X...
JOHN K. BAIRD, X...
ROBERT W. BAIRD, X...
ALAN T. BAKER, X...
BRUCE C. BAKER, X...
SHARON K. BAKER, X...
GREGORY A. BARBER, X...
WILLIAM B. BARBER, X...
REGINA D.D. BARBOUR, X...
WAYNE S. BARKER, X...
DAVID G. BARNES, X...
MICHAEL B. BAUMANN, X...
WILLIE K. BEASLEY, X...
JOHN BEAUREGARD, X...
DONALD R. BENNETT, X...
MARK F. BERNIER, X...
BRIAN J. BILL, X...
GEORGE J. BINGHAM, X...
DAVID A. BITONTI, X...
MICHAEL L. BLOUNT, X...
JAMES A. BLUSTEIN, X...
MICHAEL R. BONNETTE, X...
MICHAEL J. BOOCK, X...
LEWIS T. BOOKER, JR., X...
DAVID M. BOONE, X...
RICHARD R. BOSCO, X...
GILBERT E. BOSWELL, X...
JOHN M. BOSWORTH, JR., X...
JIMMY D. BOWEN, X...
JOHN D. BOYER, X...
DAVID R. BRAJDIC, X...
CHARLES H. BRAKHAGE, X...
BARTON A. BRANSCUM, X...
MICHAEL R. BRENYO, X...
ROBERT W. BRINSKO, X...
DWANE T. BRITTAIN, JR., X...
DAVID G. BROADWATER, X...
ROBERT C. BRONSON, JR., X...
MARK E. BROUKER, X...
BOOKER T. BROWN, X...
DONALD L. BROWN, X...
FORREST M. BROWN, JR., X...
LAWRENCE R. BROWN, X...
MITCHELL C. BROWN, X...
TRACY L. BROWN, X...
DAVID W. BRUMFIELD, X...
ROBERT BUCKLEY, X...
JUANITA BUDA, X...
DAVID M. BURNES, X...
ROBERT F. BUTLER, X...
CARLOS D. BUZON, X...
LINDA H. BYRNES, X...
HERBERT F. BYRNS III, X...
THOMAS A. CADE, X...
DAVID S. CAFFREY, JR., X...
DONNA L. CAIN, X...
JOE P. CALDWELL, X...
DAVID N. CALKINS, X...
THOMAS J. CALLAN, X...
LORI A. CARLSON, X...
DELORIS J. CARNAHAN, X...
DAVID D. CARRIER, X...
JAMES F. CARROLL, X...
ROBERT K. CARTER, X...
STEVEN L. CASE, X...
FRANCIS P. CASTALDO, X...
MICHAEL R. CAUDILL, X...
BRIAN M. CERWONKA, X...
MARY W. CHAFFEE, X...
DAVID W. CHAMBERS, X...
JOHN M. CHANDLER, X...
WILBUR K. CHAPMAN, X...
MARK E. CHARIKER, X...

ROBERT J. CHASTANET, X...
DAVID O. CHILDERS, JR., X...
MIN S. CHUNGPARK, X...
BARTLEY G. CILENTO, JR., X...
JEFFREY M. CLARK, X...
JOHN H. CLARK, X...
JULIA R. CLARK, X...
ROBERT J. CLARK, X...
RODERICK L. CLAYTON, X...
EDWARD S. CLEMENTE, X...
DANIEL P. CLIFFORD, X...
WILLIAM B. COGAR, X...
REY D. CONARD, X...
DEBORAH M. CONWAY, X...
JEFFREY A. CORNEIL, X...
LEE L. CORNFORTH, X...
MICHAEL F. CORNING, X...
MARK S. COTTERELL, X...
DALE P. COTTONGIM, X...
JOHN D. COWAN, X...
DAVID R. COZIER, X...
PHILLIP A. CROCKETT, X...
MICHELE H. CROSS, X...
MASON CRUM, X...
JAMES G. CRUZ, X...
WILLIAM F. CUDDY, JR., X...
ROBERT D. CULLOM, X...
THEODORE J. CUNNINGHAM, X...
THOMAS M. CUNNINGHAM, X...
CHARLES H. CUTSHALL, X...
THOMAS L. DANOS, X...
ROBERT A. DATTOLO, X...
GLORIANNE M. DAVIS, X...
JAMES D. DAVIS, X...
JOHN T. DAVIS, X...
KEITH E. DAVIS, X...
BRIAN S. DAWSON, X...
JOHN A. DAY, JR., X...
ELSA B. DEMBINSKI, X...
KAREN E. DERRER, X...
WAYNE M. DEUTSCH, X...
HAROLD T. DEWEESE III, X...
NANCY G. DIXON, X...
RICHARD DOHODA, X...
RICHARD J. DOWLING, X...
DIANE L. DOYLE, X...
JOHN E. DRAKE, X...
ROBERT M. DRYER, X...
KATHLEEN M. DULLY, X...
TIMOTHY M. DUNLEVY, X...
DAVID J. DUNN, X...
JAMES C. DUNN II, X...
KENNETH D. DUNSCOMB, X...
JACK A. DYKSTRA, X...
HOWARD G. EAGLE, X...
TERRANCE K. EGLAND, X...
DONNA L. EHRICH, X...
DANIEL O. ELLERT, X...
ANDREW T. ENGLE, X...
DOROTHY E. ENGLER, X...
PAUL H. EPHRON, X...
JOSEPH A. ERLER, X...
GREGORY P. ERNST, X...
BYRON C. ESCOE, X...
LINDA J. ETCHILL, X...
MICHAEL M. FABISH, X...
MARK E. FARRIS, X...
FREDERICK C. FEHL III X...
CHARLES S. FIELDS, JR., X...
JONATHAN E. FINK, X...
CARLA A. FISHER, X...
STEVEN C. FISHER, X...
DAVID L. FLEISCH, X...
CHARLES W. FLEISHER, X...
PETER FONSECA, X...
SCOTT E. FOSTER, X...
MILTON J. FOUST, JR., X...
DANIEL E. FREDERICK, X...
JOHN E. FREEMAN, X...
TIMOTHY F. FRENCH, X...
ROBERT A. FRICK, X...
PAUL T. FULIGNI, X...
JOHN S. FUQUA, X...
MATTHEW K. GAGELIN, X...
PAUL J. GAGNE, X...
JAMES F. GALLAGHER, X...
THOMAS A. GASKIN, X...
RICHARD E. GERHARDT, X...
BRIAN M. GILFEATHER, X...
LOUIS G. GILLERAN, X...
DOUGLAS R. GILLETT, X...
BRUCE L. GILLINGHAM, X...
THERESE R. GILMORE, X...
CHRISTOPHER J. GIST, X...
WILLIAM L. GOODMAN, X...
JOHN R. GORDON, X...
JEANETTE M. GORTHY, X...
GERALD T. GRANT, X...
JEFFERY R. GRAVES, X...
KEVIN L. GREASON, X...
ALMA B. GREEN, X...
ARTHUR GREEN, JR., X...
GORDON F. GREEN, X...
JOSEPH W. GREEN, JR., X...
PAUL B. GREENAWALT, X...
KATHERINE L. GREGORY, X...
GUERARD P. GRICE, X...
NANCY C. GRIFFEE, X...
VINCENT L. GRIFFITH, X...
TAMARA M. GRIGSBY, X...
WILLIAM G. GRIP, X...
MILTON J. GRISHAM, JR., X...
LYNDA D. GROSSMAN, X...
JOHN P. GROSSMITH, X...
GREGORY GULLAHORN, X...
PARKE L. GUTHNER, X...
FRED R. GUYER, X...
DONGYEON P. HAN, X...
MARK W. HANDY, X...
TIMOTHY J. HANNON, X...
WILLIAM C. HARGROVE, X...
TODD J. HARKER, X...
MARY M. HARRAHILL, X...
ROBERT B. HARRISON, X...
KIRK E. HARUM, X...
AMY P. HAUCK, X...
PATRICK K. HAWKINS, X...
SHERMAN M. HAWKINS, X...
SHERMAN T. HAYES, X...
JEFF D. HEADRICK, X...
ROBERT B. HEATON, X...
RANDY L. HEIBEL, X...
ROBERT C. HEIM, JR., X...
RICHARD A. HEIMBAUGH, X...
APRIL F. HEINZE, X...
HUGH R. HEMSTREET, X...
SUSAN E. HERRON, X...
ANITA H. HICKEY, X...
MARTIN F. HICKEY, X...
TIMOTHY S. HINMAN, X...
THEODORE A. HLEBA, JR., X...
DOUGLAS E. HOBAUGH, X...
DAVID L. HOBBS, X...
WILLIAM J. HOCTER, X...
WILLIAM C. HOLLAND II, X...
JOHN R. HOLMAN, X...
MICHAEL L. HOLMES, X...
BOLD R. HOOD, III, X...
JAMES C. HORSPOOL, X...
CELIA H. HORTON, X...
CHERRY L. HORTON, X...
GARY D. HOUGLAN, X...
RONALD P. HOVELL, X...
GREGORY M. HUET, X...
KEVIN S. HUGHES, X...
KERRY E. HUNT, X...
BENJAMIN D. HUNTER, II, X...
RICHARD L. HUNTOON, X...
LYN E. HURD, X...
CLAUDE R. HUSSON, III, X...
STEPHEN IANNAZZO, X...
DANIEL A. ICHEL, X...
GRAHAM D. ININNS, X...
WAYNE S. INMAN, X...
PATRICIA W. IRELAND, X...
WYNETT A. ISLEY, X...
KENNETH J. IVERSON, X...
THOMAS E. JABLONSKI, X...
MICHELE R.D. JACKSON, X...
SCOTT A. JENSEN, X...
MARIE E. JOHN, X...
DENISE A. JOHNSON, X...
JERRY JOHNSON, X...
BARRY R. JONES, X...
RALPH C. JONES, X...
VINCENT R. JONES, X...
RICHARD A. JORALMON, X...
LARA L. JOWERS, X...
ROBERT B. KAHLER, XX...
NAIDA B. KALLOO, X...
CHRISTOPHER J. KANE, X...
ALAN G. KAUFMAN, X...
PAUL C. KELLEHER, X...
WILLIAM E. KENEALY, X...
KATHLEEN S. KENNY, X...
JOEL W. KERNEN, X...
NANCY W. KILEY, X...
RONALD G. KINEMAN, X...
PHILLIP KISSINGER, X...
DAVID F. KLINK, X...
KURT B. KNOBLOCH, X...
BARTON H. KNOX, X...
LEONARD R. KOJM, JR., X...
MARTIN J. KOOP, X...
ALEX M. KORDIS, X...
CHRISTOPHER J. KOWALSKY, X...
JOHN C. KUEHNE, X...
JEFFREY C. KUHLMAN, X...
RANDALL W. KULNIS, X...
KURT L. KUNKEL, X...
DENIS A. LAIRD, X...
JAMES E. LAMAR, X...
JAMES T. LANG, X...
ANTHONY S. LAPINSKY, X...
CRAIG A. LARSON, X...
JOHN W. LARUE, X...
DAVID H. LASSETER, X...
LARRY R. LAUFER, X...
JOHN J. LAUTEN, JR., X...
BRUCE R. LAVERTY, X...
RICHARD LEADER, X...
JESSE W. LEE, JR., X...
THOMAS M. LEIENDECKER, X...
GRANT D. LEMASTERS, X...
BRUCE N. LEMLER, X...
DAVID R. LEMME, X...
DIANA F. LENDLE, X...
WING LEONG, X...
JOHN W. LEROY, X...
ROBERT M. LEVY, X...
HUGH J. LINDSEY, X...
JOHN E. LINDSEY, JR., X...
KEVIN A. LINDSEY, X...
MARK E. LINSKEY, X...
FRANKLIN A. S. LITTLE, X...
CLARA Y. LLODRA, X...
RONALD J. LOGAN, X...
CHARLES R. LONG, X...
SCOTT T. LUCHSINGER, X...
WILLIAM C. LYON, X...
MARCIA K. LYONS, X...
MICHAEL R. MADDOX, X...
RICK A. MADISON, X...
KEVIN G. MAHAFFEY, X...
MICHAEL H. MAHER, X...
PETER D. MAHER, IV, X...
JONATHAN D. MAIN, X...
STAUFFER P. MALCOM, X...
CARMEN J. MALDONADO, X...
GREGG W. MANSON, X...
KEITH L. MARCHBANKS, X...
MICHAEL L. MARK, X...
STEPHEN J. MARKEY, X...
SARA M. MARKS, X...
DOUGLAS D. MARTIN, X...
STEVEN J. MARTIN, X...
RICHARD J. MASON, X...
ROBERT B MASON, II, X...
PAUL A. MAUSAR, X...
JAMES E. MAYER, JR., X...
JAMES B. MCALLISTER, X...
ALAN R. MCCOSH, X...
JOHN E. MCDONALD, X...
JEREMIAH X. MCENERNEY, X...
BRIAN L. MCFADDEN, X...
STEVEN T. MC GIVERN, X...
DONAL C. MC GONEGAL, X...
MICHAEL R. MC GRAW, X...
ALAN E. MC LUCKIE, X...
MATTHEW A. MC NALLY, X...
MICHAEL F. MC NAMARA, JR., X...
ROBERT J. MEADE, X...
SAUNDRA MIDDLETON, X...
VLASTA M. MIKSCH, X...
DAVID B. MILLER, X...
JAMES R. MILLER, X...
MATTHEW L. MILLER, X...
ERIC C. MILNER, X...
MICHAEL F. MILOS, X...
SHAUNEEN M. MIRANDA, X...
FREDERICK D. MITCHELL, X...
WILLIAM T. MOCK, X...
MOIRA D. MODZELEWSKI, X...
TIMOTHY S. MOLOGNE, X...
DARRYL MONCEAUX, X...
KEVIN D. MOORE, X...
ALICE P. MORAN, X...
ROBERT H. MORRO, JR., X...
AMY I. MORTENSEN, X...
HARVEY D. MOSS, X...
TERRY J. MOULTON, X...
GLENN A. MUNRO III, X...
LINDA A. MURAKATA, X...
GEORGE MURRELL, X...
THOMAS A. MUSICK, X...
ROGER M. NATSUHARA, X...
MARY E. NEILL, X...
MARY A. NELSON, X...
DAVID F. NERI, X...
JAMES A. NEWTON, X...
DONALD L. NICHOLS, X...
LEE E. NEIMEYER, X...
CHARLES R. NIXON II, X...
DAVID NORMAN, X...
STEPHEN D. NORTHROP, X...
STEPHEN R. OCONNELL, X...
MICHAEL J. OCONNOR, X...
ERIC S. ODDERSTOL, X...
MATHEW D. OFFE, X...
ROBERT M. OLIVIERI, X...
JOSEPH V. OLSZOWKA, X...
GEORGE L. OMEECHEVARRIA, X...
WAYNE J. OSBORNE, X...
DOUGLAS A. OSBOURN, X...
MATTHEW OSMAK, X...
RICHARD C. OSMAN, X...
SHAWN A. OTOOLE, X...
ANTHONY S. PANETTIERE, X...
DALE W. PARKER, X...
STEPHEN M. PARKER, X...
TREMONT V. PARRINO, X...
NATHAN R. PATTERSON, X...
CHERYL L. PATZER, X...
MICHAEL D. PAWLEY, X...
WILLIAM C. PERRY III, X...
ROGER A. PIEPENBRINK, X...
JOHN P. PIERCE, JR., X...
FARRELL D. PIERSON, X...
MATTHEW W. POMMER, JR., X...
WILLIAM H. PORT, X...
WILLIAM B. POSS, X...
KYLE B. POTTS, X...
ROBERT E. POTTS, X...
STEVEN H. POWELL, X...
DANIEL J. PROULX, X...
MICHAEL L. PUCKETT, X...
MARK S. QUAGLIOTTI, X...
JOSE QUESADA, X...
MICHAEL I. QUINN, X...
ANN E. RAEL, X...
ROBERT C. RAFFETTO, X...
KATHLEEN D. RANEY, X...
JAMES E. RAPSON, X...
KARL F. RAU, X...
ROBERT W. REDCLIFF, X...
DANIEL P. REESE, XX...

DANIEL A. REGAN, x...
PETER M. RHEE, x...
JEFFREY D. RHODENBAUGH, x...
CHARLES B. RHODES, x...
ROBERT H. RICE, x...
WANDA C. RICHARDS, x...
PAUL E. RICHARDSON, x...
JAMES D. RIDLEY, x...
JAMES A. RIEGER, x...
MICHAEL RIESBERG, x...
AUGUSTO D. RIVERA, x...
MICHAEL W. ROBINSON, x...
PAUL D. ROCKSWOLD, x...
JUDI J. ROGERS, x...
ROBERT K. ROGERS, x...
WILLIAM O. ROGERS, x...
JOHN I. ROGGEN, x...
DAVID C. ROHDE, x...
RICHARD L. ROMNEY, x...
DOUGLAS H. ROSE, x...
MICHAEL E. ROSS, x...
RICHARD ROWE, x...
RICARDO RUBALCAVA, x...
CHERYL L. RUFF, x...
ALBERT R. RUNZEL, x...
KAREN A. RUSHFORD, x...
NICHOLAS H. RUSSO, x...
TIMOTHY M. RYBA, x...
DEBRA M. RYKEN, x...
AUDERY E. SANTANA, x...
ROLANDO M. SANTIAGO, x...
ADONAI D. SANTOS, x...
KENNETH W. SAPP, x...
ELIZABETH C. SAVAGE, x...
PAUL J. SAVAGE, x...
STEVEN R. SCANLAN, x...
DAVID R. SCANLON, x...
BARBARA J. SCHEIDT, x...
RAYMOND SCHMIDT, x...
THOMAS S. SCHNEID, x...
MICHAEL L. SCHOELCH, x...
PAUL R. SCHRATZ JR., x...
GEORGE W. SCHULTZ, x...
JOHN R. SCHWARZENBACH, x...
JAMES K. SELLERS, x...
STEPHEN F. SERKIES, x...
KEVIN T. SEUFERT, x...
LINDA F. SEXAUER, x...
RUSSELL L. SHAFFER, x...
CYNTHIA J. SHALOM, x...
TIMOTHY J. SHEA, x...
EDWARD W. SHEEHAN JR., x...
CHARLES A. SHEELEY II, x...
PETER D. SHERROD, x...
PAUL C. SHICK, x...
LARRY W. SHOOK, x...
STEVEN L. SIDOFF, x...
RICHARD M. SIPPLE, x...
DAVID F. SITLER, x...
MONTE D. SLATER, x...
CAROLYN C. SLOWIKOWSKI, x...
CHARLES S. SMITH, x...
DANNY R. SMITH, x...
DAVID A. SMITH, x...
STEVEN L. SMITH, x...
HARLEY W. SMOOT, x...
RALPH G. SNOW, x...
JAMES M. SOLOMON, x...
JAMES R. SOUBA, x...
JAY C. SOURBEER, x...
FREDERICK N. SOUTHERN, x...
CHRISTOPHER J. SPAIN, x...
EMIL E. SPILLMAN, x...
MICHAEL D. STACY, x...
STEPHEN L. STANDROWICZ, x...
JOHN STEELE, x...
SCOTT P. STEINMANN, x...
MARY L. STEWART, x...
TOMMY C. STEWART, x...
KENNETH M. STINCHFIELD, x...
ALAN L. STOKES, x...
MICHAEL J. STOLL, x...
RICHARD F. STOLTZ, x...
MICHAEL M. STONE, x...
DENNIS E. STOOPS, x...
CHRIS K. STREAM, x...
DIANE M. STRENN, x...
JAMES M. STROTHER, x...
DENNIS E. SUMMERS, x...
JOSEPH A. SWARTZ, x...
JAMES W. SWENSON, x...
MICHAEL H. TAI, x...
DAVID A. TAM, x...
MARTA W. TANAKA, x...
DEBORAH F. TAPPEN, x...
SYBIL A. TASKER, x...
GRETCHEN C. TAYLOR, x...
HARRY A. TAYLOR III, x...
DAVID E. THOMAS, x...
KERRY R. THOMPSON, x...
FRANCIS X. TISAK, x...
ELIZABETH A. TONON, x...
FRANK R. TRAFICANTE, JR., x...
JOEL L. TRAYLOR, x...
KARL R. TREFFINGER, x...
DOUGLAS J.S. TRENOR, x...
DAVID R. TRIBBLE, x...
POMAY TSOI, x...
JENNIFER L. TUCKER, x...
ROBERT J. TUIDER, x...
RAYMOND J. TURK, x...
CHRISTOPHER R. TURNER, x...
ROBERT B. TURNER, x...
RONALD UNGARO, x...
GREGORY UTZ, x...
JAMES VALOVCIN, x...
PAUL S. VANHOOSEN, x...
PAUL J. VANKEVICH, x...
MICHAEL C. VANTUYL, x...
CYNTHIA R. VARNER, x...
EDGARDO C. VIAS, x...
ROBERT J. VICKERS, x...
CATHY L. WAGSTAFF, x...
ROBERT P. WALDEN, x...
PHILIP S. WALERKO, x...
DANIEL O. WALKER, x...
RAYMOND A. WALKER, x...
SAMUEL N. WALKER, x...
ROBERT B. WALSH, x...
ELIZABETH S. WALTERS, x...
LYNDA E. WALTERS, x...
GEOFFREY R. WARDA, x...
MICHAEL A. WATERS, x...
JOHN K. WATSON, x...
MARY E. WATSON, x...
BARRY A. WAYNE, x...
CAROL D. WEBER, x...
MARY P. WEBER, x...
TIMOTHY S. WEHLING, x...
WANDA L. WEIDMAN, x...
CLIFFORD A. WEINGART, x...
KIMBERLY D. WEISENBURGER, x...
ERIC WEISS, x...
WAYNE M. WEISS, x...
JOSEPH J. WERNER, JR., x...
TERRY S. WEST, x...
THEODORE L. WHITEMAN, JR., x...
ANTIONETTE A. WHITMEYER, x...
LEIGH M. WICKES, x...
JOHN T. WIDERGREN, x...
THOMAS F. WIECHELT, x...
RICHARD L. WILSON, x...
ROBERT E. WILSON, x...
RONERT A. WITHERSPOON, x...
MICHAEL F. WOELKERS, x...
WILLIAM A.F. WOODS, x...
TIMOTHY L. WORKMAN, x...
DONALD A. WORM, JR., x...
DONALD T. WRAY, x...
RICHARD D. WRIGHT, x...
WILLIAM F. WRIGHT, x...
PETER L. ZAMFIRESCU, x...
TIMOTHY W. ZELLER, x...
DANIEL J. ZINDER, x...

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 18, 1997, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF STATE

William F. Weld, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico, which was sent to the Senate on July 23, 1997.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 1997:

DEPARTMENT OF THE TREASURY

DAVID A. LIPTON, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF THE TREASURY.

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

1996 NATIONAL PRAYER BREAKFAST

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BARRETT of Nebraska. Mr. Speaker, earlier this year the transcript of the 1997 National Prayer Breakfast, held here in Washington, DC, was printed in the CONGRESSIONAL RECORD. It has come to my attention that the transcript of the previous year's National Prayer Breakfast was inadvertently not submitted in the RECORD. The Challenging and moving message brought to us that morning by our former Senate colleague, Sam Nunn, should be available for everyone. Therefore, I request that a copy of the program and of the transcript of the 1996 proceeding be printed in the CONGRESSIONAL RECORD at this time.

NATIONAL PRAYER BREAKFAST

CHAIRMAN: THE HONORABLE BOB BENNETT

Pre-Breakfast Prayer: The Honorable DANIEL AKAKA, U.S. Senator, Hawaii.

Opening Song: Pine Valley Choir.

Opening Prayer: General John M. Shalikashvili, Chairman, Joint Chiefs of Staff.

BREAKFAST

Welcome: The Honorable BOB BENNETT, U.S. Senator, Utah.

Remarks—U.S. House of Representatives: The Honorable PETE GEREN, U.S. House of Representatives, Texas.

Old Testament Reading: The Honorable TOM LANTOS, U.S. House of Representatives, California.

Remarks—U.S. Senate: The Honorable AL SIMPSON, U.S. Senator, Wyoming.

Solo: Mr. Van Cliburn.

THE VICE PRESIDENT OF THE UNITED STATES

New Testament Reading: The Honorable SONNY MONTGOMERY, U.S. House of Representatives, Mississippi.

Prayer for National and International Leaders: Dr. Billy Graham.

Message: The Honorable SAM NUNN, U.S. Senator, Georgia.

Introduction of the President: The Honorable BOB BENNETT.

THE PRESIDENT OF THE UNITED STATES

Closing Song: Ms. Ariel Bybee.

Closing Prayer: Dr. Dorothy Height, National Council of Negro Women.

NATIONAL PRAYER BREAKFAST, FEBRUARY 1, 1996

Senator BENNETT. Good morning. My name is Bob Bennett. I am the leader of the Senate Prayer Breakfast, and in the tradition of the National Prayer Breakfast, this is the year of the Senate to conduct this activity so that it becomes my happy lot to greet you here on behalf of both the Senate and the House to this special occasion.

General John Shalikashvili, Chairman of the Joint Chiefs of Staff, will offer the opening prayer.

General SHALIKASHVILI. Today as we gather here in Washington, we are joined by countless and countless Americans all across our nation in prayer and in fellowship. And on every base, on every post and on every ship, we are joined as well by our men and women in uniform who have answered our nation's call to serve.

Just across the Potomac on Ft. Myer, across the Pacific at Misawa Air Base, aboard the USS America, in Haiti and Kuwait, in South Korea and Bosnia, in all of these places and hundreds more, America's sons and daughters are taking to their knees and solemnly asking God for strength.

They are rededicating themselves to freedom, to the freedom that can be found in a nation loosed from the chains of oppression. They are rededicating themselves to peace, the peace that can now be heard in the silent hills of a nation that for years knew only war and destruction. And they are rededicating themselves to the love of God that you see in the eyes of a cold and frightened child, held in the reassuring arm of an American soldier in a faraway place called Tuzla.

And so I ask you now to join them and to bow your heads in prayer.

Almighty God, our Creator and Sustainer, we do affirm here and now how wonderful it is to join together today in Your name, for today we bow in prayer as those who, as individuals and as a nation, have been magnificently and prodigiously blessed. We are thankful for the opportunity we have been given to act as Your servants, and as servants of the people.

We are also grateful for this opportunity to pray as a nation for our sons and daughters in the United States Armed Forces here and around the world who represent our heritage and continued resolve to ever uphold what is right and to ever oppose what is wrong and would threaten liberty and justice, and of a certainty to do Your will.

Our Father, we join in prayer breakfasts throughout the world and we ask Your blessing upon all who have united in a spirit of genuine fellowship and kinship. We are grateful for all Your blessings and for our liberty, and we ask that You strengthen our hearts and give us a continued resolve to work together in the cause of freedom and peace throughout the globe. And in a world threatened by discord and fear, we ask that You watch over our President and all of our nation's leaders, that You continue to help them cope with the crucial problems of our time.

Father, we ask now that You bless our nation, our nation's leader and all leaders here today. We ask that You bless this breakfast gathering of fellowship, and we ask that You bless this food for Your honor and for Your glory.

In Your name we pray, Amen.

Senator BENNETT. Thank you, General Shalikashvili. We'll now enjoy the breakfast and pick up the program when presumably you're through eating. Thank you.

[Breakfast.]

Senator BENNETT. In the Senate prayer group we always bang the glass at the stroke of 8:30 and get started, whether you're finished eating or not, so we will follow that tradition here today.

We welcome you all here today and you should be aware of the fact that in addition to the President and his wife and the Vice President and his wife, there are in attendance members of the Senate and the House, members of the President's Cabinet. Of course General Shalikashvili and other members of the Joint Chiefs and the military command. We have prime ministers and heads of state, leaders of giant corporations and organizations from all over the world and we welcome all of you.

Allow me to quickly introduce to you the people who are sitting at the head table, most of whom will participate and, therefore, will be introduced in their own right. But for those who do not participate, so that you know who is here, I will start with my colleague, Senator Akaka from Hawaii. Next to him, Ariel Bybee, who will sing to us later. General Shalikashvili, whom you've heard from in the opening prayer, and his wife, Joan.

Senator Simpson, who will represent the Senate prayer group, and his wife Ann. Senator Carol Moseley-Braun, and I'll tell you why she's here at the appropriate time. Becky Geren, the wife of Congressman Pete Geren, who heads the House prayer group. Of course you know the Vice President and his wife. You know this fellow with a full head of hair next to me and his wife.

My wife, Joyce, next to Mrs. Clinton. Senator Nunn and his wife, Colleen, and we of course will hear from him. Dr. Dorothy Height, we will hear from her. Van Cliburn, who will provide music. Annette Lantos and Congressman Tom Lantos from California, and then Sonny Montgomery from Mississippi. So, those are the folks who are here before you. [Applause.]

In the New Testament it records an occasion where a lawyer came before Jesus in an attempt to tempt Him and trap Him in His words. As I read that, I realize that the behavior of lawyers maybe hasn't changed too much in the centuries from then until now, but just some lawyers, I assure you.

In an attempt to trip Him up, the lawyer asked Jesus a question that he was fairly sure Jesus would have trouble with because it was the question that has been widely debated, and certainly had been widely debated in that time: what is the greatest commandment in the law, and perhaps with a bit of derision in his voice, he prefaced the question by saying, "Master, what is the greatest commandment?"

Jesus was more than prepared and He quoted from Deuteronomy, "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy might" And then went further, quoting from Leviticus, said to the lawyer, "and to the second is like unto it." Quoting from the 19th chapter of Leviticus, he said, "Thou shalt love thy neighbor as thyself." And then He gave the lawyer this magnificent summary. He said, "On these two hang all the law and the prophets."

I can think of nothing better than that summary as the theme of the prayer breakfast. All of us have our own interpretation of who is the Lord our God. All of us strive to do the best we can to understand who that is

and to love Him with all our hearts, souls and minds. But all of us, regardless of our religious tradition, can recognize the importance of learning to love our neighbor as ourselves, and it is in that spirit that we gather here this morning and in countless groups around the world.

We gather that way in the Senate of the United States every week. We also do that in the House every week and it is my privilege to introduce to you the Honorable Pete Geren, Congressman from Texas, who is the leader of the House prayer breakfast, to bring us their greetings.

Representative GEREN. Senator, thank you. I'm not sure your lawyer comment was in the spirit of the occasion but we'll let that one pass. [Laughter.]

Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, and distinguished guests, one and all. I bring you greetings from the prayer breakfast of the United States House of Representatives. My charge today is to tell you about our prayer breakfast, with the hope and prayer that perhaps you can build on our experience in your nation, your state, your place of work, or perhaps even in your neighborhood.

In the book of Matthew Jesus told us, "Where two or three are gathered together in My name, there am I in the midst of them." Today those gathered in His name number in the thousands and we thank Him for His message.

Every Thursday morning that the House is in session we gather, 40 to 50 members strong, in His name. Our gathering is extraordinary by Capitol Hill standards, for so many reasons, and truly a blessing for those who have chosen to make it a part of their lives. I say extraordinary by Capitol Hill standards. In a supercharged environment where most all meetings are restricted by party membership, or even more narrowly by philosophical subsets within the party, by race, by religion, by region, by state, by cause, our meetings are interfaith, ecumenical, multiracial, nonpartisan, and about as diverse as this great land of ours.

The Irish brogue of south Boston, the syrupy drawl of South Georgia, the sharp and clipped tongue of Brooklyn, the twang of Texas, and the flat tones of the Midwest fill the room every Thursday morning. Extraordinary. There are no guests, not even family members, no camera, no press, no record of the proceedings. It is as private as Capitol Hill can be and members share their hearts.

I said no guests. Well, there is one exception. Legislators or parliamentarians from around the world will join us to learn about our breakfast and on occasion return years later to tell about the breakfasts that they have started in their land.

Today prayer breakfasts are held in over 100 countries around the world, in countries as far-flung as India, Peru, Mongolia, Japan. So, in a way, our breakfast engages in outreach to the world, but that's not our main purpose. Our focus is internal, on the lives and hearts and souls of our colleagues. It is fellowship. It is an eye in the storm of the swirling world of politics.

There is a saying in Washington that if you want a friend in Washington, buy a dog. Our breakfast belies that expression. Breakfast begins at eight, and I think it's the only three dollar breakfast left in Washington. It probably violates the gifts ban, Mr. Speaker. I'm not sure.

We visit informally for most of the first half hour. When we are called to order, we begin our day's program with a scripture reading. Our very own general, Congressman Sonny Montgomery, then brings us to date on the lives, and too often of late, the deaths of our friends and House members, past and present. He shares with us celebrations such as recent births and the trials and tribulations of others.

We then lift up our colleagues and their families in prayer with rejoiceful prayers of thanksgiving, prayers for healing, for comfort, and for the blessing of our name and our leaders. We follow the prayer with a hymn, long on enthusiasm and sometimes short on harmony.

Congressman Jake Pickle of Texas used to regale us with the history of each hymn, or at least the history according to Jake. Jake is now retired and we all miss him.

Following the hymn, a House member tells us about his or her life story, about the influences that changed his life, his values, his philosophy, his faith, his politics. On these occasions members offer a window into their souls that I suspect few others ever see. Through this sharing, each of us so often is surprised that beyond the accent, the geography, and the political label, surprised at how much we all have in common.

After hearing Joe Moakley of Massachusetts talk of his South Boston childhood, Charlie Rangel, who grew up in Harlem, said, "Joe, we really grew up in the same neighborhood. We just never knew it." Regarding our differences, and they are many, we grow to understand them and appreciate them.

We close with another prayer. We pray that we may be salt and light in this world. Each of us truly is blessed by our participation and pray that somehow our Congress and our nation, one nation under God, could be blessed as well. Thank you very much. [Applause.]

Senator BENNETT. We will now hear an Old Testament reading by the Honorable Tom Lantos from California, after which Al Simpson, retiring but not really very retiring, Senator from Wyoming, will speak on behalf of the Senate prayer group.

Representative LANTOS. President Clinton and Mrs. Clinton, Vice President and Mrs. Gore, ladies and gentlemen. We all know why everybody is here at the head table. No one knows why I am here. I am here as a reminder that we are slow learners. Bob Bennett said, "Thou shall love thy neighbor." I am the only survivor of the Holocaust ever elected to the Congress of the United States, which I take as the most poignant reminder of how profoundly we have failed to learn that central, profound, and powerful message.

This is my birthday and I didn't expect it to be this elaborate. [Laughter, applause]. But as always, I want to express my appreciation to my wife Annette, and I want to tell all of you that as I blow out the candles tonight on my birthday cake, I will have a simple wish, that all of our 17 grandchildren and all the children all across the globe should have an opportunity to grow up in peace and dignity and friendship.

I'd like to share with you a psalm you all know, Psalm 19.

"The Heavens declare the glory of God, the skies proclaim the work of His hand. Day after day, they pour forth speech, night after night they display knowledge. There is no speech or language where their voice is not heard. Their voice goes out into all the earth, their works to the end of the world. In the heavens, He has pitched a tent for the sun, which is like a bridegroom coming forth from his pavilion, like a champion rejoicing to run his course. It rises at one end of the heavens and makes its circuit to the other; nothing is hidden from its heat. The law of the Lord is perfect."

Senator SIMPSON. Mr. President and First Lady Hillary, and Vice President and President of our Senate, Al and Tipper. Distinguished guests, greetings to my fellow seekers and discoverers and wanderers, not necessarily in that order.

It is always a grand morning. One of the great honors of my life was to give the principal address at this National Prayer Breakfast in 1989. I was filled with trepidation that a seeker like me would be asked. The night before, the Reverend Billy Graham, one of the most loving, inspirational, caring men in this world, called and said, "Alan, we are praying for you." I said, "You're praying for me? I'm doing plenty of that for myself." But that's very typical of the Reverend Billy Graham.

Long ago in public life I learned where to turn when I didn't know where to turn. There's only one source for that.

The Senate prayer breakfast group gathers every Wednesday morning for a convivial hour between 8 and 9. Our leaders, Bob Bennett, Republican from Utah, Danny Akaka, Democrat from Hawaii, rare people, both of them. The presenter of the day, after an opening prayer, shares about themselves with us for 15 or 20 minutes, followed by a time of discussion and fellowship. Promptly at the hour of nine we close with a prayer as we stand with hands joined around the tables.

Sometimes the theme is the Bible. Sometimes it's public life. Sometimes it's about family and our jobs, but always it's about ourselves and the impact of that greater force in our lives, a higher being. All faiths there, all philosophies, all believers.

Those are always very moving times and we share much with each other and we gain much from each other. It helps us endure in the partisan and political world in which we have chosen to labor. Kindness, civility, tolerance, and forgiveness are all part of the essence of our gatherings. We try to put aside harsh judgment and criticism. I remember the words of a wonderful couplet that my mother used to share: "There is so much good in the worst of us and so much bad in the best of us, that it ill behooves any of us to find fault with the rest of us." I like that one. I knew you would.

We also talk about our human frailties. We talk about how easy it is to fall for the blandishments of flattery and be overcome by ego. I've often said that those who travel the high road of humility in Washington, D.C. are not troubled by heavy traffic. [Laughter.]

It is always a very uplifting time. And yes, actually too a time of sharing our own vulnerabilities. It was Will Rogers, our great American humorist, who said, "It's great to be great but it's greater to be human."

We are very privileged to be able to serve in the United States Senate, a special obligation. People do observe us. We are scrutinized, and we hope to do more than just talk a good game. We need to live the things we learn and share.

Let me close with a poem that is something we try to take from the weekly Senate prayer breakfast group and something we might hope to remember from this marvelous convocation today. That little poem, "We'd rather see a sermon than hear one any day. We'd rather you would walk with us than merely show the way. The eye is a better pupil and more willing than the ear. Fine counsel is confusing, but example always clear. We can soon learn how to do it if you

all let us see it done. We can watch you well in action but your tongue too fast may run. And the lecture you deliver may be very wise and true, but we'd rather get our lessons by observing you."

There's the word for the day. God bless you all.

Senator BENNETT. Senator Al Gore was a regular attender at the Senate prayer breakfast. Vice President Al Gore gets there as often as he possibly can. We are poorer for the fact that that is not as often as it used to be, but we're always glad to see the President of the Senate when he does show up at our prayer breakfast and we're honored and pleased to hear from him now. The Vice President of the United States.

Vice President AL GORE. Thank you, Senator Bennett and Mrs. Bennett, and Mr. President, Mrs. Clinton, Mr. Speaker, Congressman Geren and Mrs. Geren, Senator Nunn, who will deliver the message, and Mrs. Nunn, other members of the House and Senate here at the dais, other distinguished guests at the dais and in the audience and in the overflow room. Let me especially welcome the international dignitaries who are with us this morning.

As Tipper and I stood outside the hotel early this morning, it was so cold that those who didn't know me well thought I was frozen stiff. [Laughter.] Three years ago at Christmastime I received from one of my children a gift that almost drove me to distraction. It was a book of graphic designs generated by a computer technique that contain a hidden pattern. How many of you have ever seen such designs? Those of you who have not, what I'm about to say won't mean much to you, but ask your chiuldren. They will tell you about these designs.

You're supposed to hold them very close to your face and focus your eyes on a distant point beyond the page. Then after a little time has passed, slowly take them away from your eyes, and if you do it just right, a design will spring into view in three dimensions.

I don't think I was doing it just right, and it took a number of tries before I finally resolved the technique. My children, by contrast, would flip through the pages, yep, there's that one, yep, there's that one. I would still be on the first one, trying to bring it into view.

I think prayer is a little bit like that experience. We try to focus on a more distant reality that has a deeper meaning, but it's difficult to be still and be patient and avoid the distraction of the business in our lives.

Men see on the surface. We're taught God sees on the inside. Jesus taught the kingdom of God is within. In Ecclesiastes we find the passage, "I applied mine heart to know and to search and to seek out wisdom and the reason of things."

In a world awash in information and busyness, there is always so much more we can know: the reason a child is suffering ten blocks from this hotel, the dreams of a nation an ocean away, the condition of our planet as it circles the sun. We seek wisdom wherever it may be.

Ecclesiastes also reminds us that, "wisdom strengthened the wise more than ten mighty men." With wisdom we may glimpse the future and shape its contours. We can fulfull responsibilities to neighbors and honor obligations to our children. With wisdom we can protect our earth and preserve its treasures.

So we ask God to give us the wisdom and courage to act on that which we have learned and give us too the strength to move forward. Give us the grace to be still, to lift up our eyes unto the hills, to take the time to ask, what would Jesus do, and to remember that He said, "Whatsoever you do to the least of these, you do to me." [Applause.]

Senator BENNETT. As Congressman Geren indicated, Sonny Montgomery, Congressman from Mississippi, has been one of the pillars around which the House prayer breakfast group has been built over the years. Sonny has announced his retirement from the Congress, so we asked him to give the New Testament reading here at the National Prayer Breakfast.

Sonny, when you're through, don't leave because we have something we'd like to give you as a memento.

Representative MONTGOMERY. Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, Mr. Speaker. Thank you, Senator Bennett, for giving me the opportunity to read two passages from the New Testament.

A few minutes ago Pete Geren talked about the House prayer breakfast group, and Thursday is the best day of the week for me because of the prayer breakfast. I could have not made it up here for 30 years without the House prayer breakfast being in the Congress.

Now, to do what I'm supposed to do, two readings from the New Testament. From the Living Bible, I Corinthians, chapter 13, verses 11 through 13. It is like this. "When I was a child,I spoke and thought and reasoned as a child does, but when I became a man, my thoughts grew far beyond those of my childhood, and now I have put away childish things. In the same way we can see and understand only a little about God now, as if we were peering at His reflection in a poor mirror. But some day we are going to see Him in His completeness, face to face. Right now, all that I know is hazy and blurred, but then I will see everything clearly, just as clearly as God sees into my heart today. There are three things that remain: faith, hope, and love, and the greatest of these is love."

Now from the King James version, II Timothy, chapter 4, verses 6 through 8. Paul is writing to his spiritual son Timothy. "I am already being poured out as a drink offering and the time of my departure is at hand. I have fought the good fight, I have finished the race, I have kept the faith. Finally there is laid up for me the crown of righteousness, which the Lord, the righteous judge, will give to me on that day, and not to me only but to all who have loved His appearing." Amen, amen. [Applause.]

Representative GEREN. On behalf of the House prayer breakfast we have a presentation to make to Sonny. Sonny is truly the heart and soul of the House prayer breakfast. Sonny, I don't know what we're going to do without you. [Presents a Bible and reads the inscription]

"Sonny Montgomery, our wonderful friend and mentor for so many years. You help us with the things that count most in life. We are forever in your debt. Presented to Sonny Montgomery on the occasion of the 1996 National Prayer Breakfast by the House of Representatives breakfast group."

Sonny, thank you very much. [Applause.]

Senator BENNETT. After the program was printed, I received the following letter, addressed to the National Prayer Breakfast. "I deeply regret that my doctors, in spite of great improvement and the promise that I will be totally recovered within the next month, have urged me not to attend the meeting today. This will be one of the few times I have ever missed the National Prayer Breakfast since its inception, and I am going to greatly miss it."

"It is my prayer that uniting in the spiritual atmosphere will bring us together as a people, whatever our backgrounds, and strengthen the moral and spiritual values that we are dangerously close to losing. May God bless you all."

We assume, Dr. Graham, that you are watching on television, and we miss you. But we tell you you are in our prayers and thoughts and that we pray your recovery is as complete as you indicate the doctors have promised you it will be.

Now faced with this kind of a hole to fill, I did what you always do when you have a real problem. You go to your friends. Carol Moseley-Braun, Senator from Illinois, after her initial "whoo" at the suggestion that she would be standing in for Billy Graham, proved just how much of a friend she really is when she said, "Yes, Bob, I will do it."

In the tradition of the National Prayer Breakfast, where we always have a prayer for national and international leaders, we will now have the honor of having that prayer offered by the Senator from Illinois, Carol Moseley-Braun.

Senator MOSELEY-BRAUN. Thank you. Senator Bennett assured me that the charity of the people at the prayer breakfast would keep me from being run out of town while trying to substitute for the great Dr. Graham. Our prayers go out to him for his speedy recovery and full health.

Mr. President and Mrs. President, Mr. Vice President and Mrs. Vice President, Senator Bennett, honored guests, ladies and gentlemen, let us pray.

Oh Lord, You have always called forth leaders in the world and we look to You to lift up among us those who will lead in righteous ways. Your servant Moses saw an oppressed people and, though he first fled from the path, led his people from oppression to freedom, from slavery into nationhood. Your servant David heard the taunting cry of an evil-spirited giant whose tyranny threatened to crush the struggling forces for good. Against such seemingly impossible strength but armed with your spirit, he brought justice.

Your servant, Your son, the Lord Jesus Christ, armed with only the truth of His teaching, showed His followers the light which has been the salvation of and the model for self-sacrificing and humble leadership for countless generations.

Lord, we seek Your face. Your world needs leaders who see oppression and lead us away from it, who can cut tyrants down to size and place their taunts behind us, who will offer not only their wisdom and their words but indeed, themselves in the service of people everywhere.

Clothe those who gather under the mantle of leadership in the world today with a proper scorn for tyranny, a priestly reverence for the lives of those for whom they speak, and the tender touch of the shepherd lifting up those who need him most.

Strengthen their eyes, make wise their minds, and fill their house with the resolve to seek and find an act upon the truth as they are privileged to know it in the service of the world You have created, and of the people whom You love.

Then shall the nations all rejoice in the reality of Your promise to heal this land and to grant peace on earth, good will to all. Father, we thank You for your grace and guidance and for Your many blessings. Make plain Your way and straighten our path, that our service and stewardship—that our stewardship of Your earth and our service of Your people may be pleasing in Your sight.

Bless the leaders here assembled, Your clergy, our President and Vice President, the leadership and membership of the Congress, the administration, the military, the international community all here assembled. May our prayers this day create an atmosphere for good all over your world, and the leaders of our time do honor to you.

These things in Jesus' name we pray, Amen.

Senator BENNETT. When the time came to make the decision as to whom we would call upon for the principal address at this prayer breakfast, we considered a number of names, and debated them and got excited about this one and that one, and then, well, maybe, and back and forth.

We would pray and then get back and talk again. Then in the midst of all of this conversation the name of Sam Nunn was mentioned, at which point we knew we didn't have to pray about it any more. He did, but we didn't. We knew we had the right fellow. It took a few weeks for him to decide that that was the case.

When I called the President to run the name by him—as a courtesy we always do that, to make sure that we get somebody that the President would feel comfortable with—I caught the President on a perhaps bad day. I'm not sure he has too many of the other kind, but while the President is always courteous, I could tell from the edge in his voice a little bit that there had been a lot of people who had been having that day. He said after the pleasantries, "You called me," kind of a little bit defensive, like, what problem are we going to have now?

I said, "Mr. President, I'm calling to get your reaction to the possibility that we'll have Sam Nunn as the speaker for the National Prayer Breakfast." I could tell from the response in the President's voice that I had made his day; immediately he relaxed and said, "I think that's wonderful. I think that's remarkable."

So do all of the rest of us who know and love Sam Nunn. This is one of the outstanding public servants in America, and it is going to be our great privilege to hear from him now. [Applause.]

Senator NUNN. Thank you very much, Bob. President and Mrs. Clinton, Vice President and Mrs. Gore, fellow sinners—have I left anyone out? [Laughter.]

I say to my good friend Alan Simpson, Billy Graham called me also, Alan, and he said as he did in his message, he was praying for us all but he felt particularly compelled to pray for Alan Simpson and for me. Alan, I don't know what he meant by that, but you and I appreciate it.

A few years ago during the Brezhnev era, Dr. Billy Graham returned from a highly publicized trip to Moscow, and he was confronted when he returned by one of his critics with these words, "Dr. Graham, you have set the church back 50 years." Billy Graham lowered his head and replied, "I am deeply ashamed. I've been trying very hard to set the church back 2,000 years." [Laughter, applause.]

Today we represent different political parties, different religions, different nations, but as your invitation states, we gather as brothers and sisters in the spirit of Jesus, who lived 2,000 years ago and who lives in our hearts and minds even today. The first prayer breakfast was held in 1953, in a world of great danger. President Eisenhower was newly inaugurated and had just returned from Korea where our young soldiers were fighting desperately.

World communism was on the move. Eastern Europe and the Baltics were locked behind the Iron Curtain. All across the globe the lights of religion, freedom, and individual right were going out, and the specter of nuclear destruction loomed over our planet.

I wonder this morning how those who attended that first National Prayer Breakfast 43 years ago would have reacted if God had given them a window to see the world of the 1980s and the 1990s. They would have seen truly amazing things. Catholic nuns kneeling to pray in the path of 50-ton tanks, the power of their faith bringing down the Philippine dictatorship. The Iron Curtain being smashed, not by tanks of war but by the hands of those who built it and those who were oppressed by it. The Cold War ending not in a nuclear inferno but in a blaze of candles in the churches of Eastern Europe, in the singing of hymns and the opening of long-closed synagogues.

I believe that God gave Joseph Stalin the answer to his question: How many divisions does the Pope have? They would have also seen a black man in South Africa emerge from prison after 26 years and become President of his nation, personifying forgiveness and reconciliation; the first hesitant but hopeful steps toward peace between Jews and Arabs in the Middle East and between Catholics and Protestants in Northern Ireland. They would see that in 1996, we are blessed to live in a world where more people enjoy religious freedom than at any other time in history. Can we doubt this morning that a loving God has watched over us and guided us through this dangerous and challenging period?

During the early days of the Russian Parliament, known as the Duma, I joined several other Senators in attending a meeting with a number of newly elected members of that body. The second day, a few of us were invited to a very small prayer breakfast with a group of Duma members who were just forming a fellowship. As in the larger meeting the day before, the breakfast discussion started with a degree of coldness and tension. One of the Russians, in obvious sadness and a little embarrassment, remarked that Russia was in great economic distress and that the United States was the only remaining super power. It was clear that this was a very sensitive point for them. It had been abundantly clear also the day before. Senator Dirk Kempthorne and I then pointed out that in a real sense there was only one real Super Power in the world, our Heavenly Father who watches over us all. The tension immediately eased, and the spirit of fellowship was built. And we prayed together to that Super Power, the God who loves us all.

Our world is a strange and tragic place. It's very ironic in many ways. The Cold War is over, but in a tragic sense, the world has now been made safe for ethnic, tribal and religious warfare and vengeance and savagery. Such tragedy has come to the people of Somalia, Bosnia, Rwanda, Burundi, Sudan, and Haiti and others.

At home, the pillar of our national strength, the American family, is crumbling. Television and movies saturate our children with sex and violence. We have watered down our moral standards to the point where many of our youth are confused, discouraged, and in deep trouble. We are reaping our harvest of parental neglect, divorce, child abuse, teen pregnancy, school drop-outs, illegal drugs and streets full of violence. It's as if our house, having survived the great earthquake we called the Cold War, is now being eaten away by termites.

Where should we turn this morning and in the days ahead? I believe that our problems in America today are primarily problems of the heart. The soul of our nation is the sum of our individual characters. Yes, we must balance the budget. And there are a lot of other things we need to do at the federal level. But unless we change our hearts, we will still have a deficit of the soul. The human inclination to seek political solutions for problems of the heart is nothing new. It's natural.

Two thousand years ago another society found itself in deeper trouble than our own today. An oppressive empire strangled liberties. Violence and corruption were pervasive. Many of the people of the day hoped for the triumphant coming of a political savior, a long expected king to establish a new, righteous government. Instead, God sent his son, a baby born in a stable.

Jesus grew up to become a peasant carpenter in a backwater town called Nazareth. He condemned sin, but he made it clear he loved the sinner. He befriended beggars and prostitutes and even tax collectors, while condemning the hypocrisy of those in power. He treated every individual with love and dignity and taught that we should do the same. He died like a common criminal on a cross and gave us the opportunity for redemption and the hope of eternal life. He also put the role of government in proper perspective when he said, "Render unto Caesar that which is Caesar's and unto God that which is God's."

Shortly after I announced that I would not seek reelection last fall, a reporter asked me, "You've been in this Congress for 24 years. What do you consider your greatest accomplishment?" I paused for a moment, and then I replied, "Keeping my family together and helping my wife Colleen raise two wonderful children, Michelle and Brian." [Applause.]

Well, upon hearing that, the reporter scoffed, He said, "Don't give me that soft, sound bite stuff. What laws did you get passed?" When he said that, I had several thoughts, only a couple of them I can share with you this morning. [General laughter.]

Four years ago, my daughter Michelle and a few of her friends started an organization in Atlanta called Hands On Atlanta, making it exciting and efficient and fun for young people to volunteer their time to help those in need. Now, about five years later, 10,000 volunteers each month render about 20,000 hours of personal one-on-one service. Now what laws have I passed that would have this impact?

I also thought about the difference between being a Senator and being a father. When we in the Senate make a mistake, we have checks and balances, 99 other Senate colleagues, plus the House of Representatives, plus the President, plus a final review by the Supreme Court. But when we as parents make a mistake, where are the checks and where are the balances?

Congress can pass laws cracking down on those who refuse to support their children, but we cannot force husbands to honor their wives, wives to love their husbands and both parents to nurture their children. Congress can pass laws on civil rights and equal rights, but we cannot force people of different races to love each other as brothers. Congress can promote fairness and efficiency in our tax code, but we cannot force the rich to have compassion for the poor. We can join with our Nato allies to separate the warring factions in Bosnia, as we're doing, and give them a breathing space as we're doing; but we cannot force Muslims, Croats and Serbs to live together as brothers in peace.

I recently heard a story on the radio. It happened in Bosnia, but I think it has meaning for all of us. A reporter was covering that tragic conflict in the middle of Sarajevo; and he saw a young, little girl shot by a sniper. The back of her head had literally been torn away by the bullet. The reporter threw down his pad and pencil and stopped being a reporter for a few minutes. He rushed to the man who was holding the child. He helped them both into his car. As the reporter stepped on the accelerator, racing to the hospital, the man holding the bleeding child said, "Hurry, my friend. My child is still breathing." A moment later, "Hurry, my friend. My child is still warm." Finally, "Hurry. Oh my God, my child is getting cold."

When they got to the hospital, the little girl had died. As the two men were in the laboratory, washing the blood of their hands and their clothes, the man turned to the reporter and said, "This is a terrible task for me. I must go tell her father that his child is dead. He will be heartbroken." The reporter looked up in amazement. He looked up at the grieving man and said, "I thought she was your child." The man looked back and said, "No, but aren't they all our children?"

Aren't they all our children? Yes, they are all our children. They are also God's children as well, as He entrusts us with their care. In Sarajevo and Somalia, in New York City, in Los Angeles and my home town of Perry, Georgia, and right here in Washington, DC, they are all our children.

In the book of Micah, the prophet asked, "Shall I give my firstborn for my transgressions, the fruit of my body for the sin of my soul?" The cruelest aspects of our wars and our sins is what they do to our children. Jesus said, "Suffer the little children to come unto me for of such is the kingdom of God." Too often today we shorten that commandment to: Suffer, little children. Mrs. Clinton, thank you for the great emphasis you have put on children and the spotlight you have shined on our challenges. We are grateful. [Applause.]

And so the world is watching America today. People around the world are not just watching our President or our Congress or our economy or even our military deployment. They are watching out cities and our towns and our families to see how much we value our children and whether we care enough to stop America's moral and cultural erosion.

Do we in America in 1996, love our neighbors as ourselves, as explained by Bob Bennett as our theme for the morning and by Tom Lantos and his personal example? Now, I don't have the answer to these questions this morning, and I don't pretend to. These problems can only be solved in the hearts and minds of our people and one child at a time. I do have a few, however, observations.

The Cold War provided us with the clarity of purpose and the sense of unity as a people. Our survival as a nation was at stake. We came together, often in fear. The challenges that confront us today are different, far different; but the stakes are the same. I pray that our children, all of our children, will be the bridge that brings us together as a nation, not in fear, but in love.

Each year millions of our children are abused, abandoned, and aborted. Millions more receive little care, little discipline, and almost no love. While we continue to debate our deeply held belief as to which of these sins should also be violations of our criminal code, I pray that we as parents, as extended parents, and as communities, will come together and find a way to provide love and spiritual care to every mother and to every child, born or unborn. Government at every level must play a role. But I do not believe it will be the decisive role.

What then are our duties as leaders, not just in the world of politics and government, but in every field represented here this morning and through our land? Like basketball stars Charles Barkley and Dennis Rodman, we are role models whether we like it or not. I believe that the example we set, particularly for our young people, may be the most important responsibility of public service. We must demonstrate with our daily lives that it is possible to be involved in politics and still retain intellectual honesty and moral and ethical behavior. We are all sinners, so we will slip. And, yes, we will fall. But I have felt God's sustaining hand through every phase of my life, growing up in Perry, Georgia, raising a family, my relationship with my wife, Colleen, in Senate floor debates, in committee meetings, visiting our troops in war, or being a part of the mission for peace.

In the years ahead, when I think back on my public service, I am certain that the most cherished memories will be those moments spent with my colleagues in the Senate Prayer Breakfast and in my meetings with leaders from around the world in the spirit of Jesus.

I've also been blessed by many friends in the Senate and a small fellowship with a group of Senate brothers, like the late Dewey Bartlett, Republican of Oklahoma; Lawton Chiles, Democrat of Florida, Pete Domenici, Republican of New Mexico; Harold Hughes, Democrat of Iowa; and Mark Hatfield, Republican of Oregon. No one can accuse that group of being of like minds, politically. But these brothers have listened to my problems, they've shared in my joys, they've held me accountable, and they've upheld me in their prayers. Fellowship in the spirit of Jesus does amazing things. It puts political and philosophical differences, even profound differences, in a totally different perspective.

I believe that 2,000 years ago Jesus was speaking of each of us when He delivered His Sermon on the Mount. And my prayer this morning for our leaders, and indeed for our whole nation, is the spirit of His words then. May we who would be leaders always be aware that we must first be servants. May we who compete in the arena of government and politics remember that we are commanded to love our enemies and pray for those who persecute us. And I can't find any exception for the news media or for our opponents. May we who seek to be admired by others remember that when we practice our piety before men in order to be seen by them, we will have no reward in Heaven. May we who have large egos and great ambition recall that the kingdom of Heaven is promised to those who are humble and who are poor in spirit. May we who depend on publicity as our daily bread recall that when we do a secret kindness to others, and when we don't try to tell everyone, then our Father, who knows all of our secrets, will reward us. May the citizens who we serve as stewards of government be sensitive to the fact that while we need their critiques, we also desperately need their prayers. May we never forget that the final judgment of our tenure here on earth will not be decided by majority votes and that an election is not required to bring us home.

God bless each of you. [Applause.]

Senator BENNETT. We did all right, didn't we? [Applause.]

Thank you Sam, You have left us all in your debt.

Those who know me know that I am the son of a Senator. My father served for 24 years, and I ran his last two campaigns. When the time came for me to run for the Senate, I thought I understood what that was all about. I'd been all over the state. I'd spoken in every little town. I had shaken all the hands. And I'd done all of the things connected with managing a senatorial campaign. Well, one of the great discoveries that came to me when I became a candidate is that there is no experience that can prepare you for what happens when you are the candidate. It's entirely different. The pressures are different. The circumstances are different. The hurts, perhaps, are deeper when it's your name on the ballot than when you're campaigning for somebody else.

I have participated in a number of presidential campaigns. I think I know a little bit about what it's like to manage a presidential campaign. But from my own experience, I know that there can be only one person in this room who understands what it's like to be the President of the United States. The pressures, the challenges, the difficulties, the rest of us can only guess.

And so, I share with you my memory of President Clinton at his first National Prayer Breakfast, when I was sitting there as the brand new Senator, wondering what this was all about. He said something that I have hung onto ever since, and I think has great value for all of us. He referred to his oath of office, and then said when the oath was completed, he felt like saying, "So, help me, God."

That is a legitimate reading of that particular phrase, that only the President can fully understand. It's a great pleasure and honor for me now to pronounce the appropriate words of introduction: Ladies and gentlemen, the President of the United States. [Applause.]

President CLINTON. Thank you very much. Thank you. Thank you very much. Thank you. Thank you very much. Thank you.

Thank you very much, Senator Bennett, Vice President and Mrs. Gore, Mr. Speaker, Senator Nunn and the Members of Congress who are here, the Members of the Supreme Court, the Joint Chiefs, the other public officials, to our guests from around the world, and my fellow Americans.

Let me begin by saying that most of what I would like to have said on my best day was said better today by Sam Nunn. [Applause.]

All during his speech, I kept saying to myself, I'm more glad today that I prayed for him not to leave the Congress than I was the day I prayed for it, but I also know, with a heart and a mind and a spirit like that, there is a great, powerful service still awaiting Senator Nunn in whatever he should decide to do.

I thank Sam Nunn and Alan Simpson and my neighbor, Sonny Montgomery, and all those who are here retiring from the United States Congress this year for the service that they have rendered to their constituents and to the American people. [Applause.]

Hillary and I join all of you in praying for Billy Graham and for his wonderful wife, Ruth, and for their family.

I'm still glad to be here even though I don't think I need to say much now. I know one thing. We've got a lot to pray about here in Washington. We've got a lot of conflicts, we've got an abundance of cynicism, we have to worry about a loss of trust in public institutions all across the country. I disagree with Pete Geren. I think it was Harry Truman who said, "If you want a friend in Washington, you need to buy a dog." I think it

was Benjamin Franklin that said, "Our enemies are our friends when they show us our faults." Well, as someone who has had more of his faults shown, real and imagined, than anyone else—[laughter]—I think we all have a lot of friends here in Washington. [Laughter and applause.]

I was thinking last night about what we really want out of this Prayer Breakfast, and I was up late reading, and I came across something that King David said in the 4th Psalm. You know, David knew something about leadership and courage and human failing. He said in his psalm to God, "Thou hast enlarged me when I was in distress."

So I pray that when we leave here today, by the words of Senator Nunn and the readings of the Scripture, the remarks of others, we shall all be enlarged in spirit, not only for our public work, but for our private trials. I look out here and I see friends of mine in both parties whom I know today have trials in their own families and challenges of the heart they must face. And we leave here in the prayer that we will be enlarged.

Sam Nunn talked about the family and what government cannot do. I ask that when we leave here, we say a prayer for our families, to lift up those who are working hard to stay together and overcome the problems they face, to lift up those who are helping others to make and to build families. It is a rewarding thing to see the divorce rate leveling off and the teen pregnancy rate going down, and the first indications that America may be coming back together around the values that made this a great nation. But we need to support those efforts.

There may not be much we can do here as lawmakers. Hillary said in her book that, "* * * till death do us part" has often become, "till the going gets tough." It may be that it ought to be a little harder to get a divorce where children are involved. But whatever we do with the law, we know that ultimately this is an affair of the heart, an affair of the heart that has enormous economic and political and social implications for America, but most importantly, has moral implications because families are ordained by God as a way of giving children and their parents the chance to live up to the fullest of their God-given capacities. And when we save them and strengthen them, we overcome the notion that self-gratification is more important than our obligations to others. We overcome the notion that life is just a series of responses to impulses, and instead is a whole pattern with a fabric that should be pleasing to our God.

I applaud what Senator Nunn said about our children, for with them it is more true than in any other area of our life that it is in giving that we receive.

I ask that we pray for those who are trying to make strong our communities and our nation and our nation's connection to people of like minds and real needs around the world, for that, too, is a part of family life. We would be a better country if our communities and our country acted more like the best families, where we all played our part, including the government, where we all did for ourselves and tried to help each other.

Humanity's impulse is to reach outward to the poor and homeless in need; to the striving who seek a hand up, not a handout; to the stricken from here to the Middle East to Haiti to Bosnia; to the earth, which needs our help in preserving the temple God gave us.

Sometimes I think we forget in America how privileged we are to be looked to to extend the bonds of family beyond our border. When Hillary and I were served breakfast here today, the gentleman who was serving us leaned over and he said, "Mr. President, I am so grateful for what the United States did in Haiti. I came here 30 years ago from Haiti, but it is still my country and now it's free."

When I met the foreign dignitaries as I was going through the line, there standing before me was the mayor of Tuzla. For every American in uniform, he is now our mayor and we are a part of his family efforts to bring peace and freedom to all the people of Bosnia.

Galatians say, "Let everyone bear his own burden," and then just a couple of verses later says, "Bear one another's burden." Would God through St. Paul have given us such contradictory advice? No, I don't think so. I think being personally responsible and reaching out to others are the two sides of humanity's coin, and we cannot live full lives—we cannot be enlarged—unless we do both.

So I ask all of you, beyond praying for our families, to pray for us here in Washington to make the right decisions about how we should enlarge and strengthen the family of our communities, our nation and our ties to the world.

Finally, I ask you to pray for us to have a more charitable attitude toward one another, leaders and citizens alike. I was aghast and deeply saddened yesterday when I read in one of the newspapers all of us read around here, probably one we shouldn't some days, that a citizen of a state of this country had described one of his representatives in Congress as a heathen, a representative who is a genuine, true national hero. But I must say that the citizen would get a lot of ammunition for that just by watching the fights here.

What I want to say to all of you is that the disagreements we have had here in this last year have been very important and not just political and not just partisan. They have been part of the debate America must have as we move into a new era. But we need to conduct them with a great sense of humility. We need to show the right attitude toward those with whom we disagree, even when we feel wronged.

I received a letter a few days ago from a very devout Jew who is a good friend of the Vice President's and mine, and he was talking about injustice. He said, "In the matter of injustice, as awful as it is, it is always, always better to endure it than to inflict it."

We have to reach across these divisions. In these 50 hours of budget discussions the Speaker and I had with the Vice President and Senator Dole and Senator Daschle and Mr. Gephardt and Mr. Armey, in some ways I wish all of you could have seen it because they were remarkably free of cant and politics. And I learned a lot; I owe them a lot. Believe it or not, we're not supposed to talk about what happened, but there were two different occasions where I found myself in the minority, but in agreement with Mr. Armey—on two issues. And I thought to myself, I can't let this get out, he'll lose his leadership position. [Laughter.]

Our friend Sonny Montgomery read that wonderful passage from Corinthians in his first reading. I would ask you to remember, all of you, how that passage is worded in the King James Bible. "Now we see through a glass darkly. Now I know in part." Every one of us is subject to error in judgment as a part of the human condition, and that is why the last chapter of that magnificent verse says, "Now abideth these three—faith, hope and charity, and the greatest of these is charity." We need a charitable outlook in our feelings and our dealings toward those with whom we disagree because we do not know, as we are known by God.

So let us pray that our families will be stronger. Let us pray that the impact of our families and these values will help us as leaders to make our communities, our nation and our work in the world stronger. Let us pray for a stronger sense of humility in our own efforts and a much stronger sense of charity toward the efforts of others. Let us know always that the spirit of God is among us when we permit it to be.

When Hillary and I went to Ireland a few weeks ago and saw the yearning for peace there in the eyes of the Catholics and the Protestants, we had the honor to meet the Irish Nobel-Prize winning poet, Seamus Heaney, and I had the honor of quoting one of his wonderful lines in hoping that I really was there at a time when, to use his words, "hope and history rhyme."

This can be such a time, I am convinced, only —only—if we are charitable, if we are family and if we act according to the spirit of God. This is the day that the Lord has made. Let us rejoice and be glad in it. Thank you. [Applause.]

Senator BENNETT. Thank you, Mr. President, We are honored by your words as well as your presence and your wisdom, and we will try to live within the spirit of your counsel.

Let me be sure I get this correct because this may be the person with the most credentials of any of us in the room. Dr. Dorothy Height is the president of the National Council of Negro Women. Some study history, others debate it, but few represent it with the dignity and grace and magnificence of this living legend. She has been a close friend of both Eleanor Roosevelt and Martin Luther King, Jr. And she is unique in her ability to work with the poor and the oppressed while moving with grace and dignity among the leaders of our time.

DOROTHY HEIGHT. Let us all join hands and lift our hearts in prayer.

God of our weary years, God of our silent tears, Thou who has brought us thus far on the way, Thou who has by Thy might led us into the light, keep us forever in the path, we pray, lest our feet stray from the places, our God, where we met Thee, lest our hearts, drunk with the wine of the world, we forget Thee. Shadowed beneath Thy hand, may we forever stand true to our God, true to our native land.

Lord God, we thank You, for as we have gathered this morning in the spirit of Jesus Christ, our hearts have been touched, our souls invigorated, our lives challenged, our minds renewed, and our vision made clearer of Your great love for us all. Teach us to practice every day that same love with one another across every line that for too long has separated and divided us. We need each other. Help us to know that we are of many nations, languages, tribes, cultures, but one race, the human race, which You alone have created.

Make us to see that if one of us is hungry, hurting, impoverished, malnourished, or the victim of war and violence, then as one people, that is where we all are. For as Martin Luther King, Jr., once reminded us, "Injustice anywhere is a threat to justice everywhere."

Instill in us this day, oh Lord, an even greater commitment to love You, to love every neighbor as we love ourselves, and to beat our plowshares into pruning hooks as we study war no more.

And for this day and for this experience and for this challenge, we give You all the glory, the honor and the praise, and shall we all say Amen.

ALL. Amen.

TRIBUTE TO JACK M. STACK, M.D.

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Ms. STABENOW. Mr. Speaker, throughout his personal and professional life, Dr. Jack M. Stack has made significant contributions to promote the health and well-being of the people of Michigan.

Dr. Stack is board certified by both the American Board of Psychiatry and Neurology and the American Board of Family Practice. A great deal of his practice in both specialities has been dedicated to caring for women, children, and families. But in addition to providing valuable primary health care for more than 30 years in Michigan's rural communities, Dr. Stack has taken a leadership role on national and international committees dedicated to improving the lives of women and children.

As a member of the Michigan State Medical Society, Dr. Stack has served on the Committee on Child Abuse Prevention, Committee on Health Insurance for the Uninsured, and Committee on Governmental Legislative Affairs. He has served as chairperson of Governor Milliken's first statewide Health Consumer's Conference and was keynote speaker at the Governor's Child Abuse Prevention Conference. Among his many other notable achievements, Dr. Stack has also served on the board of directors for the Michigan Association for Infant Mental Health, is the past treasurer for the International Michigan Mental Health Advisory Council, and is the past vice president for the Mental Health Association in Michigan.

In addition to his many leadership roles, Dr. Stack has made significant contributions to the study of pregnancy loss and its impact on women and families. He has published more than two dozen articles relating to women's health and has shown great activism in supporting the many causes of the family.

Dr. Stack exemplifies the values and ethics we need within our medical profession. He is a committed doctor and has demonstrated outstanding leadership within the Michigan community. Throughout his career Dr. Stack has shown great courage and his work and dedication has had a profound impact on many people. I am proud to recognize his contributions and work.

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

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) 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:

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to join my colleagues, Mr. BURTON of Indiana and Ms. DEGETTE, in celebrating the democracy that makes this Nation so unique. I join my colleagues in their efforts to strengthen the invaluable education that is provided by the We the People Program.

It is so critical that we raise our children to understand the pillars upon which this Nation was founded and still stands today. Our children need to know the history and principles of the Constitution and Bill of Rights. They need to understand how the American political traditions and institutions at the Federal, State, and local levels were created and function both in the past and present. Our children need to learn about the crucial steps our forefathers and mothers took to make this great democracy. And with this knowledge, our children will feel compelled to act with the civic responsibility it takes to make this an even stronger, greater Nation.

Through simulated congressional hearings and a national competition of such hearings for secondary school students, this Nation's children learn how this country ever became such an envied democracy by so many other countries. We must ensure that every school is provided with the opportunity to educate students on the history of our political system and the need for active civic participation. I encourage my colleagues to join me in celebrating and enriching the democracy that defines America by voting for the Burton-DeGette amendment.

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

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) 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:

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in support of the amendment offered by the chairman of the Education and the Workforce Committee, BILL GOODLING, which will prevent the Department of Education from spending funds on its national testing proposal.

I can think of no other administration in recent years that has demonstrated a stronger commitment to and advocacy for public education in this country than the Clinton administration. The leadership of President Clinton and Secretary of Education Richard Riley has yielded positive results in the expansion and improvement of Federal education programs.

This is why I come to the House with some reluctance today to respectfully disagree with an initiative proposed by our administration to establish national tests at the fourth and eighth grade levels in reading and math.

The debate on national testing is not new. It has been around for decades. Presidential administrations have come and gone, advocates and opponents of national testing have changed, but the issues and concerns remain the same. I have taken a strong stand against national testing in the past and will do so again today.

The implementation of national tests does little to improve the education system of our country, and indeed may actually harm the very children we seek to help. It is based on an idea that improvement of our education system is dependent upon knowing where the problems are and who is doing poorly. Well, if this is the case, then we are already there, because we already know which schools are doing poorly and we know which children are having difficulty.

Our teachers make this assessment on a daily basis, and school districts and States already have a myriad of tests to determine whether students are meeting high academic standards. We don't need the Federal Government to tell teachers, parents and school administrators who is achieving and who isn't.

We do need the Federal Government to help school districts to provide the resources to assure that children who have difficulties have the help they need. The Federal Government can assist in eliminating the financial inequities that continue to exist among school districts and in providing resources to improve teacher training, math and science education, to rebuild and renovate our crumbling education infrastructure, to expand early childhood education, and to assure that students have up-to-date text books, lab equipment, and computer technology.

We have long held that issues of curriculum and tests should be the responsibility of each school district and State. In implementing tests and the corresponding curriculum school districts can provide appropriate oversight, coordination and safeguards. I fear that the temptation to use a national test established by the Federal Government, without appropriate safeguards could be misused for high-stakes purposes beyond their criterion, to track children because of low test scores. In its inception the proposed national test for all children would not test limited English proficient children and other special needs students.

The diversity of our country requires that we have locally driven education systems which are flexible enough to meet the needs of our diverse population.

The guidance the Federal Government has provided up to the present is adequate and fulfilling. As the States identify the needs of their local schools the Federal Government needs to respond fully and quickly.

CONGRATULATIONS TO THE FRESNO BEE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Fresno Bee for receiving the first-place General Excellence award from the Newspaper Publishers Association. The Fresno Bee has been instrumental in providing news and information to the Central San Joaquin Valley.

The California Newspaper Publishers Association awarded the Fresno Bee with its highest honor on July 19, 1997. This General Excellence award was presented to newspapers with a circulation of 75,000 to 200,000 recipients. The Bee's coverage of a September Presidential visit and a series on troubled municipal bonds contributed to the winning of this highest honor.

The Fresno Bee was also awarded first place awards in several individual categories by the association. Specifically, writer Jim Wasserman's story on child organ transplants won first place for a feature story. Photographer Hector Amezcua's essay complimenting Wasserman's story also took top honors for photography. Finally, Severiano Galvan was recognized for his illustration and graphic art.

The Fresno Bee has a daily circulation of more than 150,000 and a Sunday circulation of 190,000. The Bee is the paper of record throughout the Fresno metropolitan area, which includes all of Fresno County as well as the communities of Visalia, Hanford, Madera, and Mariposa. As part of McClatchy Newspapers, the Fresno Bee has diverse information resources that both educate and inform the people of Fresno.

Mr. Speaker, it is with great honor that I pay tribute to the Fresno Bee. This publication exemplifies leadership in reporting news and information. I extend to the Bee my appreciation for a job well done.

HONORING LAWRENCE H. COOKE, A MAN OF JUSTICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. HINCHEY. Mr. Speaker, I would like to ask my colleagues from New York and around the country to join me in honoring the former chief judge of the State of New York, Lawrence H. Cooke. Judge Cooke is a man who has served his State, his nation, and his community with a passion and dedication to fairness and justice for all Americans.

Lawrence Cooke went from being a country lawyer in his beloved Sullivan County to the very pinnacle of the legal profession by becoming the chief judge of the New York Court of Appeals. He is and remains one of those most respected jurists of this century. While he scaled the very loftiest of positions as a judge, he is also known for retaining his common touch, his ability to relate to and converse with ordinary people about their concerns. This is all too rare a gift.

Mr. Speaker, on September 21, 1997, Judge Cooke will be honored by the people of Sullivan County by the naming of the Lawrence H. Cooke Sullivan County Courthouse in Monticello. I hope that my colleagues will join me in celebrating and applauding the life and work of this distinguished jurist, Lawrence H. Cooke.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CLYBURN. Mr. Speaker, I rise today in recognition of September 21–27 as National Historically Black Colleges and Universities Week. There are presently 104 historically black institutions of higher learning throughout the United States. These cornerstones of African-American education have played an integral role in the lives of African-Americans and in American history.

Historically black colleges and universities have set a precedent for providing quality instruction and valuable, lifelong experiences to students who are often underprivileged and under-represented. These students are taught to serve as successful, productive citizens and trained to compete in our global economy and work force. Though oftentimes faced with adversity, historically black colleges and institutions provide students with the opportunity to broaden their horizons and to reach their fullest potential.

So, Mr. Speaker, please join me in congratulating and celebrating a legacy and tradition of the excellence, determination, strength, and perseverance of historically black colleges and universities during September 21–27.

COMMEMORATING THE 10TH ANNIVERSARY OF ST. STEPHEN'S COMMUNITY CHURCH, UNITED CHURCH OF CHRIST, LANSING, MI

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Ms. STABENOW. Mr. Speaker, I rise today to acknowledge the 10th anniversary of St. Stephen's Community Church.

Founded in the fall of 1987, St. Stephen's began as an interdenominational church whose doctrine focuses on spirituality rooted in African-American religious tradition, with an emphasis on community outreach and volunteerism. In 1990, they became affiliated with the United Church of Christ, a progressive denomination that embraces and celebrates multiracial, cultural, and ethnic background.

Guided by Rev. Dr. Michael C. Murphy, the congregation lives by the proverb, "Where There Is No Vision, the People Perish." This is evident in their passion to make a real difference in the community. From their spiritual and community leadership to their involvement in many local charitable projects, the St. Stephen's Community Church is an important local institution dedicated to the Lansing community.

We are proud to celebrate the 10th anniversary of the St. Stephen's Community Church and congratulate their 300 member congregation. We thank them for their activism and we thank them for their vision.

A SPECIAL TRIBUTE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. MICA. Mr. Speaker, I would like to take this opportunity to recognize James W. Almand, A. Russell Bobo, John S. Chaperon, Rick DeGraff, Robert C. Fobes, Frederick W. Leonhardt, William Pinto, Jerome Schechter, William Crampton, and James D. Turk. It is my honor to pay tribute to these gentlemen on the occasion of their visit with me in our Nation's Capital today. It has been my privilege to know each of these individuals for the past three decades. We all had the good fortune of attending the University of Florida together and being part of Delta Chi Fraternity.

Though we have been separated by distance and circumstance over the past years, we have always been together both in memory, spirit, and fraternal bond.

As a Member of Congress, I am pleased today to welcome Jim, Russ, Bill, John, Rick, Bob, Fred, Jerry, Bill, and Don. These gentlemen, who I am pleased to call my friends, are each outstanding family men and most valuable contributors to their respective communities.

I welcome each of them to the U.S. Congress and the House of Representatives. It had been my great honor in life to know each of these gentlemen as my friend and fraternal brother.

BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT RELATING TO TREATMENT OF CERTAIN RECREATIONAL BOATERS ENTERING FROM CANADA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. LAFALCE. Mr. Speaker, today I am introducing a bill that will simplify procedures for

recreational boaters entering the United States from Canada. The purpose of the bill is to make it easier for boat owners and their guests to cross between Canada and the United States for recreation and tourism purposes. Specifically, my bill would authorize the Attorney General to permit United States citizens traveling as passengers in small pleasure craft to enter the United States from Canada without obtaining a landing permit and would eliminate the fee for those permits known as I–68.

The I–68 Program was established in 1963 to facilitate convenience for boaters coming from Canada to the United States. It allows United States citizens, lawful permanent residents of the United States, and Canadian nationals to enter by boat along the northern border of the United States without reporting to a designated port of entry, so long as they have obtained an I–68 permit. It applies only to those traveling in boats of less than 5 net tons. Under this program, Canadian nationals may enter the United States for a period of not more than 72 hours and must remain in areas adjacent to the immediate shore.

For 32 years, the I–68 permit was issued annually to eligible boaters without any fee. In 1995, however, the Immigration and Naturalization Service began requiring a fee of $16 for individuals, or $32 for a family. The INS advises me that, although the I–68 was issued gratis prior to 1995, they believe that a user fee statute that has been in effect since 1952 requires the imposition of a fee absent congressional direction to the contrary.

The INS regulations implementing the I–68 Permit Program impose a costly and unnecessary burden for many recreational boaters. The regulations require each guest of a boat owner, who is not a member of his or her family, to travel to an immigration office during business hours to complete the I–68 application and pay the required fee. This requirement is virtually impossible to implement.

As a consequence, United States businesses along the Great Lakes' borders, such as Youngstown, NY, have seen a great reduction in revenue due to the decline in tourism caused by this regulation. Prior to imposition of the fee in 1995, 10,002 I–68 permits were issued, compared to only 1,091 permits issued in 1996 after imposition of the fee. In other words, the permits in 1995 were about 1,000 percent, or 10 times greater than in 1996.

My bill would address these problems in two ways. First, it would permit the Attorney General to exempt U.S. citizen passengers from obtaining an I–68 permit or submitting to inspection at a port or entry. Boat owners and operators, who are likely to make repeated trips across the border, would still be required to obtain an I–68 permit at the beginning of the boating season. The permit holder would be responsible for ensuring that all passengers on his or her vessel are U.S. citizens or have a valid I–68 permit.

Second, my bill would permit the Attorney General to issue I–68 permits without imposing a fee, as they had been for the first 32 years of the program's existence. These fees act as a deterrent to boaters in obtaining the permit, particularly in light of the fact that Canada does not require such a fee for entry. Moreover, the amount of revenue generated by such fees is negligible—only $33,816 in all of fiscal year 1996. In my judgment, after consultation with western New York border businesses, the amount of business lost in the U.S. border areas far transcends that meager amount.

This bill will allow the I–68 Program to achieve its intended purpose of affording pleasure boaters a convenient means of entering the United States while preserving the integrity of our borders. It is my hope that the Attorney General will implement these provisions by amending Immigration and Naturalization Service Regulations governing the I–68 Program.

CONGRATULATING USUHS ON ITS 25TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mrs. MORELLA. Mr. Speaker, last year this House overwhelmingly endorsed and recognized the important role of the Uniformed Services University of the Health Sciences in maintaining the health and readiness of our Nation's Armed Forces. Today I am proud to congratulate this fine institution, located in my congressional district in Bethesda, MD, on its 25th anniversary.

Public Law 92–426 established USUHS in 1972 to ensure continuity and leadership for uniformed medicine. USUHS has graduated 2,470 military medical officers; 2,276 of them continue in active duty today, constituting 17 percent of Department of Defense's physician force.

USUHS has met every goal and mission envisioned by the founders of the remarkable institution, the West Point of military medicine. The overall USUHS retention rate is an incredible 93 percent. Of those who have completed their original obligation, 85 percent continue on active duty in service to their Nation.

The high level of performance and deployability of USUHS graduates was validated during congressional hearings in 1994. The three Surgeons General and USUHS graduates who served in Operations Desert Shield and Desert Storm testified that USUHS physicians were immediately deployable to combat areas and aptly utilized combat, field sanitation, unconventional warfare, and preventive medicine training.

In addition, USUHS provides products and services to DOD that should be recognized and factored in to the cost-effectiveness of the University: one, the newly accredited Graduate School of Nursing provides family nurse practitioners and registered nurse anesthetists for the Federal Nursing Chiefs; two, the Office of Graduate Medical Education provides consultation on internship, residency, and fellowship training programs for DOD and is the administrative office for the National Capital Military Medical Education Consortium; three, the Graduate Education Programs have granted over 444 graduate degrees; and four, in 1996, the Office of Continuing Education for Health Professionals [CHE] provided 107 accredited programs with an attendance of 3,500 physicians and 3,031 nurses. USUHS CHE generated cost-avoidance for DOD by eliminating extensive travel expenses and time away from the hospitals and clinics. In 1996, the Military Training Network, part of CHE, developed and implemented policy guidance and ensured compliance with curriculum and administrative standards for resuscitative and trauma medicine training programs for 242,663 DOD personnel.

Those who say that the university is too expensive are wrong. The cost-effectiveness of USUHS should be judged based on all of the products and services it provides to the Nation. The General Accounting Office report of September 1995 substantiated that USUHS costs are comparable to scholarship costs based on expected years of service and all Federal costs. And, this conclusion was reached by GAO without considering all of the other products and services provided by USUHS.

The facts demonstrate that USUHS has more than met its mandated mission. There is no doubt that the university is providing a corps of career-oriented, dedicated, military medical officers who will lead the military health care system into the 21st century.

In conclusion, I want to recognize and congratulate the superb faculty and staff of USUHS for a job well done. Happy Anniversary to our Nation's Uniformed Services University of the Health Sciences.

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

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) 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:

Mrs. MINK of Hawaii. Mr. Chairman, the Hoekstra amendment, HA 356, bars the use of Federal funds to pay for an election officer to continue overseeing the election of any officer or trustee of the International Brotherhood of Teamsters.

The Government has already spent about $17 million to oversee the Teamsters' 1996 election because the Bush administration's 1989 consent decree obligated the Government to do so. The consent decree, signed by the Government in 1989 said:

"The union defendants consent to the Election officer, at Government expense, to supervise the 1996 IBT elections."

The election officer concluded on August 21, 1997 that the 1996 election had to be run again because the election protests filed with the officer uncovered campaign misconduct that, she concluded, "could have persuaded at

least a small percent" of the voters and "affected the outcome."

Given these facts, Mr. HOEKSTRA'S amendment, if enacted, bars funding necessary to supervise the court ordered re-run of the 1996 election.

The election officer has explained why she thinks we need to proceed with this re-run election:

[t]he election of International officers is the clearest expression of the control of the members over their Union; it is also the key to insuring that organized crime, employers, or any other outsiders do not use the Union for their own purposes. To avoid a rerun because of the disruption it brings could allow this union to lose its most valuable resource: the support, participation, and confidence of its membership. Such a result cannot be allowed.

A study of the recent history of the Teamsters shows we have come a long way in our effort to rid this union of mob influence.

In 1986, former Chief Circuit Judge Irving R. Kaufman, the chair of President Reagan's Commission on Organized Crime, concluded that the mob's influence of the Teamsters was both intrusive and pervasive and insisted that President Reagan prosecute the Teamsters and use of civil RICO statute to take over the union.

In 1989, the Bush administration entered into a consent decree, the one I've mentioned already, that permitted the Federal district court to take over the union, to appoint a monitor, and to appoint an election officer. This consent decree also changed the Teamsters' constitution, providing for the unprecedented direct election of the Teamsters' top officers by the rank and file members.

By 1989, we had learned some hard lessons when we had not been vigilant in the supervision of union elections. The Permanent Subcommittee on Investigations was highly critical of one union election, after 20 months of a government trusteeship, that resulted in the mob-dominated union officers being replaced by a slate allegedly tied to these same officers. Thus, the scrutiny of the Teamsters' election was intense.

The Bush administration's consent decree split the anticipated burden of the first two elections, requiring that the Teamsters pay the $21 million necessary to run the first election in 1991, and that the Government pay the cost of the second election.

Therefore, I believe we are legally obligated by the consent decree, agreed to by the Bush administration. This House cannot support the Hoekstra amendment without being in contempt of a court order.

CONGRATULATIONS TO VAROUJAN BALOTIAN, TAMAR KATAROYAN, AND MANO HANDIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate three outstanding individuals from the Armenian General Athletic Union. These individuals exemplify leadership in their organization that has earned them the Homenetmen Member of the Year Award, Athlete of the Year Award, and Scout of the Year Award.

The Armenian General Athletic Union serves the sporting needs of Fresno's Armenian community with competitive tournaments that emphasize fraternity and shared accomplishment. Fresno's chapter has nine competitive teams that participate in events statewide, as well as a Boy Scout Troop.

This year's recipient of the Homenetmen Member of the Year was Varoujan Balotian. Balotian is one of the founding members of the Fresno chapter and is also one of the first members of the central executive committee. Balotian's guidance and dedication has shaped the Armenian General Athletic Union into the fine organization that it is today. However, Balotian's success is not limited to the union, as he is a long-time manager at one of Fresno's finest mens stores.

Athlete of the Year was awarded to 18-year-old Tamar Kataroyan. This award is presented to only one athlete from a random selection between the 16 chapters in the western region. Kataroyan has been involved in all aspects of the organization including the coaching of youth and participation in tournaments. Kataroyan's excellence in basketball has taken her all the way to the 5th Annual World Olympics in New York and has also secured her a full basketball scholarship at UC Irvine.

Mano Handian was recognized as Scout of the Year. He is a scout for the Union's own Troop No. 12. He has accomplished a great deal for himself and the Armenian General Athletic Union. He was born in Lebanon and currently attends Fresno City College. His fine leadership over the organization's Boy Scouts, Explorers, and Cub Scouts has earned him this high honor.

Mr. Speaker, it is with great honor that I congratulate these three individuals. I commend Varoujan Balotian, Tamar Kataroyan, and Mano Handian on their accomplishments in the Armenian General Athletic Union and ask my colleagues to join me in congratulating them.

BILL REGARDING SALLIE MAE BOND REFINANCING

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. SKAGGS. Mr. Speaker, today I have introduced legislation to correct an unfair practice that is occurring as a result of the privatization of Sallie Mae.

While Sallie Mae was a Government-sponsored enterprise, it purchased tax-exempt municipal bonds issued by public colleges and private universities. Now that Sallie Mae is being privatized, it has adopted a policy of allowing its clients to waive the redemption premiums for those bonds, but only if the clients use Sallie Mae's private subsidiary as an investment banker for the transaction. I would have no objection to this business practice if the bonds in question were acquired after privatization. However, having acquired the bonds as a Government-sponsored enterprise, Sallie Mae has an advantage that private investment bankers cannot match. The tie-in requirement to qualify for this sweetheart arrangement, which no private competitor can match, is simply unfair.

The legislation I introduced today would prohibit Sallie Mae from conditioning the waiver of redemption premiums related to pre-1997 bonds on the use of its subsidiary, so that all broker-dealer firms can have the same opportunity to compete for the business of handling refinancing of Sallie Mae securities.

TRIBUTE TO JIM AND CAROL BAUM

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the hard work and dedication of Jim and Carol Baum, the owners and operators of Baum's, Inc. in Morris, IL. The Baum's have been named the 1997 Illinois Retail Merchants of the Year.

Baum's Department Store has been an institution in my hometown of Morris since 1874. Jim and Carol have been running the business since the 1960's. Jim serves as the president and CEO, while Carol serves as the chief buyer and merchandise manager.

Both Baum's are extremely active in the Morris community. Many people often wonder how they have time to operate such a successful business. Jim, a veteran, serves on the board of the Grundy County National Bank, and is active in the chamber, many of the local community development organizations, the Morris Hospital, and our schools. Carol is active in the Presbyterian Church of Morris, the Daughters of the American Revolution, and the Morris Women's Club.

I have had the pleasure of working with Jim on many local issues and projects important to the area. Jim has been recognized, and deservedly so, for his strong commitment and success in revitalizing the Morris riverfront area.

The Baum's have been generous in sharing their wealth of experience as retailers on both a national level and the local level. Jim has served as a guest speaker and seminar presenter on many occasions throughout the country. Many of my colleagues may have run into Jim Baum within the halls of Congress during one of Jim's trips to Washington to lobby on behalf of his fellow retailers. Locally, Jim runs the local morning coffee hour in our hometown of Morris. This is where the who's who talks about what is really happening.

It is truly fitting that this outstanding couple is being honored by their peers as the Retail Merchants of the Year. They are both true leaders who have given back more to their community than could ever have been expected. I wish both Jim and Carol Baum continued success in all their endeavors.

CONGRATULATIONS TO DOROTHY (DOT) SLAMIN HILL

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, one of the pleasures of serving in this great body is the opportunity to recognize the exceptional individuals of our Nation. I rise today to pay tribute to such a person, Ms. Dorothy (Dot) Slamin Hill, for her many contributions to the City of Waltham, MA. This evening there will be a dinner honoring Dot for her 50 years as leader of the American Legion Post 156 Marching Band, as well as her outstanding public service to her neighbors.

I would like to add my congratulations to Dot on this special occasion and want to take this time to briefly touch on her many achievements. In 1933, Dot became the first woman to win the American Legion National Drum Major Competition. Over the years, she has led the American Legion Post 156 Marching Band in many prestigious events, such as the Saint Patrick's Day Parade in Dublin, Ireland in 1984, and the Moscow May Day Parade in 1990. She has served as Commander of the American Legion Post 156 for 5 terms and is the permanent Massachusetts representative to the American Legion National Convention.

In addition to her many accomplishments with the American Legion, Dot has compiled a very distinguished record of community activism. She has taken a great interest in the youth of her community, serving on the Waltham School Committee and on the board of directors of the YMCA. Dot was also the first woman member of her local Kiwanis Club, and has dedicated her time to many civic activities, including Waltham Community Access Television, and the Waltham Senior High Scholarship Committee.

Mr. Speaker, I ask that you, and the other Members, join with me in honoring Dot for her many years of devotion to her community and acknowledge her exemplary service as a role model and civic leader.

CONGRATULATIONS TO TIM AND CHARLOTTE TRAVIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. McINNIS. Mr. Speaker, on September 23 of this month, Tim and Charlotte Travis of Brighton, CO, will receive the Colorado Sports Couple of the Year award from the downtown Denver chapter of Ducks Unlimited. This is the very same chapter that Tim founded nearly 20 years ago when he first became affiliated with the organization.

In recent years, the Travis' have increased the amount of money they have been able to donate to Ducks Unlimited and the Denver chapter has expressed their gratification by extending them this honor. The Denver chapter will also be creating a wetlands project in eastern Colorado which will be dedicated in the Travis' name.

I too, would like to extend my gratification to the Travis' for their many years of giving to this organization as well as to the sporting way of life which we treasure in the great State of Colorado.

CONGRATULATIONS TO COL. RONALD T. KELLY, USAF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mrs. McCARTHY of New York. Mr. Speaker, I rise to recognize the dedication, public service, and patriotism of Col. Ronald T. Kelly, U.S. Air Force, on the occasion of his retirement after a career of faithful service to our Nation. Col. Ron Kelly's strong commitment to excellence will leave a lasting impact on the vitality and capability of our Air Force war fighters. This commitment and the manner in which he fulfilled it commands admiration and respect from his military and civilian colleagues alike.

Colonel Kelly, a 1970 graduate of the U.S. Air Force Academy is serving his last assignment in the Air Force as Chief of the Air Force Special Operations Division, Directorate of Operations and Training, Deputy Chief of Staff Air and Space Operations, in the Pentagon.

After he completed undergraduate navigator training as a distinguished graduate in 1971, he flew as a C–130 squadron navigator at Forbes AFB, KS, in the 48th Tactical Airlift Squadron. In 1972 he was selected to upgrade to an MC–130 combat Talon navigator and served in the 1st Special Operations Squadron, Kadena AB, Japan until December 1973. From 1974 to 1976 he was an instructor navigator at Mather AFB, CA, flying the T–29 and T–43 aircraft.

He attended the School of Engineering at the Air Force Institute of Technology, Wright Patterson AFB, OH, and received a master's of science degree in astronautical engineering in 1977. He followed with a directed duty assignment to Sunnyvale AFS, CA where he became the Deputy Mission Director for Low Altitude Satellite Programs at the Air Force Satellite Control Facility.

He returned to flying duties in special operations in 1981 and became operations officer for the 8th Special Operations Squadron at Hurlburt Field, FL, flying the MC–130E.

From 1985 to 1986 he attended the Industrial College of the Armed Forces at Fort McNair and was subsequently assigned to the Pentagon in 1986.

He served as the special operations programmer on the Air Staff and was the primary implementer for major force program 11 for the Air Force. In November 1987 he was selected to be the first military assistant to the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. While in this office, he worked as the Assistant for Resources and Assistant for Logistics.

In 1991 he returned to Hulburt Field, FL, as the Director of Acquisition Management for Headquarters Air Force Special Operations Command where he supervised the acquisition of Air Force resources in support of special operations. He was assigned to his present job as the Chief of the Special Operations Division in August 1993.

Colonel Kelly is a master navigator with over 4,000 hours total flight time of which 380 hours were in combat. His decorations include the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, the Meritorious Service Medal with one oak leaf cluster, the Air Medal with six oak leaf clusters, and the Air Force Commendation Medal with one oak leaf cluster. He has also been awarded the Senior Missileman Badge.

He is married to the former Pamela Stark of Sacramento, CA. They have a daughter Erin who is a freshman at James Madison University and a son Sean who is a freshman at Oakton High.

Our Nation, the Department of Defense, the U.S. Air Force, and his family can truly be proud of the colonel's many accomplishments. He is a true gentleman of extraordinary talent and integrity. While his honorable service will be genuinely missed in the Department of Defense, it gives me great pleasure to recognize Col. Ronald T. Kelly before my colleagues and wish him all of our best in his future endeavors.

THE CHARITABLE GIVING RELIEF ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CRANE. Mr. Speaker, today I am introducing legislation, along with my Ways and Means colleagues, Mr. COYNE, Mr. HERGER and Mrs. THURMAN, entitled the "Charitable Giving Relief Act." This legislation will provide a deduction for charitable contributions for those who do not itemize deductions on their tax returns.

Specifically, the bill will allow nonitemizers, whose cumulative annual charitable contributions exceed $500, to deduct 50 percent of any charitable contributions made over that amount. Under current law, while nonitemizers receive the standard deduction, the only taxpayers who can specifically deduct the value of their charitable contributions are those taxpayers who itemize deductions. The most recent figures find that nonitemized returns number 84 million compared to 34 million itemized returns. Nonitemizers, by any measure, are middle-and lower-middle-class taxpayers, who, despite the fact that they do not receive a deduction for such contributions, give generously to charitable causes. It is my understanding that on average nonitemizers give roughly $500 in charitable contributions, again, without the benefit of tax deductions.

As we look to next year and the consideration of additional tax relief legislation, I believe there is no group of taxpayers more deserving of tax relief than those who give of what little they have to help other worthy endeavors and charitable causes. While those who itemize are directly rewarded for their efforts, those that do not itemize are not rewarded. The legislation I am introducing today will ensure that those who make considerable

contributions to the nonprofit community are rewarded, at least to some extent, by the Tax Code.

For those who might suggest that nonitemizers are rewarded by virtue of the fact that the standard deduction for nonitemizers is intended to incorporate some degree of charitable contributions, I would respond by pointing to the figures mentioned earlier. Indeed, the standard deduction is, in effect, designed to take into account the average cumulative basket of those expenditures, including charitable contributions, that might otherwise be considered as individually itemized deductions. However, since my legislation is designed to provide a partial deduction—50 percent—for those nonitemizers who contribute more than the average amount to charity, such a concern would certainly appear to be something less than compelling.

Finally, I would note that while in my view, donations to charity are primarily motivated by altruistic concerns, those that give can be sensitive to tax considerations. Independent Sector, the largest national association for nonprofits, strongly believes this legislation will encourage additional giving to the charitable-nonprofit sector. My colleagues, whether you believe that we need to reward those that give, or believe that this type proposal will encourage more giving, this bill deserves your consideration and support. Americans are the most generous people in the world, and I hope to reward and continue this tradition with today's introduction of the Charitable Giving Relief Act.

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

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) 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:

Ms. MILLENDER-McDONALD. Mr. Chairman, we must stop this trend of escalating numbers of young girls becoming pregnant and raising children when they have hardly escaped childhood themselves. It is imperative that we as leaders address the Nation's problem of teenage pregnancy with the most practical and effective strategies, the most important of which is education.

An accurate and informative education on pregnancy and sexually transmitted diseases is not being provided to those who are the most vulnerable and are in the most need of this information. Parents, legal guardians, and other adults influencing children should emphasize healthy and responsible sexual development and decisionmaking, yet study after study of adolescent youth demonstrates that this is lacking in the home. In addition to family, poverty, sexism, and economic disenfranchisement are critical factors shaping the ability of teenagers to make decisions and yet, teenagers have little influence on any of these areas. What adolescents need, and are provided by the Teen Pregnancy Prevention Program, are the knowledge and confidence to make the best decisions despite, and in light of, these factors.

The Teen Pregnancy Prevention Program is designed to implement and evaluate a range of interventions that promote healthy sexual development and reduce teen pregnancies and sexually transmitted diseases. The program also focuses on decreasing the incidence of pregnancies to teenagers by increasing the proportion of teens who delay the initiation of sexual activity, and who effectively use contraception.

We all know that teenage childbearing robs not only the young parents of a better future, but the baby as well. That is why we must work together to ensure that the Teenage Pregnancy Prevention Program can continue its work to buck the current trend of increasing teen pregnancy. And that is why we must pass the Pelosi amendment.

LUZERNE COUNTY COMMUNITY COLLEGE 30TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Luzerne County Community College, which is celebrating the 30th anniversary of its founding this month. I am pleased and proud to have been asked to participate in this significant celebration.

In 1965, the Luzerne County Board of Commissioners took a very bold step. They adopted a resolution to sponsor a 2 year college which would be affordable to all Luzerne County residents. A study was needed and the board called upon the County Board of School Directors to initiate planning of the project. In less than a year, an application was made to the Pennsylvania State Board of Education for permission to establish and operate a community college. The State board granted permission in September 1966.

Two months later, Luzerne County Community College was officially in operation. A board of trustees was formed and a president was appointed to lead the college. On October 2, 1967 the college opened its doors for the first time in small quarters located next to the Hotel Sterling in downtown Wilkes-Barre. The college's first class of 195 students graduated in May 1969.

Mr. Speaker, the foresight of the County Commissioners; Ed Wideman, William G. Goss and James B. Post, 30 years ago has made it possible for more than 13,000 young people to begin a college career or earn a 2 year degree for professional advancement. Over 200 area businesses employ Luzerne County Community College alumni.

In 1974, the college moved to its present impressive campus in Nanticoke, Pennsylvania. This modern campus includes an educational conference center, general academics building and two technical arts buildings with state of the art labs and classrooms. The campus also includes medical and dental arts facilities and the newest addition, the advanced technology center.

Mr. Speaker, Luzerne County Community College has come a long way since its humble beginnings in downtown Wilkes-Barre 30 years ago. I am extremely proud to join with the community in commending the board of trustees, management, and staff of the college in providing educational opportunity to thousands of area residents. I would also like to recognize the Luzerne county commissioners who have continued to play an active role in supporting this important educational institution.

Mr. Speaker, I am pleased to bring the history of this fine institution to the attention of my colleagues and send my sincere best wishes for continued success.

TRIBUTE TO JACOB GEORGE HUDSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. DUNCAN. Mr. Speaker, this coming Sunday, September 21, will be the 80th birthday of a truly outstanding American, my constituent, Jacob George Hudson.

Mr. Hudson is affectionately known by all of his friends and neighbors as "Shag." He has been one of the leaders in Loudon County and throughout the State of Tennessee for many years.

Shag Hudson served for 28 years on the Loudon County Commission, from 1954 to 1982. During this time, he performed marriages for over 3,000 couples.

He was also well known as a fighter for low taxes and as one who tried to make sure that the citizens got their moneys' worth for their tax dollars.

Mr. Hudson has proudly operated a farm in the Greenback community for the past 65 years, raising beef cattle and working as a self-employed cattle broker.

He served with great distinction for 5 years as a member of the State Committee of Agricultural Stabilization Conservation Service from 1987 to 1992.

He began serving the Merchants and Farmers Bank in 1973 and presently serves as a director of Union Planter Bank.

He has been a member of Greenback Masonic Lodge for 49 years, and he is a master mason.

He has been a member of the Loudon County Farm Bureau since 1944, and he has been a member and director of the Loudon County Livestock Association since 1970.

He also serves as a director of Tellico Area Services System, and he has been church treasurer, elder, and deacon at First Presbyterian Church of Greenback.

Shag Hudson's greatest pride and joy is not in his community service, however, as great as that has been. Rather, it is in his family. He

has been married to his wife, Willie Dixon, for over 56 years. They are the proud parents of two children, a daughter, Brenda Powell and son, Ronald Hudson. His son-in-law is John Powell and daughter-in-law, Judy Hudson.

He is even prouder of his grandchildren, Scott and Eric Powell and Kelly, Kent, and Leigh Hudson.

I wanted to inform my colleagues and other readers of the RECORD about the life and career of Shag Hudson. This country would be a far better place if we had more citizens like Jacob George Hudson, and on behalf of a greatful nation, I want to wish him a very happy 80th birthday, and best wishes for many more.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KIND of Wisconsin. Mr. Speaker, we only have a few weeks left before we adjourn this year. Now is the time to allow a vote on campaign finance reform legislation.

Today we are participating in a civil, bipartisan discussion of reforming the House Ethics Committee. It is refreshing to see respected Members of both parties engage in a dialog about how to improve the ethics process and ultimately restore some respect and dignity to this great institution. I believe the same thing can happen with campaign finance reform. If the Members of this House put aside partisan rhetoric we can fix the current system with honest, bipartisan reforms that puts no party at a disadvantage and restores some faith in this institution.

However, we cannot reach a compromise if we don't consider the bills in committee or on the floor. Those of us waging this war are reduced to 1-minute speeches in the morning, parliamentary antics during the day, and floor speeches at night when the rest of this body has gone home. It is unfair and embarrassing that we have to play these games to be heard in the House of Representatives. Mr. Speaker please allow this issue to come to the floor and be given the kind of open, honest debate that this institution deserves.

RECOGNIZING PEORIA, AZ, VFW POST 2135 FOR OUTSTANDING SERVICE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. STUMP. Mr. Speaker, I rise today to express my congratulations to Peoria VFW Post 2135, in my home State of Arizona, for being recognized again for their outstanding youth activities program.

Mr. Speaker, I am proud to announce to my colleagues that Post 2135 was recognized last month at the Veterans of Foreign Wars National Convention in Salt Lake City, as the winner of the VFW Youth Activities Award. Post 2135 is the first VFW post in the Nation to win this award for 3 consecutive years.

Some of the many and varied youth activities undertaken by VFW posts nationwide are well known to many of us, and include Youth Essays, Voice of Democracy, and Patriotic Art programs.

The winning program must meet several criteria. These include participation in a variety of youth activities offered within the local community, and documenting any communitywide youth activity with news clippings, photographs, testimonial letters. This collection serves to outline the scope of a post's participation in the six major National Youth Program categories. These categories are sports/athletics, scouting/organizations, contests/special events, educational/instructions, recognition and projects.

With nearly 10,000 VFW posts nationwide, it's only a special post with a special membership that can win the coveted award for 3 consecutive years. Peoria Post 2135 has that kind of membership. I can think of no finer embodiment of the essence of the veteran's voluntary spirit than that of Mr. Vincent Rigo, who was in Utah to accept the award on behalf of the 326 members of Post 2135. He's been described as a "renaissance man" for the number of post service positions that he has held. Certainly, without him, and the many others like him in Post 2135, and in veterans organizations throughout the country, our Nation would be that much poorer.

I salute Peoria VFW Post 2135 for their achievements, and wish them the best as they aim for a fourth consecutive award in 1998.

A TRIBUTE TO JOSEPH D. PETERSON

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CAMP. Mr. Speaker, I would like to pay tribute to a tremendous hero from Michigan's Fourth Congressional District. This hero is a high school student from Merrill, MI who has served as a role model for many other students. This outstanding young man is in line to be valedictorian of his graduating class and has maintained a 4.1 grade point average on a 4.0 scale while participating on the school's basketball and track teams. While these are striking accomplishments, they pale in comparison to another. On the evening of August 3, 1997, Joseph D. Peterson accomplished an extraordinary feat by rescuing the life of a mother of three on a desolate road.

Joseph was driving down a winding road in northern Michigan when the car in front of him went out of control and spun off the road into a thicket of trees. With selfless disregard for his personal safety, he swiftly pulled the driver, Marie S. Craig, from the car just moments before it burst into flames. Joseph then drove Marie to safety and stayed with her until emergency crews transported her to the hospital. Because of Joseph's valiant actions, Marie suffered only a broken leg and a gash on her head, rather than a possible fatal injury.

On behalf of Ms. Craig, her family, and the people of the Fourth District I would like to extend my heartfelt thanks to Joseph Peterson for his brave and heroic action. Mr. Speaker, it takes a true champion to accept the challenge which Joseph did in rescuing Marie. Please join me in commending his heroism.

IN HONOR OF JOSEPH TALERICO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Joseph Talerico, for his many years of distinguished service to the community of Parma.

Born in Italy, Mr. Talerico immigrated to Cleveland at the age of 2. After attending Cleveland's John Adams High School, Mr. Talerico joined the Army and proudly served America during World War II. In 1946, Mr. Talerico moved to Parma. He owned and operated a string of grocery stores there and in nearby Broadview Heights. In addition to his business endeavors, Mr. Talerico distinguished himself as a civic activist, receiving Parma's Outstanding Citizen award in 1955. He served as a member of Parma's Charter Board and as Parma's recreation director. Mr. Talerico also belonged to such civic organizations as the Parma Exchange Club, the Broadview Heights Rotary Club, and the Brian Club.

Mr. Talerico also played an instrumental role in the lives of Parma's youth. He actively supported Parma youth athletics, ensuring the construction of Mottl Field. He founded and served as president of the Parma Amateur Athletic Federation, and, earlier this year, the Parma Amateur Athletic Federation inducted Mr. Talerico into its hall of fame.

Joseph Talerico leaves behind a wife, three children, eight grandchildren, a brother, and two sisters. His contributions to the community of Parma will be difficult to replace. Mr. Talerico will be greatly missed.

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to bring to your attention an award-winning broadcast script written by a constituent of mine on a subject which is important to all of us—the significance of democracy in America.

Jessica V. Van Eperen of Appleton, WI, has received a very high honor from the Veterans of Foreign Wars. She has been awarded with a VFW 1997 Voice of Democracy Scholarship for her script which will help her to finance her education. She is the daughter of Mr. Leonel Van Eperen and Ms. Catherine Coffey and plans a career in elementary education. She was sponsored by VFW Post 2778 and its ladies auxiliary in Appleton, WI. I believe that Jessica is an exceptional example of the fine

students in northeast Wisconsin and I am confident that she has a bright future ahead of her.

I would like to submit Jessica's award winning script for inclusion in the CONGRESSIONAL RECORD at this point.

DEMOCRACY—ABOVE AND BEYOND

(By Jessica Van Eperen)

Ever since I was a small child, I've attended the fireworks celebration on the fourth of July. On that day, in 1776, fifty-six men signed the Declaration of Independence, a document that would launch the United States into the pages of every history book in the world. Yet, that wasn't on my mind as a child. I simply knew that the fireworks lit up the summer sky like a million glowing fire flies. They arched above the trees, above the clouds, and it seemed to me, above the very stars themselves.

As I've grown older, I've come to realize democracy is like those brilliant fireworks. It changes colors, shapes, even sound, but never changes in brilliance. Two-hundred and twenty years after the Declaration of Independence was signed, our democracy is still brilliant in the night sky while dictatorships, monarchies, and anarchy's have fizzled and died.

I've known democracy to be red: red with the blood of young men who gave their lives so she might live. I think of my great-uncle who gave his life in World War II, and even of two relatives who are as distant as their sketchy photograph hanging on the wall. These two men fought and died in the civil war shortly after immigrating from the Netherlands. I've known democracy to be a proud and stubborn blue as it fought the evils of communism during the cold war. Long after communism is dead, democracy will still be shining brightly in the horizon. I've even know democracy to be gold, the brilliant gold of freedom of religion, freedom of speech, and freedom of the press. The Bill of Rights has risen high above the fear that has tried to control the world for centuries. Men in heavy boots carrying heavy guns have never been able to blind people to the glow of democracy's promise and freedom.

Democracy has been loud as a cannon, defending those who could not defend themselves, and quiet as a whisper, comforting the people who fled to her shores to escape injustice in foreign lands. Democracy has spread and shrunk, but never disappeared. What was lost during the forties to Hitler, the fifties to communism, and the eighties to terrorism, has been gained back a thousand fold by the millions of people who still demand their voices be heard.

Democracy started as a small sparkler, similar to the one as I held in my hand when I was a child, but grew to become the most glorious fireworks display the world has ever seen. Democracy is not propelled by gun powder as fireworks are, but by freedom, elections, and the belief that all men are equal. This is the most powerful fuel in the world. Democracy has the ability to rise above and beyond the wildest imagination of men like Washington, Jefferson and Adams. Governments powered merely by force and oppression may glow with a blaring heat for a short time, but will inevitably die out and fall to the ground soundlessly to be forgotten. Democracy alone will shoot over the tree tops, becoming more beautiful with every passing year.

COMPUTER SECURITY ENHANCEMENT ACT OF 1997

SPEECH OF

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to offer my support for H.R. 1903, the Computer Security Enhancement Act of 1997. As the information revolution continues to rage, the United States and specifically this Congress, must begin to make wise and informed policy for this fast-paced new era. Sadly, we are somewhat behind business and industry in our ability to comprehend the abilities and ramifications of information technology. Worse still, we are behind the criminals and rogue operatives who would use the technology of the information age against us.

The United States, more than any other country in the world, is extremely susceptible to this new, frightening breed of terrorism and crime. In March of this year, I chaired a hearing on information warfare, the first such hearing ever held in Congress. What I learned at the hearing was positively alarming. One witness testified that with $1 billion and 20 people, he could shut down the Nation. Another witness said that he could accomplish the same task for $100 million. While the United States has done a good job to date in developing secure information technology systems, its implementation of those systems has been desperately lacking. As a result we are left unprepared for an information assault that could cripple the Nation.

For this very reason, the Subcommittee on Military Research and Development included an increase in funding for information warfare defense and associated programs. Protecting our defense backbone is simply not enough, however, and we must begin to implement secure system strategies for our private sector companies and civilian agencies to thwart the threat of information terrorism. I would like to applaud the Science Committee and Chairman SENSENBRENNER for their efforts to this end.

Mr. Speaker, H.R. 1903 takes wise and measured steps in an effort to develop sound and lasting policy for the information age. As we legislate for this era, we must be primarily concerned with the safety and security of our Nation, both civilian and defense, both private sector and public sector. While I think that we all agree that Federal policy regarding the export of our best technology needs to be developed in light of the public availability of comparable technology outside of the United States, I believe that we are also resolute in our pledge to defend our Nation in this frontier age. Certainly we should not provide the means of our own destruction as some have been so wont to do.

H.R. 1903 will allow us to measure the quality of foreign encryption technology, a central portion of any secure system. That measurement with evaluations from the Department of Defense will allow us to determine which domestic products can be exported without posing an additional threat to national security. Taken in light of global market competition, this criteria will strike the delicate balance between national security requirements and business needs for the information age, a balance that should be paramount in our discussions about national security as we enter the next century.

As we continue our efforts to develop policy in this frontier age, I would encourage my colleagues to examine these issues closely, to weigh the need for competitiveness against the responsibility to defend our Nation from information terrorists. The issues here are as complex as the underlying technology, and our willingness to take rhetoric and spin at face value without seriously researching the issue will ultimately lead to a dangerous imbalance. The Science Committee has set a wise course for this policy, and I would encourage others to follow and support this measure.

Again, I would like to thank Chairman SENSENBRENNER, Chairwoman MORELLA, and the Science Committee for their efforts and I would yield back the balance of my time.

FIFTIETH ANNIVERSARY OF INCORPORATION OF THE CITY OF GONZALES, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FARR of California. Mr. Speaker, I rise today to recognize the city of Gonzales, CA, on the 50th anniversary of its incorporation. The residents of Gonzales have long been active in the development of the community and the Nation.

In 1874, Mariano and Alfredo Gonzales laid out a town of 50 blocks surrounding a recently erected railroad depot on property deeded by Mexico to their father. From this early date, Gonzales established itself as a friendly town where a stranger could easily be persuaded to stay a few extra days and enjoy the smalltown charm.

Within 20 years, the population of Gonzales had reached 500 residents of diverse ethnic backgrounds and heritage. A number of Swiss immigrants established a soon to-be-thriving dairy industry. Soon thereafter, a local resident discovered the process for producing condensed milk. Following this historic discovery, the Alpine Condesary opened in Gonzales and began producing the world's first condensed milk.

Over the years, agriculture replaced dairy as the region's most important industry and Gonzales, located in the Salinas Valley, became known as one of the most fertile regions in the country.

I am honored to have the privilege of introducing a resolution to recognize the historical contributions of the residents of Gonzales, CA. Since its establishment, Gonzales has maintained the smalltown charm that people the world over envy.

SCHOOL VOUCHER STUDY FINDS SATISFACTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GINGRICH. Mr. Speaker, the attached article from the New York Times and op-ed from the Wall Street Journal clearly demonstrate the effectiveness of and parental satisfaction with Cleveland's school voucher program. Even more importantly, the survey mentioned in each of these pieces points out that low-income parents are as concerned about the quality of their children's schools as any other income group. Schools should be an opportunity magnet, not an underachieving trap. The evidence is in: Vouchers are one way to enhance parental choice and should be encouraged.

I submit both the New York Times and Wall Street Journal pieces into the CONGRESSIONAL RECORD.

[From the New York Times, Sept. 18, 1997]

SCHOOL VOUCHER STUDY FINDS SATISFACTION

(By Tamar Lewin)

In the first independent evaluation of Cleveland's groundbreaking school voucher program, a Harvard University study has found that the program was very popular with parents and raised the scores of those students tested at the end of the first year.

"We found that parents who have a choice of school are much happier, and these private schools seem to be able to create an educational environment that parents see as safer, more focused on academics and giving more individual attention to the child," said Paul E. Peterson, director of the Education Policy and Governance at Harvard's John F. Kennedy School of Government, which issued the report. "This happens despite the fact that these are very low-income students."

The Cleveland experiment has been closely watched as school vouchers emerge as a potent political issue across the country.

The report found that two-thirds of the parents whose children received vouchers to attend a private or parochial school were "very satisfied" with the academic quality of the school, compared to fewer than 30 percent of the parents of students who applied for vouchers but remained in public schools.

In addition, the parents using vouchers were also more than twice as likely to be happy with the school's discipline, class size, condition and teaching of moral values than those remaining in public school.

During the last school year, the Ohio Department of Education gave 1,996 Cleveland students from low-income families vouchers covering up to 90 percent of private or parochial school tuition, to a maximum of $2,250. The amount is slightly more than a third of what the public school system spends annually per pupil.

Most students used the vouchers at Catholic schools. But about a quarter of those who received vouchers—mostly those who could not find another suitable placement—attended two new independent schools set up by advocates of the voucher program, known as Hope schools.

The study found that those students, tested at the beginning and end of the school year, made significant academic strides, gaining 15 percentage points in math and 5 percentage points on reading tests, relative to the national norms. However, language scores declined 5 percentage points overall, and 19 points among first graders.

The Cleveland schools have been troubled for years; in 1995, the system was put under state control when it ran out of money halfway through the year. Rick Ellis, a spokesman for the Cleveland schools, said that because the school system was now operated by the state, and the state also runs the voucher program, the Cleveland schools had taken no position on the program, which has been expanded to cover 3,000 students this year.

But Cleveland's voucher program—like the nation's only other large-scale voucher program, in Milwaukee—remains under the cloud of a continuing court challenge. In May, an Ohio appeals court ruled that because the vouchers could be used at religious schools, the program was an unconstitutional mingling of church and state. The State Supreme Court, however, ruled that the program could continue this year, pending its review. With the Milwaukee voucher program pending in State Supreme Court, it is likely that one or both of the cases will ultimately wend their way to the United States Supreme Court.

Despite the legal uncertainties, vouchers remain a powerful political issue across the country:

In New Jersey in April, the Education Commission barred Lincoln Park, a suburban school board, from using tax money for vouchers.

In Vermont last year, the education office took away education funds of the Chittenden Town School District when it tried to include parochial schools in a voucher program for high schools.

In New York City and several other cities, small programs, privately financed by philanthropists, provide scholarships allowing some public school students to attend parochial schools.

In Washington, House and Senate Republicans have proposed a Cleveland-style program for the District of Columbia schools.

The evaluation of the Cleveland program is based on a survey of 2,020 parents who applied for vouchers, including 1,014 parents of voucher recipients, and 1,006 parents who applied but did not used the vouchers.

Those who applied, but ultimately remained in public school, cited transportation, financial considerations and admission to a desired public school or failure to be admitted to the desired private school.

The average income of families using vouchers was lower than those whose children remained in public schools, but the two groups did not differ significantly with respect to ethnicity, family size, religion, or mother's education or employment. But those staying in public schools were more likely to be in special education classes or classes for the gifted.

The vast majority of participants, 85 percent, said their main reason for applying to the voucher program was to improve education for their children. Other commonly cited reasons were greater safety, location, religion and friends.

"I like to emphasize that parents said what was really important to them was academic quality of school," said Professor Peterson, whose co-authors were Jay P. Greene of the University of Texas and William G. Howell of Stanford University. "A lot of people say low-income families don't care about quality, that they choose schools based on other factors, but that's not what the parents say."

[From the Wall Street Journal, Sept. 18, 1997]

CLEVELAND SHATTERS MYTHS ABOUT SCHOOL CHOICE

(By Jay P. Greene, William G. Howell and Paul E. Peterson)

As delays in repairs keep the doors to Washington D.C.'s public schools closed, Congress is debating whether to approve the District of Columbia Student Opportunity Scholarship Act, which could help restructure this dreary, patronage-ridden system and give at least a couple of thousand poor students a chance to attend the private school of their choice. True to his teacher-union allies. President Clinton remains adamantly opposed to giving poor children the same chance at a private education that his daughter, Chelsea, had.

In deciding whether to challenge the president, Congress would do well to consider what's been happening in Cleveland, site of the first-state-funded program to give low-income students a choice of both religious and secular schools. Of more than 6,200 applicants, pupils entering grades K–3 last year, nearly 2,000 received scholarships to attend one of 55 schools. The scholarships cover up to 90% of a school's tuition, to a maximum of $2,250, little more than a third the per-pupil cost of Cleveland public schools.

This past summer we surveyed more than 2,000 parents, both scholarship recipients and those who applied but did not participate in the program. We found that parents to scholarship recipients new to choice schools were much more satisfied with every aspect of their school than parents of children still in public school. Sixty-three percent of choice parents report being "very satisfied" with the "academic quality" of their school, as compared with less than 30% of public school parents. Nearly 60% were "very satisfied" with school safety, as compared with just over a quarter of those in public school. With respect to school discipline, 55% of new choice parents, but only 23% of public-school parents, were very satisfied.

The differences in satisfaction rates were equally large when parents were asked about the school's individual attention to their child, parental involvement, class size and school facilities. The most extreme differences in satisfaction pertained to teaching moral values: 71% of choice parents were "very satisfied," but only 25% of those in public schools were.

Our other findings provide powerful answers to many of the arguments raised by voucher opponents:

Parents, especially poor parents, are not competent to evaluate their child's educational experience. But test scores from two of the newly established choice schools justify parental enthusiasm. Choice students attending these schools, approximately 25% of the total coming from public schools, gained, on average, five percentile points in reading and 15 points in mathematics during the course of the school year.

Choice schools don't retain their students. In fact, even though low-income, inner-city families are a highly mobile population, only 7% of all scholarship recipients reported that they did not attend the same school for the entire year. Among recipients new to choice schools the percentage was 10%. The comparable percentages for central-city public schools is twice as large.

Private schools expel students who cannot keep up. But only 0.4% of the parents of scholarship students new to school choice report this as a reason they changed schools this fall.

Poor families pick their children's schools on the basis of sports, friends, religion or location, not academic quality. Yet 85% of scholarship recipients from public schools listed "academic quality" as a "very important reason" for their application to the program. Second in importance was the "greater safety" to be found at a choice school, a reason given by 79% of the recipients. "Location" was ranked third. "Religion" was ranked fourth, said to be very important by 37%. Friends were said to be very important by less than 20%.

Private schools engage in "creaming," admitting only the best, easiest-to-educate students. But most applicants found schools willing to accept them, even though a lawsuit filed by the American Federation of Teachers prevented the program from operating until two weeks before school started. When those who were offered but did not accept a scholarship were asked why, inability to secure admission to their desired private school was only the fourth most frequently given reason, mentioned by just 21% of the parents remaining in public schools. Transportation problems, financial considerations and admission to a desired public school were all mentioned more frequently. (Cleveland has magnet schools that may have opened their doors to some scholarship applicants.)

The data from Cleveland have some limitations, because the program was not set up as a randomized experiment. Yet the comparisons between scholarship recipients new to choice schools and those remaining in public schools are meaningful. That's because, with respect to most of their demographic characteristics—such as mother's education, mother's employment, and family size—the families of scholarship recipients did not differ from those remaining in public schools. In fact, the voucher recipients actually had lower incomes than the group to which they were compared.

Cleveland's success at school choice should not remain an exception to public schools' monopoly on education. If members of Congress care at all about the education of poor children living in the inner-city, they should approve the voucher legislation for Washington now before them.

NATIONAL PARK FEE EQUITY ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. DUNCAN. Mr. Speaker, today I introduced the National Park Fee Equity Act. This legislation will allow those national parks which cannot charge an entrance fee to keep all other fees which are collected for activities within that park.

There are units of the park system which cannot collect fees because when these parks were created deed restricts were placed on the land donated to the Federal Government.

Last Congress, this body recognized the need to keep more of the money in the parks rather than sending it back to Washington. This was accomplished when we created the Fee Demonstration Program.

This program allows parks to keep 80 percent of the user fees, above what was taken in during 1994, in the park where they are collected. Unfortunately, there are some parks which cannot charge entrance fees.

The fact that these parks cannot charge an entrance fee hampers their ability to collect funds for park improvements. Therefore, I think it is only fair that all other fees collected in these parks remain there to help protect and improve them.

One such park, the Great Smoky Mountains, is the most visited park in the United States. However, since it cannot charge an entrance fee, it does not get to keep as much money as other parks do for improvements to campgrounds, trails, buildings, and other facilities there.

I believe that we need to do everything we can to help our Nation's parks. Currently, the National Park System has a maintenance and construction backlog estimated to be between 4 and 6 billion dollars. The bill I have introduced is a step toward addressing this problem.

Mr. Speaker, this is a very modest proposal in terms of the Federal budget. However, this money will go a long way in helping us preserve these parks for enjoyment of future generations. I urge my colleagues to support the National Park Fee Equity Act.

POW–MIA COMMEMORATION DAY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FAZIO. Mr. Speaker, tomorrow, our Nation will commemorate the thousands of American men and women who were lost in action or who experienced the brutality of being a prisoner of war. For every war that America has engaged in since its formation 221 years ago, these men and women fought to protect America's democratic principles and to ensure that future generations could enjoy these freedoms.

Our country joins the American families around the world whose sons and daughters, fathers, mothers, and spouses were lost in action or suffered brutality as a prisoner of war in mourning and bittersweet celebration. We grieve for the soldiers whose lives were lost. Our only consolation is that their families finally find a level of peace by knowing the fate of their loved ones. America can join them in putting closure to the restless years of uncertainty regarding the destiny of these men and women. Together we can find comfort in each other and begin to heal our painful wounds.

Today, Americans around the world also join in rejoicing for those courageous men and women who have returned to us alive and are reunited with their families. We welcome them warmly. Although there are no words that can adequately express our deepest and sincerest gratitude, please know that your sacrifices and those of your families were not in vain. To these soldiers, we thank you. Your years of physical torture, hunger, psychological abuse, and forced labor will never be forgotten. America will never allow it to be forgotten.

America continues to wait apprehensively for the soldiers whose fate is still unknown. We pray together that soon we will learn more on the status of these men and women. Please be assured that America will not rest until all of her sons and daughters are returned to her soil. We anxiously await news of them and hope for their safe return with open hearts and open doors.

Families from my district have not gone unscathed by this tragedy. They suffer the pains of loss, and experience the anguish of uncertainty. William Charles Shinn from Woodland and Jerry M. Shriver from Sacramento are still unaccounted for. The status of the Hill family's father remains a mystery. We join in their families' anxiety of not knowing.

Today, my community also celebrates for the men and women who have returned. Soldiers like Michael O'Conner who was flying a UH–1 helicopter in February 1968, when he was shot down north of Hue. His three other crew members were killed. After evading capture for nearly 2 days, he was captured and held in captivity for 5 years.

Therefore, it is with this mix of sadness, joy, and apprehension, that our Nation's Capitol, the White House, the Department of State, Defense, and Veterans Affairs, the Selective System Headquarters, the Vietnam Veterans Memorial, the Korean War Veterans Memorial and national cemeteries across the Nation will raise the flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia. May this black and white banner serve as a somber reminder of all those lost; a rejoicing reminder of those returned; and, a flicker of hope for the men and women whom we await their homecoming.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF ST. LUKE CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to announce the 75th anniversary of St. Luke Church in Lakewood, OH. In 1922, Bishop Joseph Schrembs established the parish of St. Luke, the Evangelist.

Lacking suitable facilities in which to hold mass, a large tent was erected on the grounds of a nearby convent where Sunday masses were held. The parishioners continued to have services under the tent for 2½ months. Even though they had numerous weather problems, especially during the bitter cold winter, the determination of Fr. Nolan, the parishioners, and a group of Charity nuns was all that was needed to build the tent back up whenever it fell.

On August 24, 1922, a contract was signed to build a frame church. Fr. Nolan's prayers for a permanent church structure were answered. In 1928, it became not only a place for worship but also a place for education when a school was built around the church.

By 1950, it was apparent that larger facilities were needed to accommodate the growing St. Luke community. A new church was constructed in 13 months with much of the materials coming from Ireland, Germany, France, and Italy. The church was again remodeled in 1984. An addition was constructed on one side of the church enlarging the priests' sacristy. Improvements were made in the school

as well, where a library and media center were added.

The Church of St. Luke, the Evangelist has come a long way from its humble beginnings in a tent in a field. St. Luke has grown to be a place for education, worship, and community involvement over the past 75 years, and I wish the congregation continued success in the future.

HONORING THE ANNIVERSARY OF THE DRAFTING OF THE CONSTITUTION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GORDON. Mr. Speaker, I rise today to call special attention to the Constitution of the United States of America. This treasured document serves as the guardian of our liberties and is a product of reflection and choice—embodying the principles of limited government in a Republic dedicated to rule by law, and not by men.

Abraham Lincoln once called the Constitution, "The only safeguard of our liberties * * *." I strongly concur. Therefore, it is important to recognize that September 17, 1997, marks the 210th anniversary of the drafting of this historic landmark by the 1787 Constitutional Convention.

It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary—as well as to the patriotic celebrations which will commemorate this grand occasion. Public law guarantees the issuing of a proclamation each year by the President of this great country designating September 17 through 23 as Constitution Week.

In observance of this important national occasion, I ask my fellow citizens to reaffirm the ideals put forth by the Framers of the Constitution over 200 years ago. Only through vigilantly protecting the freedoms guaranteed to us through the Constitution, can we offer future generations the same great inheritance of freedom we currently possess.

THE RESPONSIBLE BORROWER PROTECTION BANKRUPTCY ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing the Responsible Borrower Protection Bankruptcy Act. I am pleased to be joined by my colleague, Mr. BOUCHER. Attached to my statement is a detailed section by section explanation of the legislation.

It has become clear that reform of the existing bankruptcy system is sorely needed as our Nation witnesses an unsustainable epidemic of personal bankruptcies. Bankruptcies have increased over 400 percent since 1980. It is estimated that consumer bankruptcies will rise by over 20 percent in 1997. Last year, for the first time ever, there were more than 1 million filings. This year, that figure is expected to rise to 1.4 million filings, more than one bankruptcy in every 100 American households. This rate of increase is occurring not in the midst of a recession, but during what are by all accounts good economic times. From 1986 to 1996, real per capita annual disposable income grew by over 13 percent but personal bankruptcies more than doubled.

Bankruptcy will cost our Nation $40 billion in 1997 alone. That translates into over $400 per household in higher costs for goods, services, and credit. That $400 could buy every American family of four: 5 weeks of groceries, 20 tanks of unleaded gasoline, 10 pairs of shoes for the average grade-school child or more than 1 year's worth of disposable diapers.

Our Nation's bankruptcy laws play an important and necessary role in our society but we must ensure that our bankruptcy system does not unintentionally encourage those who can take responsibility for their financial obligations not to do so. Such an abuse of our bankruptcy laws is fundamentally unfair to those who play by the rules and take responsibility for their personal obligations. It has been estimated that 15 responsible borrowers are needed to cover the cost of a single bankruptcy.

The Responsible Borrower Protection Bankruptcy Act fundamentally reforms the existing bankruptcy system into a needs-based system. Only those who truly cannot repay their debts will be able to use the complete bankruptcy in chapter 7 of the Bankruptcy Code. Those who can repay their debts will have to use chapter 13 and work out a payment plan. Those who make less than 75 percent of the national median family income for a family of equal size will be presumed unable to repay their debts and may file complete bankruptcy. But those who make more than 75 percent of the national median family income for a family of equal size and, under a formula, are determined to be able to pay $50 per month toward debt reduction of at least 20 percent of their unsecured, non-priority debt over 5 years may only file in chapter 13 and repay their debt over time.

This needs-based reform is intended to address a flaw in the bankruptcy system that encourages people to file for bankruptcy and walk away from debts, regardless of whether they are able to repay any portion of what they owe. Bankruptcy was never meant to be used as a financial planning tool or for mere convenience but it no longer carries with it the social stigma it did 20 years ago and these bankruptcies of convenience are driving the enormous increase in bankruptcies. Bankruptcy is becoming a first stop rather than a last resort.

The Responsible Borrower Protection Bankruptcy Act also makes reforms to reduce repeat filings and to prevent the gaming of the bankruptcy system, such as running up credit bills right before filing for bankruptcy or filing and dismissing a bankruptcy case as a stalling tactic. In addition, there are provisions to improve the efficient administration of bankruptcy cases, to increase oversight and to provide debtors with information about alternatives to bankruptcy, such as credit counseling services.

By ensuring that our bankruptcy laws are not abused, we also ensure that bankruptcy remains a viable last resort for those who have tried to pay their debts but were driven by circumstances to ask for judicial intervention into their personal finances. If we do not reform the system and stem the explosion in bankruptcy filings caused by bankruptcies of convenience, the cost of credit will inevitably increase while its availability will begin to decrease. Such a tightening of credit will especially impact the working poor. In addition, these reforms will protect those responsible borrowers who meet their financial obligations but end up paying for those who abuse our bankruptcy laws.

Congress has a special responsibility to address this issue and to ensure that our bankruptcy laws operate fairly, efficiently and free of abuse. The Responsible Borrower Protection Bankruptcy Act makes an important first step in fulfilling that responsibility and I urge all my colleagues to support these reforms.

THE RESPONSIBLE BORROWER PROTECTION BANKRUPTCY ACT

SECTION BY SECTION ANALYSIS

Title I—Consumer Bankruptcy Issues

§ 101. Needs Based Bankruptcy

This section of the Bill requires those who have a current monthly total income of 75 percent of the national median family income for a family of equal size or, in the case of a household of one person, 75 percent of the national median household income for one earner plus a monthly net income greater than $50 and the ability to pay at least 20% of their unsecured, non-priority debts over five years to enter into a repayment plan under Chapter 13.

§ 102. Adequate Income Shall be Committed to a Plan That Pays Unsecured Creditors

This section amends the Code to substitute for "disposable income" a new concept, "monthly net income", which is determined based on expenditure levels now set by the Internal Revenue Service and used extensively throughout the country to make similar determinations. Provision is also made in a new section 111 for the adjustment of monthly net income in extraordinary cases, for example when the debtor experiences loss of income or when the debtor has unusual expenses.

§ 103. Notice of Alternatives

Require each consumer debtor to receive a notice containing a brief description of Chapters 7, 11, 12, and 13 of the Bankruptcy Code and a brief description of available independent non-profit debt counseling services. The notice would also contain the name, address and telephone number of each such service that registers with the clerk in that district. This provision assures that debtors receive information about debt counseling services.

§ 104. Fraudulent Debts Are Nondischargeable in Chapter 13 Cases

The Bill amends Code section 1328(a)(2) so as not to discharge debts fraudulently incurred.

§ 105. Giving Secured Creditors Fair Treatment in Chapter 13

The Bill amends section 1325(a)(5)(B)(I) to provide that the holder of an allowed secured claim shall retain the lien securing the claim until the debtor receives a discharge.

§ 106. Debts Incurred to Pay Nondischargeable Debts

The Bill amends current section 523(a)(14) to make nondischargeable any new debt that

is incurred to pay a prior debt that otherwise would be nondischargeable.

§ 107. Credit Extensions on the Eve of Bankruptcy Presumed Nondischargeable

The Bill would amend Code section 523(a)(2)(C) to create a presumption that consumer debts incurred within 90 days of bankruptcy are non-dischargeable.

§ 108. Stopping Abusive Conversions from Chapter 13

This section provides that when a debtor converts from Chapter 13 to Chapter 7, the cram down is not retained except for the limited purpose of redemption under section 722.

§ 109. Discouraging Bad Faith Repeat Filings

The section provides that the automatic stay will terminate in a consumer bankruptcy case on the 30th day after the filing if, in the previous year, the same debtor filed a bankruptcy case that was dismissed. The Bill provides an exception to this provision in the event the subsequent filing is made in good faith. It gives four situations in which there is a presumption that the subsequent filing was not made in good faith: (1) if there was more than one previous case in the past year; (2) if the previous case was dismissed for the debtor's failure to comply with requirements under the Bankruptcy Code or with orders of the court; (3) if there has been no substantial change in the debtor's financial affairs; or (4) as to the application of the stay to a specific creditor, if that creditor obtained relief from the stay in the previous case or applied for such relief (and that application is still pending).

§ 110. Restraining Abusive Purchases on Secured Credit

The Bill would amend Code section 506 by adding a new subsection 506(e). The provision requires that the value of personal property collateral be at least equal to the outstanding balance of the purchase price, including interest and charges, where the property was purchased within 180 days of the petition.

§ 111. Fair Valuation of Collateral

The Bill would add a new sentence to the end of Code section 506(a). This amendment would set the value of personal property securing an individual debtor's personal property as the replacement value of the property on the petition date (without deductions for marketing or sales costs).

§ 112. Debtor Retention of Personal Property Security

The Bill would add a new subsection to Code section 521 to provide that a Chapter 7 individual debtor may not retain possession of personal property securing an allowed claim for the purchase price unless the debtor either (a) reaffirms the debt or (b) redeems the property within sixty (60) days of the order for relief. If the debtor takes neither action within the sixty (60) day period, then the property no longer would be considered property of the estate for purposes of the automatic stay.

§ 113. Bankruptcy Exemption Study Commission

The Bill creates an eight member Bankruptcy Exemption Study Commission with members appointed by the President, the Majority Leader of the Senate and the Speaker of the House to study whether the Code's use of exemptions should be revised. The Commission is directed to study and report on exemption issues under the code and on any proposals to revise the Code it may recommend. The Commission may hold hearings, and is required to report to Congress, the Chief Justice and the President within one year of enactment of the Bill.

§ 114. Timely Filing and Confirmation of Plans in Chapter 13

The Bill amends section 1321 to require that the debtor file a plan within 90 days of the petition date. The Bill would also amend Code section 1324 to require that the confirmation hearing be held within 45 days of the filing of the plan. Either of these time periods could be extended by court order.

§ 115. Definition of Substantial Abuse

The Bill would clarify Code section 707(b) to permit any party in interest to move to dismiss the bankruptcy case, and it further defines "substantial abuse" to include a situation in which it becomes apparent during the case that the debtor is not eligible for Chapter 7 under the needs based bankruptcy provisions or where the totality of circumstances demonstrate substantial abuse.

§ 116. Giving Debtors the Ability To Keep Lease Personal Property by Assumption

The Bill would add new Code section 365(p) to give debtors the ability to keep leased personal property by assuming the lease. This clarifies that if a Chapter 7 trustee reject a lease of personal property, the lessor may notify the debtor that he or she has the option of assuming the lease. If the debtor then notifies the lessor that the debtor wants to assume, the debtor's lease remains enforceable according to its terms. It also clarifies that in a Chapter 11 or 13 case, if the lease is not assumed in the plan, the lease is rejected as of the date of the confirmation of the plan. The section also makes clear that once a lease is rejected, it and the leased property are no longer property of the estate, and no longer subject to stay.

§ 117. Chapter 13 Plans To Have a Five Year Duration

The Bill would amend Code sections 1322(d) and 1329(c) to allow confirmation of plans with a life span of five years if the debtor's current monthly income is 75 percent of the national median family income for a family of equal size or 75 percent of the national median household income for one earner or more on the date of confirmation. In such cases, it would also permit the court to approve a plan longer than five years up to a maximum of seven years. Otherwise, the debtor would be restricted to the three year and five year periods of present law.

§ 118. Apply the Co-Debtor Stay Only When It Protects the Debtor

The Bill would amend section 1301 so that the co-debtor stay would continue to be available when the debtor who borrowed the money sought Chapter 13 relief, but if a guarantor or other co-debtor who did not receive the consideration for the creditor's claim filed for relief, the debtor who borrowed the money would not be protected by a stay unless he or she also filed a bankruptcy protection. Also the stay would terminate as to the debtor's interest in personal property if the debtor surrendered or abandoned that property.

§ 119. Definition of Household Goods

The Bill would add a new subparagraph to Code section 522(f)(1) to define the phrase "household goods" as it now appears in section 522(f) of the Code. The Bill defines "household goods" by using the definition already used in similar context by the Federal Trade Commission in the Trade Regulations Rule on Credit Practices, 16 CFR § 444.1(I).

§ 120. Protection of Holders of Claims Secured by Debtor's Principal Residence

This section clarifies that the inclusion of incidental property in a mortgage on the debtor's principal residence will not disqualify that mortgage from protection under section 1322(b)(2). It also makes clear that if the debtor resided in the house during the six months previous to filing and still owns it, or if the residence is a mobile home, condominium or cooperative apartment, technically treated as personalty in a number of states, the protection of section 1322(2)(b) applies.

The section also provides that the stay under section 362 will not be violated if a prepetition foreclosure proceeding is postponed during the pendency of a Chapter 13 proceeding so long as any prepetition default remains uncured by actual payment in full according to the plan.

§ 121. Extend Period Between Bankruptcy Discharges

The Bill would expand the amount of time that must pass before a debtor may receive another discharge. The time period would expand to ten for Chapter 7 individual cases and five years for Chapter 13 cases.

Title II—Improved Bankruptcy Administration

§ 201. Improved Bankruptcy Statistics

The Bill would create a new 28 U.S.C. § 159 that would require the clerks of the various bankruptcy courts to compile statistics on bankruptcy cases involving individual debtors, and report these statistics annually to Congress.

§ 202. Audit Procedures

This section amends title 28 to delegate to the Attorney General the responsibility for establishing random audits of individual bankruptcy cases under title 11.

§ 203. Docket of Individuals Who File Under Title 11

This section amends title 28 to delegate to the Administrative Office of the Courts the responsibility for creating and maintaining a central docket of those who have filed for bankruptcy relief.

§ 204. Adequate Preparation Time for Creditors Before the First Meeting of Creditors in Individual Cases

This section amends the Bankruptcy Code to specify that in an individual voluntary case, the first meeting of creditors be convened between sixty (60) and ninety (90) days following the order for relief.

§ 205. Creditor Representation at First Meeting of Credits

This section amends Code section 341(c) to provide that non-attorney representatives can attend and participate in the first meeting of creditors.

§ 206. Giving Creditors Fair Notice in Chapter 7 and Chapter 13 Cases

This section provides that the debtor include in any notice to the creditor, the creditor's account number if it is reasonably available, and to send any notices to an address which the creditor has previously specified.

§ 207. Prompt Relief From Stay in Individual Cases

This section amends Code section 362(e) to provide that unless the court finally decides the relief from stay request, the parties agree to take a longer time, or the court orders additional time, the stay shall automatically terminate sixty days after a request for relief from it is made.

§ 208. Relief From Stay When the Debtor Does Not Complete Intended Surrender of Consumer Debt Collateral

This section amends section 362 to provide that if individual debtors do not file a timely

statement of intention with respect to property securing the creditor's claim or to act in accordance with that statement of intention, a secured creditor may seek relief from the stay.

§ 209. Filing of Proofs of Claim

In Chapter 11 cases, if a creditor is listed in the schedules, no proof of claim need to be filed unless it is listed as disputed, contingent or unliquidated. This provision extends this Chapter 11 provision to cases under Chapters 7 and 13.

§ 210. Debtor to Provide Tax Returns and Other Information

This section amends Code section 521 to require that the debtor provide financial information about income and expenses, such as copies of its tax returns for the three most recent tax years, its current pay stubs, and other proof of income. Also, a conformed copy of the petition, schedules and statement of financial affairs and any corresponding amendments as well as of any Chapter 13 plan must be provided upon request.

§ 211. Dismissal for Failure to File Schedules Timely or Provide Required Information

The Bill would amend Code section 707 to require the dismissal of the bankruptcy case for failure to file schedules within 45 days after filing the petition.

§ 212. Adequate Protection of Lessors and Purchase Money Secured Creditors

This section adds a new section 1307 to the Code to provide that adequate protection payments be made during the "gap" that occurs between the time the debtor files a Chapter 13 case and the stay goes into effect and the time the debtor resumes making payments under the plan.

§ 213. Adequate Time to Prepare for Hearing on Confirmation of the Plan

The Bill amends Code section 1324 to require that a Chapter 13 confirmation hearing cannot be held less than twenty days after the first meeting of creditors if there is an objection.

REVOKE PAY ADJUSTMENT FOR MEMBERS OF CONGRESS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation to revoke the COLA for Members of Congress should it become law. The manner in which the COLA was approved by this body yesterday is appalling. Americans deserve to know if their Representative is voting to increase his or her pay. It should not be hidden in the parliamentary process. We must be honest enough with ourselves and with the American people to support openly or oppose openly this increase. My legislation will require us to make an honest, forthright statement about our pay.

I hope events of the next few days will render my legislation unnecessary. I hope that once Members have had an opportunity to discuss with their constituents yesterday's attempt to sneak in a pay raise they will join the efforts of Congresswoman LINDA SMITH, myself, and others and support an amendment to prevent Members of Congress from receiving a COLA. If such an amendment is ruled out of order, Members should support a motion to appeal the ruling of the Chair. If our amendment prevails, and I sincerely hope it does, my legislation will not be necessary. However, I believe we must make every effort to overturn yesterday's action and for that reason, I am introducing this bill today.

As Members of Congress, I strongly believe that we should not talk about cutting important programs like Medicare and Social Security and then turn around and give ourselves a pay raise. During the appropriations process, we have forced many worthy programs to tighten their belts "for the good of the country" so we can meet our goal of a balanced budget by the year 2002. Why, then, not tighten our own belts?

As I have said on many other occasions, it is irresponsible for us to increase our own pay at a time when we have not met our obligation to the American people to balance the Federal budget. We cannot continue to tell our constituents to tighten their belts while we loosen our own. We must first make Medicare solvent. We must first fully fund our veterans' benefits. We must first ensure that every student has an opportunity for a college education. We must first rebuild our crumbling infrastructure. We must first eliminate the estate tax. We must first take care of the people.

I hope the leadership will see to it that this legislation receives a fair hearing and is brought to the floor with all due speed.

TRIBUTE TO MARK AND DIANE KROEKER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Mark and Diane Kroeker, who this year are being saluted by Bridge Focus, a social service agency in the San Fernando Valley. The Kroekers are receiving an award for being exemplary parents and for a long tradition of helping their community. I cannot think of two people who better fit this description than Mark and Diane.

I have had a warm personal and professional relationship with Mark for many years, particularly during the time he served as commander of the San Fernando Valley Bureau of the Los Angeles Police Department.

Like many others, I have tremendous respect and admiration for Mark's work. The LAPD could have not picked a more ideal representative in the valley. Mark was constantly looking for ways to improve relations between the Department and community. He spent hundreds of hours meeting with local leaders. It was a sad day for all of us when Mark was transferred to another bureau.

Mark's reputation for compassion and concern extends beyond the workplace. He is widely known as the founder and chairman of the board of the World Children's Transplant Fund. He rarely misses an opportunity to tell people of the organization and its wonderful work.

Mark and Diane are active supporters of the World Children's Transplant Fund, which in 1994 presented Mark with its Man of the Year Award. There are children around the world who literally owe their lives to Mark and Diane Kroeker.

I ask my colleagues to join me today in saluting Mark and Diane Kroeker, proud and loving parents of Kent, Kirk, and Katrina. Mark and Diane's dedication to their community and their love for the children of the world inspires us all.

SALUTE TO THE 50TH ANNIVERSARY OF THE AIR NATIONAL GUARD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to pay a special tribute to the 50th anniversary of the U.S. Air Force and the Air National Guard, especially the 146th Airlift Wing based in my California congressional district.

The 146th is California's largest Air National Guard unit and has been recognized by both the Air Force Association and the National Guard Association of the United States as the best flying unit in the Air National Guard. These prestigious awards have not come easily. During World War II, as part of the 115th Observation Squadron, the wing fought in various combat theaters around the world, displaying courage in battles in the Pacific, Europe and China-Burma-India theaters.

The 146th distinguished itself during the 1950's in the Korean war, and in the 1960's Southeast Asia conflict flying a variety of combat air support missions. Since 1970, the wing's C–130 aircraft have traveled to all corners of the world, airlifting troops, passengers, and cargo during training missions, exercise deployments, and real-world military operations.

In 1992, the wing received its third Air Force Outstanding Unit Award. The 146th was praised for extraordinary service to the Nation, State, and local communities during hostilities in Panama and in the Persian Gulf, and in peacetime humanitarian airlifts and aerial fire fighting.

Mr. Speaker, while the mission and accomplishments of the 146th Airlift Wing are truly commendable, their true strength lies in the men and women who comprise the wing. I am pleased to pay tribute to them today and congratulate them on 50 years of service to our Nation, State, and community.

A NEW MARITIME STRATEGY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CUNNINGHAM. Mr. Speaker, in my role as an administrative cochairman of the bipartisan national security caucus, I served as the cohost of a recent maritime policy briefing. The group my colleagues and I assembled discussed a wide range of critical issues which

have a significant impact on our national security and the future of our maritime industry.

This dinner briefing was an outstanding success because of the insights and observations we received from several of my fellow cochairmen in the national security caucus. The group included Chairman FLOYD SPENCE of the National Security Committee, IKE SKELTON, the ranking Democrat on the Military Procurement Subcommittee and STENY HOYER, the chairman of the Democratic Steering Committee. We were also joined by TILLIE FOWLER, the vice chairman of the Coast Guard and Maritime Transportation Subcommittee.

Our guests of honor were Secretary of the Navy John Dalton and Gen. Charles Krulak, the commander of the Marine Corps. We were also joined by several key executives form the maritime industry and senior officials of leading trade associations and maritime organizations.

The topics we reviewed included the Maritime Security Program [MSP], the Jones Act, the charter and build program, cargo preference, and acquisition reform. All of our participants were in agreement that the disappearance of U.S. shipping companies would have a serious impact on America's national security.

During Operation Desert Storm, American shipping companies transported 95 percent of the sustainment cargo. It is definitely not clear how the Defense Department would replace crucial sealift capacity if, suddenly, no American container ship companies were available. Certainly, the cost of replacing this commercial capacity with new government-owned sealift vessels would be astronomical.

The number of private U.S. shipyards has dropped by more than 50 percent over the past 15 years. The U.S.-flag fleet is very productive today, but unfortunately, its capability to compete on the international stage has declined. The American fleet of self-propelled vessels has decreased steadily in size since 1950 to a current low of approximately 300 vessels.

The available work force has also declined significantly and the modernization of the U.S. seaports is well behind their foreign competitors. These factors are raising concerns among my colleagues in the national security caucus about handicaps on our Nation's economy and our capability to promote trade and our national security interests.

The participants were in agreement that the U.S. policies and programs are in sharp contrast with those of many leading maritime nations. These other nations have acted to preserve a commercial presence in shipping. They offer supportive tax and financing packages. And they invest heavily in the modernization of their shipyards and seaports. All of these inequities discourage private investment in key components of U.S. maritime industries. I believe it is in the best interests of all Americans to harness the leadership of government with the strength of the marketplace to level the international playing field so that U.S. industries can compete globally.

The challenges we face were eloquently stated last year during the MSP debate by chairman HERB BATEMAN of the Merchant Marine Panel when he said, "We are beyond the point of talking about viability, resurgence of even revitalization. We are now talking about the very survival of the American maritime industry. As horrible and as catastrophic as it may sound, if we do not develop and adopt a new strategy, the U.S. fleet may not be in existence a year from now."

I am very pleased to report that the efforts to develop, adopt, and implement a comprehensive and bipartisan national maritime strategy is receiving critical leadership from the nonprofit National Security Caucus Foundation. I know all of the caucus cochairmen are very grateful for the tremendous yeoman labor of the NSCF maritime team. This group includes Adm. Thomas Moorer USN (Ret.), the former chairman of the Joint Chiefs of Staff, Rear Adm. Robert Spiro, the former Under Secretary of the Army, and Gregg Hilton, the NSCF's Executive Director.

They have been working in cooperation with the Navy and the Maritime Administration on several strategy conferences, and they have assembled an impressive list of retired flag officers who are emphasizing the arguments I have outlined above. The NSC Foundation's effort to develop a new strategy is essential to our national security and I will be providing further information to my colleagues about this program in the weeks ahead.

Finally, I want to express my appreciation to several individuals who had a key role in organizing last night's policy discussion. They also provided us excellent advice and a wide variety of background information. The group which is responsible for the success of last night's event includes Jim Henry, the president of the Transportation Institute, Jim Patti, the president of MIRAID, Gloria Tosi, the executive director of the American Maritime Congress and Gordon Spencer, the legislative director for the American Maritime Officers.

IN HONOR OF THE 125TH ANNIVERSARY OF THE CONGREGATION OF ST. JOSEPH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Congregation of St. Joseph [CSJ] in Cleveland, OH as they celebrate their 125th anniversary of serving the Cleveland community through their faith, service, and vision.

For the Sisters of St. Joseph, this anniversary year has been one of reflection on their faith and a renewal of their spirituality. The sisters recently spent a weekend exploring the core principles and values of their faith and endeavored to find God and love in everyday life.

This year has also been a time to contemplate the areas of service in which CSJ is involved. Throughout their history, the sisters have reached out to others in the Cleveland community. The Sisters of St. Joseph have been involved in educating the youth of the community's parishes and in helping many other service organizations such as the West Side Catholic Center and Women's Shelter, Providence House—(a crisis nursery for children), transitional housing for women and families, day care, and hospital visits. As part of the anniversary celebration, the Sisters of St. Joseph awarded a grant to fund a new service project in the community, "Seeds of Literacy." This project, coordinated with three other parishes in the Cleveland area, will reach out to needy adults to increase their literacy skills and sense of self worth, hopefully resulting in new job opportunities for them so they will be able to support themselves and their children.

The congregation has also spent this anniversary year focusing on the vision that has carried them through the past 125 years, and which will inspire them in the future. Just as many bridges span the Cuyahoga River in Cleveland, connecting the east side of the city to the west, CSJ is always looking for ways to build new bridges connecting themselves to their traditional spirituality, connecting their accomplishments of the past to their vision of the future, and connecting the Congregation of St. Joseph to the Cleveland community.

My fellow colleagues, please join me in honoring the devoted Sisters of the Congregation of St. Joseph.

TRIBUTE TO FRANCIS TOUCHETTE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. COSTELLO. Mr. Speaker, 60 days ago today on July 18, 1997, the people of the St. Louis metropolitan area and the people of southwestern Illinois lost a great leader and I lost a good friend. Francis Touchette passed away on July 18, 1997, at the age of 84 after a long illness.

During this period, I have had time to reflect on his legacy of service and on our friendship. Francis Touchette was both a dedicated public servant and a humanitarian.

Francis started his career when he was elected to the office of Democratic precinct committeeman when Franklin Roosevelt was elected President of the United States. In addition to serving as a Democratic precinct committeeman for many years, Francis was elected Centreville Township supervisor and was elected to serve as a member of the county board from Centreville Township. On two separate occasions during his career on the county board, his colleagues saw fit to elect Francis to serve as their chairman.

In addition to being one of the leading Democrats in southwestern and southern Illinois, Francis was one of the leaders in providing health care and other services to the underprivileged and the poor throughout the region.

Francis was the founder of Centreville township Hospital—later renamed Touchette Regional Hospital in Centreville, IL. As Centreville Township supervisor, he recognized that the underprivileged and the poor were not receiving adequate health care services and therefore called upon the people of the township to construct a hospital for people in the Greater Centreville area. He was a charter member of the East Side Health District and founded the Southern Illinois Health Care Foundation.

Very few people have touched and improved the lives of so many as Francis Touchette. His service to the people of the St. Louis region and of southwestern Illinois will live on—and his friendship that he extended to me and many others will never be forgotten.

My colleagues, I ask you to join me in paying tribute to a great friend and a great leader.

WORKLINK

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. TALENT. Mr. Speaker, I rise today to recognize the city of St. Peters for the successful implementation of WorkLink, the first telecommunication center in the State of Missouri and the entire Midwest. Opening in July 1996, WorkLink was designed as a community-based telecommunications center equipped to provide individuals, businesses, and organizations with a wide array of advanced telecommunications and related services. WorkLink promotes telecommuting as an efficient way of doing business and helping employees better balance their time between work and family.

WorkLink offers an alternative to many companies and employees to maintain and encourage performance and productivity; assists companies in cutting expenses by consolidating office and parking space; improves employee moral by accommodating work and family needs; and helps the community by reducing traffic congestion and improving air quality.

Currently, two-thirds of the available space at WorkLink is equipped with offices and workstations with the advanced technology and interconnectivity to handle most advanced office telecommunications functions. The facility houses many business types, including engineering, financial, computer consulting, computer programming, sales/marketing, healthcare, publishing, distance learning, and charitable professionals.

By stepping out onto the cutting edge of telecommuting, the city of St. Peters is offering those in their community a tremendous opportunity. I am sure WorkLink will serve as a model for other communities, and I commend Mayor Tom Brown and Helen Robert, WorkLink manager, for their vision and hard work.

50TH ANNIVERSARY OF AIR FORCE

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. HILLEARY. Mr. Speaker, I rise today as an Air Force veteran and a major in the Air Force Reserve to commemorate the 50th anniversary of the U.S. Air Force.

When we look at today's Air Force, with all its cutting-edge technological advances and global superiority, it's amazing to think how far we have come in this century. It's certainly a far cry from the military's first airborne activities—the Army's use of balloons for reconnaissance during the Civil War and Spanish American War, and the use of its first aircraft against Pancho Villa in Mexico in 1916.

From these humble roots, military aviation grew and matured from being a part of the Signal Corps in 1914, to becoming the Army Bureau of Aircraft Production and the Air Service in 1918, to the Army Air Forces and the Army Air Corps in the 1920's.

As military aviators distinguished themselves in World War I and World War II, support for a full-fledged, independent Air Force grew. More and more people came to realize that the Air Corps was more than just a part of the Army: It was a highly specialized branch of the military which should stand on equal footing with the Army and the Navy.

Finally, in 1947, the National Security Act, which created an independent U.S. Air Force, was passed by Congress and signed into law by President Harry S Truman. Fifty years later, we celebrate the contributions the Air Force has made over the past five decades, and we look forward to the many more contributions which the Air Force will make in the decades and centuries to come.

I know Air Force veterans and members at installations around the world will mark this 50th anniversary with great pride and honor. At Arnold Engineering and Development Center [AEDC] on Arnold Air Force Base in my congressional district, a celebration was recently held in observance of this milestone, and I'm sure similar events have been held at many other bases.

Mr. Speaker, at this point, I would like to once again thank the U.S. Air Force for all it has done for our great country, and I would like to insert into the RECORD a poem written by Tennessee's poet laureate Margaret Britton Vaughn, in honor of this wonderful anniversary. This poem was read publicly for the first time by Maggie Vaughn at the AEDC 50th anniversary commemoration.

AIR FORCE FIFTIETH ANNIVERSARY

Nineteen forty-seven, fifty years ago
The vision would not rest
Until the Air Force was born,
And the Bird left its nest.
A Bird with metal wings
A cockpit for an eye
Pilots gave it heart and soul
With grace of a butterfly.
America's fields grow barracks
And long, gray runways.
Seas of blue uniforms
Blended with the amber waves.
Above the patterned clouds
We watched fliers in formations,
Vapor trails left behind
Sent a message to all nations.
The large Bear of the U.S.S.R.
Shoot with disbelief,
The Eagle soared above its head
Bringing West Berlin relief.
Red Communism was no match
For men and women in blue,
MIGs could not compete
Where the Sabre flew.
From Korea to Vietnam
To Desert Storm of Iraq,
The Air Force was there
And brought the banner back.
Yesterday a playful boy
Spread his arms in flight,
Dreamed one day he'd fly
In his sleep at night.
The boy fulfilled his dream
High above the barren ground.
And woke up a tired God
"When he broke the speed of sound"
Today boys and girls
Share that same dream.
One day to take the oath
Join the Air Force team.
A half century has come and gone
Since Truman took the pen.
Signed aboard his "Sacred Cow"
Our Air Force to begin.
For those who served our country
In peace and war time,
For those who gave their lives
So freedom bells could chime.
For those who serve the Seal
Eagle, thunderbolt, stars and cloud
And wreath of six folds
Make our country proud.
The symbol of the Eagle
Facing the future without sorrow,
The United States, Air Force
Yesterday, today, tomorrow.

JOSEPHINE HINMAN'S GARDEN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. PACKARD. Mr. Speaker, I rise to recognize an outstanding citizen in my community. Josephine Hinman, of Fallbrook, CA devotes her life to attacking hunger. Josephine grows and then donates some 12,000 bags of fruit and vegetables a year to feed the poor, all from her own garden. For 64 years, Josephine Hinman has selflessly given both her time and energy so that others may benefit.

Growing up during the Depression, Josephine learned early on how hard it can be to keep food on the table in tough times. Helping her family maintain a large garden, they grew enough to get by and help others in the neighborhood. Today, Josephine is still taking care of her garden, and still taking good care of the less fortunate in her community.

Mr. Speaker, our Nation is beginning to rediscover the power of local solutions. For far too long, the Washington bureaucrats have insisted that the only way to help those in need is to create another Government program and bankroll it with endless taxpayer dollars. People like Josephine Hinman are showing Washington that no matter how much taxpayer money you throw at a problem, little is ever accomplished without the warmth and compassion of caring citizens.

Josephine Hinman's story is truly inspiring. Her selfless work should encourage each and every one of us to reflect on how we may better serve others. Most of us learned very young in life that we share a responsibility to help our neighbors and care for our community. As I visit with and learn about those who do remarkable works throughout my district, I continue to be convinced that volunteering is much more than a responsibility. Having the time, talents, and ability to brighten the lives of others is actually one of life's greatest privileges. The joy with which Josephine Hinman continues to keep her garden open to all is solid proof of that.

IN HONOR OF JIM BREMER

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. ROEMER. Mr. Speaker, it is with great pleasure that I rise today in recognition of Mr. Jim Bremer of Wanatah, IN. Not only am I extremely proud to call him a good friend, but I am even prouder to call him a friend of his community and the entire State of Indiana.

I first met Jim when I ran for Congress back in 1990. During the course of my campaign, people throughout his home county told me of his reputation for honesty, hard work, and common sense. Although he was—and remains—a member of the opposite political party, his neighbors strongly encouraged me to seek his advice and support. It was soon after that I first sat with Jim Bremer in his famous garage, discussing the national issues of the day and gazing out at the beautiful arrangement of flowers that surround his entire home.

During the course of our meeting, I was elated when Jim pledged to support me in the 1990 election. While the town of Wanatah is small, the people there are conscientious, hard working, driven by the right values, and very active politically. I knew that folks in Wanatah respected Jim and paid close attention to his opinions, and I thought his endorsement would mean a lot to my campaign.

However, after Jim said he would support me, he solemnly proclaimed, "As soon as you get elected, I bet we'll never see you again in Wanatah." This was probably the only time I was able to prove him wrong. Not only do I continue to stop by and sit in Jim's garage, but every year I attend the Labor Day picnic he hosts in his backyard. And I do not exaggerate when I claim that the renowned event is equal to any picnic in the world. Jim roasts a hog, smokes three turkeys in metal garbage cans, and serves vine ripened tomatoes fresh from his Olympic-size garden. If you manage not to gorge yourself on this bounty, there then awaits an amazing assortment of Hoosier desserts—courtesy of Wanatah's best kitchens and family recipes.

After the meal, attentions invariably turn to politics and discussions of our Nation's future. Jim allows elected leaders like myself to address the scores of people in attendance, and there are few listeners who are shy about responding with their own views, comments, and criticisms. In this age of big budget campaigns, spin doctors, and television attack ads, Jim reminds all of us that small-town, grassroots democracy is alive and well in America.

I am deeply grateful for Jim Bremer's work to emphasize the importance of personal relationships between citizens and their government. However, despite the vitality of our grassroots, the success of Jim's efforts rests entirely on the strength of his character and the personal respect he has earned from others. His unshakable—and sometimes biting—honesty is without question and beyond reproach. In addition, he possesses that special Hoosier brand of common sense that appeals to independents and people of both major parties. But above all, Jim is a hard worker who is committed to helping his neighbors and his community. As a veteran of the Korean war, a deputy sheriff, and an electrician on the job, Jim has exhibited the best American values of dedication, responsibility, and caring for others. I consider myself fortunate to be associated with him.

I hope Americans in the future will not stray too far from Jim Bremer's example. If I did not know that he is a one-of-a-kind, I would say we need many more of him.

RICHIE ASHBURN: A BASEBALL SUPERSTAR WITH STRONG NEBRASKA ROOTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. BEREUTER. Mr. Speaker, the Nation recently lost a true treasure with the passing of Richie Ashburn on September 9. Ashburn was a Hall of Fame baseball superstar and renowned broadcaster, but he never forgot his Nebraska roots. In addition to his annual visits back home, Ashburn made frequent references to his hometown of Tilden and the valuable lessons he learned while growing up in Nebraska.

Richie Ashburn began his extraordinary athletic career in Nebraska where he starred in baseball, basketball, and track. Ashburn combined a natural athletic ability with determination and a strong work ethic. In the process, he set an enduring standard for athletes in northeast Nebraska and served as an inspiration for athletes across the State. Indeed this Member used a Richie Asburn Louisville Slugger when he played baseball for the Utica Legion team and for Utica and Seward in the Blue Valley League and the Cornhusker League.

As a major league baseball player, Ashburn amassed an impressive record which eventually earned him enshrinement in the Hall of Fame. Outstanding from the beginning of his career, Ashburn received Rookie-of-the-Year honors in 1948. Year after year, he excelled at the plate and in the field. He retired with an amazing .308 batting average and had more hits than any other player in the 1950's. Ashburn was a defensive standout in centerfield and led the league in putouts by an outfielder nine times, tying a major league record. Ashburn was also a threat on the basepaths where he had 234 career stolen bases.

Following his outstanding 15 years in the majors, Ashburn considered running for Congress, but settled instead on a career in broadcasting. As a broadcaster for the Philadelphia Phillies, Ashburn displayed remarkable wit, knowledge, and love of the game. He was a familiar and comfortable voice for Phillies fans for 35 years.

Ashburn's impressive statistics in the major leagues demonstrate his greatness as a player, but they obviously don't reveal the remarkable qualities he displayed as a person. Ashburn was a humble man with a marvelous sense of humor. He also maintained the values he learned from his family in Nebraska—honesty, loyalty, decency, and a caring attitude. He truly had a genuine concern for all people which earned him numerous friends and lasting affection. Richie Ashburn will certainly be missed.

This Member would like to commend to his colleagues the following editorials from the Norfolk Daily News and the Philadelphia Inquirer. The editorials highlight Richie Ashburn's impressive accomplishments in Nebraska and Philadelphia.

[From the Norfolk Daily News, Sept. 10, 1997]

LOSS MOURNED

ACCOMPLISHMENTS OF RICHIE ASHBURN WILL BE REMEMBERED BY MANY IN AREA

Just short of a half-century ago, Richie Ashburn was named "rookie of the year" by the Sporting News. He had compiled a .333 batting average in his first major league year; had stolen 32 bases to lead in that category even though he missed a month of the season. He was chosen as a starter in center field for the National League allstar team in that year, 1948.

His reaction to the award was this: "I only hope I will merit the honor by better playing next year." His career with the Philadelphia Phillies and finally with the Chicago Cubs and New York Mets, was marked by that determination and for continued high-level performance. A lifetime record of achievement in baseball led to belated recognition as a Hall of Fame member in 1995.

Northeast Nebraskans followed this Tilden native's career closely, from his days with the Antelopes in the early 1940s, a Legion baseball team sponsored by the post in Neligh, to his stellar performance as a basketball player in the off-season for Norfolk Junior College.

He had the strong support of parents, Mr. and Mrs. Neil Ashburn, who made a home for Richie and four of his young teammates in their first years in Philadelphia. His mother still lives in Tilden.

His talent was not limited to playing baseball, but also included column-writing for a Philadelphia newspaper and a long career as an announcer for the Phillies. Now his career is closed with his sudden, unexpected death Sept. 9 at the age of 70.

He has an extended family to mourn his loss. It consists of supportive relatives, of course, whom he came back to Nebraska to see regularly. But it also numbers thousands of aging baseball fans who still remember vividly his exploits on the field and are proud of his performance off of it.

[From the Philadelphia Inquirer, Sept. 10, 1997]

THE WHIZ KID

ON THE FIELD AND IN THE BROADCAST BOOTH, RICHIE ASHBURN WAS PHILADELPHIA TO THE CORE

Try to name a Philadelphian more beloved than D. Richard Ashburn.

Can't be done, can it?

Over half a century, Mr. Ashburn, the Phillies' Hall of Fame outfielder and longtime broadcaster who died suddenly yesterday, became woven deep into the fabric of a tough but loyal town. The threads running through his career were bedrock decency, consistency, dry wit and, of course, dashing athletic skill.

When Mr. Ashburn had a heart attack in a New York hotel after broadcasting a ball game between two teams for which he played, the Phils and Mets, Philadelphians lost someone who helped define their sense of their town.

He was, in the city's high accolade, a "regular guy," a man who knew how to win and how to struggle, how to laugh and how to grieve, whom the rest of the nation never quite appreciated the way it should.

As a player, the Nebraskan everyone called Whitey was one of his generation's best, but often overlooked on the national stage. He was an artist of the single in a game where home-run hitters hog the spotlight. A Philadelphian in an era when New York's Golden Age of Sport featured three legends playing his position: Willie Mays, Mickey Mantle and Duke Snider.

He didn't fret about that. He just kept doing with meticulous class all the little things—fielding his position, bunting runners along—that make winning possible.

Fitting it was that he saved the National League pennant for the fabled 1950 Whiz Kids with a defensive play in the season's last game.

Fitting it was also that baseball finally came to its senses and put him into its Hall of Fame in 1995—though sadly too late for him to savor the moment with his dead father, twin sister and daughter. At his induction, he shared the podium graciously with a more talented but less lovable Phillie, Mike Schmidt. Mr. Schmidt himself, scanning the sea of red caps and the record 200 chartered buses invading Cooperstown that day, observed that 'twas Whitey who'd lured most of them.

In the broadcast booth, as on the field, Mr. Ashburn's work featured a Philadelphia-friendly mix: loyalty, warmth, honesty and understated humor that refused to take himself or anyone else too seriously.

He was never the smoothest caller of a game, but he knew how to share a microphone, how to sum up excellence or disaster in one sage phrase, and how to put friendliness into the "Welcome to Minnie from Royersford, celebrating her 90th today at the Vet" messages it was his daily lot to read.

A great ballplayer speaks to that piece inside people that yearns for heroes. A baseball broadcaster, more than any other sports announcer, becomes a piece of a city's daily conversation, a reliable bard whose word pictures fuel backyard debates and spice long commutes.

Philadelphia was graced to have Richie Ashburn in those two roles over five decades.

Whitey, you'll be missed.

RECOGNITION OF SOLANO COUNTY'S FIRST ANNUAL TRIBUTE TO SENIORS COMMUNITY CELEBRATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the first annual tribute to seniors community celebration in Solano County, CA, which will take place on September 24, 1997.

This all-day event will include speakers, workshops, and entertainment, as well as educational offerings. It will also incorporate the annual health fair. It will be the first event of its kind to address fully the issues and interest of seniors throughout Solano County. Seniors and members of the Vacaville community have come together to create this event, which will serve to benefit all the citizens of Solano regardless of age.

We should also make note of the positive effects that can occur when our citizens join with their elected leaders, be they local, regional or national, and with shared visions, accomplish that which we all strive for: A community spirit that thrives and makes us proud.

In closing, I would like to commend the distinguished members of the Tribute to Seniors Committee. The committee is comprised of the following individuals, all of whom have dedicated their time and energy to the success of this special event: Chairman Charles Conti, Diana Barney, Kristen Delaplane, Lynn Kessler, Dorothy Locke, and Jim Tooke.

Congratulations to everyone who is working to make this day a caring and sharing celebration.

SHAFTER COTTON RESEARCH STATION: A CALIFORNIA FARMING LANDMARK

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. THOMAS. Mr. Speaker, the Shafter Cotton Research Center, in Shafter, CA, is celebrating 75 years of research for California cotton production and this month becomes a State registered landmark. The designation recognizes the important research contributions this center has made to the California cotton industry. We also recognize the historic relationship between California cotton growers, the University of California, Kern County and the U.S. Department of Agriculture that has made the Shafter Cotton Research Center so successful.

This center got its start in 1922 and has been in the forefront of efforts to buck common wisdom ever since. At that time, many people in the cotton industry thought California was too far from the mills in the eastern United States for California to ever become a cotton powerhouse. The work done in cooperation between Federal, State and local government and private industry that led to the ACALA cotton variety developed here proved the skeptics wrong. Since then, work on the 120-acre center grounds has produced innovations in labor-saving mechanization, pest control and other farm practices.

The California industry made possible by the Shafter Cotton Research Center contributes over $1 billion to the California farm economy and $340 million to Kern County. California cotton's quality is so well known around the world that 80 percent of the cotton grown here goes into export markets.

The Shafter Cotton Research Center continues to lead in cotton industry research. Today's research is looking into ways to reduce tillage in cotton production, potentially valuable to farmers faced with clean air requirements to reduce airborne dust. The center is also doing work on sophisticated means of monitoring crop health, means which could allow farmers to reduce applications of pesticides and other chemicals. It is still a cooperative venture. Under an agreement struck in 1991, the Department of Agriculture, the University of California, Kern County and the cotton industry are cooperating to keep the research center in operation so that this unique facility will continue to produce cutting-edge technology for the California cotton farmer of the 21st century.

The Shafter Cotton Research Center is a landmark in California to the creative energies of generations of farmers and scientists because of the way everyone has rolled up their 100 percent cotton sleeves to work together. We recognize that cooperation's key role in the center's historic and future importance.

THE GREATER MIAMI COMMITTEE FOR UNICEF AWARDS LISSETTE AND WILLY CHIRINO FOR THEIR EXTENSIVE LABOR WITH DESTITUTE CHILDREN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to pay tribute to one of Miami's most outstanding organizations. The Greater Miami Committee for UNICEF has saved the lives of scores of children in the south Florida area and throughout the world. Providing emergency assistance by equipping poor and starving children with primary and necessary healthcare by furnishing them with basic education are among the many ways in which this organization has come to the rescue of these underprivileged children; the children of our world.

The Greater Miami Committee for UNICEF has always advocated and devoted itself to fighting for the adequate protection of children and their inalienable rights. The members are always eager to award opportunities to destitute children, with whatever means necessary, to help them to develop and reach their full potential in life.

This year, this commendable organization has chosen to present its award to La Fundacion Willy Chirino. Willy and Lissette Chirino, the founders and extensive laborers of this organization, have unselfishly and lovingly opened their hearts and their arms to the afflicted children facing hardships. As a result, this couple has eased heavy burdens of these poor children and has embraced them with the gifts of love and hope; gifts which these children had never previously experienced.

These notable organizations will continue to reach their hands out to these unfortunate children, lift them up and light their paths for a much better and brighter road ahead. I am confident that my colleagues will join me today in congratulating and celebrating the exceptional work and effort that both The Greater Miami Committee for UNICEF and La Fundacion Willy Chirino have done for the impoverished children of south Florida and throughout the world.

IN HONOR OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM OF ESSEX COUNTY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. SOLOMON. Mr. Speaker, I've always considered it a great privilege of this job to learn about and recognize the tremendous achievements and service of various civic programs that define our communities and what it means to be an American. Well, Mr. Speaker, let me tell you about one such program in Essex County in the beautiful Adirondack mountains of my congressional district which does so much for their communities and for the older, retired residents of their towns.

I'm talking about the Retired and Senior Volunteer Program of Essex County which is celebrating its 23d year of service. The RSVP program, as it's called for short, is a national program which has a dual purpose that makes it so unique. First, it offers a way for retired persons, age 55 and over, to stay active and contribute to the welfare of their community and neighbors. Mr. Speaker, we all know how important it is to remain active after we leave the working world. There is nothing more tragic than to see capable, enthusiastic people become virtual shut-ins just because they no longer get to the workplace. All too often in this day and age, we get caught up in the rat race and become consumed by our job or career. Well, this program makes sure that doesn't happen to those who upon retirement may have the time to devote to helping others who really can't help themselves. And in areas like Essex County, that is so important. You know, this program really dates back to the days of the pioneer spirit when Americans and neighbors looked out for one another and for the betterment of their community.

Now one might ask how much this program really accomplishes. Listen to this, Mr. Speaker. Over the 23 years that RSVP has been active in Essex County, it has grown from 95 volunteers who provided 6,000 volunteer hours of service, to 530 volunteers performing a whopping 75,817 hours of service. Imagine that. Imagine what can be done with that many hours committed by capable, experienced adults who volunteer because they really want to help out. There's no limit really.

And that's another great part. These volunteers commit time when they can and they have proven to be reliable, dependable public servants. In other words, these giving men and women have seized the opportunity to help solve various community problems by capitalizing on their wealth of lifetime experiences and wisdom. That's the true spirit of public service and giving.

Mr. Speaker, I have one word that describes all the blessed volunteers who have orchestrated and participated in this program throughout its 23 year history, heroes. I have always judged people based on what they return to their community and by that measure, all who have given of their time during their well-deserved retirement are not only heroes, but great Americans.

Mr. Speaker, the Essex County RSVP will hold their annual volunteer recognition ceremony this coming Wednesday, September 24, 1997. The recognition of their peers and their community is certainly warranted. However, I ask that you and all Members of the House join me at this time in paying our own tribute to this proven, outstanding program. It defines those uniquely American qualities of pride, patriotism, and voluntarism that make this country great. May it continue on throughout all of our lifetimes and beyond. Congratulations to all their volunteers for a job well done.

WELDON RECOGNIZES ANOTHER MILESTONE FOR QVC

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to draw the attention of my colleagues to a major company in southeastern Pennsylvania as it approaches an important milestone in its history—QVC, Inc.

In the 1890's, the Sears Roebuck & Co. produced our Nation's first mail order catalog, revolutionizing the lives of millions of Americans by allowing them to shop from home through mail. Nearly 100 years later, QVC has established itself as a pioneer in the home shopping industry, providing consumers with the luxury of shopping from the comfort of their own living room.

Thanks to QVC, customers nationwide have the luxury of shopping at home for items that range from fashion and jewelry to home furnishings and electronics. Not only can individuals make purchases while watching products demonstrated live on television, but now consumers can make purchases through QVC's interactive shopping over the Internet.

Founded in 1986 by Joseph Segal, QVC quickly established a national name for itself, racking up $112 million in revenue in its first full fiscal year of sales, a new American business history record. In just 7 years, QVC became the No. 1 U.S. electronic retailer.

On Wednesday, September 24, QVC will reach yet another milestone, as it celebrates the grand opening gala of its new state-of-the-art broadcast facility, Studio Park. Located in West Chester, PA, Studio Park will usher in the next century for QVC, allowing it to continue to both expand and improve the quality service that it provides the American public.

And QVC is indeed expanding. In fact, QVC's customers continue to grow by over 100,000 individuals per month. And where QVC shipped more than 51 million products to customers throughout the country in 1996, the company expects that number to increase to 63 million by the end of this year. That's two packages of every second of every day for an entire year.

And QVC's expansion has had a profound impact upon the region's local economy. First established in West Chester, PA, QVC has remained true to its founder's roots. As the studio expanded from 20 people when it first opened in 1986, to 197 employees 11 weeks later, to roughly 7,000 employees 11 years later, it has been the residents of the Delaware Valley who have felt the benefits of increased employment.

The expansion and success of QVC, I am sure my colleagues in the House will agree, is simply amazing. Through close interaction between the management and the work force, QVC has established itself as a nationally respected company. I ask my colleagues to join me today in applauding QVC for its past accomplishments, while wishing the company and its employees continued success in the years to come.

TRIBUTE TO THE LATE DR. EPHRAIN KAHN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. DELLUMS. Mr. Speaker, I rise today, with sadness and a powerful sense of loss, to pay tribute to Dr. Ephrain Kahn, a man who was well respected by many in our bay area community. Dr. Kahn's unwavering belief in justice, peace, and equality for all enabled him to become an innovative leader during the changing political climate from the 1960's to the present. Although common place now, his ideas of school integration, the dangers of pesticides, and the need for protecting our environment were considered radical and caused him to clash with several agencies during the governorship of Ronald Reagan. However, Dr. Kahn did not allow social pressure to block him from what he believed to be true and just. Ephrain once said, in response to negative publicity, "I have the hide of an armadillo when I know I am right." He was a strong advocate for universal health care and was consistently active in national organizations concerned with issues of nuclear arms control, civil rights, and environmental hazards. His dedication inspired everyone with whom he came in contact.

Dr. Kahn received his medical degree from New York University College of Medicine in 1940 in time to serve with the 77th Infantry Division in the Pacific during World War II. He returned to complete his residency in 1948 at Lincoln Hospital in the Bronx, and with his family moved to northern California. In addition to his work as a physician, his interest in public health led him to obtain a master's degree in public health from the University of California, Berkeley, after which he served as an environmental epidemiologist in the California Department of Health. He was named by Gov. Ronald Reagan to head a task force investigating mercury levels among fish and fowl in the delta and the Sacramento and San Joaquin Rivers. It was in that capacity that he ignited a controversy within the agencies regulating California waterways.

Ephrain Kahn was greatly valued as a giant of compassion by all who knew him. He will be missed by his patients, his family, his friends, and by all of us who had the opportunity to work with him and to know him. He leaves behind his wife of 57 years, Barbara Kahn; his two daughters, Kathleen and Georgia; his son, Michael, and two grandsons, David and Ethan. Dr. Kahn lived 81 years and in those years he spent most of it attempting to make this world in which we live a healthier,

safer, and more humane place. We will all miss him profoundly.

REGARDING SCHOOL OF VISUAL ARTS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. NADLER. Mr. Speaker, I rise today to recognize the 50th anniversary of the School of Visual Arts, located in my district in New York City. The School of Visual Arts was established in 1947 by Silas Rhodes and has since grown to be the largest independent college of the arts in the country. The school has a student population drawn from 44 States and 53 countries, and a faculty comprised of full-time working professionals.

Mr. Rhodes, who has continued as director, founded the school on the idea of combining access to the professional world of art with superior art education. He has accomplished this by bringing working artists into the classroom. As instructors, these professional artists offer the students a solid foundation in craft as well as exposure to current art world expression. Working toward this goal, the school also has four art galleries, including one in the heart of SoHo, a visual arts museum, a radio station, and it offers students in the film and video department more hands-on experience than any other comparable degree program. Additionally, with the rapid advancement in computer technology and influence on the working world, the School of Visual Arts has impressively kept up to pace. The school became the first college to offer both a bachelor degree and a master of fine arts degree in computer art and maintains a 1-to-1 student to computer ratio.

The School of Visual Arts offers both undergraduate and graduate degrees in the traditional fine arts, but has expanded the study of art to include advertising, graphic design, animation, art education, computer art, film and video, illustration and cartooning, interior design, photography, and art therapy. In addition to the full-time students, there are currently more than 4,000 members of the community taking advantage of the continuing education classes that are offered. The art education department also provides art classes to public school children from all five boroughs of New York City. The school also participates in numerous volunteer art projects, serving communities who otherwise have very little access to the arts.

In celebration of the School of Visual Arts 50th anniversary, the school will present Art Awareness Week, designed to inform the public about the importance of art in society and about the different variations of art. In the coming months the school will host 45 events throughout the city and has published a book entitled "School of Visual Arts Gold: Fifty Years of Creative Graphic Design." I would like to congratulate the school on 50 years of excellence in art education. I am proud to have this fine institution in my district.

POW/MIA RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GILMAN. Mr. Speaker, I rise today to remind my colleagues of the importance of National POW/MIA Recognition Day, which falls on September 19, 1997. I urge my colleagues to participate in recognizing America's heroes, those who are presumed missing in action.

Our Nation has fought six major conflicts in its history. In those wars, over 500,000 Americans have been taken prisoner of war. Those service men and women experienced numerous hardships and treatment which could often be described only as barbaric during the course of captivity. Those Americans imprisoned by the Japanese during World War II faced the worst possible conditions in captivity and were firsthand witnesses to the utter depravity of their fellow men.

I have been a strong advocate of an accounting of our POW/MIA's since I first came to the Congress in 1973. I proudly supported the creation of the Select Committee on Missing Persons in Southeast Asia, the National POW/MIA Recognition Days, and POW/MIA legislation because I believe the families of those who are missing in action deserve no less. Hopefully 1996 will be the last year that such an occasion will be necessary. My hope is that by this time next year, our Government will have obtained a full accounting of those brave American's whose fates, at this time, are still unknown.

Permit me to focus special recognition on those POW/MIA's from Korea and Vietnam. Despite the administration's best assurances to the contrary, many of us remain unconvinced that the Governments of North Korea and Vietnam have been fully cooperating with the United States on this issue. Regrettably, by normalizing relations with Vietnam, I believe that we have withdrawn our leverage over the Vietnamese Government on this issue.

In recent years, we have learned from testimony presented to congressional committees that Soviet and Czech military doctors performed ghastly medical experiments on United States POW's in North Korea during the Korean war. These experiments were used to test the psychological endurance of American GI's, as well as their resistance to chemical, biological, and radioactive agents. Moreover, Soviet and Czech intelligence agents helped organize shipments of POW's to the U.S.S.R. during the Vietnam war, and that 200 were sent between 1961 and 1968.

It is my hope that this information will lead to a further clarification regarding the safe return of any living POW's who may still be in captivity in Korea or elsewhere.

Americans should bear in mind the love of country that America's veterans have demonstrated as well as their personal sacrifices, convictions, and dedication to freedom that they have courageously exhibited.

In a portion of President Abraham Lincoln's letter to a mother who lost five sons on the battlefield, he stated: "I cannot refrain from tendering to you the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

May it be of some solace to the families and loved ones of our missing and POW's that there are many of us in the Congress committed to a full and final accounting of our missing and will continue to seek such a resolution.

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

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) 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:

Mr. EVANS. Mr. Chairman, the House of Representatives passed the fiscal year 1998 Labor-HHS Appropriations Act. Included in the bill is a provision that deserves the support of every Member of Congress who wants to assist our Persian Gulf war veterans.

The provision, authored by Representative BERNARD SANDERS, would provide $7 million over 5 years to the Department of Health and Human Services to use both the expertise of the National Institute of Environmental Health Sciences and the Centers for Disease Control and Prevention to study the possible connection between chemical and biological exposures and the mysterious ailments being suffered by our gulf war veterans. Representative SANDERS deserves much credit for his efforts to ensure that we thoroughly investigate what is making our veterans sick.

This provision comes at a time when more and more people are becoming convinced that chemical weapons may have played a substantial role in the illnesses that are afflicting Persian Gulf veterans. Just recently, the Presidential Advisory Committee on Gulf War Veterans' Illnesses agreed to revise its final report to reflect that chemical weapons may have played some role in veterans' ailments. In addition, the final report will now say that research on the effect of chemical weapons exposure has been minimal and that it may take years of research to clarify the causes of these problems.

I believe that we cannot leave any stone unturned in trying to find answers. As DOD continues to revise upward the number of veterans who may have been exposed to chemical weapons, it's obvious that we cannot allow our Government to do a minimal job of investigating what is becoming a compelling possibility.

The provision could not have come at a better time. For too long, our Government has refused to fully investigate the possibility that low-level chemical weapons exposure or exposure to multiple chemical substances may pose serious health consequences. We now have a chance to reverse this and ensure that every possible avenue is investigated in trying to help our sick Persian Gulf war veterans.

Again, I applaud Representative SANDERS for his work. I hope it finally signifies that we have turned the corner in our efforts to get to the bottom of this tragedy.

WE MUST BAN LANDMINES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FARR of California. Mr. Speaker, I rise today to express my deep disappointment with President Clinton's decision not to join the international landmine treaty being negotiated in Oslo.

Antipersonnel landmines pose a deadly, indiscriminate threat to the lives of millions of people around the world. Each year, over 20,000 people are killed or disabled by landmines left over from past conflicts. In many former war-torn countries, the damage is all too visible: thousands of men, women, and children with missing limbs, crippled by hidden landmines.

Banning the production and deployment of antipersonnel landmines is a reasonable, commonsense and necessary solution. Yet the decision to not sign the treaty means the United States has rejected that solution, and will instead continue to produce, sell, and deploy antipersonnel landmines.

Action must be taken to stop this insidious and deadly weapon. I am proud to be an original cosponsor of H.R. 2459, legislation introduced by my colleague, LANE EVANS, to stop the further deployment of antipersonnel landmines by the United States. We in Congress must step forward, where our President has not, and do the right thing.

IN HONOR OF ANTONIO PELAEZ: CELEBRATING 50 YEARS OF MATRIMONY AND 25 YEARS OF A FAMILY BUSINESS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding gentleman, Mr. Antonio Pelaez of the American Cuban Community. On September 20, 1997, Mr. Pelaez will be celebrating two very important milestones in his life. The first joyous event is Antonio and Olga Pelaez's 50th wedding anniversary. The second is the 25th anniversary of his company, ANPESIL Distributors, Inc.

Fifty years ago Antonio and Olga Pelaez joined their love for each other in holy matrimony. Over the years, their love and strength has been handed down to their children, Antonio Jr., Luis, and Olga.

A quarter of a century ago, this exceptional family, led by Mr. Pelaez and his son Antonio Jr., founded ANPESIL, one of the largest candy distributors in New Jersey. In the Cuban community, family owned businesses are common, but in the United States few have grown to be as successful as ANPESIL. Achieving the American Dream can be attributed to Mr. Pelaez's hard work and vision, as well as the strength of his family. Mr. Pelaez and his family along with his nephew Emilio Jr. have worked hard toward this achievement. Emilio Jr. is now the company treasurer, a position he took over after his father Emilio Sr. retired 5 years ago.

Mr. Pelaez left Cuba for Spain in 1961, where he worked as a salesman for the Swift Premium Co. Although he later founded his own frozen foods distribution company, he decided in 1970 to join his brothers in the United States with the hope that America would offer even greater opportunities for an entrepreneur. Mr. Pelaez has been distinguished as the only Hispanic member of Pennsylvania's Candy Hall of Fame. He has also received numerous awards from confectionery companies all over the world, and domestic banking and financial institutions.

It is a great pleasure to honor and recognize Mr. Antonio Pelaez on the occasion of these two anniversaries. I ask that my colleagues join me in recognizing the outstanding commitment and dedication made by Mr. Antonio Pelaez and his company ANPESIL.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Mr. KOLBE. Mr. Chairman, the chart below reflects final House action on H.R. 2378.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL (H.R. 2378)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	112,048,000	116,314,000	113,410,000	+1,362,000	-2,904,000
Counterterrorism fund	15,000,000			-15,000,000	
Supplemental funding (P.L. 105-18)	1,950,000			-1,950,000	
Automation Enhancement	27,100,000	29,389,000	25,989,000	-1,111,000	-3,400,000
Office of Inspector General	29,770,000	31,333,000	29,927,000	+157,000	-1,406,000
Office of Professional Responsibility	1,500,000	1,625,000	1,500,000		-125,000
Treasury Buildings and Annex Repair and Restoration	28,213,000	12,484,000	6,484,000	-21,729,000	-6,000,000
Financial Crimes Enforcement Network	22,387,000	23,006,000	22,835,000	+448,000	-171,000
Department of the Treasury Forfeiture Fund (limitation on availability of deposits)	10,000,000	9,500,000		-10,000,000	-9,500,000
Violent Crime Reduction Programs:					
Bureau of Alcohol, Tobacco and Firearms	36,595,000	42,378,000	21,528,000	-15,067,000	-20,850,000
Departmental Offices	18,300,000			-18,300,000	
Financial Crimes Enforcement Network	1,000,000	3,000,000	1,000,000		-2,000,000
United States Secret Service	20,000,000	20,664,000	16,837,000	-3,163,000	-3,827,000
ONDCP - HIDTA	13,105,000		5,000,000	-8,105,000	+5,000,000
Gang Resistance Education and Training: Grants	8,000,000	8,000,000	8,000,000		
Federal Law Enforcement Training Center		24,058,000	1,000,000	+1,000,000	-23,058,000
United States Customs Service		20,100,000	43,635,000	+43,635,000	+23,535,000
Total, Violent Crime Reduction Programs	97,000,000	118,200,000	97,000,000		-21,200,000
Federal Law Enforcement Training Center:					
Salaries and Expenses	56,185,000	65,663,000	64,663,000	+8,478,000	-1,000,000
Acquisition, Construction, Improvement, & Related Expenses	21,584,000	11,111,000	32,548,000	+10,964,000	+21,437,000
Total, Federal Law Enforcement Training Center	77,769,000	76,774,000	97,211,000	+19,442,000	+20,437,000
Interagency Law Enforcement:					
Interagency crime and drug enforcement 1/		73,794,000	73,794,000	+73,794,000	
Financial Management Service	196,518,000	202,560,000	199,675,000	+3,157,000	-2,885,000
Reimburse Federal Reserve Bank (indefinite)		122,000,000			-122,000,000
Bureau of Alcohol, Tobacco and Firearms:					
Salaries and Expenses	460,394,000	496,954,000	478,649,000	+18,255,000	-18,305,000
Laboratory facilities	6,978,000	55,022,000	55,022,000	+48,044,000	
Total, Bureau of Alcohol, Tobacco and Firearms	467,372,000	551,976,000	533,671,000	+66,299,000	-18,305,000
United States Customs Service:					
Salaries and Expenses	1,549,585,000	1,566,826,000	1,526,078,000	-23,507,000	-40,748,000
Customs facilities, construction, improvements		5,512,000			-5,512,000
Operation and Maintenance, Air & Marine Interdiction Programs	83,363,000	92,758,000	97,258,000	+13,895,000	+4,500,000
Customs Services at Small Airports (to be derived from fees collected)	2,406,000	2,406,000	2,406,000		
Harbor Maintenance Fee Collection	3,000,000	3,000,000	3,000,000		
Total, United States Customs Service	1,638,354,000	1,670,502,000	1,628,742,000	-9,612,000	-41,760,000
Bureau of the Public Debt	165,335,000	169,426,000	169,426,000	+4,091,000	
Internal Revenue Service:					
Processing, Assistance, and Management	1,790,288,000	2,943,174,000	2,915,100,000	+1,124,812,000	-28,074,000
Tax Law Enforcement	4,104,211,000	3,153,722,000	3,108,300,000	-995,911,000	-45,422,000
Rescission			-14,500,000	-14,500,000	-14,500,000
Information Systems	1,323,075,000	1,272,487,000	1,292,500,000	-30,575,000	+20,013,000
Rescission	-174,447,000			+174,447,000	
Information technology investments		500,000,000	326,000,000	+326,000,000	-174,000,000
Net total, Internal Revenue Service	7,043,127,000	7,869,383,000	7,627,400,000	+584,273,000	-241,983,000
United States Secret Service:					
Salaries and Expenses	531,288,000	575,971,000	555,736,000	+24,448,000	-20,235,000
Rescission	-7,600,000			+7,600,000	
Acquisition, Construction, Improvement, & Related Expenses	37,365,000	9,176,000	5,775,000	-31,590,000	-3,401,000
Total, United States Secret Service	561,053,000	585,147,000	561,511,000	+458,000	-23,636,000
Net total, title I, Department of the Treasury	10,494,496,000	11,663,413,000	11,188,575,000	+694,079,000	-474,838,000
TITLE II - POSTAL SERVICE					
Payments to the Postal Service					
Payment to the Postal Service Fund	85,080,000	86,274,000	86,274,000	+1,194,000	
Supplemental funding (P.L. 105-18)	5,383,000			-5,383,000	
Payment to the Postal Service Fund for Nonfunded Liabilities	35,536,000	34,850,000	34,850,000	-686,000	
Total, title II, Postal Service	125,999,000	121,124,000	121,124,000	-4,875,000	

1/ Funded in CJSJ bill in FY 1997.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL (H.R. 2378)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	250,000	250,000	250,000		
Salaries and Expenses	40,193,000	51,199,000	51,199,000	+11,006,000	
Executive Residence at the White House:					
Operating Expenses	7,827,000	8,045,000	8,045,000	+218,000	
White House Repair and Restoration		200,000	200,000	+200,000	
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,280,000	3,378,000	3,378,000	+98,000	
Operating expenses	324,000	334,000	334,000	+10,000	
Council of Economic Advisers	3,439,000	3,542,000	3,542,000	+103,000	
Office of Policy Development	3,867,000	3,983,000	3,983,000	+116,000	
National Security Council	6,648,000	6,648,000	6,648,000		
Office of Administration	26,100,000	28,883,000	28,883,000	+2,783,000	
Office of Management and Budget	55,573,000	57,240,000	57,240,000	+1,667,000	
Office of National Drug Control Policy	35,838,000	36,016,000	43,516,000	+7,678,000	+7,500,000
Unanticipated Needs		1,000,000			-1,000,000
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	127,102,000	140,207,000	146,207,000	+19,105,000	+6,000,000
Special forfeiture fund	112,900,000	175,000,000	205,000,000	+92,100,000	+30,000,000
Total, title III, Executive Office of the President and Funds Appropriated to the President	423,341,000	515,925,000	558,425,000	+135,084,000	+42,500,000
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase from People Who Are Blind or Severely Disabled	1,800,000	1,940,000	1,940,000	+140,000	
Federal Election Commission	28,165,000	34,216,000	34,550,000	+6,385,000	+334,000
Federal Labor Relations Authority	21,588,000	22,039,000	21,803,000	+215,000	-236,000
General Services Administration:					
Federal Buildings Fund:					
Appropriation	400,544,000	84,000,000		-400,544,000	-84,000,000
Limitations on availability of revenue:					
Construction & acquisition of facilities	(657,711,000)			(-657,711,000)	
Environmental cleanup activities	(20,000,000)			(-20,000,000)	
Consolidated Federal Law Enforcement Bldg	(81,000,000)			(-81,000,000)	
Repairs and alterations	(639,000,000)	(434,000,000)	(300,000,000)	(-339,000,000)	(-134,000,000)
Installment acquisition payments	(173,075,000)	(142,542,000)	(142,542,000)	(-30,533,000)	
Operations and rental of space			(3,607,129,000)	(+3,607,129,000)	(+3,607,129,000)
Rental of space	(2,343,795,000)	(2,275,340,000)		(-2,343,795,000)	(-2,275,340,000)
Building Operations	(1,552,651,000)	(1,331,789,000)		(-1,552,651,000)	(-1,331,789,000)
Repayment of Debt	(88,312,000)	(105,720,000)	(105,720,000)	(+17,408,000)	
Previously appropriated activities		(680,543,000)	(680,543,000)	(+680,543,000)	
Total, Federal Buildings Fund	400,544,000	84,000,000		-400,544,000	-84,000,000
(Limitations)	(5,555,544,000)	(4,969,934,000)	(4,835,934,000)	(-719,610,000)	(-134,000,000)
Policy and Operations	110,173,000	104,487,000	107,487,000	-2,686,000	+3,000,000
Office of Inspector General	33,863,000	33,870,000	33,870,000	+7,000	
Allowances and Office Staff for Former Presidents	2,180,000	2,250,000	2,208,000	+28,000	-42,000
Expenses, presidential transition	5,600,000			-5,600,000	
Rescission (P.L. 105-18)	-5,600,000			+5,600,000	
Total, General Services Administration	546,760,000	224,607,000	143,565,000	-403,195,000	-81,042,000
John F. Kennedy Assassination Record Review Board	2,150,000	1,600,000	1,600,000	-550,000	
Merit Systems Protection Board:					
Salaries and Expenses	23,923,000	24,450,000	25,290,000	+1,367,000	+840,000
(Limitation on administrative expenses)	(2,430,000)	(2,430,000)	(2,430,000)		
Morris K. Udall scholarship and excellence in national environmental policy foundation		2,000,000	2,000,000	+2,000,000	
National Archives and Records Administration:					
Operating expenses	196,963,000	206,479,000	202,354,000	+5,391,000	-4,125,000
Reduction of debt	-4,012,000	-4,012,000	-4,012,000		
Archives Facilities and Presidential Libraries:					
Repairs and Restoration	16,229,000	6,650,000	10,650,000	-5,579,000	+4,000,000
National Historical Publications and Records Commission:					
Grants program	5,000,000	4,000,000	5,500,000	+500,000	+1,500,000
Total, National Archives and Records Administration	214,180,000	213,117,000	214,492,000	+312,000	+1,375,000
Office of Government Ethics	8,078,000	8,265,000	8,078,000		-187,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL (H.R. 2378)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of Personnel Management:					
Salaries and Expenses	87,286,000	85,350,000	85,350,000	-1,936,000	
(Limitation on administrative expenses)	(94,736,000)	(91,236,000)	(91,236,000)	(-3,500,000)	
Office of Inspector General	960,000	960,000	960,000		
(Limitation on administrative expenses)	(8,645,000)	(8,645,000)	(8,645,000)		
Government Payment for Annuitants, Employees Health Benefits	4,059,000,000	4,338,000,000	4,338,000,000	+279,000,000	
Government Payment for Annuitants, Employee Life Insurance	33,000,000	32,000,000	32,000,000	-1,000,000	
Payment to Civil Service Retirement and Disability Fund	7,989,000,000	8,336,000,000	8,336,000,000	+347,000,000	
Total, Office of Personnel Management	12,169,246,000	12,792,310,000	12,792,310,000	+623,064,000	
Office of Special Counsel	8,116,000	8,450,000	8,116,000		-334,000
United States Tax Court	33,781,000	34,293,000	33,921,000	+140,000	-372,000
Total, title IV, Independent Agencies	13,057,787,000	13,367,287,000	13,287,665,000	+229,878,000	-79,622,000
(Limitation on administrative expenses)	(5,661,355,000)	(5,072,245,000)	(4,938,245,000)	(-723,110,000)	(-134,000,000)
Net grand total	24,101,623,000	25,667,749,000	25,155,789,000	+1,054,166,000	-511,960,000
Appropriations	(24,276,337,000)	(25,667,749,000)	(25,170,289,000)	(+893,952,000)	(-497,460,000)
Rescissions	(-182,047,000)		(-14,500,000)	(+167,547,000)	(-14,500,000)
Emergency funding (P.L. 105-18)	(7,333,000)			(-7,333,000)	
(Limitations)	(5,661,355,000)	(5,072,245,000)	(4,938,245,000)	(-723,110,000)	(-134,000,000)
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	129,000,000	144,000,000	144,000,000	+15,000,000	
Ethics Reform Act Adjustment	-6,000,000			+6,000,000	
Gold and platinum bullion	-12,000,000			+12,000,000	
Section 409	1,000,000			-1,000,000	
Federal Savings & Loan Insurance Corp. (Sec. 638)	26,100,000	34,000,000		-26,100,000	-34,000,000
Emergency funding for anti-terrorism	-275,328,000			+275,328,000	
Trust fund budget authority	105,700,000	102,311,000	102,311,000	-3,389,000	
US Mint revolving fund		30,000,000	30,000,000	+30,000,000	
Sallie Mae		1,000,000	1,000,000	+1,000,000	
Federal buildings fund			-50,000,000	-50,000,000	-50,000,000
Total, scorekeeping adjustments	-31,528,000	311,311,000	227,311,000	+258,839,000	-84,000,000
Total mandatory and discretionary	24,070,095,000	25,979,060,000	25,383,100,000	+1,313,005,000	-595,960,000
Mandatory	12,245,786,000	12,885,100,000	12,885,100,000	+639,314,000	
Discretionary:					
Crime trust fund	97,000,000	118,200,000	97,000,000		-21,200,000
General purposes	11,727,309,000	12,975,760,000	12,401,000,000	+673,691,000	-574,760,000
Total, Discretionary	11,824,309,000	13,093,960,000	12,498,000,000	+673,691,000	-595,960,000

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EXPRESSING CONDOLENCES OVER THE DEATH OF INTERNATIONAL AID WORKERS IN BOSNIA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. PORTER. Mr. Speaker, I rise today to express my deep sadness over the loss of 12 aid workers in Bosnia—including 5 American citizens who were working to rebuild civil society in that troubled country—in a helicopter crash earlier this week.

These individuals represent the best of America, and they have sacrificed their lives in an effort to bring our ideals to a country which has been torn apart by hatred and intolerance. All of these individuals, and the others who have lost their lives trying to bring lasting peace to Bosnia and other countries, are heroes and we should mourn their deaths as we would mourn the loss of our men and women in uniform. Every day in the world's trouble spots, there are countless people from many nations who dedicate their lives to improving the future for others. They make tremendous sacrifices, often leaving their families and homes behind to work in a hostile, dangerous environment to help strangers who do not always fully appreciate the benefit they are receiving.

Gerd Wagner, one of the most respected and accomplished diplomats in Bosnia, was among those who perished in this tragic accident. Mr. Wagner had been playing a key role in bringing together Muslims and Croats in central Bosnia. In addition, several members of a team that was working to rebuild Bosnia's civil police force died in the crash. This project is one of the most important elements of securing peace in Bosnia. My wife, Kathryn, knew some of these individuals personally, and had a chance to see what they were accomplishing during a visit to Bosnia last month. We have been deeply affected by this tragedy, and it has served to remind us both—as it should all Members of this House—that our foreign assistance program is not just an abstraction. It is real people doing important work, often without recognition or thanks.

I know that it is too late to thank those who died in the helicopter crash on Wednesday, but I do want to take this opportunity to commend all of those caring and committed people who put their lives on the line every day to secure peace and democracy in places like Bosnia. Your work is a living memorial to those 12 people who died on a mountain in central Bosnia. May your work continue to serve their memory well.

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

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) 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:

Mr. THOMPSON. Mr. Chairman, I rise today in reluctant support of Representative GOODLING's amendment to prohibit the use of funds in the bill to develop and administer a national testing program in reading and mathematics. I believe that Congress and the President have still not committed themselves to a serious discussion of education policy or spending in this country. Unfortunately this standard continues today as the parties on both sides of this issue have sought to hide behind this national testing initiative by labeling it as either a remedy for many of the problems this country is having with elementary and secondary education or some nefarious effort on the part of the Federal Government to become more involved in education curriculum.

The national testing program included in this legislation deserves neither of these classifications. If implemented and carefully monitored, it has a number of provisions that will be of great assistance to both State and Federal policymakers as well as parents interested in their child's education. However, I oppose the national testing initiative included in this bill because it does not ensure that this Government will take any steps to address the disparity in mathematics and reading proficiency that we all know this testing will demonstrate. The local areas where there are concentrated numbers of students that are dropping out of high school, failing, and scoring low on the sporadic tests administered now desperately need direct injections of funding from the Federal Government. We can all argue about what types of restrictions or demands should be tied to these funds at a later date. In the meantime, we should implement a national testing program that includes a national formula for focused education spending, and we should do it as quickly as possible.

Let me discuss some reasons why I believe this national testing initiative could produce a number of benefits for parents and State governments interested in improving elementary and secondary education. However, I will first address the concerns of the many parents that educate their children at home who have contacted my office to express their opinions on this amendment. I respect your decision to home-school your children very much. However, the vast majority of children in the United States are educated at public schools, and it is essential that elected officials and education planners on the Federal and local level have the resources needed to develop effective public policy. National testing will fulfill that need without unduly intruding on your right to practice home-schooling.

This national testing program would allow States or local education agencies [LEA's] to voluntarily administer specific tests to every fourth grade pupil in reading and eighth grade pupil in math. I do not believe enough emphasis can be placed on the fact that this program would be voluntary, and participation in these tests would not affect a State or LEA's eligibility for assistance under Federal aid programs. Any effort to extend the Federal role in this process beyond the design and administration of these tests would require further congressional action, and as we all know, that is simply not going to happen.

At the present time, there is no current education test that every pupil in every grade takes nationwide. One or more tests are administered to virtually every pupil in many grades in almost all States, but these tests vary from State to State. Some States develop their own tests, others are members of multi-State consortia that develop assessments, and others administer tests developed by commercial publishers. The National Assessment of Education Progress [NAEP] is the closest existing initiative to a national testing program. However, the NAEP only determines mathematics and reading proficiency in samples of school children.

The present education testing system prevents policymakers in many States from comparing their education statistics with other States. If an effective education program is implemented in one State and then copied in another, for example, the two State governments may not be able to compare the success of their efforts because of difficulties in correlating the research statistics or even a lack of well-documented results.

More importantly, the current system prevents a parent from being able to compare their children's academic achievement with other students on a local, State, or national level. A parent whose child makes average grades may be satisfied with their child's academic progress. Unfortunately, these parents will not be aware that their child may have fallen behind the rest of their classmates until they take their SAT's at the age of 18.

This proposal will provide every parent of every child in a State or LEA that chooses to participate with comparisons of their child's results to other students at their school, in the State, and in the Nation. If every family receives that envelope in the mail, I believe there will be a lot of parents who choose to get more involved in their child's education, which after all is what the majority of my colleagues will agree is the most effective education policy there can be.

I am concerned that a national test may be constructed in a manner that is biased against traditionally undereducated populations, such as African-Americans and Hispanics. If Federal funding was tied to the improvement of test scores in areas that score poorly, this bias could lead to underserved sanctions in regions that have high numbers of minorities. As a result, if a national testing program is implemented in the future, we will have to pay careful attention to the design of the tests and remain skeptical of any effort to create a Federal enforcement procedure. However, national testing's benefits for these populations far outweigh these risks. By motivating parents to pay more attention to their child's academic development and providing policymakers the empirical evidence needed to design effective education policies targeted at minorities, this initiative will produce the first real effort to address the failure of current education policies in these areas.

In the end, we are not interested in creating a uniform national education curriculum; we are only demanding a uniform national education outcome—a system where every child

has the same opportunity to succeed through an advanced public education system. In my home State of Mississippi, sampled children already score well below the national average on the NAEP's fourth grade reading test and are ranked in the bottom fifth in eighth grade math proficiency. If a well-planned, voluntary national testing program could be coupled with a funding distribution system directed at those areas most in need, then I would be happy to support such an initiative. I hope that this Congress and the administration will reconsider the design of a national testing program. However, above all, we must cease this piecemeal education policymaking and begin a legitimate debate on the whole education policy.