SENATE—*Tuesday, September 23, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, thank You for the stirrings in our minds and the longings in our hearts that are sure evidence that You are calling us into prayer. Long before we call, You answer by creating the desire to renew our relationship with You. You allow that feeling of emptiness in the pit of our being to alert us to our hunger for fellowship with You.

Our thirst for Your truth, our quest for Your solutions to our needs, and our yearning for Your answers to our problems are all assurances that before we articulated our prayers, You were preparing the answers. It is a magnificent, liberating thought that all through this day when we cry out for Your help, You have already been waiting for us to give up our persistent self-reliance and start drawing on the supernatural strength and superabundant wisdom You are so eager to give us.

Thank You for a day filled with serendipities of Your intervention. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. JEFFORDS. Mr. President, this morning the Senate is immediately resuming consideration of S. 830, the FDA reform legislation. In a moment we will begin two consecutive rollcall votes on or in relation to the pending amendments offered by Senator DURBIN. Following those votes, additional amendments are expected and therefore rollcall votes will occur throughout the day.

Under the consent agreement there are 5 hours remaining for debate prior to a vote on the pending substitute amendment. I hope that once the debate time has expired, the Senate will be able to proceed to a vote and then passage of this important legislation.

The majority leader has also stated that this week the Senate will consider the D.C. appropriations bill and any appropriations conference reports that become available.

I yield the floor.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senate will now resume consideration of S. 830, which the clerk will report.

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 foods, drugs, devices and biological products, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

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 2000 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine.

Durbin amendment No. 1140 (to amendment No. 1130), to require that entities and individuals accredited to conduct review of device notifications be subject to the conflict of interest standards that apply to employees of the Food and Drug Administration.

Durbin amendment No. 1139 (to amendment No. 1130), to eliminate provisions relating to the discretion of the Secretary of Health and Human Services to track devices or to conduct postmarket surveillance of devices.

AMENDMENT NO. 1140

The PRESIDING OFFICER. The Senate will now resume consideration of the Durbin amendment No. 1140 with 2 minutes of debate prior to the vote.

The Senator from Illinois.

Mr. DURBIN. Mr. President, thank you for recognition this morning and the resumption of our consideration of this important bill.

Amendment No. 1140, which I have offered, is an amendment that I think is absolutely essential if this bill is to be airtight. We are giving to outside laboratories the authority to review and approve medical devices, medical devices which literally could mean life or death for millions of Americans.

When these approvals are given, these companies stand to make substantial profits because of FDA approval. The Durbin amendment corrects a serious error in this bill by making certain that there will be no conflict of interest by the third-party reviewers. We say in specific terms that those reviewing the medical devices cannot receive gifts from the company that is the owner of the medical device, they cannot receive or own stock of the company that they are reviewing, they cannot have been offered a job or solicited a job from the company that they are reviewing, and there must be a full financial disclosure.

If we are going to maintain the integrity of the process, protect American consumers, and avoid this sort of conflict of interest, I urge my colleagues to adopt the Durbin amendment.

Mr. JEFFORDS. Mr. President, the Senator's amendment at best duplicates the third-party conflict-of-interest protections in the bill and at worst unnecessarily constrains the agency. The ranking minority member, Senator KENNEDY, and the FDA join me in opposing this amendment.

Section 204 of the bill provides a full statutory directive to the agency adopt measures within 180 days of enactment to prevent conflicts of interest that may be involved with both an individual reviewer and with the reviewing organization. As with Senator DURBIN, this was a critical concern for members of the committee.

Section 204 provides full discretion to the agency to develop appropriate standards. The agency will not be limited in any way in developing these guidelines. In fact, the agency has already developed extensive conflict-of-interest guidelines as part of its existing third-party program, including protections from situations such as if the third party or any of its personnel involved in 510(k) reviews has any ownership or other financial interest in any medical device, device manufacturer, or distributor.

The Senator's concerns have caused us to reexamine the important issue of preventing conflicts of interest. We commend him for doing so, but I urge a no vote.

Mr. FEINGOLD. Mr. President, I am pleased to join my friends and colleagues, Mr. DURBIN of Illinois and Mr. JOHNSON of South Dakota, in cosponsoring amendment No. 1140. This amendment will ensure that private, third-party reviewers of class I and II medical devices will be subject to the same conflict-of-interest restrictions that federally employed reviewers are.

Under current law, employees of the Food and Drug Administration who review drugs and medical devices are subject to strict regulations governing their interaction with the companies whose products they are reviewing. They are not allowed to accept gifts from such companies. In addition, they cannot designate other persons to accept gifts on their behalf. Another important restriction prohibits reviewers

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

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from having a financial interest in any company whose products they are reviewing.

Mr. President, these are commonsense measures which help to maintain the public's confidence in the safety of our Nation's drugs and devices. The pharmaceutical and medical device industries command billions of dollars every year. We live in a world in which FDA approval can mean immediate and enormous profits for investors. In such an environment, it is absolutely critical that the Government be vigilant in its responsibility to ensure that applications are reviewed thoroughly and in an unbiased manner.

We all know people—family members and friends—whose health, and even lives, rely on important medication and devices. There are few jobs more significant than assuring the safety and efficacy of these items. In my mind, Mr. President, this is a role—protecting health and safety—that is best served by Government, rather than by the private sector. However, the bill before us takes a different view, and establishes a large-scale pilot project to allow private sector review of medical devices. If we are to take this step, it is absolutely critical that we subject those private sector reviewers to the same conflict-of-interest restrictions that Government reviewers are subject to.

The amendment sponsored by the Senator from Illinois would do just that. It would say to private sector reviewers, "You cannot own stock in any company whose product you review. You cannot accept any gifts from a company whose product you review, and you cannot designate any other person to receive such a gift." That's it. Pretty simple and straightforward. But very important.

As one of the lead sponsors of the Senate gift ban several years ago, I feel strongly that the public has a right to know that elected officials are working in the best interests of their constituency, and cannot be bought or sold over lunch provided by high-paid lobbyists. Just as politicians should not be trading on their influence, neither should private sector medical device reviewers be swayed in their decision process by gifts from industry representatives or the promise of huge profits derived from a recommendation for FDA approval.

I hope my colleagues will do the right thing, and limit the potential for corruption in this bill by voting for this important amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. JEFFORDS. 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 question is on agreeing to the Durbin amendment No. 1140.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—40

Akaka	Feingold	Lieberman
Baucus	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murray
Boxer	Graham	Reed
Breaux	Harkin	Reid
Bryan	Hollings	Robb
Bumpers	Inouye	Rockefeller
Byrd	Johnson	Sarbanes
Cleland	Kerry	Torricelli
Conrad	Landrieu	Wellstone
Daschle	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NAYS—59

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Mikulski
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Hutchinson	Sessions
Coats	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NOT VOTING—1

Helms

The amendment (No. 1140) was rejected.

AMENDMENT NO. 1139

The PRESIDING OFFICER. Under the previous order, we will resume consideration of amendment 1139 by the Senator from Illinois with 2 minutes of debate equally divided.

Mr. JEFFORDS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Vermont is correct. The House is seldom in order and the Senate is not in order. The Senate will come to order.

We will not resume consideration of the amendment until the Senate comes to order.

Will the Senators to my left please cease audible conversation?

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would defer to the Senator from Illinois, and I reserve my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute in behalf of his amendment.

Mr. DURBIN. Mr. President, if you buy a car in America the manufacturer keeps a record of your name and address, or if there is a defect they can recall the car. This bill removes the requirement for medical device manufacturers to keep a record of those people who receive pacemakers and heart valves. Why is that important? Because, if there is a defect in that life-saving medical device, they can't find the patients. What results?

Just a few years ago 300 Americans died. They had the Bjork-Shiley heart valve that was defective and they couldn't be found. Does it make sense for us to remove this responsibility of medical device manufacturers?

Take a look on your desk at a letter from 27 different organizations representing patients across America who say it is only sensible to make certain that we track and keep track of those who are receiving these medical devices.

I urge my colleagues to vote for this amendment. It is not too great a burden on a medical device manufacturer to keep a record of those receiving pacemakers and heart valves.

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

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized to speak for 1 minute.

Mr. JEFFORDS. Mr. President, I disagree entirely with the statement made by the Senator from Illinois. The Senator's amendment strikes the agreement reached on these provisions among the bill's sponsors, the FDA, and Senator KENNEDY. The FDA should have the discretion to decide when it makes sense to require device tracking or surveillance for a product.

Current law requires tracking for certain product types and gives the FDA discretion to require tracking for other products. It is simply not necessary for every current and future device in the mandatory category to be subject to the tracking requirement. This provision allows FDA affirmatively to indicate which products in the mandatory category should be subject to tracking. FDA may use its discretion to add new products to the list of products which must be tracked, or put a product back on the list for tracking if evidence indicates the need.

The FDA is overburdened. We want to free them up to do the things that need to be done.

The FDA has publicly stated that it is unnecessary for all devices in the mandatory category—postmark and surveillance category—to be subject to its postapproval evaluation.

I urge defeat of the amendment.

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

The question is on agreeing to the amendment of the Senator from Illinois. The yeas and nays have not been ordered.

Mr. JEFFORDS. 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 question is on agreeing to the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—39

Akaka	Feinstein	Levin
Baucus	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Hollings	Reid
Byrd	Hutchison	Robb
Cleland	Inouye	Rockefeller
Conrad	Johnson	Sarbanes
Daschle	Kerrey	Shelby
Dorgan	Kerry	Specter
Durbin	Kohl	Torricelli
Feingold	Leahy	Wellstone

NAYS—61

Abraham	Faircloth	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Moynihan
Biden	Grams	Murkowski
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Bumpers	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Smith (NH)
Coats	Inhofe	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Kempthorne	Stevens
Coverdell	Kennedy	Thomas
Craig	Kyl	Thompson
D'Amato	Landrieu	Thurmond
DeWine	Lautenberg	Warner
Dodd	Lieberman	Wyden
Domenici	Lott	
Enzi	Lugar	

The amendment (No. 1139) was rejected.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized to offer an amendment.

AMENDMENT NO. 1177

(Purpose: To ensure that determinations of the Secretary with respect to the intended uses of a device are based on the proposed labeling only if such labeling is not false or misleading)

Mr. REED. Mr. President, I have an amendment at the desk, amendment No. 1177. I would like to call up my amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 1177.

Mr. REED. 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 30, line 16, insert before the first period the following: "if the proposed labeling is neither false nor misleading".

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. I ask unanimous consent Senators KENNEDY and BINGAMAN be added as cosponsors of this amendment.

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

Mr. REED. Mr. President, today we are debating very important legislation, important for the country in the reformation and reauthorization programs at the Food and Drug Administration. Particularly important in this legislation is the prescription drug user fee program, which has proven to be a remarkable achievement that has speeded the approval of drugs, getting these necessary medicines to the American public.

S. 830 includes a number of provisions that will include and streamline the regulation of prescription drugs, biological products and medical devices, and we have made great progress over the last several weeks and months in reaching this position today. This bill is a result of ongoing renegotiations, both prior to and subsequent to the markup of the legislation. Through this process, a number of provisions that could have threatened the public health and safety have been dropped or otherwise reformed in such a way that we have made, as I said, remarkable and very effective progress.

However, this legislation still contains provisions which could jeopardize the public health. I rise today to address one of these areas and that is the elimination of an important consumer protection against unsafe or ineffective medical devices. The bill, as it is proposed today, as we deal with it today, would limit the FDA's authority to ask device manufacturers for safety data. It prohibits the FDA from considering how a new device could be used, if the manufacturer has not included that use in the proposed labeling.

As a general matter, the FDA does not typically consider uses that the manufacturer has not included in its proposed labeling. However, there are instances where the label does not tell the whole story. In these instances, when the label may be false or misleading—it is in these instances that my amendment would give the FDA the authority to look behind the label. In fact, this is such a critical issue that the administration has made it clear that this provision could put the whole bill at risk, including, I might add, the reauthorization of the PDUFA, the prescription drug user fee amendment, because they have threatened, if this provision does survive, to veto the legislation. And that would, I think, derail a great deal of very positive work that we have done today.

A great deal of discussion has taken place on the medical device provisions of this bill. I certainly want to compliment Senator JEFFORDS and Senator KENNEDY and all my other colleagues on the committee for resolving most of these issues and doing so in a very reasonable, very thoughtful, and very responsible manner. However, the provision regarding device labeling still raises substantial concerns, as I have alluded to, and it could be corrected very simply by my amendment without, I believe, undermining the attempt of this bill which is to provide for a streamlined, effective process so that new medical devices, new pharmaceuticals can reach the market and be used by the American public for their health and well-being.

Let me preface discussion of my amendment by briefly describing the process of how the FDA regulates and clears medical devices for market. Under current law, manufacturers of new class I and class II devices can get their products onto the market quickly by showing that they are substantially equivalent to devices already on the market. For example, the manufacturer of a new laser can get that laser onto the market if it can show the FDA that the laser is, again, "substantially equivalent" to a laser that is already on the market. Similarly, the manufacturer of a new biopsy needle can get the biopsy needle onto the market by showing it is substantially equivalent to a biopsy needle already on the market. And the manufacturer of new patient examination gloves can get the same expedited market clearance by claiming substantial equivalency.

Under current law, manufacturers are required to demonstrate this substantial equivalency to the FDA by showing that the new product has the same intended use as the already-marketed product; and that the new product has the same technological characteristics of that already-existing product in the marketplace. If the new product has certain different technological characteristics, these characteristics must not raise new types of safety and effectiveness questions in order for the product to still be substantially equivalent to the older product. The logic of this process for moving medical devices onto the market is quite simple. If a product is very much like an existing product, it can go to market quicker. But if it raises new safety or effectiveness questions, those questions should be thoroughly answered before the product is made available to the public.

The process for getting new medical devices on the market is commonly known as the section 510(k) process or the 510(k) process. It's considered to be the easiest route for FDA approval. In fact, 95 percent of all medical devices that come onto the market come through this 510(k) process. In a sense, because of this, because of this ease, this is the process that is most used by manufacturers. There is, in many cases, an incentive to bring your new

product through this 510(k) procedure. It has the lowest thresholds for approval, if you will, and this incentive requires, essentially, the manufacturers at times to look about in the marketplace and say this is going to do just what this item does currently, even though the new technology or the new innovation or new design might be adaptable to other purposes. But there is, I believe, a regulatory incentive to try to speed things through the FDA by saying: No, no, this is substantially equivalent, that's all we are going to do, this is it. As a result, I think the FDA has to seriously look at, not just the labeled use, but in certain circumstances—not common circumstances but in certain circumstances—look behind the label.

The bill as it is currently proposed would compromise the FDA's existing ability to do that and this change could raise substantial risks to the public health. My amendment addresses this bill that would prohibit the FDA from considering how a device would be used if the manufacturer has not included the use in its proposed label. My amendment would add 9 simple words to the bill. Let me first show you the existing language that is under discussion, and that is:

The determination of the Secretary under this subsection and section 513(F)(1) with respect to the intended use of a device shall be based on the intended use included in the proposed labeling of the device submitted in a report under section 510(k).

Essentially, what this says is if a manufacturer says, "This is what we are going to do," on a label, this is all we can consider in our application process, even if the FDA considers the possibility of other uses or even, some would argue—even if the FDA felt that the label was misleading or, indeed, false.

My language would be added at the very end, and it would simply say, "if the proposed labeling is neither false nor misleading." In a sense, it would give the FDA the opportunity to look at a proposed use on a proposed label and say, "This is consistent with the device, consistent with use, let's get this onto the market through the 510(k) process expeditiously." But if they thought there was another possible use, another likely use, or that the intended use was really perhaps a subterfuge for other uses, they could challenge the application at that juncture.

I believe this is something that the FDA should have the authority to do. In fact, I would assume the American public believes that the FDA has this authority, that they can look very closely, very carefully; that they don't have to take as the final authority the characterization of the device by the manufacturer. And they can, by simply examining the device, using their experience, conclude that there might be other uses which should be evaluated before this device gets on the market.

As I indicated, my amendment would allow them to effectively look behind the label, look behind the characterization that was proposed by the company.

It is also important to note that this is not a particularly novel or startling approach to legislation. Because if you turn to the other major approval process, that is for a class II product, a new product that has to do extensive premarket review, in this case they do have the explicit authority, under present law, to look beyond the label. Because even if the manufacturer indicates one use on the label, they do not have to accept that use if they determine that it is false or misleading. So this is not a novel concept. In fact, I think it represents what should be the normal practice for the FDA, to be able to look behind the label.

My amendment would give the Food and Drug Administration this authority. It would give them the authority, and does so for new information, additional information, additional data. This is not an attempt to frustrate progress, to slow up the process, to impede the rapid deployment of new technologies into the marketplace. This is, I hope, an attempt to protect the public health and safety, protect the consumers of these devices; and, hopefully, to delineate the authority of the FDA which typically they would use only in rare circumstances so we don't have a battle at the FDA about whether this device is technologically different. So I hope, by using this approach, this language, we could conform the 510(k) process in this respect to the existing process and we could move forward with good, sound public policy regarding the Food and Drug Administration and medical devices.

Let me give just a few examples, because this is not just a legal, academic issue. This is a very real issue. There has been one example that has been discussed on the floor by my colleagues and that is the use of biopsy needles. Biopsy needles are approved for one use, principally. That is, as the name implies, to take a biopsy to remove tissue from a breast lesion, for example. Typically, these needles will remove a very small bit of tissue, about the size of the tip of a pencil. But a manufacturer could present a device that could remove 50 times that—not a typical pencil, but the width of a hot dog. And that would obviously raise questions about how this new device is going to be used.

But under the language in the legislation, there is a very strong argument that the FDA could not look to possible other uses because the manufacturer said simply, "We're going to use this for the traditional biopsy of tissue, a small biopsy of tissue. That's all. We're not going to use it or suggest it be used for the removal of tumors, the removal of tissue, just the biopsy." Then they would be essentially prevented from looking at this other use which may in fact be the actual use of the device in the marketplace.

So we have to be very careful about that. The FDA should be able in this case to say, "Well, this could be used for something beyond a simple biopsy. If that's the case, show us some data about its success rate, show us some data about the effects if it's used in this way and not the precise label use."

This is something that I believe we should have. There are proponents of the existing language which say that the FDA can get at that simply by saying this is a new technology, it is not equivalent to the old one. But the manufacturer could argue that there are no questions of safety or effectiveness even if it was a new technology. Essentially this new language designed to streamline the process could lead us right back to the contentious issues about whether or not this new technology endangers health and safety. It could lead us back, I think, in a way in which the FDA has the weaker hand in the argument.

I believe that the American public would like to see the FDA with the authority and the ability to ensure that these devices are thoroughly reviewed before they get to the marketplace.

As we go forth, there are other examples. In fact, my colleague from Massachusetts, I think, will talk specifically about one example of a biopsy needle which went on the market. Before this device went on the market, it was tested only on two cows and, I am told, 13 roast beef. Now we hear that the device marketed as a biopsy needle has in practice been used for other surgical procedures. Now, this is an example of how something, even if it was not deliberately designed by the manufacturer, can be changed in its use in practice. And, again, I think the FDA should be able to anticipate those rare circumstances where it might happen and take effective action to protect the public health.

There are other examples. Another good example is a surgical laser. Lasers have been used for decades for the removal of tissue. Several years ago a manufacturer added a side-firing mechanism to their laser to improve its use for prostate cancer. While the manufacturer did put that specific use in the proposed label, it was very, very clear that this new side-firing design was intended solely for this purpose of treating prostate patients. As a result the FDA, using its current authority, its ability to look beyond the actual labeling use, was able to require the manufacturer to submit data demonstrating the laser's safety and effectiveness in treating prostate patients.

This is precisely how the approval process should work. In rare circumstances, when the device obviously

looks different than the label use, the FDA should be able to say, this could be used in ways that you are not labeling. We have to look at all the likely, obvious ways beyond the label. Let us do that. Let us get beyond the label. Under the present language, without the Reed-Kennedy-Bingaman amendment, the FDA would have a difficult time looking behind the label, looking at actual uses and requiring the data and the analysis which should be done beforehand, before the goods get on the market.

I do not think you have to do this simply because there are people out there who would have a maligned motive. This is a situation where, if we create through our legal structures opportunities to get products quicker to the marketplace, then companies, with their expert legal counsel, will exploit those ways. It is our responsibility to ensure that we have a process that protects the public health.

Whatever process we develop here today will be used by the companies in a way which, if we were executives of companies, we would use in the same way. But we have to take into consideration not the benefits or the position of the manufacturer, but the position, I think, of the general public that would use the devices.

So, I believe we have to have standards that are sufficient to give the Food and Drug Administration the authority they need to do the job. I believe that my amendment does this. I believe we have to have these procedures in place before a device gets into the marketplace. There are those who would argue that the FDA has the power to recall an item, has the power to intervene, but then of course it is too late because obviously the public has already suffered in some way.

Indeed, it is not as easy as it may appear for the FDA to step into the marketplace and get goods off or an item off the market that has already been approved. So I think the idea that this can be corrected after the fact is not sufficient weight to preclude us from taking effective steps before a device gets in the marketplace.

What I would like to do in my amendment is simply give the FDA the authority to look at a proposed use, a labeled use, make a determination that this device and this label is consistent and get it through the 510(k) process quicker. But in those rare circumstances where the device itself and the label do not appear to be consistent, coherent, where there is the possibility of a false label or a misleading label, or the possibility that the company may indeed in most cases in very good faith be insisting this is how they want to market it, this is how they propose it be used, but the medical profession itself would adapt this very quickly for other uses, in those circumstances I believe the FDA should have the authority.

I hope that my colleagues will recognize this, will support this amendment, support giving what the FDA has today: the authority to look behind the label and to require that companies provide data for the likely uses of the product they intend to market.

Before concluding, I ask, Mr. President, unanimous consent that Senator DURBIN be added as a cosponsor to this amendment.

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

Mr. REED. I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. My colleague from Rhode Island is a welcome addition to the Labor Committee. He has been active and has made some good suggestions for improving this legislation, but this is not one of them.

This amendment sounds like simple good Government but in fact would gut the provision and 20 years of effective medical device regulation.

Mr. President, I yield 15 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President.

Let me begin by commending the chairman of the committee, Mr. President, for the work he has done on this bill and for others who have been involved in it.

We are arriving at the point here where we have a 211-page bill put together in the past 2½ years, where we are, hopefully, down to its last provision, which has been the subject of some discussion over the last number of days.

I want to just at the outset commend those who have been involved in it, explaining what the purpose of the intent here is. We have passed this bill out of our committee 14 to 4. There was some disagreement over a number of provisions, but I believe we produced a very fine product which is going to assist tremendously in making this even more secure in the quality of products we are getting but also the efficiency with which those products become available to patients and people in this country. I thank my colleague from Rhode Island for the explanation.

This has become an arcane subject matter when we talk about paragraphs and titles and how the FDA process works. That is the reason the committee has spent so much time going back over this material, to try to sort out exactly what would work best and how it would apply.

Contrary to how it has been portrayed thus far, the provision in the bill which is the subject of this amendment—what it does, Mr. President, is it shrinks back to current law an authority that the FDA has been stretching, in our view, past the bounds of fair practices.

So the effort here is to try to get back exactly to what the intent has been. All we, the authors of the bill, are asking is that the FDA not force manufacturers to supply information on other than the imputed uses for which the manufacturer is not seeking approval and could not market the product even if they wanted to.

You can see how the FDA in the current practice of second-guessing manufacturers can certainly create uncertainty not only in terms of the manufacturer but also in terms of consumers. A manufacturer, Mr. President, can spend years designing a product for a specific purpose only to be told by the FDA that it should go back to the drawing board and test the product for uses other than those for which the product was created in the first place. That creates tremendous uncertainty.

Let me, if I can, Mr. President, try to describe this process and what we are talking about. That is where it gets a bit arcane. The Senator from Rhode Island, I think properly, characterized some of the differentiations here, but I think he gets lost on some people. What we are talking about here are not high-risk devices but lower risk devices.

Ninety-five percent of the products that come out of the FDA for approval in this area are lower risk devices. What is a lower risk device and what is the process that exists today that allows for the approval of these products to be marketed?

Well, the lower risk device goes through, as the Senator from Rhode Island has described, a 510(k) process. That is the applicable provisions at the FDA. Under that provision, if a manufacturer wants to bring out a lower risk medical device, they must prove that the new device is "substantially equivalent"—I am quoting here—"to a device already on the market," the so-called predicate device. That is why it is called a lower risk device. There already then has been the approval of a product that is substantially equivalent to a product that the manufacturer wants to bring out.

So the decision was made, instead of having a manufacturer go through a de novo process, which can take years, as it should, that we are going to expedite that process as long as there is a predicate out there—there is a predicate out there—there has already been a product that is "substantially equivalent," to quote the FDA. If that exists, then you can go, for the lower risk device, to the 510(k) process.

There are two tests—two tests—that you must meet if you are going to get FDA approval under that provision—the lower risk device, not the higher risk device. No one is debating that.

We are talking about the lower risk device. The two tests are the following.

The first is that the device has the same intended use as the predicate device. That is a subjective test. Does it have the same intended use? Does the label say that? Does the marketing, does the information the company is putting out have the same intended use? That is a subjective test. And if a manufacturer puts on the label some other use, then they would fail that test—the intended use.

To say that a manufacturer must also now have some imputed use that you could not imagine, that you did not design, that you did not think about, that some doctor may decide they want to use it for, is not what that paragraph is all about. That is the first test.

But the second test is far more important. This bill does nothing to the second test at all. The second test is that the new device's technological differences do not raise new questions of safety and efficacy. That is an objective test, Mr. President. That is an objective test. Nothing in this bill changes anything in that second test.

What we are trying to do is to get back to that first test and say it is the intended use of that predicate device, the intended use of the predicate device. If the manufacturer does not meet both of these tests, then the FDA does not have to clear the device.

This provision does not change that in any way whatsoever. You have to meet both tests. All that we are asking in this bill, among other things that we have tried to reform here, is that we be able to draw some lines around the first and very subjective test of the intended use while retaining FDA's full discretion on the much more objective tests of the technological differences. Now, in our view, with all due respect, the FDA has been stretching its authority by trying to impute uses that the manufacturer has no intention of doing.

We have been given some examples over the past week of how the act would only test the intended use on the label. In fact, as I said, there are two tests under 510(k). In each of the examples that have been given, the FDA had the ability to stop the devices from going on the market because they failed the second test. No reference has been made to that. They failed the second test, not the intended purpose, but the technological differences.

All the examples that have been given, of course, are tragic ones, deaths and injuries resulting from the Dalkon shield, a woman who contracted toxic-shock syndrome from superabsorbent tampons, disfigurement caused by artificial jaw joints, and faulty plastic eyelashes that led to blindness.

These are all tragic examples without question. But in every single case it was not because they failed the first test, the intended use; it was because they failed the second test. They were technologically flawed. It was not somehow that the manufacturer produced a product that was used for some different purpose than the intended use on the label, but that the product was faulty, technologically it was faulty.

So we cite these examples and then say the reason that people lost their lives or were disfigured was because the manufacturer used it for some purpose or someone used for it for a purpose other than was labeled. That is not the case. It just is not the case. So I urge my colleagues when looking at this, as technical and as arcane as it may be—and most Members do not follow FDA regulations, do not get involved in the details of it—but with lower risk devices there are two tests, all within this bill. This amendment we are dealing with is the first test, the intended use.

In every example cited, the horror stories cited, the tragic losses cited, in every single case it was the failure of the second test, which is not the subject of the amendment offered by the Senator from Rhode Island.

I urge my colleagues to pay attention to those of us who worked on this and understand what we are talking about. We are trying to see if we cannot narrow down the problem on the intended use sections.

Mr. President, let me talk here a bit about what our purposes are here. If we allow the FDA to have free rein in the sense of having to guess at what a lower risk product could conceivably be used for once it is in the hands of physicians, then there is no end, in my view, to the studies that could be required of manufacturers to produce.

Some suggest perhaps we need a threshold to that guessing; maybe the FDA is "kind of" sure that the doctors would not use the device for another purpose. That would be the right threshold. Maybe "really" being sure would be sufficient in some cases. Can you see how unworkable a concept like this would be? Anytime the FDA is told they can look into their crystal ball and guess how a doctor might use a product, the result is going to be uncertainty.

Mr. President, let me step back a second. There is not a single Member of this body that in any way wants to be associated with or part of an effort that is going to endanger anyone's life at all. In fact, quite the contrary. We want to do everything we can to see to it that people are getting safe products, efficient products, effective products that will serve their interests and protect their lives. That is our purpose and intent. We also want to see patients able to get products and have them reach the market. Certainly there are going to be those who will be fraudulent, bad actors. No one is suggesting they do not exist. Nothing we will do here will stop that, I suppose.

But to suggest somehow that because we are trying to in some way tighten up the intended use or purpose on the lower risk devices, that those who support this idea are guilty of somehow jeopardizing people all across this country, I think is an unfair characterization. It is quite the contrary.

In fact, a major company in my State of Connecticut, U.S. Surgical, with 9,000 employees, has come up with some of the most creative, imaginative, and effective devices to reduce the risks of injury and to preserve lives. It is a very reputable company. The company has brought to the American people revolutionary technology.

They were leaders in creating minimally invasive surgery using laparoscopes. Patients used to be laid up for months, or weeks anyway, after a gall bladder operation. As a result of laparoscopic surgery, now a person can be back at work within days because of the technology developed by U.S. Surgical.

The breast biopsy, which has been discussed here, was developed 2 years ago by U.S. Surgical and has been received by surgeons with overwhelming support in this country. Women have benefited from its use in over 7,000 cases worldwide. It is a safe and reputable company. I think it has been unfairly labeled as otherwise. In fact, regarding the biopsy, in trying to approve technology that would improve the technology, they should have received plaudits for that. The FDA approved it. There were questions raised about whether or not this was actually being used as a surgery to remove tumors. Never did the manufacturer ever suggest that was the case. Having listened to some of the debate, that was the implication.

Mr. President, I think it is unfortunate that that becomes the manner in which we debate a question here about one provision we are trying to narrow a bit in lower risk products.

Mr. President, there are a few examples of instances where the FDA has attempted to second-guess the manufacturers of a device about the device's intended use. One was an endoscope, an example where a manufacturer was asked to submit data on how the materials of a device would hold up after multiple uses. The company, in fact, insisted the label clearly state the product should only be used once and then discarded. That is what the label said. That is what the company and the manufacturer intended—one usage of this endoscope. In the second case, a manufacturer designed a hearing aid to reduce background noise. The FDA decided that the real intended use was better hearing, and required the manufacturer to submit clinical data to prove that the device helped hearing overall. In a third case, Mr. President, a manufacturer developed a catheter that was coated with a substance that

enhances the integrity of the device materials when the device is implanted in the body. The FDA decided the coating was really intended to reduce infection, and required clinical data to prove it.

Mr. President, in each of these cases the manufacturer was not seeking to promote or market the device for the imputed use at all and would have been prohibited from doing so, and the FDA's authority in no way is eroded. If the FDA believes that the company is off on some imputed use they have the authority to deal with that problem. We don't change that in this law at all.

I also point out, Mr. President, in each case a useful device was delayed from reaching consumers in this country. That is what we are talking about here.

I talked earlier about the biopsy, the testing device developed by U.S. Surgical. U.S. Surgical received approval from the FDA for a breast biopsy needle to be used for diagnostic purposes only, diagnostic purposes only. After the product was approved and on the market, the FDA asked for more information about the efficacy and the safety of the device for taking adequate biopsy samples—an appropriate request. U.S. Surgical supplied the information, and the second approval for the product was given by the FDA. At no time was the device marketed for another purpose. At no time was the device marketed for any other purpose than for diagnostic purposes.

I come back to the section, the 510(k), the lower risk medical devices. Two tests—the subjective test of intended use based on the label; and the second test on the technological questions, which is an objective test. Had the manufacturer said on its label or in its information or its marketing packages, "By the way, this will be a good diagnostic device and it may just work in terms of dealing with the tumor," you have immediately violated the first test because your intended purpose is other than what you are seeking approval. But that is a subjective case. That is the way this works.

If you want to scrap 510(k) and put everything on the same footing, why don't we have an amendment that does that? I don't hear anyone suggesting that. We are trying to get these devices out where there is a predicate; that is, there has been a product already approved, which is substantially equivalent, substantially equivalent, to the device seeking approval. I urge my colleagues to remember that when you are considering how to vote on this. This is not high risk. This is low risk. Two tests—subjective test, intended purpose; second test, is it technologically faulty, is it safe?

In the case of U.S. Surgical's diagnostic test for breast cancer, which has been overwhelmingly received, by the way—in fact, I think we will hear later from a colleague of ours who is a beneficiary of this—overwhelmingly accepted. Had they thought to do something else with that biopsy, then they would be in violation of this test. That was not the case and to suggest otherwise is just not true.

If it had been, the FDA would have had full authority to request data on the safety and efficacy of the device for the unapproved purpose. It would still have that authority under this provision. At no time did the FDA request any data for U.S. Surgical regarding the use of the breast biopsy device for tumor removal. So when this case is cited now, twice I heard it cited, I hope my colleagues would understand what the facts are. This is a fine company and the suggestion somehow they are producing devices out there for purposes other than what was intended, risking consumers in this country, is unfair to that company and unfair to the people who work there.

Mr. President, I urge our colleagues when considering this amendment—and again I respect entirely the motivations behind it; certainly all of us want to see the safest possible devices on the market, but we also want to see a process that will allow the products to get to that marketplace and serve the people they are designed to serve. If we are talking about something new, the tests are different, and they should be. If it is substantially equivalent to a device already out there, we have made the collective determination 20 years ago that the test ought to be different. When you go beyond that, in effect, if you are trying to take a lower risk device and apply it to a standard that exists to a higher risk device you are defeating the very purpose for which 510(k) exists.

With all due respect to my colleague from Rhode Island, I urge this amendment be defeated. In my view, the responses here are not arguing this provision on its merits. Instead, we are hearing language that I don't think reflects exactly what the situation is, what the facts are. While appealing on the surface, because some horrible cases have been cited as I pointed out, in every single instance in those cases it was not a debate about whether or not the manufacturer was producing a product for one purpose and used for another. In every single case those devices failed the second test of 510(k), not the first test of the intended purpose.

By definition, the process of determining substantial equivalence, a label is neither true nor false. It is the same as the predicate. If it is not the same as the predicate, then it does not pass the first test. In effect, trying to squeeze false and misleading language into a place it doesn't fit means all devices would be undergoing the PMA process, a process that can take up to six times longer, six times longer. When there are patients out there and families out there that want to see this material get to them, we don't need to be complicating a process on low risk devices, delaying that event occurring, causing more pain and suffering. There are people who suffer as a result of a regulatory process that is so overburdened and so complicated that people cannot get these materials when they need them.

Mr. President, again, with all due respect, I urge my colleagues reject this amendment.

I yield the floor.

Mr. JEFFORDS. I yield to the Senator from Indiana 10 minutes.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator is recognized for 10 minutes.

Mr. COATS. I thank the Senator for yielding.

I want to commend the Senator from Connecticut, Senator DODD, for his statement. Much of what I was going to say he has articulated probably better than I could articulate, in terms of the purpose of the 510(k) approval process, the nature of the tests that are involved in approving the devices that are substantially equivalent, and the technicalities that are involved in this that I know not a lot of Members have had the opportunity to focus on or really even the necessity of focusing on.

The point the Senator makes about the fact that the work of the committee over 2½ years has been careful and thoroughly undertaken in a way that is designed to provide the very best of protection for the consumer, the very best of safety and effectiveness so that the drugs and devices that are approved by FDA are devices and drugs that we can have confidence in.

No one on the committee is attempting to undermine the essential function and the essential purpose of the Food and Drug Administration. We want a dynamic, vibrant, effective agency in this country that tests the safety and effectiveness of devices and drugs before they are brought to the market.

Now, no process is ever going to be perfect. There will be mistakes. But we want to ensure that this agency has the very best of what it needs to accomplish that essential purpose. What we don't want, and what we are attempting to do with this reform bill is to have a situation continue where the approval process cannot even begin to meet the requirements that the agency thinks are appropriate and that we have dictated by law, by statute.

Numerous examples have been cited here on the floor, whether it is for drugs, or devices, or even other products that the FDA reviews, of unconscionable delays, of unnecessary delays, of letters being lost, of material that has been misplaced, of the inability of FDA to have the personnel, the manpower, the computer power, the administrative procedures in place that

provides for effective, efficient approval. It is all of this that has led to a number of suggested reforms of FDA. And one, which has been working very successfully is the PDUFA, Prescription Drug User Fee Act, where the drug companies themselves put money into a fund that allows the FDA to hire individuals and to purchase equipment and speed up the approval of life-saving and health-improving drugs to the market. That has worked. We want that to continue. We are up against a deadline on that. Funding for that runs out on September 30, the end of the fiscal year. We have been pressing hard now for several months—in fact, all year—to try to move this process forward so we don't run up against this deadline. Yet, we have encountered delay after delay after delay because of disputes about very small portions of a 200-plus page bill, carefully undertaken by the committee over a 2½ year period.

This is not a partisan issue, as Members who have been engaged in this understand. The Senator from Connecticut; the Senator from Minnesota, Senator WELLSTONE; the Senator from Iowa, Senator HARKIN; the Senator from Maryland, Senator MIKULSKI, have joined with the majority, Senator JEFFORDS and others on the committee, to produce a very, very substantial majority in support of the original bill, a 14 to 4 margin. Since then, some of the concerns of those four have been addressed in ways that the vote margin and support for the bill has even increased. There were 30-some concessions, which I held up a list of on the floor last week—more than 30 such negotiations and concessions with those who had continuing concerns about the bill.

So it is not a matter of saying: we won, 14 to 4, and this is the bill, take it or leave it. We are open to producing the very best bill that we can, and we think we have. We have been open to negotiation. But every time we have met an objection, something new pops up. It is ironic that in the committee the amendment we have been talking about here, the amendment that Senator KENNEDY has been debating at length, the reason for the filibuster that has gone on, is over language that wasn't even brought up in committee. If this was such an important, egregious omission on the part of the committee, how come an amendment wasn't offered in the committee to debate it or to discuss it or to change it?

The language that we are talking about here was proposed by Senator WELLSTONE—hardly someone who is viewed as being anticonsumer or someone viewed as trying to open a loophole so that the health and safety of Americans is jeopardized. In the negotiations and discussions, postcommittee markup, this wasn't on the list. I have in my hand the memo from the Labor Committee, from David Nexon, suggesting items that need to be covered and need to be discussed. This isn't even on the list. We went over these amendments. All of a sudden, when at one point, the only thing left, to our knowledge, was a resolution of the cosmetic portion of the bill, which was resolved, all of a sudden this then pops up. So you have to question what is going on here.

We have a bipartisan coalition, people from liberal, conservative, and in-between perspectives, politically—Democrats, Republicans, people who worked on the committee, delved into the issues and worked to ensure that we have the very best bill possible. Yet, we meet delay after delay after delay and obstruction after obstruction after obstruction. So I think it is important not just to look at the specifics of the amendment, but to ask the question: What else is going on? What is the true intent here? Is it to undo FDA reform? Is it to block any reform? Here we are up against this deadline for PDUFA, and I think it is important that Members keep all that in mind.

I was going to go through the technicalities of the 510(k) process, but Senator DODD did a marvelous job explaining it. As he said, it's the lower risk devices. We are attempting to find a way in which we can efficiently expedite the approval of devices that are designed for the same purpose, which, in the FDA language, are substantially equivalent, and give those devices the opportunity to come to market without having to go through the same lengthy, costly approval process that the original device—the device called the predicate device—is subject to. Sometimes that takes months; often it takes years for that original device to accomplish a specific purpose to be approved. Once that is approved, there are others that can market and make devices that are roughly equivalent—not roughly, substantially equivalent to that. If the FDA determines that it is substantially equivalent under their review procedures, then that device can be approved.

As Senator DODD has said, however, that is only one part of the test. The other part of the test is that if there is a technological difference that raises safety and effectiveness concerns, FDA can say, "not substantially equivalent." You have to go through the process. FDA retains that authority. Nothing in this bill changes that authority. Nothing in this bill alters one iota of that authority. Every example raised by the Senator from Massachusetts ignored totally and failed to acknowledge that the second part of the test gives FDA the authority that they said FDA doesn't have.

So that's what is at issue here. It is an issue that doesn't have to be here. It is an issue that we don't need to be talking about. No one raised it in committee. No one raised it in negotiations postcommittee. No one indicated that this was a bill stopper. The last indication of a bill stopper was the cosmetic concern, which was negotiated and an acceptable compromise was reached. Then, all of a sudden, this provision, 404(b), the language offered by the Senator from Minnesota, Senator WELLSTONE, and accepted by the committee as part of the bill, without objection, all of a sudden this now becomes the bill stopper, the killer language, the language that is going to destroy the FDA and place 260 million Americans in jeopardy of their life and their health.

I think Senator DODD very effectively outlined why the examples used were not relevant examples. They are tragic examples. We all regret that they happened. But they have nothing to do with the language that we are talking about. They have nothing to do with the amendment offered by the Senator from Rhode Island. And so let's keep that in mind as we move forward here in this torturous process of getting a bill passed through the Senate that has been substantially delayed because of procedural practices, which enjoy no support from this body. We have had two votes. I think the opponents of the legislation got five votes on the first try and four votes on the second try. The other 95 of us, or 96, depending on how you count it, are still here attempting to move forward.

Now, we have the good fortune of having Dr. FRIST—Dr./Senator FRIST—on our committee. For those of us who don't have the medical training and expertise to fully understand all of this, we frequently—in fact, every opportunity we have on medical questions—turn to Dr. FRIST for the expert's view. I think it is a phenomenal addition to the Senate that we have this capability available to us. He will be commenting on this and, frankly, I put a great deal of reliance on his judgment. Some of us could be reading this the wrong way, could be not understanding certain aspects of the process. We represent companies that make these devices. We hear their side of the story and it certainly sounds reasonable, and we try to make sure there is a proper balance between the need to bring products to market quickly and a need to make sure they are safe and effective. So we turn to people like Dr. FRIST to give us the expert view in terms of what we are doing.

I know I have used my time here. I will have more to say about that, as I think we have considerable time left under the cloture procedures here.

At this point, I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise to address Senator REED's amendment to S. 830, the FDA reform bill. The proponents of the amendment have failed to distinguish between devices that are substantially equivalent to devices the FDA has approved and devices for which no predicate exists.

That distinction is central to the regulatory scheme for device approval.

Most medical devices brought to the market represent a small incremental change. Around 95% of medical device approvals granted by the FDA involve devices that are substantially equivalent to a device already approved by the agency.

Most devices are not breakthroughs. They are not devices with bold new uses. They do not represent a sharp departure in medical science. They are devices with a foundation of testing, experience in the field, and most important, devices with a foundation in previous FDA approval.

Policies and regulations that are appropriate for devices without a predicate are not appropriate where devices are substantially equivalent to a device that has already received the FDA stamp of approval. If each new device represented such a break with the past, it would be sensible to fully reexamine safety and efficacy every time FDA was asked to grant approval.

But in a world of small changes, this unwarranted bureaucratic impediment would strangle progress, limit the benefits available to the public from technological advances, and yield little if any public health benefit.

To capture the public health benefits of small incremental change, such devices are approved by the FDA under special procedures called the 510(K) approval process. The critical test applied by the FDA in approving the device is demonstrating that the device is substantially equivalent to a device that has already been approved by the agency. The test of substantial equivalence is a flexible definition that includes both products that are identical to previously approved devices, and those with a certain degree of technological change.

In contrast, where the new device represents a major advance and is used in supporting life or avoiding substantial impairment of health, the FDA uses entirely different tests before approving the device. These breakthrough devices undergo extensive safety and effectiveness trials before marketing. They require extensive premarket review because the FDA has no assurance the new device is safe and effective based on studies of a previous device, field experience, or FDA approval.

Approving substantially equivalent products expeditiously allows the FDA to concentrate its resources on those devices that involve new technologies or uses rather than waste time and staff conducting full-blown reviews of the equivalent device again and again and again.

In the example we have heard so much about over the last few days, U.S. Surgical Corp.—which is headquartered in my State—submitted an application for approval of an advanced breast biopsy instrumentation device in October 5, 1995. The application was granted by the FDA on February 1, 1996. The FDA based their approval on substantial equivalence in design, materials, methods of use, and intended use to biopsy needles the FDA had previously approved. Since that date the ABBI device has been used in over 7,000 cases worldwide.

In granting approval to U.S. Surgical, the FDA applied the two statutory tests of substantial equivalence. First, the device was shown to have "the same intended use as the predicate device" and second, "the same technological characteristics as the predicate device".

Some Members have mistakenly stated that U.S. Surgical has marketed the device to remove breast cancer tumors, but the Members are in error.

A degree of technological variation is permissible and specifically envisioned in the statute. Where the device has different technological characteristics, it can still be approved under 510(K) if the manufacturer submits

> * * * information, including clinical data if deemed necessary by the Secretary, that demonstrates that the device is as safe and effective as a legally marketed device, and does not raise different questions of safety and efficacy than the predicate device.

ABBI uses a larger cannula than previously approved biopsy needles. The wide cannula allows the physician to extract a broader sample of breast tissue. The wide cross section allows more accurate diagnosis of breast lesions that appear in the x-ray as clusters of tiny particles rather than discrete nodes.

U.S. Surgical's product insert states in boxed, large type "The ABBI* system is to be used ONLY for diagnostic breast biopsy; it is NOT a therapeutic device." Its patient pamphlet on the device discusses biopsy uses to the exclusion of any other potential use.

In the ABBI example, the FDA requested clinical data from U.S. Surgical about impact of the new technology, broader cannula. U.S. Surgical submitted the data on September 23, 1996 and the FDA updated the 510(K).

The sponsors of the amendment state that manufacturers have an incentive to seek approval based on false and misleading statements of intended uses. Under the 510 (K) approval process, the device must have the "same intended use as the predicate device" but the amendment sponsors state that manufacturers are able to undercut this test. The amendment sponsors suggest that the FDA be allowed to establish a new intent test for 510(K) approvals that allows the FDA to impute new uses, demand new safety and efficacy tests, and ignore the manufacturers intended uses.

First, I would point out that U.S. Surgical specifically responded to the FDA's concerns by adding new labeling to its device clearly stating that the device was to be used "only for diagnostic breast biopsy".

Second, the FDA already has ample power to confront potential problems in labeling. For example, they sent a warning letter to the U.S. Surgical Corp., on June 3, 1996, regarding labeling and advertising claims made for the ABBI. The warning letter lead to the modifications in labeling and resubmission of the 510(K) application.

Finally, the FDA has a host of criminal and civil penalties to prevent the marketing of mislabeled products including administrative detention and seizure, criminal and civil penalties, injunction, mandatory consumer and physician mandatory notifications, mandatory recall, and adverse agency publicity.

For example, FDA can administratively detain devices that are misbranded based on FDA's unilateral determination that a detention is appropriated, and can last up to 30 days to permit the agency an opportunity to either perfect a civil seizure through the courts or obtain injunctive relief.

Into the middle of this, the Reed amendment would throw a major change. The amendment does not state grounds or procedures by which the FDA would determine that the proposed labeling was "false" or "misleading". The evidentiary basis by which the FDA will impute the manufacturers intent is unknown, as is the frequency of off-label uses that spurs additional FDA requirements or the adequacy of additional clinical trials necessary to satisfy their concerns. If the amendment passes, manufacturers have to be prepared to conduct trials of safety and efficacy for uses they are not seeking. Furthermore, the additional requirements only apply to the unapproved device—not to the predicate device previously approved by the FDA.

The 510(K) process is intended to provide an expedited basis for bringing new versions of previously approved products to the market. It employs relatively simple and easy to apply tests of substantial equivalence. The tests are straight forward and predictable in their application. We should continue to protect this path of technological innovation. The FDA has ample power to prevent mislabeled products from endangering the public health. If the amendment passes, many innovative devices will not be available to consumers and the public health will suffer.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to just respond briefly to some of the points that have been made and then to get into the substance of the argument. I want to reiterate the importance of this particular provision. There are those who are trying to

dismiss it as a relatively unimportant part of this legislation, and saying that we really didn't bring this issue to the attention of the committee until the final hours, therefore, we could not have been serious about it. Of course, this is completely untrue.

I won't take the time to put in the RECORD the agenda for June 17 where this was listed in "items under discussion" on section 4 of the labeling claims. This was exactly the matter that was brought up in the markup in June. It was identified by the Secretary of HHS in the June 11 letter to the committee. It was repeated on September 5. Secretary Shalala identified the very few items that she would recommend that the President veto this legislation about. She listed the environmental issue, the elimination of the environmental impact statement. Another one was a technical amendment dealing with PDUFA. A third item was the cosmetic provisions. But this is the provision that was identified by the principal protector of the American people's health as the most important provision in terms of adverse effects to public health, this provision. Let's understand that right from the beginning.

I know that my colleagues say, well, there are only a couple of Members of this body that are really concerned about this particular provision. Well, it is interesting that, time in and time out, the No. 1 person in the administration that has the principal responsibilities for protecting the American health has said this is it, this is the provision. With all due respect to those who say this is a low-risk issue that doesn't matter, that this is a technical question and we should just get through this business and get on with the vote, these arguments should be disregarded, because this is an enormously important issue. It was raised during the course of the markup back in June, and identified by the Secretary of HHS during the course of the summer. Many people were briefed by the Secretary indicating her priorities and this was right out there. It is in the papers submitted by her in September as being the primary technical concern in regard to safety for the American people. That might not make a difference to some Senators but it ought to make a difference to the American people. And it is not just the Secretary who is concerned about this provision. We have virtually every single group of health professionals charged with protecting the consumers' interests have expressed concern about this issue—the President of the United States, the Secretary of HHS, the Consumer Federation, the National Women's Health Network, the National Order for Rare Disorders. Who are these groups and individuals? They are the very people that benefit from innovations in medical devices. They are the people whose lives are enhanced. They are ones who are saying, "No, don't do this. Support the Reed amendment."

I am glad to listen to my colleagues. I am interested in the number of people employed by these companies. I am interested in what a great job a company does. I am interested in the opinion of some of our colleagues who say, "Well, this really isn't such an important measure because there are only a few people out there who oppose it."

Go down the list of the organizations that are out there protecting the people that will benefit most from progress in these areas, and they say, "Don't do this. Support the Reed amendment." Do they make the judgment that this is not important just because it deals only with class II devices—the relatively low risk devices. There has been the suggestion here on the floor of the Senate that these are virtually low-risk devices.

These are some of the devices: Ventilators. Low-risk? Who has not been in the hospital with a member of their family and hasn't understood the importance of making sure that ventilators are going to perform as they are labeled?

You have digital mammography with possibilities of missing tumors in women with breast cancer. We want to make sure that these devices are going to be safe and do what they are represented and designed to do—not just what is listed on the label.

You have the fetal cardiac monitors that monitor infants.

I saw them working yesterday in Springfield at the Bay State Fetal Center in one of the greatest neonatal centers in this country.

Do you want to take a chance on fetal cardiac monitors? Or on surgical lasers?

The list goes on—these are class II devices, low risk. We are not talking about tongue depressors. We are not talking about bedpans. We are talking about the kinds of items where we need to make sure they are going to be safe and effective. That is why these organizations whose job it is to protect the public are concerned.

With all respect to my colleague and friend from Connecticut, who I heard state three times that these products, which have not been approved for safety and effectiveness for the uses for which they are being advertised, are not being mislabeled. And that we shouldn't dispute or cast aspersions on the good, legitimate name of the U.S. Surgical Corp.

Mr. President, I have right here the letter from Dr. Monica Morrow, professor of surgery at Northwestern University School of Law, dated September 22.

Dear Senator KENNEDY:

I am writing you to express my feelings regarding the importance of the FDA's mandate to evaluate behind the scene use of devices and drugs. The need for such evaluation is clearly exemplified by the marketing strategy of U.S. Surgical's breast biopsy device. This device was approved as a diagnostic instrument. However, the company video clearly depicts the use of the device for definitive breast cancer therapy with no clinical trial using the accepted technology for comparing cancer treatments that have been conducted to evaluate this claim, and without such trials the device could potentially pose a significant risk to patients.

In addition, other claims regarding approved cosmetic outcome and patient acceptance are similarly unsubstantiated. The indication for use of the devices and drugs should be determined by appropriate clinical and scientific data, and not by their appeal as a marketing gimmick. This video was dropped off at my office by a company representative as part of an effort to interest me in purchasing the company equipment.

I have it right here. For people who doubt it, take a minute and watch the video. Read the letter. Call Dr. Morrow.

It is being marketed out there today. This is what we are talking about. That is the issue. When colleagues get up and say, "Well, it has not been, and it won't be, and that is wrong if it is?" I say, "It is being done." And that is exactly the problem that we are attempting to address.

Mr. President, this is an enormously significant and important health issue. This body has taken many actions on medical devices since the mid-1970's to enhance public health the protections since the mid-1970's that enhanced protections for public health. This provision which will create a loophole through which unscrupulous manufacturers of a medical device will be able to drive a truck is the exception to that commendable history. This provision will make a mockery of the substantial equivalence requirement, and will allow irresponsible companies to go out, as this company has, and advertise and represent a particular product for a purpose and use that differs from the one they put on the label.

Mr. President, it was interesting that some of our colleagues addressing the Reed amendment pointed out that there are two ways of approving the medical device. Only about 5 percent medical devices use this particular provision, the premarket approval. That provision says, "In making the determination whether to approve or deny * * * the Secretary shall rely on the conditions of use included in the proposed labeling as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness, if the proposed labeling is neither false nor misleading. In determining whether or not such labeling is false or misleading, the Secretary shall fairly evaluate all the material facts pertinent to the proposed labeling."

Mr. President, I daresay that there is probably a less compelling reason to use the proposed labeling as "neither false nor misleading" in this provision

because you are going to have such a survey in an oversight for new materials as it is in the other provision.

What the proposal that is before us now, the one that is for 95 percent of all devices, says is, "* * * the determination of the Secretary under this subsection * * * with respect to the intended use shall be based on the intended use included in the proposed labeling."

I would like to point out to those that have suggested here on the floor that the intended use is a subjective decision to be made by the FDA, that isn't what the legislation says. It says, "* * * the determination of the Secretary under this * * * section with respect to the" * * * device "* * * shall be based on the intended use included in the * * * labeling."

Who makes up the labeling? The manufacturer has the labeling "submitted a report under this section."

The only thing the amendment of Senator REED is proposing is that the FDA be restricted to looking solely at the labeled use only in instances where "* * * the proposed labeling is neither false nor misleading."

How can anyone be opposed to that?

We have just seen the example of the approval of a biopsy needle for one particular purpose—taking the biopsy. Then we find that this similar machine is represented as being for the purpose of biopsies, here it is in their advertisement—the latest technique in minimally evasive breast biopsy. This device takes 50 times the amount of material as the other one. Here it is being advertised in Canada. Here it is being advertised in the United States—not for use in biopsies but to remove the tumor itself. And there is no information available to the Food and Drug Administration about how good or safe the device is for that use. Maybe it does work. We are not here to say it doesn't work. We just want the company to have to provide the information that says it does work. If that is what you are going to use it for, why should the Food and Drug Administration, which has the responsibility of protecting Americans, be limited by the language of this particular legislation that says you can only look at what is on the label? When, at the same time, they have letters from doctors and they have videotapes that show it is being used for an entirely different purpose.

That is the issue. The Reed amendment says, OK, we are willing to only look at the use on the label, but let's just make sure that we are not going to encourage false and misleading labeling.

Is the Senate of the United States going to say to the FDA that if even if they know that the labeling is false and misleading that they should be prevented from protecting the American public?

That is what you are going to do if you do not accept the Reed amendment. That is what this debate is about. It is as simple as that.

Here we have this extraordinary example, where you have a biopsy machine that is supposed to take a biopsy about the size of the lead in that pencil versus something that takes 50 times the amount and the purposes for it is intended to be used are quite different, as mentioned here in the letter which says, "I am expressing my feelings * * * the importance of the FDA mandate."

"The video was dropped off at my office" with the interest of purchasing the equipment.

When the FDA became aware that the company was promoting the device for this unauthorized purpose, it also became aware that it had made a mistake in clearing a device that was clearly designed for a purpose not stated on the labeling—tumor removal for clinical testing. The FDA then acted to require the company to include a strong label that the device was only to be used for tissue sampling; not tumor excision.

I cannot imagine why the company failed to give the full information on that. But, nonetheless, that is what is happening.

Mr. President, I listened with interest to many of our colleagues talking about how there really are no dangers in terms of medical devices, that my examples are not really what this issue is all about. They are mistaken.

We are committed to ensuring that these kinds of circumstances will not occur in the future. That is why we are out here. We don't have to go through another incidence similar to the Dalkon shield where 18 women died from a perforated uterus and 2,700 women suffered miscarriages. We don't want to go through another episode like the Shiley heart valve one where a change in the angle of the valve would have changed the way the device interacted with the heart raised questions as to its safety. The FDA discovered this and refused to let it go to market in the United States. But the modified device was marketed in Europe and 15 times the number of people died using the new device over the earlier one. With all respect to those who say how much better the system is in other countries—15 times the deaths. And the whole toxic shock issue that we raised and its impact on American women.

What we are pointing out is that there are dangers that can take place in our country, that affect our people, when you start fiddling around with safety and effectiveness and medical devices.

That is the issue.

There are those who say, "Look. We have a little loophole. But it really isn't quite the same as it is with some of these other terrible kinds of situations."

We have given the illustration of the kinds of challenges that are out there today.

There are the laser technologies, cutting tissue laser technologies, where you have submitted to the FDA a laser that, everyone who has really looked at it agrees, is going to be used for prostate surgery. But there is virtually no information as to the safety and effectiveness of that particular medical device for that use—none. That is what happens.

There are the various digital mammography devices that may be very good for obtaining diagnostic information and evaluating a particular tumor but may be questionable for screening purposes. Questionable as to there effectiveness in allowing women to know whether they are going to have the first indications of a small tumor. Don't we want to be sure that this isn't what it is going to be used for? Don't we know what they are out there marketing this for and how well it performs?

We have just seen in the period of the last 5 days, the example of the terrible events concerning the off-label use of the drug fen/phen—and the health hazards and challenges faced by the people who have used it.

Are we here today saying we don't want to include language in this bill that will allow the FDA to be able to look at safety of medical devices if they find the labeling is false and misleading? We have offered five different compromises to work this out. It is the No. 1 concern of the Secretary of Health and Human Services, the No. 1 concern by the FDA. I have listened here in the Chamber, to those who oppose this amendment who say the FDA has all the authority in the world to protect the public. I have quotes here from Senators who have said, in effect, that we should not be bothered by this because the FDA has all the power it needs and that this is really not a problem.

I was tempted to take the language of their quotes and offer it as an amendment because their description of the FDA is not what the law is and will be if this legislation is passed. We would have taken the kinds of protections that were implied by their quotes. Where they say, look, they have the real right to go behind if they think there is some kind of question in terms of safety.

The FDA would not have that authority under this bill as written. But if it is your understanding and that is what you want, let's take an amendment and ensure that they do.

But we do not have that opportunity. We are faced with the real possibility for a situation where the FDA does not believe it has the power and the authority to protect the American consumer. The FDA does not believe it has

authority. If they know that the predominant use is going to be other than that which is listed on the label and which could provide a substantial threat to the American people, the FDA will not have the power or the authority to protect the American public.

Members of Congress can come out here and say, "Oh, yes, they do." I have listened to that argument. "Oh, I don't know why everyone is getting so worked up about it. You know, they really do have the authority."

They do not have it. The FDA itself states they do not. They have testified they do not. The President does not believe it. The Secretary of HHS does not believe it. The consumer groups do not believe it. National Women's Health Network does not believe it, the Consumer Federation, the Patients Coalition.

We have had this discussion and debate for a number of days. We believe we are finally getting through. But where are all the consumer calls saying, "Look, let's go with what is proposed in the legislation. We have read the record. We have looked at the law. We believe the FDA is out there and can protect the American public. I don't know what everybody is getting worked up about."

But we aren't getting those calls because virtually every consumer group that has looked at this issue, has discovered that the language in the bill will not provide adequate protection for consumers.

National Women's Health Network: "Women need the FDA to act as a safety sieve screening out drugs and devices that are hazardous and defective. If 404 is enacted, a device manufacturer could label its product for a very simple use. The FDA would be limited to ask for safety and effectiveness for that use only."

The groups understand this issue, and they are concerned. "Even if it were clear from the device's technical characteristics that it might be used for other more riskier purposes."

That is the biopsy needle. You have a needle that is 50 times larger than is necessary for a biopsy and you have the clear evidence from doctors, both in this country and abroad, who have seen the videotape that the company is out there marketing it for a different use. We have it right here—a slick promotion for this particular issue. All we are saying is if the FDA is able to show that the labeling is false and misleading, they can look at safety.

Mr. DODD. Will my colleague yield on that point?

Mr. KENNEDY. I yield, sure.

Mr. DODD. I would respectfully suggest to my colleague that U.S. Surgical is not marketing a video that promotes an unapproved use for this device. Now, there are clinicians out there who have put out videos and other educational materials on medical practice issues. U.S. Surgical is aware of that. It can happen. But the implication that U.S. Surgical is now actively promoting unapproved uses is not true.

Mr. KENNEDY. Has the Senator seen this video?

Mr. DODD. No, I have not, but I am told categorically that U.S. Surgical is not promoting or marketing this device other than for breast biopsies.

Mr. KENNEDY. I suggest the Senator take the time to see it because when you turn it on, the first thing that you are going to see is the U.S. Surgical logo on it. I don't see how you can say that it is not being promoted or advanced or whatever if that is exactly what you will see. I would suggest to the Senator, if you are saying that those of us who have represented that it is being promoted for other uses—and we have the doctors' letters and we have this video, which you haven't seen—I would think that perhaps you ought to check again with U.S. Surgical and find out what they are doing. We have just seen it.

Mr. DODD. Will my colleague yield?

Mr. KENNEDY. I will yield in a second. We have just seen what the medical companies were doing with fen/phen. They weren't promoting it. All they were doing was paying the doctors thousands and thousands of dollars to go out and promote it. When we look at this promotion, it has "U.S. Surgical" on it, and it is a U.S. Surgical medical device—and we have the doctors' letters on this that say, "The indications for the use of devices . . . it should be determined by appropriate—

This video was dropped off in my office by a company representative—

Company representative—

as part of an effort to interest me in purchasing this equipment.

Now, there may be other information. I am glad to have it included in the RECORD but I find this convincing.

Mr. DODD. If my colleague will yield. This company is not engaged in promoting unapproved uses for this biopsy needle. And U.S. Surgical categorically denies any association with any materials produced by others where this might have occurred. The FDA has approved the breast biopsy needle. The FDA has approved it twice, in fact, only for breast biopsies. Accordingly, U.S. Surgical does not promote the device or market the device for tumor removal. It is aware now that articles and videos do exist which discuss other uses of the devices. It is very common, and completely legal, for physicians to explore other possible uses of both drugs and devices as part of the practice of medicine. But the suggestion somehow that the company is now actively promoting this device for something other than diagnostic purposes, with all due respect, is just not true.

And the question that we should be asking here—a very important question—is, if this obviously illegal practice is occurring, if U.S. Surgical is actively promoting this product for an off-label use, why hasn't the FDA gone after the company? Now, clearly, if it were true, the FDA, with all the force of law would go out and pursue them vehemently. Promotion of a device for unapproved uses is one of the most egregious violations a company can commit. Surely if this were the case, and evidence of it were so readily available, FDA would have acted. But there has been no FDA action, because there has been no violation. And to suggest otherwise is irresponsible.

I mentioned earlier, if my colleague will continue to yield, that U.S. Surgical has promoted this device for the purpose for which it was approved—to give women and their surgeons a useful option in conducting breast biopsies. There are good medical reasons that a larger size biopsy might need to be taken. In conducting biopsies you cannot always get a reliable tissue sample just with a small needle—some tumors are just too diffuse. Evidence shows that, with some types of tumors, taking a larger biopsy gives the surgeon a far better chance of determining the quality of the tumor accurately without the need to take multiple, painful biopsies.

That is why this device was developed. And as women who have been through this will tell you, it is important to have this device as an option for taking an accurate and safe breast biopsy.

Mr. KENNEDY. Mr. President, I would like to regain my time.

I say that that is a promotional document. I would suggest the Senator watch it before he represents that it is not. It has the U.S. Surgical logo on it. We have the doctors who claim this is the case. The FDA has been going after U.S. Surgical.

That is another issue. It is an important issue. FDA ought to be concerned about it, and they are. But that doesn't get away from what the FDA may not be able to do sometime in the future. They won't be able to do it in the future, because all the FDA will have the power to do is look at what is on the label.

Mr. COATS. Will the Senator yield?

Mr. KENNEDY. No. I would like to just finish my presentation on this part here, and then I will be glad to yield.

Mr. COATS. If the Senator will yield——

Mr. KENNEDY. That is just the part I am going to mention.

Let me quote some extracts because that is the issue that is before us—the extracts of the promotion. This is the promotion that some do not think is being promoted by U.S. Surgical, even though its logo is on it, even though doctors have said it is being distributed by company representatives.

This is the quote:

U.S. Surgical is entering a new millennium in breast surgery by combining advanced stereotactic technology with minimal invasive surgery.

Not biopsy, surgery.

Unlike needle biopsies where small samples of the lesion are removed for pathological analysis, U.S. Surgical removes the entire specimen.

That sounds like an operation to me.

If the specimen proves to be cancerous but pathology reports the entire margin is clear, it's up to the clinical judgment of the surgeon to decide to remove the additional tissue, or if the procedure can be considered complete.

Translated, if you use this device and you take out the tumor, then it is the doctor who removes the tumor who makes the judgment whether he has to do any other surgery. That is not a biopsy needle. It continues.

The U.S. Surgical system allows the surgeon to provide the benefits of the minimally invasive technique to breast surgery. Benefits to the patients include reduced physical and emotional trauma as a woman undergoes only one versus two procedures. Minimal invasive breast surgery, a new standard of patient care offered only by United States Surgical Corporation.

I rest my case on that, Mr. President, about advertising and promotion. I rest my case on exactly the words of that promotion. "Minimal invasive breast surgery, a new standard of patient care offered only by United States Surgical Corporation."

If there are Members in this body who want to say U.S. Surgical is not promoting it, that they are not associated with it, that they don't know anything about it, I suggest that they watch this videotape.

Now, Mr. President, I want to just come back to—how much time remains because I know there are others who wish to speak.

The PRESIDING OFFICER. The Senator has used 33 minutes and 30 seconds.

Mr. KENNEDY. I yield at this point now. I would like to go on to just some other remarks.

Mr. COATS. Just briefly. Senator DODD asked the question, if this is such an egregious violation of FDA policy, why hasn't FDA acted on it? Why has it not acted?

Mr. KENNEDY. They have. As I understand, they have requested the additional information on safety and efficacy. They are demanding that kind of information now. I will be glad to provide that.

But that has as much relevancy as yesterday's score of the Green Bay Packers. They are out there now promoting this for unintended uses. I do not think they should be. FDA says they are looking into this. I will find out and give the Senator a more detailed description.

Mr. COATS. I have a copy of a letter. The Senator was handed a letter. I was handed a letter.

The letter was addressed to Senator KENNEDY thanking him personally for the assistance that he provided, for the "assistance provided by your staff" to U.S. Surgical "in our efforts to deal with the Food and Drug Administration on the matter of the certification of the Advanced Breast Biopsy Instrumentation."

That is what we are talking about.

Mr. KENNEDY. Sure.

Mr. COATS. It says here the Senator assisted in making sure the FDA did not withdraw it. It specifically cites, "Please convey my gratitude to Dr. David Nexon and Gerry Kavanaugh," who I believe are on the Senator's staff, "for their willing assistance." Maybe they are on the market because the Senator intervened to keep it on the market.

Mr. KENNEDY. Well, Senator, I will be glad, first of all, to have it included in the RECORD so the record is clear. But I will say to you that, if U.S. Surgical was distorting and misrepresenting to the American public, then I think they ought to be pursued to every extent of the law. That is my response on it.

I had no idea of that unfair kind of consideration at that time, but clearly they have misrepresented themselves in this instance. They practiced that kind of misrepresentation on me as they are doing it with the American public.

Mr. COATS. Will my colleague yield?

Mr. KENNEDY. Here is their—I will yield briefly on this point. But I want to get back to my theme.

Mr. COATS. Apparently they convinced your staff, Dr. Nexon, that this was a safe procedure and it should not be withdrawn.

Mr. KENNEDY. I will be glad to take a look at the letter.

Mr. COATS. I ask unanimous consent the letter be printed in the RECORD.

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

THERMO ELECTRON,
Waltham, MA, October 8, 1996.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR TED: I want to thank you personally for the guidance and assistance provided by your staff to our representatives, and those of U.S. Surgical Corporation, in our efforts to deal with the Food and Drug Administration on the matter of the certification of the Advanced Breast Biopsy Instrumentation (ABBI) system technology. Our concern, simply stated, is that the FDA will call for the withdrawal of this product from the market without appropriate cause.

The ABBI technology, jointly developed and marketed by both companies, is today in the marketplace, and as a result of its success, represents a fast-growing opportunity for Thermo Electron's Trex Medical Corporation subsidiary and our Connecticut partners, U.S. Surgical. The technology is a noninvasive, cost-effective alternative to surgery. In over 500 cases in which it has been utilized, there has not been a single complaint. Indeed, because it does represent a significant advance in women's health care, it is fast becoming the treatment of choice.

Thermo Electron has made a significant investment in this technology, and with the recent acquisition of XRE Corporation of Littleton, Massachusetts, plans to expand production of the product. Along with one hundred new jobs, we are projecting revenue production in excess of $50 million. Thermo Electron is proud of its responsiveness to societal needs. The ABBI technology is a step forward in the field of women's health care.

Thank you for your interest, and please convey my gratitude to Dr. David Nexon and Gerry Kavanaugh for their willing assistance.

Best regards,

GEORGE N. HARSOPOULOS,
Chairman of the Board.

(Mr. SESSIONS assumed the chair.)

Mr. KENNEDY. The Senator from Indiana introduced a copy of a letter from a Massachusetts constituent of mine dated October 8, 1996, which purports to thank me for the guidance and assistance my staff provided to U.S. Surgical Corp. in connection with the FDA certification of the advanced breast biopsy instrumentation [ABBI]. The Senator suggested that this letter was proof that I had intervened with the FDA to urge them to approve an off-label use for this device. The letter does not substantiate any such allegation, and it is untrue. I ask that the full text of the letter be printed in the RECORD.

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

THERMO ELECTRON,
Waltham, MA, October 8, 1996.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR TED: I want to thank you personally for the guidance and assistance provided by your staff to our representatives, and those of U.S. Surgical Corporation, in our efforts to deal with the Food and Drug Administration on the matter of the certification of the Advanced Breast Biopsy Instrumentation (ABBI) system technology. Our concern, simply stated, is that the FDA will call for the withdrawal of this product from the market without appropriate cause.

The ABBI technology, jointly developed and marketed by both companies, is today in the marketplace, and as a result of its success, represents a fast-growing opportunity for Thermo Electron's Trex Medical Corporation subsidiary and our Connecticut partners, U.S. Surgical. The technology is a noninvasive, cost-effective alternative to surgery. In over 500 cases in which it has been utilized, there has not been a single complaint. Indeed, because it does represent a significant advance in women's health care, it is fast becoming the treatment of choice.

Thermo Electron has made a significant investment in this technology, and with the recent acquisition of XRE Corporation of Littleton, Massachusetts, plans to expand production of the product. Along with one hundred new jobs, we are projecting revenue production in excess of $50 million. Thermo Electron is proud of its responsiveness to societal needs. The ABBI technology is a step forward in the field of women's health care.

Thank you for your interest, and please convey my gratitude to Dr. David Nexon and

Gerry Kavanaugh for their willing assistance.

Best regards,

GEORGE N. HARSOPOULOS,
Chairman of the Board.

Mr. KENNEDY. Obviously, if it is a biopsy needle and it was intended to do that, I had no idea they were out there promoting, as they have been, and representing it for an entirely different purpose. That is the issue we are talking about here, and that is what we want to do. We want to make certain that the FDA is going to be able to look beyond false and misleading information on devices labels.

Mr. DODD. Will my colleague yield?

Mr. KENNEDY. I will yield in just a moment now.

Mr. DODD. Just on this point, if I could, on the point of the needle.

Mr. KENNEDY. On the needle? All right.

Mr. DODD. I'd like to clear up for everyone why we are discussing the size of the needle for the biopsy. Let's put aside for a moment your question of what the company has or hasn't said since we have been told that the FDA has not found that they are promoting the needle for tumor removal.

Mr. KENNEDY. If I can reclaim my time, I cannot let that go by, that the FDA has said they are not promoting it. That is not the information on it. I cannot let the statement go by. It is your opinion that it is not promoting. I don't see how you can have that opinion in the face of the fact that this videotape has stated what it has, with this U.S. Surgical's logo right on it.

Mr. DODD. If my colleague will yield, as I said earlier, if U.S. Surgical were promoting for uses beyond those on the label, I think the FDA would be acting on it. But let me again get to the point of why a larger needle is useful in some biopsies situations. I am not a surgeon or a doctor, but I am just sharing with my colleagues here, and my colleague from Massachusetts, why this larger needle may be needed. This Advanced Breast Biopsy device, as it is called, does remove a larger amount of tissue than a conventional biopsy needle. Why? Why does it need to do that? This difference in needle size is not related to tumor removal. Rather, it addresses clinicians' requirements for sampling different types of lesions. Why do they do that?

Mr. KENNEDY. If my colleague——

Mr. DODD. I will just finish the paragraph. Breast lesions exist not only as discrete nodules but oftentimes as clusters of tiny particles known as microcalcifications. These microcalcifications appear diffuse on an X-ray; similar to the Milky Way. That's how surgeons describe it.

Due to this fact, obtaining adequate amounts of tissue for biopsy is important in order to optimize accurate diagnosis, so that women don't have to go through surgery unnecessarily. This needle allows clinicians to take a larger single sampling, rather than many, painful, smaller samples that could perhaps miss the tumor tissue. That is why this product was developed. That is why it has been so supported by women and by surgeons.

My colleague from Massachusetts can talk about videos that promote purposes other than this one. However, if that is the case, the FDA ought to be in there this very minute. But, they have not acted because no violation has occurred.

Mr. KENNEDY. The Senator is not correct. The FDA is out there looking into this, and it doesn't do much good to try to cloud up the issue as to what the purported purpose of this particular medical device is.

Here is what is in the ad. I say again, I wish the Senator would look at the ad, rather than just reading the U.S. Surgical statements on it. This is what their ad says:

> Minimal invasive breast surgery. A new standard of patient care offered only by United States Surgical Corporation.

That is what the ad says. It doesn't say minimal invasive biopsy; it says breast surgery.

Maybe that is a new way of doing it. Maybe that is the best way that has ever been devised for protecting American women in terms of breast tumors. But the FDA does not have one sentence of proof or evidence from U.S. Surgical that provides data on the safety and effectiveness on this method of removing a tumor that other medical devices should provide. They have the biopsy needle. It is effectively the size of this pencil. They want one that is 50 times larger. You don't have to have a lot of sense to know what this is all about.

Maybe U.S. Surgical convinced the Senator from Connecticut. But the documents and their promotional materials indicate what they are about, and that is to provide for removal of tumors from American women, one out of seven, who have breast cancer. And doctors who see, "Approved by the FDA," then tell their patient this has been approved by the FDA, that it must be safe, and so they undergo tumor removal with this device. These women are entitled to adequate protection, to know whether that device was safe in removing that tumor. They do not know that today.

And that is just the tip of the iceberg. You know about all the other kinds of medical devices that can fall within this category. We have mentioned some, like the mammography screening machines that may misdiagnose breast cancer. All this amendment says is, you cannot, if you are a medical device company, submit false and misleading information. I can say it another way, "Do you want false and misleading information on the labeling?" If you vote against our amendment, that is what you are going to be pegged with. We are going to be characterized as not caring if labels are false and misleading.

Why can't we say we will support the labeling as long as it is not false and misleading? That doesn't sound like an extraordinary or revolutionary concept. This is basically what we are arguing about. Those who are opposed to us say, "All right, let them provide false and misleading information." That is the other side of this argument. If they are not going to go through this kind of loophole, to promote it for some other reason, what do they have to fear?

Mr. President, there are all kinds of technologies out there that are just on the cusp, ready to go on ahead through this particular kind of loophole. You have the mammography screening machines that have not been certified for use in screening. The manufacturers have not been provided information on that use. We know the difficulty we have faced in terms of mammography machinery and false negatives and false positives.

Are we going to come out on the side of protecting American women on breast cancer, or are we going to say we are going support whatever any medical device company wants to do, no matter how false and misleading that information may be? The vast majority of manufacturers won't use this loophole. But you don't hear the arguments here about what the financial benefit will be to those companies that will not have to conduct the exhaustive tests for safety and efficacy. They will be at a competitive advantage over the other medical device companies that are trying to do it right.

Mr. DODD. Will my colleague yield?

Mr. KENNEDY. In a second. Because there will be those in those corporate boardrooms who will say, look, our competitor is getting in through this particular labeling device loophole. All you have to do is change the label a little bit. We will be able to do it as well. We can avoid the time it will take to do it right, we will save a good deal of our resources. We will get on the market sooner, we will beat the competitor, we will be on the shelves sooner.

We can use what U.S. Surgical did, where they denied—denied—that they were promoting it, and yet they had some other group that was putting promoting it with their logo, talking about using it for an entirely different purpose.

That is the issue. This is not a very complex issue. We heard earlier about sifting out the chaff and moving to the substance on this. This is it.

What woman in this country who is facing having a tumor removed from her breast by a medical device believes that device is a low risk device? What mother that looks over a sick child in the hospital and sees a ventilator,

thinks that ventilator is low risk? That is the reason that the Secretary of HHS, the President of the United States, virtually every consumer group, every patients' group, every group that will benefit the most by this kind of innovative progress in terms of medical devices, are saying don't do this. Don't play with our future health, don't pass that provision without this language. That is what they are telling us here on the floor of the U.S. Senate.

We have been out here with five different sets of language ready to compromise. But, they won't compromise, they have the votes. They say, "We have the votes. We have the profits that are going to come from it." They will profit over their competition. Other hard-working, decent, ethical medical device companies that are trying to play by the rules, trying to get their product in—are going to think, "Why not? Why not go ahead and do it the other way? Our competitors are doing it and beating the pants off of us."

I have just a few moments and I will be glad to yield the floor.

The question is, will the Senate vote in favor of approving medical devices based on false or misleading labels? Will the Senate allow dangerous medical devices that have not been tested for safety and effectiveness to be foisted on the American people? Will companies like U.S. Surgical Corp. be rewarded for deceiving the FDA? Will the Senate put a higher value on the profits of the powerful than the health of the American people?

Section 404 of the FDA bill requires the FDA to approve a medical device based on the user claim on the label submitted by the manufacturer, even if that label is false or misleading. It prevents the FDA from requiring the manufacturers to show their product is safe and effective for the purposes for which it will really be used—as opposed to the purpose falsely claimed on the label. It stands 20 years of progress toward safer and more effective medical devices on its head.

Nothing better shows the need for the Reed-Kennedy amendment than the recent history of the advanced breast biopsy instrumentation system, a device developed and marketed by the U.S. Surgical Corp. This attempt to mislead the FDA and foist an untested machine on women with breast cancer shows why it is critical that section 404 not be passed in its current form.

The U.S. Surgical Corp. submitted their new machine to the FDA for approval based on a labeled claim that it was to be used for biopsying breast tissue suspected of being malignant. This is a common procedure used when mammograms or other diagnostic techniques identify suspicious looking areas of the breast that may indicate malignant tumors. If the biopsy of a small piece of the suspicious material indicates a malignancy, surgery would normally follow to remove the cancerous tissue.

But U.S. Surgical's labeled claim was false. One of the models of the machine was designed to excise a piece of tissue 50 times as large as previous biopsy instruments—the size of a piece of a hot dog as compared to the size of the tip of a lead pencil. It was clearly designed to be used to excise small tumors—not just to perform a biopsy. But the machine was not tested to see whether it was safe and effective for this purpose. The company was, in effect, proposing to subject women with breast cancer to surgery with a machine that might have been less effective in curing their illness than existing therapies.

Women ought to have a choice on existing therapies whether they want to take a chance on this.

It placed the company's profits first—and the patient's needs last.

In fact, the only clinical testing the company submitted to the FDA in support of their application had been performed on seven cow's udders and two pieces of beef.

Because FDA initially relied on U.S. Surgical's false and misleading label, the device was subjected only to an engineering review and was cleared for use on February 1, 1996. Had the product been honestly labeled, FDA would have reviewed it using a multidisciplinary team and required the company to present genuine clinical data in support of the application.

On March 29, 1996, the FDA obtained a copy of a promotional videotape that U.S. Surgical was distributing to physicians to try to sell their product. The videotape clearly describes the device as appropriate for surgically removing small lumps of cancerous tissue. Let me quote some extracts from this slick production:

> U.S. Surgical is entering a new millennium in breast surgery by combining advanced stereotactic technology with minimally invasive surgery * * *.
>
> Unlike needle biopsies where small samples of the lesion are removed for pathological analysis, the ABBI system removes the entire specimen * * *.
>
> If the specimen proves to be cancerous but pathology reports the entire margin is clear, it is up to the clinical judgment of the surgeon to decide to remove additional tissue or if the procedure can be considered complete.
>
> The ABBI system allows surgeons to provide the benefits of a minimally invasive technique to breast surgery. * * *
>
> Benefits to the patient include: reduced physical and emotional trauma as a woman undergoes only 1 versus 2 procedures. * * *
>
> Minimally invasive breast surgery. A new standard of patient care offered only by United States Surgical Corporation.

They have the audacity to suggest they are not promoting it.

It is clear that this company has designed this machine for breast surgery, not just biopsy. And it is promoting it for this purpose—despite the false and misleading label submitted to the FDA.

Here is what a distinguished physician, Dr. Monica Morrow, professor of surgery at Northwestern University, had to say about the company's machine—I referenced that—

> I am writing to express my feelings regarding the importance of the FDA's mandate to evaluate "behind the label" uses of devices and drugs.
>
> The need for such evaluation is clearly exemplified by the marketing strategy for the U.S. Surgical breast biopsy device (ABBI). This device was approved for use as a diagnostic instrument. However, the company video clearly depicts the use of the device for definitive breast cancer therapy.
>
> No clinical trials using the accepted techniques for comparing cancer treatments have been conducted to validate this claim, and without such trials, the device could potentially pose a significant risk to patients. In addition, other claims regarding improved cosmetic outcome and patient acceptance are similarly unsubstantiated. The indications for the uses of devices and drugs should be determined by appropriate clinical and scientific data, and not by their appeal as marketing gimmicks.
>
> This video was dropped off in my office by a company representative as part of an effort to interest me in purchasing this equipment.

When the FDA became aware that the company was promoting the device for this unauthorized purpose, it also became aware that it had made a mistake in clearing a device that was clearly designed for a purpose not stated on the label—tumor removal—without adequate clinical testing. The FDA then acted to require the company to include a strong cautionary label that the device was only to be used for tissue sampling, not tumor excision. And it required it to submit clinical data on its use for the original claimed purpose of biopsy. Based on this revised label and the new clinical data, the FDA recleared the machine for breast biopsy on September 24, 1996.

That is what the FDA has been doing, effectively denying them the opportunity to use it for these other purposes, and permitting them to use it only for biopsy.

And it further required the company to conduct studies on the safety and effectiveness of the machine for tumor removal, studies which are ongoing.

Evidently, the company, when asked to provide the additional studies, they agreed. That is interesting, isn't it? Now, once they have gotten caught they say, "OK, we'll supply the data."

If section 404 is passed in its current form, the FDA will be handcuffed in its efforts to protect the public against untested and potentially harmful—even fatal—devices. Under current law, the FDA is able to require that the company develop data to show that the new device was safe and effective for removing tumors—the real use intended by the company, not the false and misleading use submitted on their proposed label. When the FDA made a mistake and inappropriately cleared the device, it had the authority to go back to the company and warn that it

would revoke their approval unless adequate warnings were placed on the label and necessary clinical testing was performed.

I hope our colleagues will listen to this.

But under section 404 of the FDA reform bill, the FDA would be forced to approve the new device without such evidence. Unscrupulous companies will not only be allowed but encouraged to submit misleading labels, because they will gain a competitive advantage over companies that play by the rules.

American women do not want to die from breast cancer because companies are allowed to sell devices that may be unsafe and ineffective. No Senator would want their own wife or mother or daughter to be subjected to such an untested device, solely because a greedy company wanted higher profits.

The issue goes far beyond products to excise breast cancer. If applies to lasers to treat prostate disease, stents to be placed in carotid arteries, imaging systems to detect breast cancer, and a host of other treatments for dread diseases.

The FDA believes those numbers will increase dramatically as the new technologies come into play.

If allowed to stand, this provision will give unscrupulous companies a license to lie to the FDA. It will penalize ethical companies who are truthful and do the necessary testing to prove that their products are safe and effective. Most of all, it will put the health of American people at risk so that a greedy few may profit.

Companies that hope to benefit by weakening the FDA are powerful and profitable. They believe they have the votes to push this disgraceful provision through the U.S. Senate. Later today, we will see if they are correct. But if the American people truly understand what is at stake, I do not believe they will permit this dangerous provision to become law. When the vote comes, we will see how many Senators are willing to stand with the American people—and how many are willing to vote in favor of false and misleading labeling. And let me make very clear that this vote will not be the end of the story, whichever way it ends up. We will continue to fight to keep this provision from becoming law, and I believe we will ultimately succeed.

The FDA reform bill has many constructive elements. But this disgraceful provision should be eliminated. False or misleading labels should have no place in approval of medical devices. Unscrupulous manufacturers do not deserve a free ride at the expense of public health.

The Reed-Kennedy amendment will protect Americans against dangerous machines and unethical practices. It is a simple amendment. It says that the FDA should not be bound by the company's label if the label is false or misleading. Every Member of the Senate should support this simple, commonsense change. I know that the American public supports it.

And I know that every patient and every physician deserve to know that the FDA has had a fair opportunity to assure that the devices on which lives and health depend are safe and effective.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Let me try to remove some of the confusion that I think must exist. Certainly the Senator from Massachusetts most eloquently has expressed his feelings, but his feelings and the law are not necessarily the same.

I point out, first of all, that false statements, all these kinds of problems, are certainly reachable. Let us get back to where we are. Let us remove first a couple of the things that have been invoked here in the discussion. Fen/phen, for instance. Fen/phen deals with drugs, not with devices. So do not get that confused with this particular situation here.

In addition to that, I point out that because of the off-label use of drugs, this committee appropriately put in place a system which would have probably even prevented fen/phen but at least would have made it possible for the FDA to intervene through the knowledge that they might not have had. So I want to take that completely out. That just raises insecurities in people which is inappropriate under this legislation.

Second, with respect to the debate on devices, I think it is important that we take a look at what we are talking about here. Devices are different from drugs. Devices have to do with things which are implanted in you or are used like the neck collar, whatever else, which do require approval.

There are two ways to approve these matters. One is the PMA, the premarketing approval.

The amendment that they are asking for would require not only the premarketing analysis but would move the same kinds of standards which are in the premarketing approval process over to the 510(k) process.

Why is that? First of all, the premarket approval is the one which requires all the clinical trials and tests and which makes it very clear as to whether a device is going to create a threat.

Let us put that into dimension here. Just in the 510(k) process, there were over 5,000 a year. Over the last 6 years that has been about 30,000 devices. There have only been five or six that have created any problem which required mandatory recall.

So that evidence is with respect to two points: First, these are rare things and, second, there is the present ability to handle those situations.

So by putting in these words "false and misleading," you take this device basically and move it back in under the premarketing approval process because, if you have to approve everything, if you have the duty of going out and inquiring among doctors, "Are you using this device which has already been approved?" and you say, "I have something which is substantially equivalent to be used for that purpose," they would have the burden of going out among the doctors and finding out what the practice of medicine is and whether their device was being used for something other than what it was approved for under the premarketing approval process.

That means a huge increase in costs to each of these companies that are trying to get something on the market to compete with the one that is already on the market. This creates huge delays. And for what reason? For no real purpose because it is only going to be used for that use intended unless somebody decides to use it otherwise.

So I think we have to remember here there is authority under the law for those people who abuse the process. But one of the purposes of the 510(k) was to reduce the time so that competition can get out there with a better device and bring the costs down because there would be no longer a monopoly in that situation.

The second purpose is to relieve the FDA from having to recheck and reexamine a device which is substantially or equivalent to the one that has already been studied and require the FDA to go out and examine all the doctors, all those kinds of things and create a huge burden on the FDA.

So our purpose here in the bill is to make sure that we have an efficient, effective FDA with adequate resources to do their job. So I want to make it clear as to what the discussion is supposed to be about. I also remind you that the 510(k) process only applies to those devices which are not life threatening, so they are not the devices that would do the kind of horrendous things that the Senator from Massachusetts has alluded to.

I yield to the Senator from Connecticut.

Mr. DODD. I thank my colleague for yielding.

Mr. President, may I ask—the hour of 12:30 is going to arrive here. I think there has been an earlier order that would have us recess.

Mr. JEFFORDS. I ask unanimous consent that we be allowed to proceed until 12:40.

Mr. DODD. I thank my colleague for yielding.

Mr. President, I sat here and listened to this debate this morning. A good part of it has been focused, not on the

merits of the provision, but on one individual company in the State of Connecticut, U.S. Surgical Corp., and a device which they developed for diagnostic purposes related to breast cancer.

I think it is unfortunate that there have been so many misleading statements made about this company, who not once, but twice, received full FDA approval for this diagnostic device.

I would like to make the fact extremely clear—just for the purposes of the RECORD. The company's original application was submitted to the FDA on October 5, 1995 and was cleared by the FDA 119 days later, on February 1, 1996.

The company resubmitted their medical device under the 510(k) on September 23, 1996, with additional clinical data requested by the FDA. This resubmitted 510(k) was cleared by the FDA on December 20, 1996, 88 days later. The process works.

I cite for the RECORD here, Mr. President, what is on the label.

Indication: For diagnostic sampling of breast tissue where large diameter incisional breast biopsies are desired.

Contraindication: The device is used for diagnostic breast tissue biopsies; it is not [in bold letters] intended for therapeutic excision of tissues.

Now, I don't know what could be more clear than that. I ask unanimous consent this be printed in the RECORD.

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

ABBI biopsy device chronology

Original 510(K)	*Indication: Transection of tissue during a surgical biopsy procedure*
October 5, 1995 through February 1, 1996	Original 510(K) Premarket Notification submitted to FDA. Minor questions answered. FDA clears 510(K) and issues Substantial Equivalence letter. (119 days)
May 8, 1996 through June 6, 1996	FDA raises questions regarding the ABBI device. FDA states they made a mistake in clearing the original 510(K) without asking for clinical data. FDA states USSC has done nothing wrong; it was FDA who neglected to request data. FDA issues Warning Letter to USSC, 6/3/96, regarding labeling and advertising claims made for the ABBI. FDA meeting held, 6/6/97, with USSC, Dr. Barbara Schwartzberg and Dr. Bill Kelly to review data demonstrating the safe and efficacious use of the ABBI as a diagnostic biopsy device. USSC agreed to work with FDA to gather retrospective clinical data from ABBI users to address FDA safety and efficacy issues stemming from larger core needle design.

ABBI biopsy device chronology—Continued

510(K) Resubmission	*Indication: For diagnostic sampling of breast tissue where large diameter incisional breast biopsies are desired* *Contraindication: The device is used for diagnostic breast tissue biopsies; it is NOT intended for therapeutic excision of tissues*
September 23, 1996	USSC resubmits 510(K) for ABBI including modified labeling, 39 clinical case reports and commitment to submit additional clinical case reports over the next several days. USSC submits additional clinical case reports to supplement the original 9/23/96 submission for a total of 312 ABBI clinical case reports. On 10/16/96 FDA requested that no more data be sent while they analyze what has been submitted. USSC responded to numerous FDA questions regarding clinical data and labeling.
December 20, 1996	FDA clears 510(K) resubmission and issues Substantial Equivalence letter. (88 days)
December 23, 1996	FDA rescinds original 510(K), dated October 5, 1995, so no other substantially equivalent device will have a basis for submission without corresponding clinical data.

Mr. DODD. This is the chronology of the events. This device is being used to try and improve biopsy and diagnostic purposes and reduce, hopefully, the need for unnecessary surgery—something most people applaud. And the label clearly limits the product to that purpose.

The Senator from Massachusetts suggests that this is somehow a rationale for us to reduce or change the language of this bill that deals with the approval process for less riskier medical devices. He cites a lot of examples that has nothing to do with this issue. Fen/phen has nothing to do with this amendment. The Dalkon shield has nothing to do with this amendment; that was a failure of technology that had nothing to do with the intended purpose of the device.

The examples cited, one after another, do not address the issue at hand. The issue at hand is how the FDA interprets intended use in making a substantial equivalence determination —the first test a lower risk device undergoes. That is what we are dealing with here.

If you have to say to a company that it must try and imagine what a device conceivably could be used for by some surgeon out there, and on that basis FDA can hold up its 510(k), you might as well scrap 510(k) and make every new device, even low-risk ones, go through the PMA process. You can make a case for that, I suppose. But I don't hear anyone advocating that. But if you really believe that we ought to so change this process, then get rid of 510(k) altogether—that is the safest way to go. But again, I don't hear anyone suggesting that.

All we are saying here is, the FDA ought to look at the intended purpose listed, and ought not try and go beyond that, particularly when they have full authority to apply the second test of reviewing technological differences. All we are trying to do here is to expedite the process a bit so we do not delay further the ability of very worthwhile devices to get approved by the FDA and get to the marketplace.

I regret deeply that a very fine company with a tremendous track record that has produced some wonderful devices has been the subject of an attack here on the floor. It is not deserved. It is not deserved. They produce a very worthwhile product, the breast biopsy needle, that has been approved by the FDA and is making a difference in women's lives. There are thousands of examples of where this device and other products made by this company have made a difference in people's lives. This company, U.S. Surgical, has been manufacturing medical devices in Connecticut for over 30 years now and has an excellent track record for producing safe, effective, and innovative products. In addition to setting the gold standard for the laproscopic surgery devices, as I mentioned earlier, I should also note that U.S. Surgical pioneered the technique of closing wounds with staples, rather than sutures—a revolution in everyday medical practice. The thousands of Connecticut workers who help create these products, ought to be applauded by our colleagues rather than used as an irrelevant example, somehow, of some attempt to limit the protections that the FDA offers.

For those reasons, Mr. President, I urge our colleagues, with all due respect, to reject the Reed-Kennedy amendment and to support the provision we have included in this legislation which we feel not only adequately protects people, but does even more than that. It allows them to get the materials they need to see they have a healthier and safe life.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, again I want to tell Members I think it is important to keep their eye on the goal here and on the facts. Senator DODD went through part of the chronology of the approval of the device that Senator KENNEDY was talking about.

I say to my colleagues, the system is working the way it is supposed to work. FDA has the authority. The company submitted the application, FDA cleared the device, then questions came up about it, and the FDA responded and asked for some additional material, and then they acknowledge that, yes, we had the material, you sent it to us, but we didn't get a chance to review it. We have now reviewed it.

Mr. KENNEDY. Will the Senator yield?

Mr. COATS. I will be happy to in a moment.

They made a change in the "indication" and "contraindication" in accordance with what FDA asked them to do. They resubmitted for a new 510(k). FDA, with the help, apparently of Senator KENNEDY and his staff, approved the 510(k) and then the new 510(k) was applicable.

So that is exactly how FDA is supposed to work and it did work under the existing procedures.

Again, over and over and over, what has not been described and discussed is the authority that the FDA has regarding changes in technology that raised questions of safety and efficacy, effectiveness of the predicate device.

Mr. KENNEDY. Will the Senator yield?

Mr. COATS. Happy to yield for a question.

Mr. KENNEDY. If you would be willing just to maintain the current law, we could move very quickly toward final passage.

The Senator has just given an excellent explanation about how the FDA works at the present time. That procedure is being halted dramatically in this law. So if the Senator would support——

Mr. COATS. Reclaiming my time.

Mr. KENNEDY. I had yielded——

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. COATS. I think the Senator from Massachusetts knows exactly what it is we are attempting to do and why we are doing it. It is part of the two-part test. The second part, which the Senator admits on every example he uses and every example he uses does not apply to the situation as it exists. Dalkon shield has nothing to do with this; fen/phen, as the Senator knows, has nothing to do with this language. This whole thing was supposedly prompted by the fen/phen scare, and the Senator failed to admit that fen/phen is a drug and not a device.

Most of us are trying to keep some level of patience and some level of perspective on this whole process and procedure. I don't know of anybody at U.S. Surgical—they may have visited my staff. I have never talked to anybody that I know of from U.S. Surgical. I didn't even know they made that device. All I know is when they got in trouble they went to Senator KENNEDY, and the very device he is talking about that is so dangerous to women's health, he intervened, or at least participated in the process of clearing U.S. Surgical.

I had printed in the RECORD the letter citing specifically Senator KENNEDY's help and the help of Dr. David Nexon, Senator KENNEDY's staffer and Gerry Kavanaugh. There was no explanation of that minor omission in the Senator's presentation. I would be interested to hear what that might be.

So, the Senator criticizes the Senator from Connecticut for supporting this company and not being objective with the facts, when the Senator, who is raising the issue in the first place, has been the person to provide that support.

What we are attempting to do is to return to past law which sets in place a reasonable procedure whereby devices that are substantially equivalent under FDA's determination to devices that have already gone through lengthy premarket approval processes, where those devices can be expedited into the system because there is no difference and the question is on the label what the intended use is, not on what somebody tries to make the intended use to be. It would be impossible for anybody, any company, anybody to possibly speculate and list all the ways in which people might think up of using devices. The company produces it for a specific purpose, it provides an indicator for a specific purpose, and a contraindicator for how it is not to be used, and if there is in any way a technological change in that device, then FDA has full and complete authority to deny the substantial equivalency label.

Let's keep our eyes focused on what we are attempting to do here and not be confused by egregious examples that don't even fit the issue, that don't even go to the core of what we are debating. It makes for good theater. It makes for lousy legislation.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m., and when the Senate reconvenes, there be only the following time remaining, limited in the following fashion: 20 minutes under the control of Senator KENNEDY, 20 minutes under the control of Senator JEFFORDS, 10 minutes under the control of Senator HARKIN, and 10 minutes under the control of Senator FRIST.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object. I ask the manager of the bill, would the 10 minutes under my control occur prior to the vote on the Reed-Kennedy amendment or after the vote?

Mr. JEFFORDS. After the vote.

Mr. HARKIN. I appreciate that. I have no objection.

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

RECESS

Mr. JEFFORDS. Mr. President, I ask that the Senate now stand in recess under the order.

Thereupon, the Senate, at 12:53 p.m., recessed; whereupon, the Senate, at 2:15 p.m., reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized to speak for 2 minutes.

LANDMARK HEARINGS

Mr. GRASSLEY. Mr. President, today was a landmark day for the American people in hearings before two Senate committee on which I serve.

As chairman of the Special Committee on Aging and the request of my colleague, Senator SHELBY, I assembled several panels to raise the awareness of the second-leading cause of cancer death for men: prostate cancer.

In the Finance Committee, we opened up 3 days of unprecedented oversight hearings into systemic abuses of power by the Internal Revenue Service.

The telephones were ringing off the hook in my office as these hearings were underway. That's how much these issues struck a chord with the American people.

And suddenly, the hearings were canceled. Why? Was it a national emergency? The death of a colleague? An international crisis? Hardly.

Instead, the Democratic leadership used the Senate rules to shut down the public's business.

They shut down important policy debates on prostate cancer and IRS abuses. And that's only in the two committees I was involved with. Other committees were affected.

What's apparently more important to the Democratic leadership than these issues is a partisan political issue in Louisiana. It's an issue involving campaign irregularities in a campaign in Louisiana involving one of our colleagues.

Certainly, this is an important issue, although political. But is it important enough to systematically close down the public's business?

The hearing before the Committee on Aging this morning was called at the urging of Senator SHELBY. He is a prostate cancer survivor. The hearing was designed literally to help save lives.

This year alone 335,000 American men will be diagnosed with prostate cancer. The ranking member of the Committee on Aging—Senator BREAUX—and I worked to put together a healthy policy debate about treatment options.

This productive debate, a debate that could help save lives, was cut short

this morning because of politically motivated maneuvering through Senate rules. We were therefore unable to engage in a full debate about when to screen and how to treat prostate cancer.

Among the 10 witnesses scheduled to testify this morning was the distinguished former Senate majority leader Bob Dole. I'm happy we were able to hear his statement before the shutdown.

Senator Dole's testimony this morning was his first official event on Capitol Hill since he left the Senate in June 1996.

No better way, in my view, to get the message out.

Today, I think this legislative body would be well-served to remember the productive, bi-partisan leadership of Senator Dole. The people's business was always Bob Dole's first concern as he presided over the work of the Senate for many years.

The second very important effort stopped by this maneuvering today was landmark hearings of the Finance Committee to expose the excesses and abuses of the American taxpayer at the hands of the Internal Revenue Service.

The fair-minded and very capable chairman, Senator ROTH, spent 8 months preparing these hearings to talk about the specific problems and to consider specific solutions on how the IRS can be restructured to work for taxpayers, not against them and at the expense of the civil liberties of individual Americans.

All of this was disrupted by the Democratic leadership who put petty politics ahead of the public's health. I'm very disappointed. And I wouldn't be surprised to learn of the public's disappointment as well.

The Democratic leadership needs to explain to the American people why partisan politics seems more important than No. 1: raising the awareness of the second-leading cause of cancer death for men, prostate cancer. No. 2: exposing abuse and mistreatment of hard-working taxpayers at the hands of the IRS.

If you don't like the investigation into campaign irregularities in Louisiana, fine. But should the priorities of the American people be shoved aside for the partisan concerns of a political party? I don't think so.

ORDER OF PROCEDURE

Mr. JEFFORDS. Mr. President, I yield the Senator from New Hampshire 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the Senator yielding. I wanted to speak on another item.

Mr. JEFFORDS. We have a very limited debate time.

Mr. GREGG. Can I ask unanimous consent that I be allowed to proceed for 5 minutes under morning business?

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right, I apologize to the manager. Could I hear that request again?

Mr. GREGG. The request was to proceed for 5 minutes as if in morning business.

Mr. KENNEDY. I have no objection.

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

The Senator from New Hampshire is recognized to speak as if in morning business for up to 5 minutes.

U.N. ARREARAGES

Mr. GREGG. Mr. President, I understand we are in the middle of debate on FDA which has been going on for some days. I did want to talk briefly about the President's comments in New York yesterday relative to the United Nations.

The President went to the U.N. General Assembly and made a very eloquent speech, as he often does, in which he promised that he would be paying what is represented to be the arrears of the people of the United States that we owe to the United Nations, arrears which is somewhere around $1 billion. I think that was generous of the President to do that. But he should have made it much clearer what the conditions are for our paying those arrearages.

As chairman of the committee that has the authority over the spending of the money relative to the U.N. accounts, I have been working with Senator HELMS and Senator GRAMS, along with the administration and with House Members, and we have developed a package which makes that payment to the United Nations conditioned. Unfortunately, the way the President expressed it, the conditions were mentioned only in passing, and hardly even mentioned at that. But the conditions are critical.

The American people simply are not going to send another $1 billion to the United Nations unless the United Nations cleans up its act—unless they reduce the patronage; unless they put in place accounting procedures that are trackable—so that we when we send $1 there we know where it goes.

Today the American citizens pay 25 cents of every $1 spent at the United Nations and the United Nations has no idea where that money is spent. Not only do they have no idea where most of that money is spent—they may have an idea but they certainly don't know specifically where it goes—but, more importantly than that, they don't have any systems in place to assess whether or not the money is getting anything for the dollars that are being spent.

What we are seeing is an institution which is rampant with mismanagement and inefficiencies. Regrettably, the President didn't point that out. He had an excellent opportunity to stand before that body and say, "Listen, if you expect the American taxpayers to pay for a quarter of the cost of this institution then the American taxpayers expect adequate accounting. And the American taxpayers expect that it will be spent on programs that work. And the American taxpayers do not want to have their money spent on patronage. And they don't want to have it mismanaged, and do not want to have it inefficiently used."

The new Secretary General of the United Nations has given a significant number of talks on this topic. He has pushed forward an agenda for reform. But his agenda for reform doesn't go as far as the agreed to package, which passed out of this Senate with an overwhelming vote.

The simple fact is that I have come to the floor today to restate the obvious, which is that we are not going to send $1 billion to the United Nations until the conditions of that package are met, until we know that the dollars are being spent effectively, and until we know that there is in place a reform effort which is going to work.

I regret that the President did not take the opportunity to express that thought to the membership of the United Nations. But I think the point should be clarified before the people who are expecting to get their billion dollars think they have a blank check, because they don't. We are not going to tolerate it.

I yield the time.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1177

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I understand we have 20 minutes to each side.

The PRESIDING OFFICER. The Senator from Massachusetts has 19 minutes remaining.

Mr. KENNEDY. I yield 10 minutes to Senator REED. I will take 9 minutes.

Mr. REED. I thank the Senator. Thank you, Mr. President.

Mr. President, we debated this morning the Reed amendment, which would give the Food and Drug Administration the authority to look behind the labeled use in evaluating a class 1 or class 2 medical device before that device would be sold on the marketplace. My amendment is very simple. It would allow the FDA, if they felt the label was misleading or false, to ask for additional information with respect to possible uses other than the labeled use. This is consistent with their current practice. And it would protect the public health dramatically.

I urge all of my colleagues to support this amendment.

I heard opposition on the floor this morning to the amendment—first, not so much opposition but an attempt to diminish the importance of this amendment by saying, "Well, class 1 and 2 devices are just simple little medical devices. They are low-risk medical devices." I don't know about you. But, like many Americans, I think the definition of a low-risk medical device is a device that is being put into someone else's body, not my own. Because, if there is any type of device that is coming into a person's body, they expect and anticipate that the FDA would thoroughly review it, ask all the questions, and look at all the possible uses that are reasonably discernible from the device itself.

The other objection which has been made to the amendment is that it is unnecessary because the FDA can step in and ask for this type of information. But, in fact, that is not the case.

As some have explained here today, there is a two-prong test to get 501(k) approval under current. First, the device must be substantially equivalent to another device already on the market, and this device performs essentially the same task that the other device does. If there are technological differences in the device, then the FDA can make an evaluation of this technology to determine its effectiveness.

But all of these different tests collapse into one point. The question is, what is the device being used for?

That is where the current language in the bill is so restrictive of FDA responsibility and the obligation we expect them to discharge. Because, according to the language in the bill, the FDA and the Secretary of HHS reviewing any of these proposals could only do so with respect to the intended use of the device based on the intended use included in the proposed labeling of the device.

You have to evaluate these devices for safety and health, and efficacy based upon some use. And if the FDA is restricted solely to the use indicated on the label, then they will not be able to look behind the label to other possible uses—look beyond the label to other possible ways—in which the device could be used and ask for supporting data to justify those uses.

We have seen and heard examples today on the floor with respect to biopsy needles, with respect to lasers, with respect to a host of very important medical devices. The American public I hope would demand that these devices be evaluated thoroughly for all reasonable uses—not only the use that a manufacturer would suggest as a way to take advantage of this expedited procedure for review and entry into the marketplace.

One does not have to repute ill will or bad motives to the manufacturers of these devices. Simply stated, they have a tremendous incentive to get these items into the marketplace. Once they are in the marketplace, there are different uses that could be promoted.

Also, in terms of marketing, there are scores of salesmen and women who are zealous in trying to promote these goods. They might not be as scrupulous with respect to these uses as intended by the manufacturer.

All of these factored together suggest strongly that if we do not initially have a good approval process which allows the Food and Drug Administration to look behind the label, to look at likely uses other than the ones presented by the company, we could run the risk of introducing medical devices into the marketplace that would be harmful to the American public.

We have made great progress on this legislation. We have done so because we all feel sincerely that our chief responsibility is to protect the public health. My amendment would do so.

My amendment would give the FDA the authority to request additional safety information in the rare circumstances in which they have suspicions that the labeled use is either false or misleading. The FDA could look behind that label and require additional data before they would release a device onto the marketplace.

I hope that we all support this concept. I hope we can all rally around the principle that when in doubt, and when confused about the different interpretations of various sections, that we will ultimately allow the FDA to use its judgment and its discretion to protect the public health of the American people.

I yield our time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield to the Senator from Tennessee 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. FRIST. Mr. President, thank you.

Mr. President, the issue that we are facing in the next several minutes on which my colleagues will be voting appears very simple on the surface. Why would anybody oppose an amendment that really strikes at the heart of what so much of the FDA is about—that is, a medical label that is maybe false or misleading?

So, on the surface it seems simple. But it really is not. The larger bill, the underlying bill, is about strengthening the FDA, and making sure that we fulfill that mission to the American people of having products, drugs, and devices that improve health and not huge barriers that push over the great new technological advancements that we see—push them off into the future so that we cannot benefit from the technology that is out there today.

The amendment is unnecessary. The amendment we are going to be voting on right now is unnecessary, and a little bit worrisome because if it were to pass, there is a possibility that we hurt the system. In other words, we disallow improved devices which can benefit heart disease or lung disease, we put up barriers and push them off into the future. So if the amendment passes, it may be harmful. It clearly is unnecessary today.

The bottom line is this. The Food and Drug Administration is required to deny premarket approval for a device if the proposed label is false or misleading—current law—and that is why it is unnecessary.

To really understand the overall process, we talk about 510(k) and PMA, premarket approval. It is really pretty simple. You have a device today that goes through the FDA system that has all sorts of standards that have to be met in terms of safety, efficacy, and false and misleading labels. That device goes through that process, what is called the PMA, premarket approval of the device. Then with technology and science new devices, better devices are developed; for example, a stint in the heart after a heart attack. Over time you improve the stint. That is the great thing about science today. That improved device may be almost exactly like the earlier version of that device. The FDA has to make a decision. Does it go through a process which says they are so similar that there is no reason to make it go through all the other standards or is it different enough it has to go through all the initial requirements and jump through the hoops and standards, and the FDA has to make that decision. Premarket approval initially, an improvement on that device or a new device, is it similar enough. Now, the words are used, is it substantially equivalent to the initial device itself. FDA has to make that decision.

What we really have not talked very much about is how they make that decision. It is written in the current law. We do not do anything about current law today, whether or not this new version is "substantially equivalent." Those are the words.

What is the requirement? What is the current law? They are substantially equivalent if, No. 1, the new device has the same intended use as the earlier device and—and—it has the same technological characteristics as the predicate device.

Now, that is a pretty good standard because the idea is, if you get a little stint that you put in the heart and it is improved, it works better, same principles, technologically equivalent, same intended use, then you go through this process of the 510(k).

Now, the amendment we are going to be voting on says we have to put it back again through the false or misleading label requirement. Remember,

this improved device going through this process has already met the criteria of false and misleading labeling when it was in the PMA, the initial approval. That is very important to understand because we all are against anything in terms of labeling that is false or misleading. It is very important to understand the process.

So what we are debating right now is not whether a label is false or misleading but whether the FDA will have the ability to compel a manufacturer to produce clinical data to prove safety and efficacy for uses that are not included on the label. This brings me to the worrisome part of this amendment. Again, I am very comfortable that the FDA has standards today to make sure that the labeling is honest, is truthful. The worrisome thing is about just what if the FDA came in and said that this device, which is medically equivalent to an earlier device, technologically improved but the equivalent device, what if the FDA says, "No, let's make people go back and jump through all the initial hoops once again."

We already know for a device that we are not meeting device approval or disapproval over the time required in statutes. Already it takes months and years to go through the approval process. So with every improvement, when it is substantially equivalent to the earlier device, if we take all those improvements, make them meet all these new criteria again, what are we going to do? We are going to push off the great advancements today to save lives, to improve the quality of life to some time in the future where we and maybe even our children cannot benefit from that device.

Now, a key question that I think we all have is, if a device is determined by the FDA to be safe and effective for the labeled use, should the FDA—for the labeled use that has been approved—should the FDA be able to force a manufacturer to produce a clinical device that is safe and effective for other uses, other uses. Remember, it is approved for what is on the label. I would answer no. We do not do that for pharmaceuticals today. We do not do it for drugs today. Should we do it for devices? I say no.

My real fear is that when the FDA reaches outside of the proposed labeling, it is going to require a very subjective decision in determining what goes through those initial PMA, premarket criteria.

Finally, let me also step back and look at the enforcement procedures that the FDA already has. My colleagues make it sound as if the FDA is unable to protect the public health by keeping unsafe products off the market. In fact, the FDA today has the enforcement authority which allows the agency to remove devices that endanger public health from use and availability immediately, even if the device is on the market and the manufacturer's intended use for a device changes over time.

Any device which the FDA has, and I quote, "a reason to believe is misbranded or adulterated in any way" can be detained today under law. FDA has a long list of remedies to protect consumers against persons who violate device laws including criminal prosecution, injunctions, civil seizures, and civil penalties.

Claims were made earlier by some of my colleagues that manufacturers will market and advertise for uses other than those approved by the FDA. That is illegal today.

Under the proposed bill—not the amendment, the underlying proposed bill—it is illegal. Again, let me say claims have been made over the course of the morning by some of my colleagues that manufacturers will market and advertise for uses other than those approved by the FDA. That is illegal. The Reed amendment does not change the fact that manufacturers cannot do this today, and it does not change the fact that the FDA has enforcement authority today.

With that, I urge my colleagues to oppose the amendment. Again, I think it is unnecessary and worrisome in the sense that it would raise the barriers sufficiently in an unnecessary way for approval of devices that are substantially equivalent to devices that already have jumped through the hoops.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Chair informs the Senator from Vermont there are 8 minutes 32 seconds remaining under his control and the Senator from Massachusetts has 12 minutes remaining under his control.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Indiana.

Mr. COATS. Mr. President, I am going to repeat points that have already been made, because I think it is essential to the understanding of what we are about here just before we are ready to vote.

Section 404, the section under debate, preserves a very key premarket statutory authority to the agency. It is important for Members to understand that the agency can call, still call for a premarket action requiring full data on the safety and effectiveness whenever there is a technological difference arising, and I quote from the statute, "that raises different questions of safety and effectiveness in the earlier approved device."

This authority is premarket. In other words, the product is never cleared for marketing. It is never distributed before the agency has an opportunity to act.

The authority is extremely broad. As soon as a product raises a question about safety and effectiveness, the agency can require the filing of a premarket authority, PMA. The agency retains full discretion to control the showing of safety and effectiveness. There are no words of limitation on that statutory authority. I point out that that authority has never been challenged successfully by a company in court.

It was Senator KENNEDY's own committee, as chairman of the committee, his own committee report on safe medical devices in the 1990 Device Act that confirmed the breadth of this authority, and I quote from that report.

> However, notwithstanding data that may demonstrate comparable performance, the agency will not find the device substantially equivalent to a predicate device where the newer device raises different safety and effectiveness considerations than the predicate device. Under these circumstances, a finding of not substantially equivalent is made, necessitating a class 3 designation and the requirement of an approved PMA before the new device is marketed.

This is the language that was—

Mr. REED. Will the Senator yield?

Mr. COATS. Incorporated in the 1990 Medical Device Act, demonstrating in the Senator's own committee report the breadth and scope of this particular authority.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. REED. Will the Senator yield?

Mr. COATS. My time has expired.

Mr. REED. Will the Senator yield?

Mr. KENNEDY. Two minutes.

Mr. REED. I concur with the Senator's notion that the FDA could look at safety and effectiveness but the critical question is safety and effectiveness to do what? To do what the labeled use is or to do something else. And the language of the bill restricts the answer to that question, to do what, statutorily to simply say whatever the company puts into the label. And that seems to be the crux of this debate. Yes, they can look at safety and effectiveness; yes, they can look at technological change, but only in the context of what the company purports in the label to say is the intended use. They can't look beyond it.

I yield back to the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. COATS). Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. How much time, Mr. President?

The PRESIDING OFFICER. The Senator has 11 minutes 15 seconds.

Mr. KENNEDY. I yield myself 8 minutes.

Mr. President, my good friend from Rhode Island has put his finger on exactly the problem and the issue. Now, I listened to our friend, Senator FRIST, who believes that the FDA doesn't really have a problem if the information is going to be false and misleading, that the FDA has the authority to look behind the label itself and

find out if that information is false and misleading.

If that is the case, we do not have a problem. We can accept an amendment that would restate what he has just said, or we can drop this whole provision.

It is interesting to listen to those who are opposed to the Reed amendment say, well, look, the FDA can do this and that and protect the public, while at the same time they are emasculating the very safety valve with this new provision—restricting the FDA in its ability to judge on the issues of substantial equivalence.

Now, Mr. President, before we move to the vote, I want to reiterate where we are so that those who have been listening to the debate for these last few minutes understand where we are.

We are talking about the preeminent issue identified by the administration's principal spokesperson charged with protecting American health. This has been identified as the one provision in the whole legislation that is of central concern to the public health of the American people. They mentioned the issues of cosmetics; they mentioned the fact that this eliminates environmental impact statements; they mentioned technical issues dealing with PDUFA; but there was only one public health issue that the Secretary of HHS has recognized, and it is this particular provision which Senator REED has tried to address.

It is of such importance that the Secretary of HHS indicated that if that provision remains unchanged, she would recommend that the President not sign the legislation. And it is not just the Senators from Rhode Island and Massachusetts who are concerned about this provision. Every single consumer group is concerned about it as well. All of the groups that speak for patient rights, all of the groups that are concerned about women's health issues, all of the various consumer groups—I have listed them before—all of them say that we ought to support the Reed amendment, if we are truly interested in protecting the American consumer. We have, over the last few days, talked about why this is so important.

Those who are opposed to this amendment keep repeating their assertions that the FDA has the authority to protect the public. That is hogwash. They may believe it. I have yet to see a Member of the Senate who is opposed to our amendment take out this legislation and thumb through it and point to the specific language that states the FDA will have authority to protect the public if this amendment is not carried by the Senate of the United States. They have not done it because they cannot do it. They cannot point to a provision in here that says, "OK, if we defeat the Reed amendment, FDA will still have the authority." They have these assertions on the floor of the U.S. Senate. But they have not pointed to specific language in this legislation, and that is what counts. They cannot point to it because it is not there.

We are talking, as the Senator from Rhode Island has pointed out, about medical devices submitted to the FDA for approval, which a company would say is "substantially equivalent" to an existing device. But which, in reality, is a device which has significant technological changes in its design and in fact, is designed for another use. However, when the new device is submitted for approval, the label will still maintain that the device will be used for the same purposes as the original device. That is what is happening. That is the danger and that is what the Reed amendment is attempting to prevent.

We have discussed the example of this that is currently unfolding. The biopsy needle that was supposed to be substantially equivalent to a biopsy needle the size of your pencil lead but which actually removes an amount of material the size of a hot dog. This device is used to take the place of surgery for women, but it is untested and untried for that purpose. We don't know if it's safe. The company hasn't submitted evidence as to whether it is safe. But we know that this device developed by U.S. Surgical was not designed for the narrow biopsy; it was designed for another purpose. It takes out 50 times the amount of material necessary for a biopsy.

We know what it was designed for, we have the promotion tape. We have the statements from doctors saying they were being solicited to use it for surgery, not biopsy.

You can claim that these are low-risk devices. You can claim that is really just a technical issue, that its not important. But we know that is not the case. We are talking about anesthesia machines which are used for major surgeries. We want those to be able to perform the way they should and to meet safety and efficacy standards. We are talking about fetal cardiac monitors. We want to make sure that children who need that kind of monitoring have a device that will be safe and do the job. What mother wants to discover that her child is using a fetal cardiac monitoring system that has been approved for some other use and here the hospital or clinic is using it for a different purpose without knowing that it is safe and effective for that use?

The list goes on. We have had the situation where surgical lasers are being submitted as general cutting tools when it is clear that the intention is to use them for surgeries for prostate cancer and no information about how safe or effective they are for that purpose has been submitted to the FDA. Why are we risking the health of the American people over this issue? What is the benefit?

I have cited examples where we have been called on in this body to make decisions about whether we are going to use a limited amount of money to feed the elderly people—how much will we use in congregate sites? How much will we use for home delivery? If you use more in home delivery, you will be able to feed fewer people. It's a painful issue, and whatever we do some are going to benefit, some are going to lose. We can understand men and women of good judgment differing on that issue.

But not on this issue. What is the balance? The balance is that the protections of American consumers are weakened in the area of medical devices—significantly weakened for the first time in 25 years. And the profits of the medical device industry go up. And they have a competitive advantage over the other companies who do the right thing and conduct the tests to provide health and safety information on their devices.

Why are we doing that? What is the rush? Why aren't we hearing from the other side that, "We have 10 consumers' groups that believe we can get the information much more rapidly and their health needs will be advanced and we don't need the Reed amendment." Where are those statements, why haven't we heard them. Because they are not there.

We have to decide whether we are going to retain, for the Food and Drug Administration, the ability to deal with labeling. The ability to look beyond the label when they find it to be false and misleading. That is a pretty high standard. FDA has to find it false and misleading. Only then can they look to safety. Some of us wish it was a lower standard, but that is the standard we have here, false and misleading.

We have given examples, ads have been used to promote medical devices for other purposes. That is happening now. We have also spelled out the human tragedies that occurred when medical devices malfunctioned, when we did not have all the necessary information to assess safety.

Are we going to deny the principal health agency charged with protecting the American public, the authority to ask for more data if they find that the label on a medical device is false and misleading. Are we going to say your hands are cuffed?

The PRESIDING OFFICER. The additional 2 minutes of the Senator have expired.

Mr. KENNEDY. How much time do we have?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. I yield that to myself.

Are we going to tie their hands, tell them that they cannot do a thing? Are we going to tell them that we understand that they have done the scientific review? We understand that the

label is false and misleading, but you are not allowed to protect the consumers or the American public from it."

I think that is the wrong position for this body to take, and I hope the amendment is accepted for the reasons I have outlined and for the splendid reasons outlined by the Senator from Rhode Island. I withhold the remainder of my time.

Mr. JEFFORDS. I yield to the Senator from Connecticut 2 minutes.

Mr. DODD. Mr. President, let me say briefly to my colleagues that what I believe is false and misleading is to suggest what we are trying to do in any way is something injurious to the American consumer. What we are doing is saying that we shouldn't create roadblocks in a process that has been in place for more than 20 years and that has worked well for lower risk devices. To prove a device is substantially equivalent to a product that has already been in the marketplace there are tests which must be complied with, but you don't force the product to prove itself all over again. That negates the process that was set up to be quicker and more efficient and makes patients wait too long to get access to devices which can change their lives, even save their lives.

If you want to scrap the process altogether and require that every new variation of the predicate product begin this process all over, then let's do that. I don't hear anyone calling for that.

What the law says is that if it's substantially the same product and if the intended purpose as stated is the same, you don't ask the company to try to guess how someone may use that product for some purpose that the company has not supported. To suggest that a company is going to have to guess as to what other ideas someone may have for the use of that product, and develop data to support those uses—that would make this process null and void. We might as well scrap the entire section and 25 years of effort here.

The purpose of this bill is to take advantage of new technologies, to see to it we have safe and effective products that are going to reach consumers. To allow an agency to cause a company to have to guess and guess again as to what some other intended purpose would be, I think would be a mistake.

So I urge, with all due respect, this amendment be rejected and the committee bill be supported.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The time of the Senator has expired. Who yields time? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as we close debate on this issue, I want to say if I listened to this and didn't understand the law and the protections in it, I would go home and be depressed that I was backing such legislation. However, knowing the law and knowing the process, I still come away totally opposed to this amendment.

First of all, let's take a look. We have had about 36,000 devices approved over the past 6 years. Out of that, there would have been six recalls. So this is not an issue that is something which has proved to be a failure in the law.

Second, what we are dealing with here is the definition of false and misleading. Actually, the regulations cover the important aspects of it. But false and misleading means if you knew or should have known. They want to get into the practice of medicine. They want to say if this person has this device, and it is the same as the device with the premarket approval, they should be looking around and deciding and finding out all the possible and conceivable uses out there, and then they could be required to run clinical trials on all these.

The purpose of the 510(k) process is to allow something that is identically the same, having gone through all this, not to have to go through it again. This would send fear through the device industry because it may know it is impossible to get anything improved again without expending thousands and thousands of dollars and waiting 2 or 3 years. That is totally unnecessary. The law fully protects the consumer now. This is totally unnecessary and will increase the cost to consumers and decrease the availability of devices to them in a timely manner. That is why I am opposed to it.

It has been greatly overexaggerated as to what kind of problem is created here.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has not yet expired. If the Senator will withhold his motion? I recognize the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand I have 30 seconds?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I list those who support the Reed amendment: The administration, the President, Patients' Coalition, Consumer Federation of America, National Women's Health Network, American Public Health Association, National Organization for Rare Disorders, the Consumers Union, and the Center for Women's Policy Studies. I believe my time is expired. I ask for the yeas and nays.

Mr. JEFFORDS. Mr. President, I move to table the amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Rhode Island.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—65

Abraham	Frist	McConnell
Allard	Gorton	Mikulski
Ashcroft	Gramm	Murkowski
Bennett	Grams	Murray
Bond	Grassley	Nickles
Breaux	Gregg	Roberts
Brownback	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hollings	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lieberman	Thurmond
Domenici	Lott	Warner
Enzi	Lugar	Wellstone
Faircloth	Mack	Wyden
Ford	McCain	

NAYS—35

Akaka	Durbin	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bryan	Harkin	Reed
Bumpers	Inouye	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dorgan	Kohl	

The motion to lay on the table the amendment (No. 1177) was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I have a unanimous-consent request which I will offer.

I ask unanimous consent that immediately following the cloture vote with respect to S. 830, if invoked, there be only the following time remaining in the following fashion: 4 hours equally divided between the chairman and the ranking minority member or their designee for use during today's session only; 4 hours equally divided between the chairman and the ranking minority member or their designee for use during the session of the Senate on Wednesday, September 24, beginning at noon.

I further ask, notwithstanding rule XXII, that following the conclusion or yielding back of time, the Senate proceed to vote on S. 830, as amended, without further action or debate.

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

AMENDMENT NO. 1137

The PRESIDING OFFICER. Under the previous agreement, we now have 20 minutes equally divided on the Harkin amendment numbered 1137, 10 minutes under the control of the Senator from Iowa and 10 minutes under the control of the Senator from Tennessee.

The Senator from Iowa is recognized.

Mr. HARKIN. I yield myself 5 minutes.

Mr. President, there are many positive provisions in this bill that I am

pleased to support. However, I am disappointed that an essential element has not been included in this bill. A major goal of FDA reform is to ensure that the public has access to medical innovations without compromising public safety. But the multimillion-dollar cost of obtaining FDA approval often excludes from the review process all medical therapies not promoted by major corporations, those that are nonpatentable or low cost.

Very few sponsors of alternative medicines and treatments have the resources to go through this process. Unfortunately, this means that millions of Americans are denied access to important alternative medicines and treatments every day. In committee, I proposed and withdraw an amendment that would improve the access to medical care. It was called the Access to Medical Treatment Act. It was introduced this spring by Senator DASCHLE, cosponsored by the majority leader, Senator LOTT, Senators HATCH, INOUYE, myself, and many others. It would allow greater freedom of choice and increased access in the realm of alternative medical treatments, while preventing abuses of unscrupulous practitioners.

However, it appears that we may not be ready to move on this important consumer reform. Mr. President, while we may not be ready for this, we cannot delay in moving to assure and improve and expand rigorous scientific review of alternative and complementary therapies. That is the purpose of my amendment.

Mr. President, increasingly Americans are turning to alternative medicine. A study done by Harvard University showed, in 1990, American consumers spent over $14 billion on these practices. In that year, there were over 425 million visits to alternative practitioners, more than visits to conventional practitioners.

In light of that, in 1992, the Congress passed a bill setting up the Office of Alternative Medicine at the National Institutes of Health. We now have 4½ years' experience with that office operating. It has done some good things, but it has been severely hampered by the fact that it must go through the entire process at NIH, through the institutes at NIH, for its peer review and for its grant-making authority.

The amendment I have before the Senate now would simply change the status of the Office of Alternative Medicine from an office under the Director to a center for complementary and alternative medicine. It would not be an institute but a center. As such, that center could set up a peer review process and make its own grants.

Now, why is that important? Mr. President, every year since we established the office, we put in the legislation that the office's responsibility was to investigate and validate treatments, practices and medicines. That has been in there every year—to investigate and validate—because what we want is scientific analysis done of these treatments. Now, I have always heard, "There are a lot of quacks out there practicing alternative medicine." While that may be true, there are a lot of good people out there doing good things with alternative medicine. We need the review and the science to let us know what is good and what is working.

I asked the Director of NIH a few months ago, who was in my office, how many treatments, or practices, or medicines they had investigated and validated since 1992. I was met with a deafening silence. The answer is, none. Yet, next year we are putting $13 million into the Office of Alternative Medicine. One might rightly ask, where is it going? What is happening?

So the purpose of my amendment was to set up a center to elevate its status so that that center could do its own peer review and have its own grant-making authority. That way, we can cut through and save a lot of money and save a lot of time, without in any way compromising rigorous scientific review. That is what this amendment does. It also incorporates within that center the Office of Dietary Supplements, which was also set up at NIH, to bring the two of them together in a new center which would provide more independence, assure economies of scale and efficiencies without in any way denigrating good scientific research. That is the purpose of the amendment.

Now, I understand that the Senator from Tennessee is going to raise a point of order that this amendment is not germane. Under the rules of cloture, I admit that it is not germane. That doesn't mean it is not important. It is very important. It is critically important. It should be passed.

Mr. President, I understand my 5 minutes are up. I yield 2 minutes to one of my chief cosponsors, the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise to cosponsor Senator HARKIN's amendment to establish the Center of Alternative Medicine. I helped him establish the Office of Alternative Medicine in 1993 at NIH. Why did I do that? One, because I want everyone who is sick in the United States of America to have access to all possible means of treatment that are safe and have efficacy. At the same time, I wanted to prevent quackery. I also was aware of the Harvard study by a Dr. Eisenberg that said one out of three Americans was using alternative or complementary medicine, but we were not aware of scientific investigation to establish its efficacy or its safety. Yet, many of us have enjoyed those practices.

Some years ago, I had some very severe illnesses. Western medicine was of limited utility for me and I turned to acupuncture. Acupuncture helped me get well and has helped me stay well. I am pleased about that. But there are many other modalities out there being utilized by the American consumer. I want to make sure they are safe. I want to make sure they have efficacy. I want NIH to investigate it, and then I want them to validate it. I believe there is merit in this.

I am puzzled why NIH wants to continually try to submerge this Office of Alternative or Complementary Medicine. The hallmark of NIH is to have an open mind and to pursue scientific investigation. I believe Senator HARKIN is on the right track. Though this amendment might not be germane, it is certainly relevant to the American people. If we don't find a way to move it on this bill, let's explore other ways.

I yield back such time as I might have.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I have a unanimous-consent request, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that following debate and disposition of the Harkin amendment, Senator MURRAY be recognized for 5 minutes to offer her amendment No. 1161, and that following her remarks, her amendment be agreed to.

I further ask unanimous consent that the following amendments be called up, considered en bloc and agreed to: A Jeffords amendment No. 1174; a Jeffords amendment No. 1175; a Kennedy amendment No. 1152; a Wellstone amendment No. 1156, and Senator DEWINE's amendment No. 1136, as modified in the amendment I send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President. I was hard-pressed to hear the numbers. Was amendment No. 1131 included in that?

Mr. JEFFORDS. There are no nongermane amendments in the unanimous-consent request.

Mr. HARKIN. I appreciate that.

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

Who yields time?

Mr. FRIST. Mr. President, I yield myself 9 minutes.

Mr. President, I rise today to respond to my colleague from Iowa with regard to an amendment to the Food and Drug Administration [FDA] reform bill, to establish a new national center for complementary and alternative medicine at the National Institutes of Health [NIH].

Again, remember the debate today and the past several days, and maybe

through tomorrow, is on the FDA. Yet, we have introduced an amendment on another agency—the NIH. I oppose the offering of this proposal as an amendment to the FDA bill for that very reason.

Comments have been made earlier about the importance of complementary and alternative medicine to the public and to this country, the importance of science, and the importance of peer review—all of which I support. I have been in the field of medicine, in a broad sense, for the last 20 years. I have been involved in many medical fields, including a great part of which has been designated as alternative therapies—at least initially, because when I first started doing lung transplants, very few had been done in the history of this country before. Therefore, I, as a scientist, a medical professional, and a U.S. Senator, do feel that alternative medicine and complementary medicine is vitally important to the health and the well-being of Americans and people throughout the world.

What I do oppose, however, is dealing with this issue of elevating an office to the level of a center when most of our colleagues do not even know what a center in the NIH really means. What are the responsibilities of a center? What are the authorities? What is the difference between an office and a center and an institute? As I talk to my colleagues, they do not know. Why? Because we have not addressed the issue in the appropriate environment—that is, through the committee structure.

I am the chairman of the Subcommittee on Public Health and Safety, which oversees the reauthorization of the NIH. We are, right now, looking at the reauthorization of the NIH. We have held two hearings in the past examining how you set biomedical and medical research priorities. It is a process where we have people come in and testify, and we discuss and debate back and forth. This amendment, as proposed by the Senator from Iowa, has not been taken through that process. It is being brought to the floor on a bill that does not have anything to do with the NIH, but rather the FDA bill. Therefore, I do believe it is not germane.

I believe we should not be placing NIH authorizing legislation on an FDA bill. Rather, the more appropriate process would be to take it through the committee structure. I should also add, for the benefit of my colleagues, most of whom have not addressed this issue at all because it has not been through the committee process, that no legislative bill to establish a center of alternative medicine has been introduced into the Senate. Therefore, a bill has not been referred to the appropriate committee, it has not been vetted, it has not had hearings. There has been no formal debate. This would create a huge center within the NIH without that debate. Therefore, I object to bypassing this process, again, with a tremendous amount of respect for alternative medicine.

My colleague from Iowa is a senior member of the subcommittee, and he and I have had the discussion that we do need to look at the appropriate role for alternative medicine at the NIH. We have scheduled a hearing in early October. It has been mentioned on the floor of the Senate that one of the panels should address the issue of alternative medicine.

We have a 4-year history with the Office of Alternative Medicine. Let's debate and look at the results of that history. Let's see the results of peer review and see what advances have been made.

The issue of whether to elevate an office to a center—again, as I talked to my colleagues over the last few weeks about taking an office at the NIH and elevating it to a center—is one that I think we need to discuss, but not today on the FDA bill, not over the course of a few minutes, but look at it through the appropriate hearing process. What does it mean to elevate an office to center status? What is a center at the NIH? I hope my colleagues ask themselves right now, do I really know what a center at the NIH is? Most will say no. The role of the current Office of Alternative Medicine, the office—as outlined by the Senator from Iowa, my colleague, who basically defined what the office is—is to coordinate and foster the conduct and support of alternative medicine research at the NIH. Right now, the office provides a central focus for a research area that is germane to all NIH components. In other words, the office can work with all the various institutes.

I understand that the majority of complementary and alternative research is performed and supported by those 24 centers and institutes and divisions within the NIH, and it is integrated within the scientific research portfolio of each of those institutes. My colleague is arguing—and he may be right, and that is why we need to discuss it—that we must consider alternative medicine being a center in and of itself. But that would mean that the scientists and researchers who are responsible for broad areas of science may not have the opportunity to integrate alternative medicine into their respective research portfolios as they do today. It needs to be discussed. It needs to be debated in the appropriate forum.

I recognize that the Senator from Iowa has concerns about whether the current approach is working or not. Again, I look forward, through our reauthorizing committee, to the Subcommittee on Public Health and Safety, on which he serves, to address this very issue.

I do know that when you elevate an entity like an office to an institute or to center status, the scientific potential of the field should be sufficiently demonstrated so that the new institute or center can support a thriving intramural and extramural program. Are we at that point today? I do not know. I daresay that most of my colleagues have not studied this specific issue yet.

I will have to say that as I have reached out to people, many others in the scientific community have raised concerns about establishing a new center at the NIH. Let me read to you a portion of a letter sent to me from the Association of the American Medical Colleges expressing their concerns:

This is the AAMC, Association of the American Medical Colleges:

> Any change in the organizational structure of the NIH of this magnitude raises significant scientific and administrative questions. . . .
>
> Further, the AAMC believes all members of the research community should have the opportunity to address these issues in a full and public manner during a hearing conducted by the subcommittee.

Mr. President, I ask unanimous consent that the letter by the AAMC be printed in the RECORD.

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

ASSOCIATION OF
AMERICAN MEDICAL COLLEGES,
Washington, DC, September 16, 1997.

Hon. BILL FRIST,
Chairman, Subcommittee on Public Health and Safety, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN FRIST: The Association of American Medical Colleges (AAMC) opposes efforts to attach to the pending FDA reform bill, S. 830, a proposal creating a National Center for Complementary and Alternative Medicine at the National Institutes of Health (NIH).

Any change in the organizational structure of the NIH of this magnitude raises significant scientific and administrative questions. The AAMC believes that research into complementary and alternative medical practices is best conducted by the individual disease-based institutes, and that creating a separate office will isolate and impede rather than promote and coordinate ongoing research activities in these areas. Moreover, it appears that the additional administrative costs associated with the creation of a new organizational entity at the NIH are not justified at the present time.

Further, the AAMC believes all members of the research community should have the opportunity to address these issues in a full and public manner during a hearing conducted by your subcommittee. The necessarily limited floor debate that would occur if this proposal is considered as an amendment to S. 830 would not afford sufficient time or opportunity for such deliberations.

The AAMC urges the Senate to reject the effort to attach this proposal to the FDA bill and instead consider it during the upcoming NIH reauthorization legislation.

Sincerely,

JORDAN J. COHEN, M.D.

Mr. FRIST. Mr. President, raising the Office of Alternative Medicine to a center at NIH greatly increases its

statutory authority. Has the field of alternative medicine demonstrated that track record to date? Again, let's review these issues in the committee process. The Office of Alternative Medicine today clearly does not have the organizational structure or the necessary budget to support this proposal—creating a national center for complementary and alternative medicine would require setting up a whole new administrative structure and a whole new research infrastructure to support this activity.

Are we ready for that today? Possibly.

Let's ask the scientists around the country. Let's have alternative medicine researchers come forward and testify. Let's ask the National Institutes of Health. Before we go out and create another center, which again is a new entity, we need to look at the proposal about its administration, and about how it will be paid for.

Again, the watchwords today are "consolidation and coordination," not proliferation.

Mr. President, I would like to reserve the remaining minute of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I have a couple of minutes.

The PRESIDING OFFICER. The Senator from Iowa has 2 minutes and 45 seconds.

Mr. HARKIN. Mr. President, I will respond to my friend from Tennessee who made the argument. He said it would create a huge center at NIH. I am sorry. The Office of Alternative Medicine has 14 employees, the last count I had, and its budget next year is $13 million out of $13 billion at NIH. That is one-tenth of 1 percent. Huge? I beg to differ.

There are only two changes under this amendment. It provides that it could make grants, that it could do its own grants, and could have peer review. That is the only difference. We are not creating anything new and huge. It is up to the Congress to decide later on if they want to expand it or not. I am just changing its status.

Also, Mr. President, I want to say that if it were not for this point of order this amendment would pass. The cosponsors are Senators HATCH, DASCHLE, CRAIG, MIKULSKI, LUGAR, SPECTER, GRASSLEY, DURBIN, WELLSTONE, MOSELEY-BRAUN, and a number of others. I am not going to read them all.

This amendment would pass, if the point of order were not raised.

The Senator says it should go through the committee structure, that we have not had hearings, and stuff. I say in all friendship—and he is a great friend of mine, the Senator from Tennessee—that just a couple of weeks ago the Senator voted on the Gorton amendment that cut out title I—vocational education, safe and drug-free schools, education technology, bilingual education—knocked it all out. And, yet, we never had one hearing on it. It never went through our committee, of which the Senator and I both sit. We never had any hearings on that. Yet the Senator from Tennessee says fine. He stepped up and voted to abolish all of those without going through the hearing process.

But I would say to my friend from Tennessee, you want more testimony. Look at the Record. Our subcommittee on both the appropriations side and on the authorizing side have had hearing after hearing after hearing on this. We have had all kinds of testimony come in.

But the most compelling testimony, Mr. President, for this amendment is that more and more Americans are using alternative practices in medicines than they are using with mainstream doctors. They are spending billions of dollars a year. At last count it was over $13 billion in 1 year.

It is up to us to make sure that we do the adequate scientific research to find out what alternative medicines are working and what are not.

That is why this center is needed. It may not be germane to this bill. But I will tell you. It is needed. It is drastically needed today—not next year or 2 years or 3 years from now. We have had enough testimony basically from the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from a number of organizations supporting the amendment.

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

To the Honorable Tom Harkin, United States Senate:

We write in support of the proposed amendment to Bill S. 830, the purpose of which is to increase the authority of the Office of Alternative Medicine by creating in its place a national Center for Complementary and Alternative Medicine at NIH.

It is our understanding that this amendment would assure that relevant projects are reviewed by scientists with expertise in the particular area of complementary and alternative medicine proposed to be studied, and the Center would have the ability to directly fund projects without oversight from other NIH Institutes. In addition, the Office of Dietary Supplements would be included within the proposed Center, thereby ensuring improved coordination of research and resource allocation.

These reforms will, in our view, facilitate and expedite the implementation of rigorous and scientifically based evaluation of complementary and alternative medical therapies. Patients and their families need and deserve responsible and authoritative advice concerning the use or avoidance of these therapies. We must therefore do more to distinguish useful from useless complementary and alternative medical interventions.

We thank you for your efforts in this area.

Sincerely,

DAVID M. EISENBERG, M.D., *Beth Israel Deaconess Medical Center, Harvard Medical School.*

BRIAN M. BERMAN, M.D., *Complementary Medicine Program, University of Maryland.*

WILLIAM L. HASKELL, PH.D., *School of Medicine, Stanford University.*

FREDI KRONENBERG, PH.D., *Center for Complementary and Alternative Medicine Research in Women's Health, Columbia University.*

M. ERIC GERSHWIN, M.D., *Division of Rheumatology, Allergy, and Clinical Immunology, University of California, Davis.*

GUY S. PARCEL, PH.D., *Center for Health Promotion Research and Development, The University of Texas, Houston.*

SAMUEL C. SHIFLETT, PH.D., *Research Department, Kessler Institute for Rehabilitation, Inc.*

ANN GILL TAYLOR, R.N., EC.D., FAAN, *Center for the Study of Complementary and Alternative Therapies, University of Virginia School of Nursing.*

LEANNA J. STANDISH, N.D., PH.D., *AIDS Research Center, Bastyr University.*

THOMAS J. KIRESUK, PH.D., *Center for Addiction and Alternative Medicine Research, University of Minnesota Medical School.*

Mr. DASCHLE. Mr. President, I am pleased to cosponsor this amendment with my friend from Iowa. The amendment promotes the same fundamental goals that have fueled FDA reform—that is, to improve access to safe and effective medical treatments, and respond to the growing popularity of alternative health care options.

I commend Senator HARKIN for his dedication to breaking down barriers that are too often a function of ignorance, inertia or territorialism in order to increase the health care options available to all Americans. Senator HARKIN has advocated long and hard for openminded exploration of treatments outside the box of western medicine, and we owe him a debt of gratitude both for his common sense and his vision in promoting the safe and effective use of promising alternative treatments.

I would also like to thank Senator JEFFORDS and Senator KENNEDY for their commitment and leadership

throughout this process. I appreciate their willingness to work with us on reforms aimed at creating a more level playing field for alternative medical treatments.

And I would be remiss if I did not acknowledge my good friend Berkley Bedell, who represented Iowa's sixth congressional district so ably for 12 years. Berk has worked tirelessly, against strong odds, to give consumers more health care options, and the fact that we are here today, talking about the potential of alternative medicine, is largely due to his vision, conviction and persistence.

For those of us whose health and well-being may ultimately depend on these options, Berkley Bedell's contribution is an invaluable one. Thank you, Berk, for your time, energy and unyielding commitment to expanding consumers' choices.

The strategy outlined in this amendment—increasing the autonomy and authority of the NIH Office of Alternative Medicine—is a sorely needed and long overdue response to the obstacles hindering access to alternative medical treatments. Under this amendment, the role of the NIH Office of Alternative Medicine would be enhanced through the authority to conduct and support intramural and extramural research.

The Office would no longer be relegated to the second tier, placed in the untenable position of convincing other institutes within NIH to take on as part of their own resource-constrained agendas, projects the Office deems important. As a full research institute, the Office of Alternative Medicine could respond to the growing interest in alternative treatments by identifying research gaps and fulfilling those gaps on a timely basis.

Mr. President, as you may recall, in February Senator HARKIN and I reintroduced the Access to Medical Treatment Act, a bill intended to give consumers greater freedom to use alternative and complementary medical treatments. The bill provoked some controversy, as was expected.

There is no stronger opponent to change than the status quo, no matter how valuable. It has become abundantly clear that unless we shake things up a little, we will continue to tread water in our efforts to tap the full potential of alternative medical treatments. Like S. 578, this amendment definitely shakes things up, but it does so from a different angle.

S. 578 promotes the idea that consumers should be free to use nontraditional medicines. This amendment confronts the resource barriers that prevent essential research into the benefits and risks of alternative treatments.

Too often an alternative treatment is written off because, the traditional medical establishment claims, there is no proof of its effectiveness. In fact, untested does not necessarily translate as ineffective. It may mean that insufficient resources are available to definitively prove what has been demonstrated again and again on an anecdotal basis. A small firm or single practitioner may not have access to the resources necessary to conduct large-scale clinical trials in the U.S. to document the safety and effectiveness of a drug or device. If the treatment isn't patentable or profitable, it may be difficult to attract the interest of drug or device companies.

This doesn't mean the drug doesn't work or isn't safe. It means we don't know. How many beneficial alternative treatments gather dust because they are not "brand name" material?

Even more important is the issue of safety. Regardless of the obstacles hindering alternative medical treatments, they are increasingly popular. A 1993 article in the New England Journal of Medicine reported that more than one-third of Americans use alternative, nonconventional medical treatments.

In 1990 alone, Americans spent over $14 billion on these treatments. Consumers are using these medical treatments, yet research on the safety and effectiveness of alternative treatments remains scarce, and the current regulatory system remains focused on large-scale, mainstream medicines.

This amendment is intended to open doors to alternative treatments so that they can be assessed for safety and effectiveness and, when they are found to be safe and effective, made widely available.

It's the right thing to do, and the longer we wait to do it, the more opportunities we forsake to make use of beneficial medical treatments. This amendment promotes the best interests of every health care consumer in the Nation, and I am proud to support it.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute.

Mr. FRIST. Mr. President, in closing, to go right to the heart of the matter, to increase and elevate the alternative medicine from an office to a center needs to be addressed, but not in this forum. To establish a center means you give it grantmaking authority, establish an advisory council, and you instruct the center to study the integration of alternative medicine, establish a new data system, establish research centers, all of which is something that is not just moving toward peer review.

We will address it in the future—hopefully actually in a panel 2 or 3 weeks from now, in early October.

POINT OF ORDER

Mr. President, I make a point of order that the pending amendment No. 1137 is not germane.

The PRESIDING OFFICER. The point of order is sustained.

The amendment falls.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I ask unanimous consent to speak for 2 minutes prior to the scheduled vote on the committee substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Mr. President, in 2 minutes we will be voting on the FDA reform bill.

This committee substitute has been legislated for a 2½ year period thoroughly and carefully and responsibly. It is a piece of work that has received a 14-to-4 vote in committee by Democrats and Republicans. People of different philosophical backgrounds have supported it. It is legislation that has survived two filibusters, and the cloture votes have been overwhelming to move forward. It is legislation that has been changed and modified 34 times to meet the objections of the Senator from Massachusetts and some others about its deficiencies; 34 modifications since that 14-to-4 committee vote.

There are 8 days left in this month before PDUFA—the tax on the drug companies that funds up to 600 employees at FDA to review and to expedite the review of drugs—8 days left before that authorization expires. The clock is ticking. FDA will be laying off more than 600 people in just 8 days unless we can move this legislation forward. We don't need more filibusters. We don't need more debate. It is time to move forward. If we do not, drug and device reviews will be delayed substantially, and reform will be stopped. Responsible people have legislated responsibly, and I urge my colleagues to support us on this vote coming up.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Washington is recognized for up to 5 minutes on amendment No. 1161.

AMENDMENT NO. 1161

(Purpose: To modify the exemption requirements relating to national uniformity for nonprescription drugs to provide an exemption for a State or political subdivision requirement that protects the health and safety of children)

Mrs. MURRAY. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY) proposes an amendment numbered 1161.

Mrs. MURRAY. 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:

Beginning on page 117, strike line 24 and all that follows through page 118, line 10, and insert the following:

"(b) EXEMPTION.—

"(1) IN GENERAL.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement that—

"(A) protects an important public interest that would otherwise be unprotected, including the health and safety of children;

"(B) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law; and

"(C) would not unduly burden interstate commerce.

"(2) TIMELY ACTION.—The Secretary shall make a decision on the exemption of a State or political subdivision requirement under paragraph (1) not later than 120 days after receiving the application of the State or political subdivision under paragraph (1).

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I filed two amendments to this bill, the intent of which were aimed at what I believe is a serious problem with national uniformity. And that is the issue of poison control labeling to prevent unintentional exposure to dangerous over-the-counter drugs and cosmetics by children.

During markup of this bill, national uniformity for labeling of over-the-counter drugs and cosmetics was adopted as an amendment. At the time, I raised concerns that I have about the State of Washington's successful Mr. Yuk campaign which simply teaches children and parents about the dangers of many common household products. I was concerned at the time that this program, which I have personal experience with and know how successful it is, would be in jeopardy.

This is a Mr. Yuk sticker. It is a small green sticker that parents and teachers can put onto products—toxic household products. And kids across my State are taught if they see a Mr. Yuk sticker they don't swallow what is inside of it.

I was concerned that national uniformity would harm my State's ability to continue this very important program. I raised this point during markup, and I was assured that the objective of the amendment on national uniformity was not to impede a State's ability to protect their children.

Since the markup, I have become even more concerned about poison control labeling. I am well aware of the fact that Mr. Yuk is voluntary, and there is no State mandate involved. However, this is where I became concerned. Under the uniformity language that is contained in this bill, a State can petition the Secretary for a mandated labeling requirement on OTC's and cosmetics if they meet certain public health and safety standards, and if—and only if—the labeling requirement does not unduly burden interstate commerce. This standard is extremely high and the only way for a State to meet the threshold is for the Secretary to make the requirement a national requirement.

What does this mean for Mr. Yuk? If New York, based on a local health concern files a petition with the Secretary for a symbol, like a skull and cross bones to be placed on mouthwash or hair coloring, and they make a strong and sound case, the Secretary can be convinced. However, in order to comply with the act and not unduly burden interstate commerce, she must make this a national labeling requirement. Now Washington State faces a situation where they have a Mr. Yuk Program and must also teach about the skull and cross bones warning. This would be extremely confusing to young children in my State. I can say that as a former teacher.

Both of my amendments that I put forward attempted to address this issue. My first amendment would add poison control efforts using symbols in the criteria a State can use to petition the Secretary and change the "and" to an "or" unduly burdening interstate commerce; giving the Secretary the opportunity to continue to allow States to have their own poison control programs if they decide that a voluntary effort has not worked. Only through a mandate requirement will they be able to protect young children. Simply changing the "and" to an "or" would give the Secretary the needed flexibility, and would at least guarantee that one State requirement would not become a national requirement if it was not applicable to all 50 States.

Mr. President, my amendments have strong opposition by the industry. They simply don't want to have 50 different State legislatures coming forward with 50 different proposals. And I certainly believe there is an argument for preemption in many situations. But I don't believe there is one in this case.

I am really at a loss as to why supporters of the uniformity language in one breath talk about the need to reform and revitalize the FDA to prevent unnecessary delays in approving drugs and devices and then in the next breath talk about how States must petition an already overburdened agency for the approval to do what they have been doing for years without any public threat of consumer confusion problems.

It is interesting to note that the managers' amendment does exempt one State from uniformity. Our State is going to be treated differently. One State, the State of California, will be allowed to bypass the petition process and have different health and safety labeling cosmetics.

Because of the strong opposition to my original amendment and the well-financed national campaign to defeat my amendment, I have revised my language. The new amendment which I am offering today will at least acknowledge the importance of protecting health and safety of children, and will require the FDA to act on a State's petition within 120 days. The new amendment does not address all of my concerns. But because there has been a strong lobby and I am only one Senator that seems to be concerned about poison control, I recognize that my original amendment does not have the votes. But I cannot allow these uniformity provisions to go to conference without some recognition of the health and safety of children.

So I thank the chairman for working with me. I am pleased that he has recognized my efforts and has supported the pending underlying amendment which has already been agreed to.

I thank the Chair. I yield my time.

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

The amendment (No. 1161) was agreed to.

The PRESIDING OFFICER. Is there further debate?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENTS NOS. 1182, AS MODIFIED, AND 1183

Mr. JEFFORDS. Mr. President, I ask unanimous consent to call up and adopt Senator HATCH's amendment No. 1183, and 1182, as modified by the amendment, which I send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1182

Mr. HATCH. Mr. President, the Hatch-Wyden amendment, number 1182, modifies FDA's mission statement contained in S. 830.

For the first time, this legislation puts into statute a mission statement for the Food and Drug Administration. Because of its important public health role, Congress needs to give FDA the proper mission.

In short, the Hatch-Wyden amendment charges FDA to act in partnership with the public, scientific experts, and regulated entities as the agency performs its critical public health mission. The language of our amendment simply makes explicit what is already implicit, proper, and, in fact, necessary: that FDA should work, "in consultation with experts in science, medicine, and public health and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products."

As longtime advocates of modernizing and reforming the FDA, Senator WYDEN and I are convinced that this amendment will help FDA improve and protect the public health. Regulators can increase their effectiveness if they act more closely in concert with the public that they serve.

As Vice President GORE, the leader of the administration's Reinventing Government initiative, has said:

We can put the days of almighty holier-than-thou, mister-know-it-all Washington behind us. We can become partners."

Business owners and local governments are noticing the changes, too, as the federal government becomes more of a partner and less of an adversary.

Regulatory agencies are on orders to make partnership with business their standard way of operating. We have tested it long enough to know it increases compliance * * * Now we can move beyond pilot programs for partnership into the mainstream.

The purpose of the Hatch-Wyden amendment is to inject this spirit of partnership right into the FDA mission statement. Giving such prominence and visibility to the idea of partnership can help the agency better fulfill its public health mission.

In no way does the Hatch-Wyden amendment limit, or is intended to limit, FDA from carrying out its enforcement obligations. The Hatch-Wyden amendment does not concern itself with particular regulatory decisions, that is, product approvals, enforcement sanctions, etc., rather it simply clarifies that as part of the general manner in which the agency conducts itself, FDA should work closely with those affected by its regulatory actions.

We are informed that the FDA is supportive of this amendment so long as language is added to make clear that the Secretary has discretion to see that only appropriate interactions between FDA and outsiders take place. We have incorporated this change.

In order to fulfill its current statutory responsibilities FDA routinely solicits advice from dozens of standing advisory committees of outside experts and consults with its colleagues at the National Academy of Sciences, the National Institutes of Health, the Centers for Disease Control and Prevention and many others. Similarly, FDA works closely with consumer groups such as patient advocacy groups and various regulated entities such as manufacturers of foods, drugs, cosmetics and medical devices.

In fact, S. 830 contains many particular provisions that detail partnerships between FDA and others such as the reauthorization of the user fee provisions for new drug review, and the rules that grant access to experimental drugs for patients suffering from serious or life-threatening conditions.

In March 1997 testimony to the Senate Labor Committee, Dr. Michael Friedman, the highest ranking FDA official, observed:

One of the themes that runs throughout the Agency's efforts to improve its performance of involving all stakeholders both in defining the problems that exist and in developing appropriate solutions.

While this amendment is philosophical and exhortatory in nature, we believe this philosophy, if adopted, can achieve tangible benefits for the FDA and pubic alike. As Lead Deputy Commissioner Friedman testified:

This model of public participation . . . is most clearly delineated in the procedures the Agency has promulgated for the issuance and use of Agency guidance documents. Concerns about the absence of public input on guidance documents and the inappropriate application of such guidance raised in a Citizen's Petition . . . and were the subject of a [House] hearing. . . In response to these concerns, the Agency undertook a thorough review . . . We found inconsistencies and lack of clarity, and we set about to fix it.

As the FDA's testimony indicates, there is reason to believe that encouraging the agency to interact appropriately with the public can have practical benefits.

We firmly believe that if the Congress formally embraces the principle of partnership in the FDA mission statement we will help create an atmosphere conducive to improving the public health. Accordingly, I hope my colleagues will support giving the FDA a 21st century mission statement.

Mr. WYDEN. Mr. President, I am happy to join my colleague Senator HATCH in offering an amendment which will add strength, substance, and a new level of appropriate public accountability and involvement in the missions of the Food and Drug Administration.

Quite simply, our amendment provides for real access and participation by patients and consumer groups, science and health experts, and the regulated manufacturers in appropriate policy making functions within the scope of the agency's missions.

As my colleague Senator HATCH has pointed out, our amendment underscores the real partnership FDA must forge with all Americans as it conducts its work certifying the safety and effectiveness of so many products important to our everyday lives.

I certainly want to acknowledge and applaud the assistance and encouragement of our colleagues Senators JEFFORDS and KENNEDY with regard to the development of the FDA reform bill generally, and their work with us in perfecting the agency's mission statement in particular.

I believe this legislation will help create the dialog necessary between the agency and all interested parties in order to effectively exercise all of the other far-reaching elements of this reform bill. I was very pleased to have played some part in the development of that legislation and the broader reform effort, and I know that American citizens dependent on pure food, life-saving new drugs and medical devices, and safe electronic equipment will benefit for many years to come from the work we do here, today.

AMENDMENT NO. 1183, AS MODIFIED

Mr. HATCH. Mr. President, the second amendment we are considering, No. 1183, will encourage the prompt and complete reporting of potentially vital public health information to the FDA.

Essentially, my proposal codifies a rule that already applies to drugs and medical devices and makes it applicable to all FDA-regulated products.

Specifically, my amendment would codify the liability disclaimer provisions that appear at 21 CFR section 803.16, for devices; 21 CFR section 314.80(l), for new drugs; and, 21 CFR 312.32(e), for investigational new drugs.

My amendment is closely patterned after these three provisions of existing regulation.

The public health benefit and rationale for my amendment are simple: A rule that encourages reporting to the FDA of any alleged adverse incident now and resolving liability issues later, helps the FDA achieve its public health mission.

The FDA is a public health agency, not an arbiter of tort liability. That is the job of the courts.

But what is important for the public health is that FDA be able to receive quickly and completely raw data pertaining to adverse experiences with products under its regulatory purview.

Please understand that my amendment, like the existing regulations, is tort neutral.

Nothing in my amendment, or in the existing regulations, increases or decreases an ultimate finding of liability.

The Hatch amendment simply says that the mere filing of an adverse reaction report or submission of other information to FDA does not necessarily reflect an admission of fault or a finding of liability on the part of a manufacturer or the Federal Government.

Of course, the actual information contained in the report may, or may not, justify a finding of liability but that is an entirely other matter.

What this amendment says is that the mere filing of a report does not automatically mean anything with respect to the issue of liability.

This is a public health amendment that encourages timely reporting and complete reporting to the FDA.

Let me give a little background into the amendment and the existing FDA rules that it builds upon.

Back in mid-1980's when FDA issued proposed and final rules governing mandatory reporting for adverse incidents with respect to medical devices, a concern arose among those subject to these new reporting requirements.

In particular, there arose concern about the tight reporting timeframe for reporting deaths and serious injuries.

The argument was that medical device firms should have an opportunity to conduct fully its own investigation into alleged malfunctions of its products before turning over these reports to FDA.

After all, went the argument, this information which may have come from

interested third parties—such as doctors and patients—could place the manufacturing firm in a precarious position vis-a-vis liability.

Inevitably, some reports will contain inaccurate information but regardless of this it is clear that the FDA had an overriding public health interest in getting this information as quickly as possible to see whether a national trend was developing.

The way this matter was resolved in the final medical device reporting rule was with the inclusion of language that permitted manufacturers to disclaim liability based solely on the filing of the report with the FDA.

To be sure, the information contained in the report might be used to establish, or help establish, liability on the part of the manufacturer. That depends on what is in the report and the veracity of that information.

What the rule says simply is that the mere filing of the legally required report in and of itself does not establish liability.

One can easily imagine a case where a device malfunctioned and the MDR report does, and should properly be used to, establish liability. An example would be a case in which a heart pacemaker short circuited and failed.

On the other hand, there will be occasions when required reports do not necessarily establish any fault on the part of the manufacturer. An example of this might include a case in which a medical scalpel is used as a murder weapon; an unfortunate, legally reportable event no doubt, but not one likely to establish fault on the part of the manufacturer.

Building on the success of the disclaimer statement in the medical device rule, the FDA later included similar language both for approved and investigational drugs.

Once again, the rule advances the FDA's public health mission by helping to get information to the FDA in a timely and complete fashion.

The Hatch amendment codifies the basic regulation that now applies to mandatory reports that device and drug manufacturers now must make and establishes this basic principle of "report now, resolve liability issues later" for all products under the FDA's regulatory domain.

This would include products like foods, cosmetics, and dietary supplements, as well as drugs and devices.

So, I have drafted the amendment to cover situations where there are no rigorous mandatory reporting requirements, such as those which now govern drugs and devices.

For example, we have heard a lot in the press recently about the Chesapeake Bay outbreak of Pfiesteria. Obviously, it would be in the public interest for the Government to have reports about the incidence of this toxic microbe. That is something we would want to encourage.

I believe that it is more likely this information, even sketchy third-party, unverified reports, would be transmitted to FDA if this disclaimer clearly applied in this situation.

What is good policy for drugs and devices, is also good policy for foods, cosmetics, dietary supplements, and other products under FDA's jurisdiction.

The Hatch amendment embraces the "report now/resolve liability later" rule that is already in place by regulation for drugs and medical devices and applies this principle for all FDA-regulated products, and further applies the provision both to mandatory and voluntary reports.

This is a consumer-friendly, FDA-friendly, tort-neutral provision and I urge its adoption.

Mr. President, I ask unanimous consent that letters in support of these two amendments from Brian H. Moss, president of the Utah Life Science Industries Association, and Alan F. Holmer, president of the Pharmaceutical Research and Manufacturers of America, be printed in the RECORD.

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

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,
Washington, DC, September 17, 1997.

Hon. ORRIN HATCH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: You have asked for comment on two proposed amendments to S. 830. We are pleased to offer our support for these amendments.

We particularly endorse Section 908, Safety Report Disclaimers, which would place into law a disclaimer that is currently found in FDA regulations. It should be noted that on page 2, line 3, the word "necessarily" is no longer found in the Medwatch disclaimer which was drafted more recently than the FDA regulation and pertains to the same circumstances which give rise to the need for the disclaimer. It would be an improvement if the word necessarily were deleted from the amendment, but in any case PhRMA companies support the need for the disclaimer in legislation.

We would also support the suggested amendment to the mission statement which sets forth a more collaborative and cooperative mission for the agency. PhRMA believes that the agency has responsibility to both protect and promote the public health. There are times when the pendulum has swung too far toward enforcement at the expense of the agency's mission to help bring safe drugs to patients sooner.

Sincerely,

ALAN F. HOLMER.

UTAH LIFE SCIENCE INDUSTRIES ASSOCIATION,
Salt Lake City, UT, September 18, 1997.

Hon. JAMES M. JEFFORDS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing as President of the Utah Life Science Industries Association, concerning the two proposed amendments by Senator Hatch to S. 830. We are happy to extend our support for the two amendments.

We are pleased to support the amendment to the missions statement. We support the idea of a partnership between the FDA and the private sector, in such that the FDA will consult with experts in science, medicine, public health, and in cooperation with consumers and users. We believe that this will "help ensure" the public health.

We are supportive of the amendment to the Safety Report Disclaimer, and can see a need for this amendment. The amendment will encourage manufacturers to send safety data to the FDA, therefore, helping the FDA to protect the public good.

Utah Life Science Industries Association was formed three years ago by the Biotechnical, Biomedical and Medical Device industries in Utah. We represent the interest of these Utah companies on local and national issues. We are pleased that you and Senator Hatch have shown such great interest and concern for our industry.

Sincerely,

BRIAN H. MOSS,
President.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the adoption of the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on adoption of the committee amendment, as modified.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the two preceding amendments sent up by the Senator from Vermont are agreed to.

The amendments (Nos. 1182, as modified, and 1183) were agreed to, as follows:

AMENDMENT NO. 1182

(Purpose: To improve the mission statement)

Beginning on page 4, strike line 11 and all that follows through page 5, line 6, and insert the following:

"(1) IN GENERAL.—The Secretary, acting through the Commissioner, and in consultation, as determined appropriate by the Secretary, with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products, shall protect the public health by taking actions that help ensure that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs, including biologics, are safe and effective;

"(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe; and

"(E) public health and safety are protected from electronic product radiation.

"(2) SPECIAL RULES.—The Secretary, acting through the Commissioner, shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Secretary, acting through the Commissioner, shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.".

AMENDMENT NO. 1183

(Purpose: To provide for a disclaimer with respect to safety reports)

At the appropriate place, insert the following:

SEC. . SAFETY REPORT DISCLAIMERS.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

"SEC. . 908. SAFETY REPORT DISCLAIMERS.

"With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product which is a food, drug, new drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report or information), such report or information shall not be construed to necessarily reflect a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, serious illness, or malfunction. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved caused or contributed to an adverse experience or caused or contributed to a death, serious injury, serious illness, or malfunction.".

AMENDMENTS NOS. 1174, 1175, 1152, 1156, AND 1136, AS MODIFIED

The PRESIDING OFFICER. Under the preceding order, the Senate will consider the following amendments, numbered 1174, 1175, 1152, 1156, 1136, as modified. The question is on agreeing to the amendments en bloc.

Without objection, the amendments en bloc are adopted.

The amendments (Nos. 1174, 1175, 1152, 1156, and 1136, as modified) were agreed to, as follows:

AMENDMENT NO. 1174

(Purpose: To maintain authority of the Food and Drug Administration to regulate tobacco)

On page 30, strike lines 17 through 20, and insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsections (a) and (b) shall be construed to alter any authority of the Secretary of Health and Human Services to regulate any tobacco product, or any additive or ingredient of a tobacco product.

Mr. NICKLES. Mr. President, Members of this Chamber are well aware of the national debate on the question of the Food and Drug Administration's jurisdiction to regulate tobacco and tobacco products. To highlight the scope of this debate, I want to point out that this question is currently under review by the U.S. Court of Appeals. It is also a significant issue of debate between Members of Congress as well as Congress and the administration. I am concerned that the inclusion of this provision may be interpreted by some as an attempt by Congress to indirectly affirm FDA's authority to regulate tobacco.

It is my understanding that a recent report from the American Law Division of the Congressional Research Service stated that section 404 or any other provision in the FDA reform bill "would not interfere with or lessen the agency's authority to regulate tobacco products." I notice that a rule-of-construction amendment has been included in the FDA reform bill that is intended to clarify further that section 404 of the bill will not affect any authority which the FDA may have to regulate tobacco. Is this the understanding of the Chairman?

Mr. JEFFORDS. Yes. This amendment I believe will address the concerns of several Senators who have a concern regarding the effect of this legislation on FDA's authority to regulate tobacco. I believe we all have the same intent.

In drafting S. 830, my intent was and is to improve the efficiency and accountability of the product review process at FDA. In drafting section 404, we modified a provision in the FDA reform bill from the 104th Congress in an effort to more accurately capture our policy intent—my point is that the subject matter in section 404 has been under consideration in the Senate Labor Committee, as well as in legislation introduced in the House, for several years. The concern over FDA's tobacco authority came to our attention only after the markup of this bill in committee, in June of this year.

Section 404 introduces needed elements of due process to certain, very limited aspects of medical device reviews. None of the language in S. 830 is intended to address FDA's tobacco authority. Late in the course of negotiations on this bill, FDA raised the possibility that section 404(b) might be interpreted to limit the agency's future tobacco regulation authority. At the time we told the agency we did not agree with their interpretation but eventually offered to insert the rule of construction now before us in the substitute to make absolutely clear our neutrality on the tobacco issue. Subsequently, FDA and others have raised the possibility that section 404(a) of S. 830 could also affect FDA's authority in this area. As you mentioned, the Congressional Research Service, American Law Division, has evaluated S. 830 and determined that it, in fact, does not interfere with any tobacco authority FDA may have. This analysis was made part of the CONGRESSIONAL RECORD on September 5.

None of the provisions of S. 830 or the substitute should be interpreted as taking a position, one way or the other, on whether FDA has any authority under current law to regulate tobacco products, which as you know, is the subject of ongoing litigation in the Federal courts. The intention of the rule of construction in the substitute is to make clear that the Federal courts can continue to determine FDA's authority over tobacco without any interference from this act. Thus, the language in section 404 has no effect on whether or not FDA has authority over tobacco products, it only relates to a procedural aspect of reviewing 510(k) medical device submissions.

To sum up, I am pleased to offer an amendment extending the rule of construction to all of section 404 on the basis outlined in my preceding remarks—to keep the bill strictly neutral on the question of FDA tobacco authority, that is that we are not prejudging the outcome of any pending litigation on any tobacco authority the FDA may have. Further, it is my view that if this provision is included in the final FDA reform bill as reported by the conference committee, the conference report should include language which reinforces this point.

Mr. NICKLES. I thank the chairman for his explanation of this provision and his efforts to bring this important legislation to the floor. At some point in the 105th Congress, we may be considering the national tobacco settlement entered into by the State's attorney's general and the tobacco companies. At the appropriate time Congress will have the opportunity to fully examine what FDA's role should be in the regulation of tobacco products.

AMENDMENT NO. 1175

(Purpose: To provide that an environmental impact statement prepared in accordance with certain regulations of the Food and Drug Administration shall be considered to meet the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969)

Strike section 602 and insert the following:

SEC. 602. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 402, is further amended by adding at the end the following:

"SEC. 742. ENVIRONMENTAL IMPACT REVIEW.

"Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published in part 25 of title 21, Code of Federal Regulations (as in effect on August 31, 1997) in connection with an action carried out under (or a recommendation or report relating to) this Act, shall be considered to meet the requirements for a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).".

AMENDMENT NO. 1152

(Purpose: To improve the standard for binding determinations with respect to the specification of valid scientific evidence with respect to the effectiveness of devices)

On page 24, line 19, strike "is" and insert "could be".

AMENDMENT NO. 1156

(Purpose: To provide for a study and report concerning the treatment of health care economic information)

Strike section 612 and insert the following:

SEC. 612. HEALTH CARE ECONOMIC INFORMATION.

(a) IN GENERAL.—Section 502(a) (21 U.S.C. 352(a)) is amended by adding at the end the following: "Health care economic information provided to a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations, shall not be considered to be false or misleading if the health care economic information directly relates to an indication approved under section 505 or 507 or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) for such drug and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a), 507, or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request. In this paragraph, the term 'health care economic information' means any analysis that identifies, measures, or compares the economic consequences, including the costs of the represented health outcomes, of the use of a drug to the use of another drug, to another health care intervention, or to no intervention.".

(b) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the implementation of the provisions added by the amendment made by subsection (a). Not later than 4 years and 6 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing the findings of the study.

AMENDMENT NO. 1136, AS MODIFIED

(Purpose: To improve the provisions relating to pediatric studies)

Strike section 618 and insert the following:

SEC. 618. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

(a) GENERAL AUTHORITY.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof are accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with experts in pediatric research (such as the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit Network, and the United States Pharmacopoeia) shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b) to the holder of an approved application under section 505(b)(1) for the drug, the holder agrees to the request, and the studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) AGREEMENT FOR STUDIES.—The Secretary may, pursuant to a written request for studies, after consultation with—

"(A) the sponsor of an application for an investigational new drug under section 505(i);

"(B) the sponsor of an application for a drug under section 505(b)(1); or

"(C) the holder of an approved application for a drug under section 505(b)(1),

agree with the sponsor or holder for the conduct of pediatric studies for such drug.

"(2) WRITTEN PROTOCOLS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) OTHER METHODS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, whether such studies

have been conducted in accordance with commonly accepted scientific principles and protocols, and whether such studies have been reported in accordance with the requirements of the Secretary for filing.

"(e) DELAY OF EFFECTIVE DATE FOR CERTAIN APPLICATIONS; PERIOD OF MARKET EXCLUSIVITY.—If the Secretary determines that the acceptance or approval of an application under subsection (b)(2) or (j) of section 505 for a drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or market exclusivity protection, but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under subsection (b)(2) or (j), respectively, of section 505 until the determination under subsection (d) is made, but such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable period of market exclusivity referred to in subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section.

"(g) LIMITATION.—The holder of an approved application for a new drug that has already received six months of market exclusivity under subsection (a) or (c) may, if otherwise eligible, obtain six months of market exclusivity under subsection (c)(1)(B) for a supplemental application, except that the holder is not eligible for exclusivity under subsection (c)(2).

"(h) STUDY AND REPORT.—The Secretary shall conduct a study and report to Congress not later than January 1, 2003 based on the experience under the program. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program; and

"(4) any suggestions for modification that the Secretary deems appropriate.

"(i) TERMINATION OF MARKET EXCLUSIVITY EXTENSION AUTHORITY FOR NEW DRUGS.—Except as provided in section 618(b) of the Food and Drug Administration Modernization and Accountability Act of 1997, no period of market exclusivity shall be extended under subsection (a) for a drug if—

"(1) the extension would be based on studies commenced after January 1, 2004; and

"(2) the application submitted for the drug under section 505(b)(1) was not approved by January 1, 2004.

"(j) DEFINITIONS.—In this section, the term 'pediatric studies' or 'studies' means at least 1 clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age-groups in which a drug is anticipated to be used.".

(b) MARKET EXCLUSIVITY UNDER OTHER AUTHORITY.—

(1) THROUGH CALENDAR YEAR 2003.—

(A) DETERMINATION.—If the Secretary requests or requires pediatric studies, prior to January 1, 2004, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the sponsor of an application, or the holder of an approved application, for a drug under section 505(b) of such Act (21 U.S.C. 355(b)), the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(B) MARKET EXCLUSIVITY.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act.).

(2) CALENDAR YEAR 2004 AND SUBSEQUENT YEARS.—

(A) NEW DRUGS.—Effective January 1, 2004, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act, from the sponsor of an application for a drug under section 505(b) of such Act, nothing in such law shall be construed to permit or require the Secretary to ensure that the period of market exclusivity for the drug is extended.

(B) ALREADY MARKETED DRUGS.—

(i) DETERMINATION.—Effective January 1, 2004, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the holder of an approved application for a drug under section 505(b) of such Act, the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(ii) MARKET EXCLUSIVITY.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act.).

(3) DEFINITIONS.—In this subsection:

(A) DRUG.—The term "drug" has the meaning given the term in section 201 of such Act.

(B) PEDIATRIC STUDIES.—The term "pediatric studies" has the meaning given the term in section 505A of such Act.

(C) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SECTION 807

Mrs. FEINSTEIN. Section 807 of the committee substitute for S. 830 prohibits State and local governments from establishing or continuing—for nonprescription drugs, any requirement that is different from, in addition to or otherwise not identical to a Federal requirement; for cosmetics, any requirements for packaging and labeling that are different from, in addition to or otherwise not identical to a Federal requirement. This includes any requirement relating to public information or any other form of public communication relating to a warning of any kind for a nonprescription drug.

My State, California, has a long history of regulating nonprescription drugs and cosmetics and I would like to ask the bill manager's to engage in a colloquy with me to clarify his intent and the language of the bill.

The California Department of Health Services in a September 12 letter expressed their concern that they would have to request interpretations from FDA. They wrote: "For interpretation of Federal requirements, and in order to determine if a State conflict exists, it will be necessary for States to continually request from the Federal Government an interpretation of their requirements and both Federal and State legal review of those interpretations."

Could you explain the bill's intent?

Mr. JEFFORDS. In most cases, it will be abundantly clear and States will not have to continually request written interpretations of Federal law. There should be no need to delay enforcement.

Mrs. FEINSTEIN. According to California officials, a number of requirements now in force in California could be considered to be in addition to Federal law under this bill and therefore could be preempted.

The first area relates to public warning requirements. The California Department of Health Services maintains that the bill would likely prohibit State-initiated public health warnings.

California DHS asked, for example, if point-of-purchase placards could be required.

Could my colleague comment on the intent of the bill with regard to State public warning requirements?

Mr. JEFFORDS. The public information and communication provisions of S. 830 would not prevent a State from issuing its own public statements to warn the public. But although the State is free to utilize the media and other such avenues, the State could not require point-of-purchase placards to be posted.

Mrs. FEINSTEIN. For both drugs and cosmetics, currently under California law, if DHS has probable cause to believe that a drug or cosmetic is adulterated, misbranded, or falsely advertised, DHS can embargo the product, remove it from commerce. In their letter, DHS says, "This power may be considered in addition to a Federal requirement."

Could you clarify your intent in this area?

Mr. JEFFORDS. Enforcement authority is not covered by the preemption provision of the bill, so a State's embargo and other enforcement authority would not be affected.

Mrs. FEINSTEIN. For nonprescription drugs, California law requires comprehensive and annual inspections of manufacturers. Federal law requires limited inspections on no timetable. DHS maintains that the "State's requirements for drug manufacturer licensing and the annual inspections may be considered a requirement in addition to the Federal requirement."

What is the chairman's intent in this bill, as it addresses licensing and inspections by States?

Mr. JEFFORDS. As I said previously enforcement authority is not covered by the national uniformity provisions. Thus, drug manufacturer licensing and inspection in the States would not be affected.

Mrs. FEINSTEIN. My State has expressed concerns about advertising, saying that State law has advertising restrictions, that is prohibition on false and misleading advertisment, advertising of unproven remedies, that may be preempted. Could you elaborate on the bill's intent in the drug advertising area?

Mr. JEFFORDS. The national uniformity provisions would not affect traditional drug advertising laws because this bill does not address the authority of the Federal Trade Commission Act. State laws that prohibit false and misleading advertising or to prohibit unsubstantiated claims for nonprescription drugs, for example, would not be affected. Traditional advertising issues relating to claims substantiation, fair balanced and truth are outside the scope of national uniformity.

Mrs. FEINSTEIN. I thank my colleague. I hope that this discussion will clarify the true intent of the authors of this bill and provide some clarification of the State's authority to protect the public health under this bill.

VOTE ON AMENDMENT NO. 1130, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the committee substitute, No. 1130, as modified. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—98

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

NAYS—2

Kennedy Reed

The amendment (No. 1130), as modified, was agreed to.

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

The PRESIDING OFFICER. Without objection, the motion to lay on the table the motion to reconsider is agreed to.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the scheduled cloture vote be vitiated with the previous debate limitation still in effect.

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

Mr. LOTT. In light of the earlier consent with respect to debate time on the FDA bill—I believe Senator JEFFORDS got the unanimous-consent request agreed to a few moments ago—there will be no further votes this evening. The Senate will begin, now, up to 4 hours of debate on the FDA bill. The concluding 4 hours of debate will begin at 12 noon on Wednesday. Therefore, final passage will occur at approximately 3:45 on Wednesday, of the Food and Drug Administration reform bill.

I guess I should put that in the form of a request, Mr. President.

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

UNANIMOUS-CONSENT AGREEMENT—CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, I ask unanimous consent the majority leader, after notification of the Democratic leader, must turn to S. 25, the McCain-Feingold campaign finance reform bill, prior to the close of the first session of the 105th Congress, and Senator MCCAIN will immediately be recognized, then, to modify the bill, and it be in order that the majority leader immediately offer an amendment relative to campaign finances. I further ask unanimous consent that it not be in order for any Senator to offer any legislation regarding campaign finances prior to the initiation of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, this is the same unanimous-consent request propounded last Friday. The difference is that I have now had the opportunity to consult with my colleagues, and also to consult with the President and those in the White House who have a great deal of interest in our progress on this legislation.

The President has just sent Senator LOTT and me a letter, indicating his desire to either keep us here or bring us back if we are not sufficiently successful in meeting the goals that we have all indicated we share with regard to the completion of the work on the McCain-Feingold bill.

Given his assurances that he will call us back or keep us here—and I certainly hope that that is not necessary because I think there is plenty of opportunity for us throughout the month of October to bring this legislation to the floor and have a good debate—we certainly would not object.

As I indicated on Friday, I had two concerns, one, that we would run out of time and, two, that I had not had the opportunity to discuss this matter, and we were precluded from offering the amendment to any other legislation in the event that we would have run out of time. Now there is no concern for running out of time because the President will see to it that we have whatever length of time we need to complete our work.

So Mr. President, I am very pleased that we have been able to make this progress, and we have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I ask unanimous consent that the letter sent to me by the President be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, September 23, 1997.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Senators McCain and Feingold have pledged to bring their campaign reform legislation to a vote. When that happens, the American people will be watching. I encourage you to act responsibly and support passage of this long-overdue, bipartisan legislation.

This measure is of the utmost importance, and it deserves full consideration on the Senate floor. If any attempt is made to bring this bill up in a manner that would preclude sufficient time for debate, I will call on Congress to stay in session until all of the critical elements are fully considered.

There is a real need for reform. The amount raised by both political parties is doubling every four years. And as candidates are forced to spend ever greater amounts of time raising ever larger amounts of money, the people's business suffers. We have an obligation to restore the public trust.

The bipartisan measure that Senators McCain and Feingold intend to bring to the floor is balanced and effective. It addresses many of the most pressing needs for reform. It does not include every reform that I believe necessary. But it is an important first step—and it represents the only real opportunity to enact meaningful reform in this Congress. Any attempts to attach amendments that would make it unpalatable to one party or another are nothing less than attempts to defeat campaign finance reform.

And a vote to filibuster this measure is nothing short of a vote to maintain the system that favors special interests over the public good. For years, the special interests and their allies have filibustered reform. But this year, the American people will hold accountable those who vote to maintain the status quo.

Despite formidable odds, the Congress faces the best opportunity in a generation to enact campaign finance reform. Let up work together in a bipartisan spirit, as we have throughout this legislative session, to thwart special interests who seek to smother reform and deny the will of the people. I urge you to support the bipartisan efforts embodied in the McCain-Feingold proposal, permit the Senate to debate their bill, and vote to enact these needed changes to our political system.

Sincerely,

BILL.

Mr. LOTT. Mr. President, it is the same unanimous-consent request I offered last Friday. I thought it was a fair procedure within the bounds of the 105th Congress' 1st session to take up consideration of campaign finance reform. I still think it is a fair procedure. I indicated last Friday it was never my intent to try to have this come up on the last day or the last week. I do not think that would be in anybody's interest. And I did not intend to do that. I said at the time I did not intend to do that.

So I am glad we have this worked out. We will work now to try to determine a time to bring up consideration and debate of this issue in a way that will allow us to have time to discuss it freely but also give us time to look at other issues that we hope to have completed before the end of the session.

With regard to the President's letter, I have not had an opportunity to read the letter yet. I am always glad to have a communication from the President. I do not feel threatened or intimidated by the letter because we still have an awful lot of work to do together on appropriations bills. I am still hopeful that we can have the ISTEA follow-on transportation infrastructure bill passed. And we hope to even consider the fast-track legislation.

So the President has a lot of issues that he would like for us to work with him on. We would be glad to do that. And we intend to do that. However, we do not intend to be threatened or intimidated on this or any other issue.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Reserving the right to object, and I will not object, first of all, I want to thank the majority leader for his willingness to take up this issue.

As I said on Friday when he made it very clear to all that we would take up this issue in a timely fashion under the conditions of the unanimous-consent agreement, as he stated, I thought it was eminently fair.

There are other issues that are before the Senate that need to be resolved. And over time I have great confidence that the majority leader will bring up this issue so that it can be adequately addressed.

As far as the letter from the President is concerned, let me just say, Mr. President, we all know that the President can call Congress into session all he wants to. He cannot make them act. And I see from time to time, as we address this issue, the seeking of some kind of political advantage and leverage here in this debate.

Let me make one thing perfectly clear, the only way we are going to achieve meaningful campaign finance reform is by sitting down together in a bipartisan fashion. We do not need letters from the President of the United States now. What we need is meaningful and serious negotiations between all parties committed to meaningful campaign finance reform. I intend to work with my colleagues on both sides of the aisle to achieve that.

Again, I want to thank the majority leader because he told me a long time ago that this issue would receive the serious consideration that it deserves, and he has confirmed that confidence with the unanimous-consent agreement today.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I will not object either. I just want to ask the majority leader a couple questions.

Mr. President, I ask, is it possible for the majority leader to share with us any little bit deeper what his thinking might be as to when he thinks it might actually come? I know he cannot be precise, but is there some variation here in the course of the next 3 weeks, Mr. President?

Mr. LOTT. Well, we need to look at the conference reports on appropriations bills. We need to look at the continuing resolution, if one is needed. I presume it will be. We need to look at what progress is being made with regard to the ISTEA or the highway transportation bill. And we need to look at when we will need to schedule fast track. And we will need to consider when we are going to have an opportunity to take up serious product liability.

So there are several issues that we feel like, I think on both sides of the aisle, we must do this year, and one way or another—or should do—and we will look at all of that. It is not my intent to drag this out to the end of the session because I would like for us to be—if I had my way, I guess the last thing we would do would be probably the fast-track legislation in one form or another and to deal with it up or down. That would be my thinking what we would do last, not because I am pushing it off to the end but because we have to have some hearings, it has to be marked up, go to Finance and I think Banking and two or three other Committees. That is what looks like will probably come up toward the end of October or early November.

So it is my thinking that we would want to do it before then. I will try to, you know, make sure everybody has an input here. We have Senators on both sides that have interest. We have chairmen that have interest. It is not my desire to have this come up in the congestion at the end.

I want to find a window. I can see a possibility of one before long where we can take this up and consider it for a period of time that everybody might be comfortable with.

Mr. KERRY. Mr. President, I thank the majority leader for the breadth of that. I think it is very helpful to have that on the RECORD.

Secondly, I want to ask him just with respect to my own understanding of the request, the first amendment is the amendment from Senator McCAIN.

Mr. LOTT. The original McCain-Feingold.

Mr. KERRY. Followed immediately by an amendment from the majority leader; is that correct?

Mr. LOTT. No. Followed by the modified McCain-Feingold bill.

Mr. KERRY. With a second degree?

Mr. McCAIN. Substitute.

Mr. LOTT. My amendment would be a first-degree amendment after the McCain-Feingold modification.

Mr. KERRY. Mr. President, if I could ask, in furtherance of the effort here to keep the bipartisanship and discussions going, would it be possible in the near term for us to learn the content of that other amendment, of the amendment of the majority leader, so that we might be able to have something competent to be able to meet on and discuss?

Mr. LOTT. We have not made a final decision. We have a number of options we are reviewing. It could be an amendment or it could be an amendment in the nature of a substitute. And we are looking at both of those possibilities. But before we bring it to the floor, we will notify the Members of what our intent would be on that.

Mr. KERRY. I thank the majority leader.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Let me take a moment, and reserve the right to object, to thank both of the leaders for coming together on this issue. It is of tremendous importance to everyone here in this body and to the American people. And I think they both have an extremely difficult task in dealing with an issue like this that is of such personal importance to each Member of the Senate.

It is very heartening to know that we have an agreement that will allow the

open debate on this issue. Last year when the debate came up, there were no amendments and a cloture vote within 2 days. It was not a great opportunity for the body and for the members of the public to be involved in. So I think this is a great step forward.

I want to thank my leader, Senator DASCHLE, for his persistence on this. I want to thank the President for his absolutely relentless support of our legislation for over 2 years now. And I appreciate his involvement in this as well.

But overall, what I think we have seen here is a bipartisan ability to come together on timing. I hope it leads to a bipartisan ability to come together on a meaningful piece of legislation.

With that, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I too want to thank the distinguished majority leader for working with others who are interested in this legislation to create an atmosphere in which we can have an important debate on an issue of enormous significance to our country. I think it is a sensible and orderly way to give everyone an opportunity to have his or her say. I commend the majority leader and Senator MCCAIN as well for their good work to bring us to this point.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader? Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. What is the pending business?

The PRESIDING OFFICER. There is now to be 4 hours of debate equally divided on S. 830. The Senator from Vermont controls half that time.

Mr. JEFFORDS. I yield to the Senator from Utah 5 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the RECORD reflect the fact that amendment No. 1182, as modified, which was adopted was a Hatch-Wyden amendment.

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

Mr. HATCH. Mr. President, there is an old saying, "No good deed goes unpunished." And it applies only too well to those who tackle the job of shepherding the FDA legislation through Congress.

The legislation we are debating today has its foundation in the last Congress. From my experience, I know that FDA bills are inherently contentious and complicated—and that would be true even if my friend from Massachusetts, Senator KENNEDY, was not on the Labor Committee. Sometimes I believe that it was this FDA bill that drove our good friend Nancy Kassebaum out of the Senate.

So we should all take off our hats and thank JIM JEFFORDS for his efforts in forging this important compromise bill. The overwhelming votes on cloture and on the motion to proceed are testament to the fact that S. 830 is a solid piece of bipartisan legislation that will benefit the American public for years to come.

Every Member of this body understands only too well the necessity of having good staff. Our staffs work long hours in order to resolve very difficult issues. I commend the work of all of the staff involved in the development of this bill. I will defer to tradition and allow the chairman and ranking member to single them out when the bill achieves its final passage.

However, I do want to depart from tradition for a moment to compliment the work of Senator JEFFORDS' point person on FDA reform, Jay Hawkins. It is always safe to bet against the passage of FDA legislation, but Jay joined the Labor Committee this past winter and hit the ground running and has helped the chairman in crafting and bringing S. 830 through the committee and onto the floor.

Jay has worked hard, listened patiently to diverse viewpoints, identified and solved problems, and has exhibited sound judgment and tremendous energy throughout this process.

Unfortunately for Jay and his family, on August 20, his mother, Mrs. Donna Lotz Hawkins, died after a long battle with cancer. Jay's mom was a mountain climber, ocean swimmer, and distance runner who had many friends that will deeply miss her.

The loss of a parent can never be replaced. While I never met Jay's mom, as a parent I know that she must have been extremely proud of her son for all of his important work in the Senate.

It is only fitting that this bill, which has so much of Jay's imprint, promises to speed the development of the next generation of cancer treatments.

I just wanted to take these few moments to salute Jay and the chairman for their considerable efforts on the FDA bill, and I want to extend my condolences to the Hawkins family on the loss of his mother.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 5 minutes to the Senator from New York.

Mr. D'AMATO. I thank the chairman and ask unanimous consent that I may proceed as in morning business.

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

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 1203 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Rhode Island might use.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. We have made great progress with respect to the Food and Drug Administration [FDA] bill. That is a tribute to Chairman JEFFORDS and the ranking member, Senator KENNEDY from Massachusetts, and all the members of the committee and the Members of the Senate participating in this debate.

However, there remains at least one issue of concern, one issue that was a subject of extensive debate today. That issue is a provision regarding the 510(k) approval process for class I and class II devices. As I mentioned previously, these class I and class II devices are serious medical devices. This is not a Band-Aid or gauze. These are lasers or biopsy needles or many other complicated, necessary medical devices.

As a result, we cannot, I think, assume that this is a small or inconsequential issue we are debating. It is a very important issue.

Essentially, the legislation that is before the Senate today limits the FDA from looking behind the stated use on the label presented by the manufacturer when they request approval to put a new product on the market. It is important, in certain cases, to make such a searching review beyond the proposed use by the manufacturer. It is particularly important in the case where there is strong suspicion that the label is either misleading or fraudulent or false. Although my amendment was not favorably considered earlier today, it would have given the authority to the FDA to look beyond the label in cases where they could show—and this is a very high standard of proof—that the label was false or misleading.

There is no other provision in this new legislation that would give the FDA such authority. Indeed, one could ask why the proponents of this legislation deliberately chose to remove the FDA's authority and to effectively prevent the FDA from conducting a thorough review of medical devices as they come on the market.

I have outlined, as many of my colleagues have, the detailed reaction of several sections of the FDA law. It is complicated, arcane legislative language.

I have tried to think of a more homely and mundane example which might illustrate the dilemma the FDA would be facing as it contemplates this new legislation. If the FDA were in the position of not approving medical devices

but approving, for example, land transportation vehicles, they might be confronted with an existing model, perhaps a Ford Mustang. And say, for example, a new product such as an F–16 fighter plane is presented for review. Both can move over the ground, both of them are fairly fast, and both of them have certain similar aerodynamic capacities. Both of them can carry passengers. So one could make the argument that the F–16 could be substantially equivalent in use as a ground transportation vehicle.

But I think anyone would have to say, upon looking at both of these devices, that there is a strong suggestion the F–16 can be used for something else. If the FDA, or in this example, the hypothetical agency, did not have the authority to ask the simple question: Will it be used to fly and can it fly? The hypothetical agency may not be doing the job.

That is a homely example to illustrate that the FDA is frequently confronted with devices that are presented as being substantially equivalent to existing devices. These new devices may be similarly labeled to that existing device, but they have the potential for other uses. If it is obvious that the device is for uses not listed on the label, the FDA should have the authority to make an inquiry into those other uses.

In fact, my suspicion is that in the development of new medical devices there is a long history of starts and stops. A history of contact with other individuals, many researchers working together, exploring different uses and alternatives, different materials. In that process, it is very likely that other issues are contemplated, evaluated and perhaps designed into the device.

Today we have a system where there is more incentive for approaching the FDA with a petition of a 510(k) approval because that is the fastest way to the marketplace. Even if there were uses that were discussed and contemplated, even if there are obvious uses that might become part of common practice, those may be dismissed in order to get this through the system quickly.

What we have done today by not adopting my amendment is effectively prohibit the FDA from making that searching inquiry into possible uses. The consequences can be severe to the public health.

Despite all of these issues we have discussed, this bill represents significant progress on many fronts. We are very, very close. I hope in the ensuing conference—or before we go to conference—that we could address this particular issue. It is an issue that has been highlighted by Secretary Shalala. It has been highlighted with respect to the potential for a Presidential veto. I hope we don't reach that point.

The hard work that has been done over many months by my colleagues, the hard work of many representatives of the industry, and the hard work of public health advocates I think will lead us, if we can get over this hurdle, to a bill that we will all be proud of.

In conclusion, today we have spent some time discussing the industry. We have spent some time discussing the FDA. There have been criticisms by Members with respect to both the industry and the FDA. Our job at this point is not to demonize or deify anyone. It is to get good laws passed. I believe this legislation can be approved and can succeed.

I note the majority leader is standing by, and I yield back my time.

VISIT TO THE SENATE BY THE EUROPEAN PARLIAMENT

Mr. LOTT. Madam President, I am pleased to welcome a delegation from the European Parliament to the U.S. Senate. The parliamentarians are in the United States for the 47th interparliamentary meeting.

Europe continues to move forward with economic integration and the European Parliament's role is increasingly important. As the European Union—like the North Atlantic Treaty Organization—expands, the role of the European Parliament will become even more important.

The United States and the European Union have the world's largest commercial relationship, with trade and investment approaching $1 trillion.

I believe increased interaction between our legislature and the European Parliament will serve the interests of both sides. I would like to add that I met with the U.S. Ambassador to the European Union, Mr. Vernon Weaver, earlier this summer and was impressed with the job he is doing to protect American interests in Brussels and across Europe.

I urge my colleagues to greet this delegation, led by Mr. Alan Donnelly of the United Kingdom.

Madam President, I ask unanimous consent that a list of all of the delegation be printed in the RECORD.

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

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES

(47th EP/US Congress interparliamentary meeting, 21–26 September 1997, Washington DC)

LIST OF MEMBERS (15)

Mr. Alan Donnelly, Chairman, PSE, United Kingdom.

Mr. Bryan Cassidy, 1st Vice-Chairman, PPE, United Kingdom.

Mr. Lucio Manisco, 2nd Vice-Chairman, GUE/NGL, Italy.

Ms. Nuala Ahern, V, Ireland.

Ms. Mary Banotti, PPE, Ireland.

*Mr. Jacques Donnay, UPE, France.

*Mr. Willi Görlach, PSE, Germany.

Ms. Ilona Graenitz, PSE, Austria.

Mr. Fernand Herman, PPE, Belgium.

*Mr. Mark Killilea, UPE, Ireland.

Ms. Elly Plooij-Van Gorsel, ELDR, Netherlands.

Mr. Barry Seal, PSE, United Kingdom.

Mr. Michael Tappin, PSE, United Kingdom.

Mr. Josep Verde I. Aldea, PSE, Spain.

Rapporteur on Transatlantic Trade and Economic Relations, Ms. Erika Mann, PSE, Germany.

NOTE—Abbreviations:

PSE: Group of Party of European Socialists.

PPE: Group of the European People's Party (Christian-Democratic Group).

UPE: Union for Europe Group.

ELDR: Group of the European Liberal Democrat and Reform Party.

GUE/NGL: Confederal Group of the European United Left—Nordic Green Left.

V: Green Group in the European Parliament.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate stand in recess for 5 minutes so we may greet our guests from the European Parliament.

There being no objection, the Senate, at 4:58 p.m., recessed until 5:06 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Madam President, we are making substantial progress on the FDA bill, and I applaud that progress. We have worked out a number of key issues on a bipartisan basis since the committee markup in June. We have worked out the issues on fast tracking some innovative opportunities for dealing with the special challenges we are facing. We built on the fast tracking that we have done on AIDS drugs, and we are trying to do more in the areas of cancer and Alzheimer's, following what has been an important initiative at FDA for getting drugs out faster. We have even worked out differences on the off-label uses of various pharmaceuticals and devices and what information and studies will be required in terms of safety and efficacy. We have worked out the early consultation between device manufacturers and the FDA.

We have been working toward reducing the total development time. A key element in our negotiations has been going upstream and working with the pharmaceutical companies, as well as the manufacturers, in shaping and formulating their applications so that they will move more rapidly through the approval process. Many of these initiatives were worked out by Dr. Kessler. We have put them into legislation under the leadership of Senator JEFFORDS and others on the committee. We have settled the issues of cosmetics, after good debate and discussion. We have also worked our

third-party review pilot programs and timeframes for some of the drug approvals. Each one of these issues was worked out in a way that protects the public health.

This process continues now with further debate today and tomorrow on what I, and others with me, consider to be the most significant threat to the public health remaining in the bill. These other areas that are complex and difficult, where a wide variety of different positions had divided the committee in a significant way. We have been able to make important and significant progress in ways that advance public health. I believe that we have advanced the interest in the public health. This final issue remains and has been identified by the President of the United States and the Secretary of HHS as being the No. 1 public health risk within this legislation. We had a good debate on that issue earlier today and a real engagement of the differing ideas. I find that we were able to make important progress. The Members realize and recognize what is really at stake. We were unable to win the majority of the Members, but we have a substantial group of Members who are likewise concerned about the public health issues.

We have heard from the various consumer groups and they are the ones that will benefit the most from breakthrough devices. If you read through their concern and opposition to the provision in the legislation and their strong support for the Reed amendment, you understand why we are so concerned about this particular provision.

The House is in the process of taking up legislation dealing with the same subject matter, although they have reached a stalemate with regard to the extension on PDUFA. PDUFA, which I certainly support, provides the additional resources for the FDA to get the kind of trained disciplined personnel that represents the top of our research technology to work very effectively in the evaluation of these various products.

As the prime sponsor of that proposal here in the Senate, with my friend and colleague, ORRIN HATCH, we are clearly strongly in support of PDUFA. We tried to take similar action with regard to the medical device industry, but we were unable to do that. But we were able to accomplish it with the pharmaceutical industry, and it is necessary to have this extension.

The House will take up the FDA. We will continue to work with the administration, and with the leaders of the Energy and Commerce Committees in the House to make sure the compromises reached in the Senate are retained or improved. We will work to make sure that the medical device issue that we have been debating on the Senate floor is fixed.

We believe that the Food and Drug Administration should not be faced with a situation where a device is submitted with a label that contains false and misleading information that would effectively deny FDA an opportunity to review the device on its real uses. And deny them the authority to require the medical device company to provide information relevant to the safety of that medical device.

There is nothing that we have heard that changes my very view that the interests of the American consumer and the American public are best protected by strengthening the lead agency for safety—the Food and Drug Administration. The agency to which all Americans turn when they find that there is tampering with pharmaceuticals, or they are concerned about the importation of pesticides on grapes from Chile, or they are concerned about drugs and medical devices. We saw that across the country this last week withis last week with the fen/phen tragedy.

Now we are being asked to reduce the protections for the American people by prohibiting this lead agency, with all its expertise, from protecting the public when it comes to medical devices. We are handcuffing them from being able to reachthe American public when a medical device is falsely labeled. That is a serious error on our part.

A great deal of discussion has taken place in the committee and out here on the floor of the U.S. Senate as to the FDA's ability to approve medical devices in a timely manner. We heard it expressed this morning. We heard. "Just look how bad the FDA really is." We have to accept this provision because it is going to make such a difference to the patients that need these medical devices.

Let us look at what the record has been with regard to the FDA.

If you go through the GAO study on the FDA and its approval record, the progress that has been made in the recent time is truly remarkable. I have it here. This shows the review times that have been decreasing, starting in 1994, continuing 1995, and 1996. This is the General Accounting Office.

The premarket notification 501, the median FDA review time for notification as judged to be equivalent devices already on the market has dropped consistently from 199 days to 95 days in 1996. Look at that difference between 1993 and 1996. The time reduced from 199 days to more than half for the medical devices that are the substantial equivalent.

Here is the premarket approvals. Those take longer than the premarket notifications because the FDA reviews the substantial amount of evidence to determine if the devices are safe and effective. The median time for PMA has dropped from 766 days in 1993 to 280 days in 1996. Again, a 40 percent reduction of the time—a dramatic improvement in the most complicated medical devices that are new; to convince the FDA with the range of different new technologies that are coming and that are being implanted in people. We have reduced that time for clearance on the newest devices that have to be tested carefully and evaluated in terms of their safety. We have dropped the time by about 35 or 40 percent. Approval times have been reduced and we still have the best safety record. We are seeing dramatic improvement in approval time for the most complicated medical devices, and we are seeing dramatic improvement in approval times for the kinds of medical devices that are substantially equivalent. And we still have a strong safety record. But that isn't enough for the medical device industry. They are refusing to support an amendment which would permit the FDA to look at the safety features of medical devices that ought to be looked at.

It would be an entirely different matter if these improvements had not been made. At least you would have an argument to say you needed dramatic changes in the approval process. But the time it takes for the newest kinds of medical devices are improving dramatically.

We heard on the floor of the Senate, "Well, we have to be able to get these devices out there because all of us are aware of how fast those devices are being approved in Europe. If we do not accept this provision, all our medical device companies are going to go abroad. We are going to lose jobs. This is an issue of jobs. We will take a chance with the health of the American people on this so we can keep our industry here and protect our public."

Well, let's look at the facts on this one. We have just had the GAO report of June 1997 showing the remarkable progress that is being made in terms of approving these devices while still doing comprehensive examinations of the complex safety issues. They can evaluate the new kinds of safety information provided by the medical device industry, and do it in a timely way, and protect the public. That is what Senator REED and myself believe should be done with regard to this provision.

Madam President, this is a May 12, 1997 document by the World Medical Device Diagnostic News.

This is April 21, 1997.

I will include the relevant parts in the RECORD. But I am reading now:

> France calls on EU to tighten device controls. In a letter to the European Council of Ministers, the French government has called for tighter controls over high-risk medical devices. The government is particularly concerned about implantable devices and other products that fall into the high-risk categories, class 3, class 2.

The letter which was sent to other EU member states has not been released publicly. It forms part of the French campaign of ever-increasing intensity for more stringent relations on

medical devices. France is also questioning the validity of the European approach to the regulation of products that pose a high risk to health.

Then in another section talking again about the European Union, industry experts speculate the French might argue on the basis of the results and the question of medical device directors being unable to cope with the high-risk products.

These are storm warnings with regard to the use of high-risk products—storm warnings from our European friends about what is happening over there with their medical device industry. Then we heard here, "Well, those may be high risk but we are only looking at low risk devices." Low risk? The list of the products that are being suggested as low risk: Ventilators, fetal cardiac monitors, imaging devices, MRI ultrasound, x-ray. Who wants to take chances about whether the ultrasound that an expectant mother is having is going to do the job or not? We think that is a low risk? We don't think that mother ought to be able to get satisfactory information about the adequacy of the protection and the soundness of x rays and CAT scans and ultrasound and MRI's, imaging devices. Low risk? Anesthesia machines. Low risk? We have the storm warnings about what is happening in our own country.

Here is the February Business Outlook for the Medical Device Link. Here is their cover story February 1997:

With the improvements in FDA product review performance, despite an ever more challenging domestic market, device company executives are more optimistic than ever.

They talk about the FDA being cited by many as the leading source of their pessimism.

While nearly as many blamed the disconcerting restructuring of health care providers, two years later—that is now. This is going back to 1994 and 1995.

"* * * two years later device company executives report a substantial improvement in FDA's performance, particularly in the 510(k) product approval times.

This is the medical device industry document. It continues.

In fact, this year's survey conducted last October marks the highest business climate ratings ever in the 5-year history of the survey.

The highest degree of approval rating ever in the 5-year history.

It is going well, my friends. We do not have a Shiley Heart Valve tragedy today. We don't have a Dalkon Shield tragedy today. It is working in terms of protecting the public. But the industry is demanding changes in providing the protection. Why? This is what the industry is saying about the FDA. "The impact of FDA's internal reforms and review time is more significant than might appear. The agency has not only reduced the approval delays that slowed newer products but, perhaps more importantly, has greatly reduced uncertainty as to the timeliness of future product introductions."

I will include the appropriate amount of this. I will not take up the whole record, although it is a fairly short document.

It continues along: Respondents' rating of the current business climate for the medical device. Here are the results. A substantial majority of medical device executives said, medical device industry, good or excellent.

Then it has executive ratings of device industry business climate, 1993 to 1997: 58 percent good or excellent. Last year it was 58 to 11. Find me an agency of Government where those who are being covered by the regulators are saying 58 percent approval, 11 percent disapproval. An examination of this review shows that it was down just in 1995, 37 to 23—37 percent approval, 23 percent disapproval. Now that disapproval has gone from 23 to 12 to 11 in 1997 and the 37 is up to 58 in 2 years. This is the reflection of those who are involved in medical device businesses.

"Expectation of respondents for business conditions in the medical device and diagnostic industry," again, going up, enormously favorable.

"One important cause of this year's improved outlook is the clearly perceived improvement in relations with the FDA. As shown in figure 5"—that will be in the RECORD—"the decline in complaints about the agency mirrors the increase in positive business outlooks."

You could not get a greater endorsement. You could not find better support for an agency that is being regulated. You could not see a more dramatic improvement in how that agency has been dealing with those that it is required to police. And all the while still protecting the public health, all being done to protect the public health. As the Secretary of HHS and the President of the United States said, of all the different provisions, this is the one that puts the public health at risk. All against a background of a device industry that is saying things have never been better.

Several committee members have expressed concerns that the FDA will try to think of every possible off-label use for a device and harass the industry to death. There is no justification for that attitude. It is good rhetoric, but it just defies any kind of understanding about what is happening in the medical device industry today. The medical device manufacturers and personnel find that their relationship with the FDA is improving significantly in terms of how they are being treated, the times that are involved, the way that the agency has been considering various applications like the ones we have been talking about. The public health is being protected, but we are being asked to change it.

How many times around here do you hear, "If it is not broke, why fix it?" Well, this is the attempt to try to fix something that is not broke. And we are not talking about widgets here. We are talking about real health implications to the American public.

Why should we take a chance on people's health when those medical devices are being carefully tailored and designed technologically to do something that is different than is on the label? It just defies me. That is the issue.

So, as we go on through this survey report, talking about international markets: "Just as outlooks on business are influenced by market segments, so, too, they are affected by geographical markets. In fact, large companies have a clear advantage over small ones in entering foreign markets. Of the companies surveyed, 91 percent were selling to the United States, just over half were doing business in Europe and Canada, while 36 to 40 percent were in Latin America. Of the largest companies surveyed within the various"—$50 million in annual revenues, 90 percent or more were involved in the survey and they show here when asked what markets offered them the best prospects in 1997, more respondents, 80 percent, named the United States than any other market. This are the medical device companies from Central and South America talking about what they believe the greatest opportunity for market expansion is in the United States, and they are going to have to meet the strict requirements that are being put out by the FDA. They think, even going through those requirements for safety and ensuring the public is going to be protected, that there is this dramatic opportunity for growth.

And it just continues. If we go through the Medical Economics magazine of this year, January, it talks about the enormous explosion of the various devices, talking of the demand for devices to treat arteriosclerosis, enlarged prostates, infertility and many others creates a worldwide market of $120 billion, including about $50 billion in the United States. That's growing by 8 percent annually. Feeding this demand are technologies that offer new ways to treat disease, allow doctors to treat illness more quickly, effectively and safely. The coronary stint, for example, created a submarket that exploded from $220 million globally to more than $1 billion in 1996. Sales of this device are growing 30 to 40 percent.

I used that as one of the examples here the other day. This is a $1 billion industry. We are talking about the power of this industry to put pressure on Congress, with this kind of economic power, that pressure is dramatic. To resist that kind of pressure when it is contrary to the protection of the public health I think is enormously important.

What we are saying is simple and fundamental. That is, the proposal that is being advanced here will permit the medical device industry to submit various medical devices to the FDA and the FDA will be limited to examining only the uses listed on the label of the medical devices. If it is substantially equivalent to a medical device that's been approved, all the company has to be able to show is that it has the same kind of safety protections that the earlier device had, even though—even though—it is the intention of the medical device manufacturer to use that medical device for an entirely different purpose and market it for an entirely different purpose, the FDA is prohibited from examining the safety features.

Maybe those safety features are such that they will significantly improve the health and well-being of the person that is using the medical device, but we ought to make sure at least that the agency has the information that would justify that utilization. All this is happening against a background which demonstrates that the medical device industry is happier with the FDA than at any time in the history of the 20 years, 23 years, of medical device legislation. Happier that there has been a dramatic improvement in approval timeframes, important improvement in terms of safety. We are taking that excellent record and risking it with this particular provision. It does not make sense.

This makes absolutely no sense at all. We strongly believe that this provision has to be altered or changed. We have missed the opportunity to do that on this particular legislation, but we will have further opportunities to do so in the near future.

It is amazing to me, as we went through consideration and as we were able to make progress on so many other items while advancing public health, but the medical device industry does not want to deal with this one. They felt they had the votes. They had them this afternoon. But this is a long road. It is a long road, the completion of this whole process, and we are going to fight every step of the way. We have seen a variety of different options that would attend the kind of concerns that the medical device industry has put expressed, which we and the FDA and the administration were prepared to deal with, but the device industry is unprepared and unwilling to do so.

So if they are unwilling, we are unwilling at least to roll over. There are a variety of different procedures which we will have to resort to in order to make sure that this threat to the public health of the American people does not go forward over the objections of those who are in the best position and do represent the patients and the consumers.

By accepting this change in the protections available to the American public at this time, we are not saying that the health of the American people is going to be advanced. If this particular provision remains unchanged, a provision which effectively handcuffs the FDA, it is the bottom line of the medical device companies that will be enhanced. And ethical companies and the protection of the American people will suffer.

That makes absolutely no sense. It is basically and fundamentally wrong, and we will continue the battle ahead.

APPROPRIATIONS "TRIGGER"

Mr. COCHRAN. Madam President, as chairman of the Appropriations Subcommittee with funding jurisdiction for the Food and Drug Administration, I am compelled to state my opposition to the appropriations mandate in this bill. While this bill reauthorizes prescription drug user fees for the next 5 years, it also states that the FDA cannot assess those fees unless the appropriation for FDA salaries and expenses is at least equal to the appropriation for fiscal year 1997, adjusted for inflation.

The Appropriations Subcommittee will continue to balance the needs and requirements of all agencies and activities under its jurisdiction within the total amounts available for discretionary appropriations. Any member of the Senate who disagrees with the committee's recommendations is free to seek to change the allocation of resources proposed in the bill.

However, annual appropriations decisions should not be predetermined by the establishment of arbitrary appropriations "floors" and "ceilings" in authorization bills. In this particular case, the bill seeks to dictate that FDA's salaries and expenses appropriation be "held harmless" against inflation—that for each of the next five fiscal years, the appropriations be at least equal to the current appropriations level, adjusted for inflation. If not, FDA cannot assess prescription drug user fees.

Madam President, I am certain that each agency and program which receives appropriations would like to secure a similar protection against inflation. However, this is unrealistic in the current budget environment and inconsistent with the levels available for discretionary appropriations under the bipartisan budget agreement.

Industry paid fees are expected to supplement rather than supplant FDA spending for drug approvals. For this reason, I understand the industry's desire to make sure that FDA maintains its current level of effort relative to the drug approval process. However, as I indicated, it is unreasonable to attempt to guarantee FDA protection against inflation at the possible expense of other programs and activities. It would be difficult for me as chairman of the Appropriations Subcommittee of jurisdiction to predict what agency or program restructuring might occur over the next 5 fiscal years, what a program or agency's future resource requirements might be, or the fiscal constraints the subcommittee might face in each future year.

Mr. President, it could be that the minimum mandated appropriations level in this bill is met in each of those years. However, it is just as likely that it would not be. The Appropriations Committee will continue to do its work by considering the needs of every program and agency within its jurisdiction within the total resources available to it. It will not feel constrained to meet the proposed appropriations "trigger" for the collection of prescription drug user fees if it remains in this bill.

I do not think it is the intent of the Labor and Human Resources Committee or the Senate to set an arbitrary mandate that might result in a situation during the course of the next 5 years where these fees may not be collected. I believe this would undermine the existing drug approval process and run counter to the interests of the federal government, the industry, and the American public. The issues and concerns I raise are similar to those expressed by Senators GREGG and MCCONNELL in the additional views they incorporated in the committee's report accompanying S. 830.

Madam President, I am hopeful that the committee take this issue seriously and will work in conference to remove this appropriations mandate and possible impediment to the continued success of the Prescription Drug User Fee Act.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, I am prepared to yield the remainder of our time this evening.

Mr. JEFFORDS. Madam President, we are not prepared to at this time, so 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. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MILITARY AIR CRASHES

Mr. DASCHLE. Madam President, on Friday afternoon of last week, I was

shocked and saddened to learn that a B–1B bomber had crashed near Alzada, MT, during a routine training mission over the Powder River military operations area. The bomber was assigned to Ellsworth Air Force Base in South Dakota, and all four crew members aboard the aircraft were killed.

I wish to extend my deepest sympathies to the families of those courageous individuals. They died in the service of their country, and I know my colleagues join me in honoring their memory and their sacrifice.

The B–1 accident was the sixth military air crash in 7 days. Although there is no apparent connection between the accidents, Secretary of Defense William Cohen rightly asked the Air Force and the other branches of the Armed Forces to implement a 24-hour safety stand down to allow those who fly and maintain U.S. military aircraft to focus on safety.

Despite the rash of accidents that occurred in recent days, the past year has been a relatively safe year for the Department of Defense.

Fifty-five military aviation accidents occurred this year compared to 67 last year, 69 in 1995, and 86 in 1994. Although this appears to be a good trend, the Pentagon must strive to improve its safety record even further, and they are doing that.

I commend Secretary Cohen for implementing a safety stand down and am confident it will yield positive results. If it helps to prevent just one crash or the loss of just one life, the safety review will be well worth the effort.

As Secretary Cohen recently said, "The lives of our aircrews and passengers are very precious, and each loss is a great tragedy."

As the Air Combat Command, the Air Force and other branches of the Armed Forces study safety this week, I hope all of us will take a moment to reflect on those committed and dedicated individuals who lost their lives in military crashes in recent days. I would like to take a moment to review the exceptional lives of those four service members from Ellsworth Air Force Base who died in the tragic accident last week.

Col. Anthony Beat was born in Willard, OH, in 1951. He graduated from Ohio State University in 1973 and earned his commission through the Air Force Reserve Officer Training Corps the same year.

During his long tenure in the Air Force, Tony served in a number of capacities. He was a B–52 copilot, aircraft commander and instructor pilot. He was also assigned to the Bases and Units Division in the Strategic Air Command headquarters. Most recently, he served as the vice commander of the 28th Bomb Wing at Ellsworth Air Force Base.

My staff and I had worked closely with Colonel Beat on a number of issues during his tenure as vice commander. His expertise and many accomplishments had a profound impact on Ellsworth Air Force Base.

Colonel Beat was a member of the Ellsworth Black Hills Chapel and enjoyed jogging, hunting, and fishing. He is survived by his wife, Dolores Ann, and their son, James Allen.

Maj. Clay Culver grew up in Memphis, TN, and graduated from the Memphis State University in 1981. Since earning his commission in 1983, Major Culver was an Advanced Electronic Warfare Systems instructor in the 453d Flying Training Squadron, an assistant operations officer, and defensive systems officer instructor.

Most recently, he served as an assistant operations officer and weapons systems officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

Major Culver is survived by his wife, Cynthia; a daughter, Ann; and son, Parker. Mrs. Culver said recently her husband "was doing the right thing, and it was a very honorable way to go."

Maj. Kirk Cakerice was born in 1954 in Eldora, IA. He graduated from the University of Northern Iowa in 1977 and married Myra Van Sickle the same year.

Kirk earned his commission in 1982 and served in a number of assignments including B–1B Aircraft Commander, instructor of B–1B Aircraft Commanders, and cadet squadron commander at the U.S. Air Force Academy in Colorado Springs. Most recently, he served as an assistant operations officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

A longtime friend of Major Cakerice said Kirk was the "prototypical Iowa boy." He "grew up in smalltown Iowa, tremendous sense of humor, very talented at sports, could learn something quickly and do it."

Major Cakerice was a member of the Canyon Lake United Methodist Church in Rapid City, SD. He is survived by his wife, Myra; son, Brett; and daughter, Kendra.

Capt. Gary Everett, who was engaged to be married, was the youngest of the four who died in the B–1B crash on Friday. He was born in Brooklyn, NY, in 1962 and grew up near Louisville, KY.

His parents, three brothers, and one sister still live in Kentucky.

Gary graduated from the University of Louisville with a degree in physics in 1986 and earned his commission through the Officers Training School 2 years later. He served as B–1B Defensive Systems Officer in the 34th Bomb Squadron and as a weapons systems officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

Gary had many interests outside the Air Force, including an online service called RapidNet that he founded with two partners in Rapid City. Gary's sister-in-law, Karen Everett, said "Gary was a hero to all his younger cousins. He was a wonderful role model for all his achievements, in starting his own business, and for his emphasis on how important education is."

Captain Everett is survived by his parents, Joseph and Dorothy Everett, of Glasgow, KY; three brothers, James, Joe, and William; one sister, Carol Ann Johnson; and his fiancée, Karen Tallent of Rapid City, SD.

Mr. President, we suffered a tragic loss on Friday. Col. Tony Beat, Maj. Clay Culver, Maj. Kirk Cakerice, and Capt. Gary Everett served nobly, and they will be deeply missed. Their commitment and dedication to their families, the Air Force, and our country will not be forgotten.

Like many in South Dakota and throughout the country, my thoughts and prayers are with the families of those who lost their loved ones in this terrible tragedy. And we think of them now.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator LEAHY, how long will you go?

Mr. LEAHY. Madam President, I am sorry, I did not see the Senator from New Mexico. Under our normal practice in these kind of times we tend to go back and forth, so obviously the Senator from New Mexico would proceed.

Mr. DOMENICI. I have a few remarks regarding the IRS and the National Federation of Independent Businesses.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

NFIB CAMPAIGN TO ABOLISH THE IRS CODE BY 2000

Mr. DOMENICI. Madam President, in 1990 Senator Nunn and I cochaired the Strengthening of America Commission which among its recommendations, called for abolishing the current income tax code, and replacing it with a progressive consumption-based income tax code that would encouraged savings and investment.

The National Federation of Independent Business is in Independence, MO, today starting a nationwide petition drive that encourages all small business owners to sign a petition calling upon the President and Congress to abolish the IRS Code as of December 31, 2000 and to replace it with a simpler, fairer tax code which will reward work and savings.

I intend to sign this petition and encourage all of my colleagues to do likewise.

NFIB is launching the petition drive in Independence, MO, home of President Harry Truman, who said, "The Buck stops here." NFIB is telling the American public that "the code stops here."

NFIB could have started their campaign in the town of Truth or Consequences, New Mexico. When dealing with the IRS, "tell the truth or pay the consequences" could be their motto.

But things have gone wrong. Compliance has become lax or nasty.

Despite a $7 billion in annual budget and 106,000 employees the IRS failed to collect an estimated $200 billion of taxes a year.

Tax collection is as nasty as it is lax.

In New Mexico, there is a sense of frustration among people trying to comply. Taxpayers receive computer generated letters. The letter is either a short, brutish demand for more money or an incomplete and unclear request for more documentation. The letters usually include no phone number, and no contact person. Now, that is actually from my staff working with constituents. The letters usually include no phone numbers and no contact person.

The letter strikes fear. The message is clear—TRUTH or PAY the consequences. But the letter usually fails to explain what truth, in the form of additional documentation, is needed to avoid the consequences.

In New Mexico, my home State, the IRS letter could originate in Phoenix, AZ, Ogden, UT, Albuquerque, NM, or Dallas, TX. When constituents fail to figure out the point-of-origin themselves they come to my office. It takes a professional case worker at least 2 days just to track down the IRS office handling the case of a New Mexico resident.

I know that the National Commission on Restructuring the IRS has issued its report and that Senators GRASSLEY and KERRY have turned the recommendations into legislation that takes a top-down approach giving the IRS commissioner a longer term and more flexibility.

But knowing what I know, I believe the legislation also needs to take a bottom-up, common sense approach. Simple things will make big differences.

For example, letters from the IRS should have a contact person and phone number that will be answered by that one-and-the-same person. I don't mean a 1-800 number that is totally automated. You have heard about it. It is the number that is always busy, but if you persist for about an hour you can get through. Then it puts you on hold for another hour, and finally provides the following helpful choices:

Press one for more instructions that you can't understand;

Press 2 for more information that will frighten you;

Press 3 for information that will confuse you further;

Press 4 for information that contradicts what we told you when you pressed one, two or three;

Press 5 for information that contradicts what we told your accountant yesterday.

I wish I were kidding.

Part of the problem is the IRS. But part of the problem is the Congress, because we passed the tax laws that made the code too complicated. And for that we should all stand up, if we voted for those tax measures, and take our share of the blame.

The IRS simplest return, the EZ form 1040 has 33 pages of instructions. That is the easy form. The Form 1040 has 76 pages. The Earned Income Tax credit instructions are 23 pages and the worksheet is as ambiguous as it is long.

The National Federation of Independent Businesses estimates that America's businesses will spend 3.4 billion hours, and individuals will spend 1.7 billion hours, simply trying to comply with the tax code. That's equivalent to 3 million people working full time, year around, just on taxes.

Another problem with IRS compliance is that there are too many steps. I was recently contacted by constituents trying to get their Earned Income check. The IRS is 6 months behind in New Mexico in reviewing the tax forms filed for Earned Income credits. The IRS is looking into about 1,600 claims and requesting additional information from the taxpayers. I don't fault the IRS for making sure that the claims are legitimate, but I do find fault with their process.

The first letter from the IRS merely informs you that you are not going to get your EIC check until you contact IRS.

The next step is to contact them and wait. In 6 weeks they will get back to you with information on what information they want from you to verify your claim.

In northern New Mexico, many people speak Spanish. It is difficult for them to understand English and certainly difficult for them to understand the complexities that I have just described. It would be helpful if instructions were in Spanish as well as English. The Grassley-Kerry bill calls for the creation of taxpayer assistance centers where people can go for face-to-face assistance. I would suggest that some of these places these people be bilingual for those who have difficulty speaking English and filling out complicated forms.

The current code is so complicated that unintended consequences are unavoidable.

We recently passed a middle class tax cut—but what the Congress intended, the alternative minimum tax takes away. New information from the Joint Committee on Taxation estimate that individuals paying the alternative minimum tax will increase from 605,000 in 1997 to 8.4 million families by 2007 unless something is changed. Part of this increase is caused by the new $500 child credit and college tuition credits. The perversity of the alternative minimum tax is that the more credits a family is entitled to, the more likely it is that the family will have to pay the alternative minimum tax. But we just built these new credits into the code, taking much credit with middle-income Americans. Yet, the alternative minimum tax on individuals remains in effect. Put another way, the alternative minimum tax is hostile to families claiming the $500 child credit and the college tuition tax credit. Middle class families will find that their middle class tax cut is partially taken away because of the alternative minimum tax.

The alternative minimum tax is complicated but it is also punitive. Families who thought they were in the 15 percent tax bracket find themselves in a 26 percent alternative minimum tax bracket. An 11 percent jump sounds bad but it is even worse when you remember that the alternative minimum tax base is broader than the regular income tax base. In other words, you apply the new rate, the higher rate, against a broader income than what you would have applied under the ordinary return.

As I wrote Secretary Rubin last Friday: "The alternative minimum tax is a trap for a growing number of American families. Most people don't know that it exists and those who do, view it as a tax on the rich, and not something to bother with. But that is not the case."

"The passage of the Taxpayer Relief Act is going to turn more and more middle class taxpayers into alternative minimum tax payers, and at the same time deny them a signficant portion of the middle class tax cut[s we have given them]."

We have to fix this unintended consequence, and do it quickly.

Restructuring the IRS to be kinder and gentler will make taxpayers less frustrated, but an equally serious problem is the destructive impact that the current code has on the economy.

The current code adds about one-third to the cost of capital, makes us less competitive because it is not border adjustable, and it penalizes savings and investment—two activities that are of tremendous value to our economy.

I have given dozens of speeches on the Senate floor about why this is so. I am not going to do that today.

My message today is first, to encourage every member of the Congress to sign the NFIB petition calling for a sunset to the IRS code, second, for Congress to work quickly to solve the alternative minimum tax problem which threatens to undermine the middle class tax cut that everyone worked so hard for, and, third, to move toward a new Tax Code that will foster economic growth.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER [Mr. BROWNBACK]. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

FCC REGULATIONS AFFECTING RURAL TELEPHONE RATES

Mr. LEAHY. Mr. President, I would like to express my dismay, actually my increasing dismay, at the direction the Federal Communications Commission is taking, the misguided deregulation of local telephone markets.

When the Telecommunications Act was debated, and then when it was signed into law, many supporters hailed the legislation first and foremost as a boon to consumers.

We were told that because of the magical hand of competition, telephone rates for consumers would decrease; the free market system would take over.

Now, competition, if it is correctly injected into the telephone market, can lead to lower prices for consumers. But the FCC's ham-handed attempts to implement poor legislation—and it was poor legislation, which is why I voted against it—has made the problem even worse.

During the debate of the telecommunications bill, I took the Senate floor and expressed real strong concerns that skyrocketing telephone rates for rural areas, like my own State of Vermont, seemed likely. I wish I had been wrong, but unfortunately my concerns seem justified.

Even a bad telecommunications bill—and this was—could have been partially mitigated by careful and proper implementation. But the FCC seems bent on wanting to take what was a poorly done bill and make it worse. They want to exacerbate the conditions I expressed concern about during debate on the bill.

Here is what has happened.

Instead of increasing telephone service competition, there are three alarming FCC decisions that will in fact reduce telephone competition in rural areas and will likely result in much larger monthly telephone bills in States such as Vermont.

The result may be that many rural customers will not be able to afford a telephone at home. The dream of linking America together on the information superhighway, a dream of linking all parts of America, urban and rural, together will remain just that, a dream, not a reality, because rural America will be cut off.

The Telecommunications Act directed the FCC to ensure that rates for phone service in rural areas remain reasonably comparable to rates in urban areas. Now, I understand there are details being worked out, but many of the decisions already rendered by the FCC do not bode well for rural States like Vermont.

For instance, the FCC decided the Federal universal service support would be raised only from the interstate revenues of interstate carriers. So what does that do? The FCC places off limits more than half of the retail revenue available from the telephone industry.

Second, the FCC has ruled they would support only 25 percent of the need even in a high-cost rural State like Vermont. This leaves 75 percent of the need to be raised by the States themselves, presumably from the intrastate revenues generated in those States, in other words, to raise the largest amount from the small rural States.

And third, they seem to repeal the high-cost support as we know it.

Let me show you on this chart, Mr. President. This shows a likely result of the FCC's three decisions.

This assumes the States are going to have to make up the support that the FCC now says it will not provide. Let us see what this means. The blue vertical bars show the anticipated State surcharges on intrastate revenues; that is, if they want to make up the difference. The red bars show an alternative approach, which the FCC did not adopt, where all needed support would come from a uniform Federal surcharge on all telephone revenues.

Let me tell you what this means. If they had done what they should have done, almost all States would have paid about a 2-percent surcharge to make up the difference. That is the red line on the chart. Whether you are in the District of Columbia or North Dakota, whether you are in New Jersey or Wyoming, you will be paying roughly the same.

However, instead of doing that, what the FCC has said, to heck with rural States. Instead of keeping a surcharge about the same for everybody, they tell North Dakota they will have to come up with about 33 percent, South Dakota about the same, Wyoming, just under 30 percent, Montana similar to that, New Mexico and Kansas up over about 12 percent. If you are a small rural State, what they are saying is forget about being part of the telecommunication revolution. If you are a small rural State, forget about being told the U.S. Congress has given you a good deal in the Telecommunications Act. You have just got a disconnect signal. In fact, you probably have to pay for that.

Of the top 15 States, almost all rural States, they can buy with only a rate surcharge of 9 percent. That is money out of pocket. The act requires States to have reasonably comparable rates. Boy, this sounds great. You are from a rural State or from an urban State, roughly comparable rates. Who could disagree? Except what happens, if you are paying a 1- or 2-percent surcharge in one State and in another State a 30- or 35-percent surcharge, you are not roughly comparable, and there is no way these States can compete.

Would it not have made more sense to say every State pays about 2.6, 2.5 percent surcharge? Then everybody would be on an even playing field, whether you are a company in North Dakota or in Vermont, or you are a company in Michigan or Pennsylvania, at least basic costs would remain the same. If you were a homeowner, if you were a renter, if you were in those States, your costs would be roughly comparable.

Under the FCC's proposal, which make no sense at all, many experts predict an increase in the 100 percent to 200 percent range for phone rates in these very rural States. Now, I am one Vermonter who would not stand for that, and I cannot imagine any other Vermonter standing for that.

I think the time will prove these unfortunate predictions correct, as rural phone companies go out of business, the bigger competitors cherry pick the best customers, and the rural areas, you might as well go back to smoke signals, Pony Express, or shouting across the valleys because you will not be able to do it by picking up the phone.

I think the FCC is letting a golden opportunity slip by. I think, Mr. President, we may have given them the opportunity by casting rural areas over the side in that Telecommunications Act. Even tossing them over side, you would have thought the FCC would have put out a net or a helping hand. Instead, it looks like they tied the anchor around their neck as they went by and dropped them into the ocean.

LANDMINE BAN TREATY

Mr. LEAHY. Mr. President, last week, President Clinton announced that the United States would not join nearly 100 nations, including most of our NATO allies, in a treaty to ban antipersonnel landmines.

I want to take a few minutes to respond to the President's decision. First, let me say that President Clinton and I have spoken many times about the landmine issue. I am convinced he wants to see these weapons banned from the face of the Earth. He and I have discussed the horrendous toll of innocent lives that landmines cause, and in speeches at the United Nations he has twice called for a worldwide ban.

President Clinton said, "The United States will lead a global effort to eliminate these terrible weapons and stop the enormous loss of human life." Those were inspiring words. However, as convinced as I am of the President's desire for a ban, I am as convinced that a tremendous opportunity was lost last week. An opportunity that rarely comes in history.

As a USA Today editorial put it, "having blown the best chance ever to negotiate an acceptable international

ban on landmines, the Clinton administration now finds itself churning in the wake of world affairs. The United States has joined a few nations, including rogue states like Iran and Iraq, on the outside of a remarkable process."

There are many losers in the administration's last-minute failed attempt to negotiate in Oslo. Unfortunately, the most notable losers were the innocent victims of landmines who the treaty aims to protect. Mr. President, the victims of landmines are almost invariably children and innocent civilians.

Because while the treaty is immensely important for establishing a new norm of conduct, until the United States signs it, there will never be a worldwide ban. There is simply no substitute for the credibility and influence of the United States to bring reluctant nations on board and make sure that violators of the treaty are caught and punished. There is no way to fully stigmatize these weapons and curtail the use, as has been done with poison gas, without U.S. leadership far stronger than we have seen today.

And the tragedy of our country's decision is that it was avoidable. Although the President said his administration had gone the extra mile to find an acceptable compromise in Oslo, I must respectfully and honestly disagree.

Two weeks ago I went to Oslo where I met with representatives of governments, including the United States, and nongovernmental organizations that were participating in the treaty negotiations.

The treaty they adopted was nothing short of a miracle. In less than a year, nations as diverse as our closest European allies who have been major producers of landmines, to Mozambique whose people have been killed and maimed by landmines, joined together in finalizing a treaty that does nothing less than ban the use, production, stockpiling, and transfer of a category of weapons that Civil War General William Tecumseh Sherman called "a violation of civilized warfare" over a century ago.

I call the Ottawa Treaty a miracle because it was only 11 months ago that Canadian Foreign Minister Lloyd Axworthy launched what is now called the "Ottawa process." At the time, no one knew how many nations would take part or where it would lead, not even Minister Axworthy. It was a bold and courageous leap of faith, and the same kind of leadership I and so many others hoped to see from the White House last week.

The Ottawa Treaty culminates two decades of failed attempts to deal effectively with the landmine problem. Two decades ago many of the same nations that gathered in Oslo met in Geneva to draft a treaty to address the growing concerns of the effects of landmines on civilian populations. Landmines had been widely used in Southeast Asia, and they were being sown like seed in Afghanistan and Central America and many African countries. Vast areas were being laid to waste with the innocents paying the horrifying price. I have seen victims, all over the world, of these indiscriminate weapons.

My wife is a registered nurse and has visited the hospitals where the amputations take place, where broken bodies are put back together as best can be done in countries where medical care is often rudimentary.

That treaty, however—the Conventional Weapons Convention—utterly failed to achieve its goal. It was doomed to fail because of the fact that landmines are inherently incapable of distinguishing between civilians and combatants, and that fact was never even acknowledged in Geneva, much less addressed. Instead, in diplomatic niceties, by people who would never have to face landmines themselves, they adopted vague limits of how mines could be used. Those limits were then routinely ignored. In the years since then, the devastation inflicted by landmines on innocent people, often the poorest people in the world, has increased dramatically. In fact, Mr. President, it was the widespread recognition of the failure of that treaty which led to the Conventional Weapons Review Conference 2 years ago. Finally, it seemed there could no longer be any excuse for doing whatever was necessary to stop the carnage wrought by landmines.

That was the hope. Unfortunately, the reality was a lot different. Rather than devise a roadmap for ridding the world of these weapons, governments, including our own, fought for the right to use them. The idea of a ban was barely mentioned. The amended protocol, while preferable to the original, did far more to reaffirm the legitimacy of landmines than to stop their use. Once again, governments had failed to act with anything like the decisiveness that was called for.

So it is important to remember that the Ottawa process evolved only after years of failed attempts by governments to solve this problem in the traditional way. There was no shortage of impassioned speeches about the harm landmines were causing the innocent. But the expressions of outrage were qualified with the assertion that the problem wasn't the mines themselves, but other people, always other people, who used them irresponsibly. You would think it was a tea party rather than arms control. And the carnage, of course, continued.

But we hear those same arguments today. The same failed arguments of a decade ago. Today when a Pentagon official was asked about the tens of thousands of American landmine casualties in Vietnam, he said that was no longer relevant because "smart" mines had "solved their problem."

Of course, they have not solved it. Almost no one besides the United States uses those mines. In Bosnia, more than 250 U.N. and NATO soldiers and thousands of civilians have been injured or killed today by the same types of mines used in Vietnam a generation ago.

As I have said so many times, an effective international agreement based on stigmatizing a weapon cannot have different standards for different nations. The importance of this principle cannot be overstated. It is what underlies any international agreement.

When the Princess of Wales spoke about the insidious toll of landmines, she said, "Before I went to Angola, I knew the facts, but the reality was a shock." Unfortunately, the reality that Princess Diana saw was a reality which far too few government officials have experienced, including many people at the Pentagon. When people have gone with me and seen the carnage caused by landmines, they have a new understanding.

A year ago, after the President urged all nations to complete a ban treaty "as soon as possible," it became clear that the administration was not willing to show the kind of leadership that was necessary to turn those words into reality.

Instead, other countries, led by Canada and hundreds of nongovernmental organizations, stepped into the void. In a matter of months we saw the number of nations participating in the Ottawa process exceed 100, including many nations that were producers and exporters and users of antipersonnel mines.

Those nations came together determined to overcome past failures because they knew about those failures. Many had suffered the effects of landmines because of those failures. They came together to do the only thing that could solve the landmine problem—ban the types of landmines that are triggered by an innocent footstep, ban them without exception, ban them without reservation. And they wanted the United States to be part of it. When I was in Oslo I found a genuine desire to try to accommodate the United States, if it could be done without weakening the treaty.

But the administration seriously underestimated the worldwide commitment for a ban. For months, the White House belittled the Ottawa process. Since it wasn't their idea, they refused to take it seriously. And rather than throw the weight of the United States behind Canada to help achieve something unprecedented in history, something that would have taken both courage and imagination, the administration tried to talk other governments out of taking part.

They wasted valuable time by pursuing negotiations in the U.N. Conference on Disarmament even when it

was clear that avenue was blocked. They said the United States would only give up its mines if all nations did, knowing that, like the chemical weapons treaty, there is no chance of that happening for decades. And when they finally decided at the 11th hour to go to Oslo, they went with demands that had no chance of being accepted, and little flexibility to negotiate.

Any of the nations in Oslo that have pledged to sign the Ottawa treaty could make a stronger case to continue using these weapons than the world's only superpower. Basically, the United States went to Oslo and said: we are the most powerful Nation on earth, but we can't give up our anti-personnel mines because we have better technology, but you less powerful nations, you should give up your mines.

Well, Mr. President, the Pentagon is, understandably, deeply reluctant to give up a weapon that has some utility—and it does—even if doing so would pressure others to end the suffering of innocent people. Like any government department, the Pentagon's job is to protect its options. It has always resisted giving up weapons, from countermanding General Pershing in the 1920's at the first Geneva convention when he wanted to ban poison gas, to nuclear testing in the 1990's. If a Pentagon official is asked what he or she needs, the answer is always "more." More firepower might mean fewer casualties, so the Pentagon has resisted the pressure to give up antipersonnel landmines.

The President is constantly faced with departments that do not want to cut their budget or eliminate programs. That is why he has the National Security bureaucracy, to make those hard decisions. In the case of weapons of mass destruction like nuclear and chemicals weapons, his advisers have found ways to work closely with the Pentagon to find creative solutions.

But when issue of landmines reached the surface a year and a half ago, nobody in the administration was willing to aggressively challenge and prod the Pentagon into finding a workable solution. Without that prodding, the Joint Chiefs put far more effort into blocking the U.S. from joining the ban than into planning how to live with it—even though there were those in the Pentagon who at least were honest enough to privately point out the fallacies in the assumptions underlying the Pentagon's own arguments.

As recently as a few weeks ago—and the Pentagon did not serve the White House well in this—White House officials were not even aware of the weaknesses in the Pentagon's doomsday predictions about the consequences of removing antipersonnel mines from Korea, or even aware of the fact that the Pentagon was, at least internally, divided over some of the same arguments they had made at the White House.

They did not even have a thorough grasp of the treaty's provisions. Right up until the end, there were those in the administration who were unaware that the treaty effectively grants a twelve-year grace period for removing existing minefields, such as in Korea. Last week, the Secretary of Defense wrote in the Washington Post that "millions" of lives could be lost if the U.S. signed the treaty because North Korea might interpret our signing as a loss of resolve and start a war because of it. Good Lord, Mr. President. This is as bad as "the Russians are coming, the Russians are coming" scenario we heard, even as the Russian army was collapsing internally. Not only is that about that as far-fetched as any dire Pentagon prediction I have heard yet—and that includes its assessment of the Red Army that was fit to conquer the world—it could not even conquer Chechnya—it ignores the conclusion of every serious Pentagon analyst that a North Korean invasion would be destroyed, with or without antipersonnel landmines, before it could traverse 50 miles down narrow, pre-targeted mountain passes to Seoul. If antipersonnel landmines are going to determine the fate of South Korea, South Korea ought to surrender. But the fact is, South Korea has a far better trained, better equipped army, is better motivated than North Korea, and is backed by the might of the most powerful Nation on earth. A North Korean invasion would be suicidal, and they know it and everyone knows it. A former commander of our forces in Korea says scattering landmines there would impede the mobility of our own forces, and inflict casualties on our own troops.

But it does not even matter, because the other countries in Oslo were prepared to try to accommodate U.S. concerns on Korea. Had the White House not waited until the last minute to get involved, a solution could have been found. In fact, many of us told them that months ago.

Over 60 Members of the U.S. Senate, Republicans and Democrats, including every veteran of combat in the Vietnam war, have signed onto legislation to ban antipersonnel landmines. In fact, Mr. President, the Leahy-Hagel bill would do no more than what Great Britain, Germany, South Africa, France, and a lot of other nations have already pledged to do, over the objections of some of their own armed forces. In fact, it does not go as far because it gives the President broad flexibility on Korea, which the Pentagon has called a unique situation—"the Cold War's last frontier." The Pentagon said they need time to take care of Korea. Our legislation gives them more time than they need.

I was encouraged by the President's statement last week that he wants to work with Congress. I welcome that, and I thank him for the kind words he spoke about my efforts. I really do believe that he wants to see a worldwide ban on landmines. I have always supported efforts to negotiate an international export ban in the U.N. Conference on Disarmament.

But, Mr. President, the clock is ticking, and there should be no mistake. The Ottawa treaty is the only hope for achieving a comprehensive worldwide ban on these weapons. There is no other treaty. If the United States does not sign in December, we have to find a way to sign at the earliest possible time.

That is not going to happen as long as the Pentagon pretends that a weapon it called an antipersonnel landmine a few months ago, and which the President pledged to ban a year ago, has suddenly, miraculously, overnight become no longer an antipersonnel mine if it's placed near an antitank mine. They tried that in Oslo; they tried to change the definition. It would have invited any nation in the world to use antipersonnel mines—dumb, smart, just average, or any type—indefinitely, as long as they were in the vicinity of an antitank mine. It was a terrible idea and literally a loophole big enough to fly a 747 through.

If the use of antipersonnel mines near antitank mines is what prevents the United States from signing the treaty, then solve it. We run a little Rover around on Mars. If we can do that, we can solve this problem. If the Pentagon had spent the past three years since the President first called for a worldwide ban really trying to solve that problem rather than to keep from having to solve it, the United States might have been able to show the leadership on this issue that the world needs and, frankly, the world wants.

This is not a public relations problem to be managed. This is not about trying to find some way to convince a focus group. It is not a question of valuing the lives of American soldiers more or less than the lives and limbs of innocent civilians. Both soldiers and civilians will benefit from a landmine ban. It is about the one nation on this planet, whose power and influence and moral authority are unmatched, the nation that I am proud to serve in the U.S. Senate. It is about this nation seizing the best opportunity there is ever going to be to deal with a problem that is needlessly plaguing so many countries.

Staying outside this treaty is not an option. We have to be part of it, if not now, then we need to do what needs to be done to become part of it.

I might note, Mr. President, that Japan, which like the U.S. also expressed concerns about the treaty in Oslo, is apparently reconsidering its position and may sign in Ottawa after all. I wrote to their foreign minister

saying I hope they do this. It would be extremely significant, as many Asian nations look to Japan for leadership.

President Clinton also spoke of efforts the United States is making to help other nations get rid of landmines, and to aid the victims. I join him in that. But I remind the President and the Pentagon that each of these efforts was started by the Congress. They are vitally important, and I welcome the President's announcement that he wants to expand them. But even expanding something like the Leahy War Victims Fund is no substitute for putting an end to the use of these weapons.

I want the United States to show the kind of leadership that is expected of the world's leading democracy, the greatest democracy history has ever known. The United States was a founder of the League of Nations and the United Nations. We have been a leading force in every significant humanitarian law treaty and arms control treaty in history. Leadership by definition means taking risks. It means having the faith and courage to seize an opportunity that comes rarely in history and rejecting the conventional wisdom, and taking a dramatic step.

The chemical weapons treaty would not exist had it not been for the United States taking such a step. The nuclear test ban treaty would not exist without our leadership.

The United States showed its capacity for greatness with the Marshall Plan. We didn't say we would rebuild Europe "except for this country or that country." We said all should benefit, including our former enemies. I am proud of what my country did then, and I want to see the same kind of leadership now.

The Ottawa treaty will be signed in December. There is still time for the White House to reconsider. Fourteen Nobel laureates sent a letter to President Clinton last week urging him to reconsider. There is still time to aggressively engage the Pentagon on the technical issues that have prevented the President from agreeing to sign. If we do not have a plan for solving them by December, then get busy and solve them. At least commit to signing it at a future date. That is what the world needs to hear. It is the least we can do.

Mr. President, the Ottawa treaty will set a moral standard for the next century that even those nations who do not sign will ignore at the risk of being condemned as international outlaws. It will be a tribute to those nations who recognize the urgency that this humanitarian crisis demands. The treaty ends the 20th century, the bloodiest in history, in a way in which the world can be justly proud. It is our gift to the next century. The United States should be part of it.

I said in Oslo that my wife and I look forward, with great pleasure, to the birth of our first grandchild at the beginning of next year and, God willing, that child will live most of his or her life in the next century. My prayer is that it will be a century where armies of humanity dig up and destroy landmines and no one puts new ones down.

I ask unanimous consent that the Nobel laureates' letter to the President be printed in the RECORD.

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

SEPTEMBER 18, 1997.

DEAR PRESIDENT CLINTON: We are writing to demonstrate our support of the many other individuals and organizations urging the United States government to sign a treaty for a comprehensive ban on anti-personnel landmines along with 100 other nations scheduled to meet in Ottawa this December.

Mr. President, we ask you to reflect on repercussions of your final decision on this matter. We are aware that you plan to condition your approval of the ban on the inclusion of certain exceptions considered vital to U.S. security interests and in the best interest of military personnel. Consider for a moment the dangerous precedent that would be set if the United States asks for concessions. Indecision by a world superpower is sure to undermine the long effort to reach this ban, only leading to further delays.

It is clear that every additional week of delay will leave hundreds of innocent men, women, and children dead or maimed due to these devices whose military value is highly questionable. The recently publicized 1972 US Army report vividly describes the terrible toll US anti-personnel landmines have taken on its own soldiers during the Korean and Vietnam conflicts.

We, Nobel Peace Laureates, are joining the Albert Schweitzer Institute for the Humanities, named after the renowned humanist and Nobel Peace laureate Dr. Albert Schweitzer, and the Connecticut Coalition to Abolish Landmines in the international call to ban landmines. We add our collective voice to that of many other individuals, organizations and governments who strongly support this ban.

As the leader of a major world power, it is in your hands to demonstrate courageous leadership and endorse the comprehensive ban on landmines.

Donald S. Gann, on behalf of American Friends Service Committee, 1947; Dr. Norman E. Borlaug, 1970; Mairead Maguire, 1976; Betty Williams, 1976; Mother Theresa, 1979 (verbal agreement given three days before her death); Adolfo Perez Esquivel, 1980; Lech Walesa, 1983; The Most Rev. Desmond Tutu, 1984; Dr. Gurwarj Mutalik, on behalf of International Physicians for the Prevention of Nuclear War, 1985; Elie Wiesel, 1986; Oscar Arias Sanchez, 1987; Mikhail S. Gorbachev, 1990; Joseph Rotblat, on behalf of Pugwash Conferences on Science and World Affairs, 1995; Bishop Carlos Felipe Belo, 1996; Jose Ramos Horta, 1996.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, after consultation with my distinguished colleague, my dear friend from Vermont, Senator JEFFORDS, I have been authorized to yield back all remaining time for today on S. 830.

The PRESIDING OFFICER. The time is yielded back.

Mr. LEAHY. 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. LEAHY. Mr. President, I thank the Chair for his consideration and listening to this long speech. While I have spoken maybe 50 times on this issue on the floor, I thought it was important to put in the RECORD exactly what has happened and why the United States is not on the treaty, but to also implore the President, who I feel does want to see it ban landmines, to take the steps necessary so the United States can be part of this treaty.

I yield the floor.

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

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

MORNING BUSINESS

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

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

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS ACT—AMENDMENT NO. 1122

Mr. GORTON. Mr. President, I am here to outline certain changes to my amendment that was accepted as part of the Labor, Health and Human Services, Education Appropriations Act as passed by the Senate. These changes will be submitted to the House-Senate conference committee. My amendment, No. 1122, would block grant funds from several K–12 education programs in the Department of Education and send those funds directly to school districts. These changes have been incorporated into a new draft of the amendment.

The genesis of the changes is a series of discussions with my colleagues in the Senate and other interested parties. While these changes correct minor drafting errors, they do so without changing the overall philosophy of the amendment. The most significant of the changes exclude from the block grant entirely any funds from the Adult Education, Vocational Education, and Rehabilitation Services programs, programs not primarily directed at K–12 education. Other programs excluded from the block grant are: Indian Education, the Inexpensive

Book Distribution Program, Arts In Education, Star Schools Program, and Technology Innovation Challenge grants.

Finally, the distribution of bilingual education funds is changed. These funds will be sent to school districts in the same proportion as the funds were distributed in fiscal year 1997, much like title I funds are distributed in the amendment. For example, if a school district were eligible for .25 percent of all bilingual education funds in fiscal year 1997, it will be eligible for the same share in fiscal year 1998.

Mr. President, these changes correct minor drafting errors and incorporate the suggestions of several supporters for minor improvements. These changes, however, do not affect the amendment's overall philosophy, which is to restore the decisionmaking authority for the education of our children to where it belongs; the hands of parents, teachers, principals, superintendents, and school board members. I look forward to discussing this issue further with my colleagues during conference committee meetings.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 22, 1997, the Federal debt stood at $5,378,803,586,241.44. (Five trillion, three hundred seventy-eight billion, eight hundred three million, five hundred eighty-six thousand, two hundred forty-one dollars and forty-four cents)

Five years ago, September 22, 1992, the Federal debt stood at $4,040,323,000,000. (Four trillion, forty billion, three hundred twenty-three million)

Ten years ago, September 22, 1987, the Federal debt stood at $2,353,878,000,000. (Two trillion, three hundred fifty-three billion, eight hundred seventy-eight million)

Fifteen years ago, September 22, 1982, the Federal debt stood at $1,107,571,000,000. (One trillion, one hundred seven billion, five hundred seventy-one million)

Twenty-five years ago, September 22, 1972, the Federal debt stood at $437,448,000,000 (Four hundred thirty-seven billion, four hundred forty-eight million) which reflects a debt increase of nearly $5 trillion—$4,941,355,586,241.44 (Four trillion, nine hundred forty-one billion, three hundred fifty-five million, five hundred eighty-six thousand, two hundred forty-one dollars and forty-four cents) during the past 25 years.

CONGRATULATIONS TO CHARLEY L. BYRD CELEBRATING HIS 100TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Charley L. Byrd of Lentner, MO, who will celebrate his 100th birthday on October 23, 1997. Charley is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Charley's life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

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

HONORING THE JOHNSONS ON THEIR 50TH WEDDING ANNIVERSARY

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

For these important reasons, I rise today to honor Lois and Delmer Johnson of St. Joseph, MO, who on October 12, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Johnsons' commitment to the principles and values of their marriage deserves to be saluted and recognized.

BUREAU OF LABOR STATISTICS TOXICOLOGY ANALYSIS

Mr. ENZI. Mr. President, the lack of information pertaining to alcohol and substance abuse fatalities in the workplace is alarming. If we are serious about the safety of American workers, we must carefully examine all contributing factors that pose a potential threat while on the job.

I had intended to offer an amendment to the Labor, HHS and Education Appropriations bill that would instruct the BLS to incorporate in their annual report an analysis of toxicology reports in the Census of Fatal Occupational Injuries. After meeting with the BLS Commissioner, Katharine Abraham, we agreed that the BLS will again perform this important analysis during the calendar year 1998 and issue a report no later than 6 months after the data collection is completed. This agreement dismisses the need for a congressional mandate. I appreciate BLS's cooperation in properly addressing this matter.

In 1992, the Department of Labor initiated a program to compile data on how alcohol and drugs contributed to fatal work injuries. The BLS's Census of Fatal Occupational Injuries Program collected 1,355 toxicology reports from 43 States and the District of Columbia—roughly one report for every four of the 1992 fatalities. About one-sixth of the cases for which toxicology reports were available, fatally injured workers tested positive for toxic substances. The most frequent cases showed alcohol use followed by cocaine and marijuana.

Unfortunately, the BLS stopped collecting this data in 1995. Although this data was only reported over a 3-year span, it clearly shows that alcohol and substance abuse is a major contributor to fatal workplace injuries. In an effort to understand the safety of American workers, we must have data available to us. The inclusion of this analysis in the annual report sends a message that we do care about the safety of American workers.

Prior to being elected to the U.S. Senate, I was an accountant for Dunbar Well Service in Wyoming—a large, independent oil well servicing company. Aside from my accounting responsibilities, I also traveled the State collecting urine and saliva samples from our employees. Not only have I given alcohol and substance abuse tests, but I've been tested. I understand a thing or two about validity and dignity. This analysis doesn't hinder either of those traits. Safety in the workplace should be everyone's concern. However, if we don't understand how our workers are killed on the job, then we only deceive ourselves. This analysis will provide a better understanding of why and how frequently alcohol and drugs play a contributory role in fatal work injuries.

Mr. President, I ask unanimous consent that the letter sent to me from BLS Commissioner, Katharine Abraham, be printed in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
Washington, DC, September 4, 1997.

Hon. MICHAEL B. ENZI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ENZI: I am writing regarding the proposal to require the Bureau of Labor Statistics (BLS) to gather and analyze toxicology reports on workers who have been fatally injured on the job.

Since 1991, the Bureau has conducted the Census of Fatal Occupational Injuries (CFOI), which compiles a complete roster of workers who are fatally injured at work each year, along with details about the fatal events. In 1991 and 1992, the Bureau conducted research studies in which toxicology reports were collected as part of the fatality census. The reports were analyzed with the help of Dr. William M. Marine, Professor of Preventive Medicine and Biometrics at the University of Colorado Health Sciences Center.

Toxicology reports were obtained from a variety of sources, including medical examiner or coroner reports, police reports of motor vehicle accidents, and autopsy reports. In some jurisdictions, toxicology reports are not available to BLS because of State confidentiality requirements. It also should be noted that toxicology tests are not completed for all deaths. Often tests are performed only when there is a suspicion of drugs present, though the practice regarding conduct of toxicology tests varies by State. In 1991, for example, the share of work-related fatalities for which toxicology reports were available varied from more than 50 percent (in 8 of 23 States for which reports were provided) to less than 10 percent (in 10 of the 23 States).

For 1991, 23 of 31 States that participated in the fatality census provided toxicology reports. Toxicology reports were available for 28% (829) of the 2,968 work-related fatalities in the 23 States. For 1992, 43 States and the District of Columbia submitted toxicology reports. Reports were received for 1,355 deaths representing 25% of the total work-related fatalities in these States.

Positive toxicology results were found for 125 of 829 cases for which reports were available for 1991. Alcohol was present in 49% of the 125 cases; amphetamines were present in 12%; marijuana in 12%; and cocaine in 10%. For 1992, positive toxicology results were found for 214 deaths out of 1,355 for which reports were received. Alcohol was present in 52% of the 214 cases; cocaine in 17%; marijuana in 13%; and antidepressants, amphetamines, barbiturates, morphine, codeine, methadone or other substances in 17%. These figures exclude cases in which there were toxicological findings that could have been due to the life-saving efforts of hospitals or others. A positive toxicological finding nonetheless does not establish the extent to which alcohol or drugs contributed to the fatality.

I would be happy to meet with you or your staff to discuss the toxicological studies the Bureau has conducted and their findings. If you feel, based on that discussion, that it would be valuable to repeat this type of study, the Bureau will gather and analyze toxicology reports on workers who have been fatally injured on the job during calendar year 1998, and will issue a report no later than six months after the data collection is completed.

I hope you find this information useful. Please let me know if we can be of further assistance.

Sincerely yours,

KATHARINE G. ABRAHAM,
Commissioner.

REGARDING PRODUCT LIABILITY REFORM

Mr. ENZI. President, I rise to briefly discuss S. 648, a bill to establish standards and procedures for products liability legislation. I am proud to be a cosponsor of that bill and I feel that it should be a legislative priority for consideration during this session of the 105th Congress.

In the 104th Congress, both the House and Senate passed meaningful product liability reform legislation only to have it vetoed by President Clinton. The President now indicates that he wants to sign a products liability reform bill. Legal reform has the broad support of the American people and strong bipartisan support in Congress.

With each passing day, we are losing an opportunity to do the people's business by not enacting common sense legal reform. S. 648 is designed to inject some common sense into runaway punitive damage awards in view of the need for some semblance of uniformity in our National interstate commerce system.

Last May, the United States Supreme Court held in *BMW in North America* v. *Gore*, that punitive damages can be considered so excessive as to violate a defendant's constitutional due process rights. It seems that many courts have not heeded this lesson. Just a few weeks ago, another case received national attention for the enormity of its punitive damage award. A jury in a Louisiana State court levied a $2.5 billion punitive damage award against CSX Transportation corporation and $1 billion against the other defendants in the case for their involvement in a 1987 tank car fire. The court awarded this enormous punitive judgment despite findings by the National Transportation Safety Board (NTSB) that CSXT did not cause the accident and that no serious injuries resulted from the accident.

In light of these egregious examples, it is time for Congress to pass legislation to reign in these exploding legal costs which have hurt American businesses, stifled ingenuity, and punished consumers through higher prices and decreased competition. S. 648 would mark an important first step in reforming a tort system which all too often better resembles a lottery than a forum of justice. I urge our leadership to make S. 648 a priority in the first session of the 105th Congress.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on September 22, 1997, received a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

The nomination received on September 22, 1997, is shown in today's RECORD at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2996. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-117 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-2997. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-119 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-2998. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-125 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-2999. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-128 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3000. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-129 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3001. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-130 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3002. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-131 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3003. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-132 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3004. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-139 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3005. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-140 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3006. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-143 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3007. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-144 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3008. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-126 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3009. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the reports and testimony for July 1997; to the Committee on Governmental Affairs.

EC-3010. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of a financial audit relative to the Internal Revenue Service; to the Committee on Governmental Affairs.

EC-3011. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to General Accounting Office employees; to the Committee on Governmental Affairs.

EC-3012. A communication from the Deputy Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Removal of Superseded References to the Former Honorarium Ban" (RIN3209-AA00, AA04) received on September 11, 1997; to the Committee on Governmental Affairs.

EC–3013. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled "The Privacy Program" received on September 8, 1997; to the Committee on Governmental Affairs.

EC–3014. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on September 5, 1997; to the Committee on Governmental Affairs.

EC–3015. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation" (RIN3206–AH45) received on September 8, 1997; to the Committee on Governmental Affairs.

EC–3016. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Pay Administration (General)" (RIN3206–AF89) received on September 18, 1997; to the Committee on Governmental Affairs.

EC–3017. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation" (RIN3206–AF32, AG79, AG68); to the Committee on Governmental Affairs.

EC–3018. A communication from the Director of the U.S. Office of Personnel Management, transmitting, a draft of proposed legislation to amend title 5, U.S.C., to extend the Federal physicians comparability allowance authority, and for other purposes; to the Committee on Governmental Affairs.

EC–3019. A communication from the Chief Financial Officer of the Department of the Interior, transmitting, pursuant to law, the report on accountability for fiscal year 1996; to the Committee on Governmental Affairs.

EC–3020. A communication from the Director of the National Archives and Records Administration, Information Security Oversight Office, transmitting, pursuant to law, the report for calendar year 1996; to the Committee on Governmental Affairs.

EC–3021. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report of cases decided during fiscal year 1996; to the Committee on Governmental Affairs.

EC–3022. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Achieving a Representative Federal Workforce: Addressing the Barriers to Hispanic Participation"; to the Committee on Governmental Affairs.

EC–3023. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, a rule entitled "Federal Acquisition Regulation" (RIN9000–AH21) received on September 23, 1997; to the Committee on Governmental Affairs.

EC–3024. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to paperwork; to the Committee on Governmental Affairs.

EC–3025. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for August 1997; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation:

Robert L. Mallett, of Texas, to be Deputy Secretary of Commerce.

W. Scott Gould, of the District of Columbia, to be Chief Financial Officer, Department of Commerce.

W. Scott Gould, of the District of Columbia, to be an Assistant Secretary of Commerce, vice Thomas R. Bloom.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably four nominations lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORD on September 3, 15, and 18, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 3, 15, and 18, 1997, at the end of the Senate proceedings)

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, [redacted]
Sterling V. Adlakha, [redacted]
Marcie L. Albright, [redacted]
Katie R. Alexander, [redacted]
Jeremy J. Anderson, [redacted]
William L. Arritt, [redacted]
Leanne M. Bacon, [redacted]
Matthew J. Baer, [redacted]
Abraham C. Banks, [redacted]
Gregory R. Barbiaux, [redacted]
Jonathan Bates, [redacted]
Paul R. Beavis, [redacted]
Sean C. Bennett, [redacted]
Chandler Benson, [redacted]
Cheryl A. Berezny, [redacted]
Brent R. Bergan, [redacted]
Alex W. Bergman, [redacted]
James B. Bernstein, [redacted]
Jason M. Biggar, [redacted]
Bryan R. Blackmore, [redacted]
Anne M. Blandford, [redacted]
Robert R. Borowczak, [redacted]
John B. Brady, [redacted]
Marc Brandt, [redacted]
Thomas K. Brasted, [redacted]
Mark A. Braxton, [redacted]
Veronica A. Brecht, [redacted]
Jason A. Brennell, [redacted]
Joseph D. Brown, [redacted]
Randall E. Brown, [redacted]
David L. Burger, [redacted]
Katrina D. Burritt, [redacted]
Erin E. Calvert, [redacted]
Gregg W. Casad, [redacted]
George W. Cathey, [redacted]
Kimberly B. Chapman, [redacted]
Scott A. Clementz, [redacted]
Jennifer J. Cook, [redacted]
Thomas D. Crane, [redacted]
Charles C. Culotta, [redacted]
Kenneth C. Cutler, [redacted]
Thomas C. D'Arcy, [redacted]
Thomas W. Denucci, [redacted]
Frederick D. Detar, [redacted]
Alexander D. Dodd, [redacted]
Roger S. Doyle, [redacted]
John M. Dunlap, [redacted]
Reginald C. Eisenhauer, [redacted]
Meredith M. Engelke, [redacted]
Brian C. Erickson, [redacted]
Anthony S. Erickson, [redacted]
Joshua W. Fant, [redacted]
Louis B. Faulkner, [redacted]
Gregory J. Ferry, [redacted]
Benjamin E. Fleming, [redacted]
Aurora I. Fleming, [redacted]
Anthony T. Fratianne, [redacted]
Matthew J. Funderburk, [redacted]
Lawrence D. Gaillard, [redacted]
Brent Garriepy, [redacted]
Benjamin A. Gates, [redacted]
Edward P. Geraghty, [redacted]
Jennifer L. Girton, [redacted]
Benjamin M. Golightly, [redacted]
Jason M. Goodman, [redacted]
Jennifer A. Green, [redacted]
Robert M. Green, [redacted]
Patrick A. Groves, [redacted]
Andrew L. Guedry, [redacted]
Thomas J. Hall, [redacted]
Matthew W. Hammond, [redacted]
Sean P. Hannigan, [redacted]
Alan D. Hansen, [redacted]
Justin H. Harper, [redacted]
Rebecca J. Heatherington, [redacted]
Casey J. Hehr, [redacted]
Eric A. Helgen, [redacted]
Brian J. Henry, [redacted]
Edward J. Hernaez, [redacted]
Wesley H. Hester, [redacted]
Curtis G. Huntington, [redacted]
Kristin A. Jagmin, [redacted]
Cassie Q. Janssen, [redacted]
Graig T. Jeanquart, [redacted]
Raymond M. Jebsen, [redacted]
Andrew S. Joca, [redacted]
Scott B. Jones, [redacted]
Michael A. Keane, [redacted]
Corinna M. Kellicut, [redacted]
Paul W. Kemp, [redacted]
Ibrahim M. Khalil, [redacted]
Michael E. Kicklighter, [redacted]
Justin A. Kimura, [redacted]
Elizabeth A. Kirner, [redacted]
Michael K. Klinge, [redacted]
Lisa E. Knopf, [redacted]
Dirk L. Krause, [redacted]
Brian C. Krautler, [redacted]
Jon M. Kreischer, [redacted]
Jeffrey W. Kuck, [redacted]
Matthew F. Lammer, [redacted]
John J. Larkin, [redacted]
Jeremy P. Law, [redacted]
Nina C. Leonard, [redacted]
Marcus A. Lines, [redacted]
Monica B. Lomascolo, [redacted]
Natalie J. Magnino, [redacted]
Dana C. Mancinelli, [redacted]
Heather R. Mattern, [redacted]
Benjamin J. Maule, [redacted]
Bryan L. May, [redacted]
Benjamin E. Maynard, [redacted]
James E. McCollum, [redacted]
Iain L. McConnell, [redacted]
Matthew V. McGuan, [redacted]
Joseph E. Mause, [redacted]
Joshua P. Miller, [redacted]
John Miller, [redacted]

Dean J. Milne, xxx...
Chris S. Moland, xx...
Robert W. Moore, xx...
Matthew P. Moore, xx...
Stephanie A. Morrison, xx...
Christian A. Munoz, xxx...
Sean D. Murphy, xxx...
David R. Ojeda, xx...
Jeffrey P. Pace, xxx...
Timothy D. Payton, xx...
Eric D. Peace, xxx...
Kristian B. Pickrell, xxx...
Jeffrey J. Pile, xx...
Christopher M. Pisares, xx...
Michael J. Plumley, xx...
Jessica L. Plummer, xxx...
Eric C. Popiel, xxx...
Jody T. Popp, xx...
Juan M. Posada, xxx...
Gabrielle E. Potter, xx...
Clinton J. Prindle, xx...
David A. Quattro, xx...
Christopher G. Raia, xx...
Arthur L. Ray, xxx...
Katie B. Richardson, xx...
Roger G. Robitaille, xxx...
Brust B. Roethler, xx...
Pedro J. Rubio, xx...
Paul F. Rudick, xx...
Shaun R. Ruffell, xx...
Robert G. Salembier, xxx...
Stanton C. Sanchez, xx...
Deanna L. Sand, xx...
Michael R. Sarnowski, xx...
Jamie L. Scholzen, xxx...
Richard M. Scott, xx...
Kelly C. Seals, xxx...
James T. Sears, xx...
Stephanie M. Sheridan, xx...
Kenneth E. Shovlin, xx...
Michael R. Sinclair, xx...
Kelly K. Skiles, xx...
Jason M. Stamper, xxx...
Joshua T. Steffen, xx...
Erich V. Stein, xx...
Blake D. Stockwell, xx...
Jill A. Swaynos, xx...
Scott G. Syring, xx...
Evelyn L. Taylor, xx...
Shad A. Thomas, xx...
Patrick M. Thompson, xx...
Allen L. Thompson, xxx...
Gregory M. Tozzi, xx...
Jason P. Travis, xxx...
Neil P. Travis, xxx...
Melissa M. Tulio, xx...
Michael E. Vance, xx...
Dianna L. Vanvalkenburg, xxx...
Joseph J. Vealencis, xxx...
Kristi L. Walker, xxx...
Daniel R. Warren, xx...
Zachary A. Weiss, xx...
Timothy P. Wieland, xx...
Jerred C. Williams, xx...
Darlene D. Wilson, xx...
Amy E. Wirts, xxx...
Christopher G. Wolfe, xx...
Marc A. Zlomek, xxx...

The following-named officers for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, section 271:

To be commander

Frank M. Paskewich, xx...
Anthony S. Reynolds, xxx...
Theodore A. Bull, xx...
Timothy F. Mann, xx...
Gary M. Alexander, xx...
Gregory R. Haack, xx...
Mark P. O'Mally, xx...
Robert M. Palatka, xx...
John J. Cook, xx...
Mark A. Rose, xx...
John F. Kaplan, xx...
Timothy M. Close, xx...
Pamela A. Russell, xx...
William T. Devereaux, xx...
Matthew J. Glomb, xx...
David C. Eky, xx...
Stephan A. Billian, xx...
Mark E. Butt, xx...
Peter S. Simons, xx...
Thaddeus G. Sliwinski, xx...
Steven R. Corporon, xx...
James Y. Poyer, xx...
Vince S. Sedwick, xx...
Eugene F. Cunningham, xx...
Joseph E. Mihelic, xx...
Steven E. Carlson, xx...
Michael C. Cosenza, xx...
Raymond J. Petow, xx...
Daniel J. McClellan, xx...
Arthur C. Walsh, xx...
Michael R. Kelley, xx...
John A. Watson, xxx...
David A. Durham, xx...
Leonard R. Radziwanowicz, xx...
Michael N. Parks, xx...
Craig A. Bennett, xx...
Douglas G. Russell, xx...
Thomas R. Hale, xx...
George P. Hannifin, xx...
James L. McDonald, xx...
Kevin M. O'Day, xx...
William J. Diehl, xx...
Terry A. Bickham, xx...
Morris B. Stewart, xx...
Brian D. Kelley, xx...
Thomas F. Atkin, xx...
Joseph A. Servidio, xx...
Joseph P. Seebald, xx...
Edward W. Greiner, xx...
Jeffrey S. Hammond, xx...
John M. Weber, xxx...
Charley L. Diaz, xx...
Fred M. Midgette, xx...
Mark J. Dandrea, xx...
Jeffrey S. Griffin, xx...
William M. Randall, xx...
Charles A. Mathieu, xxx...
Evan Q. Kahler, xx...
Sandra L. Stosz, xx...
George P. Cummings, xx...
Fred T. White, xx...
Andrew J. Berghorn, xxx...
Stephen P. Metruck, xxx...
Vincent B. Atkins, xx...
Thomas S. Morrison, xx...
Thomas A. Abbate, xx...
Roger E. Dubuc, xx...
Michael E. Lehocky, xx...
Edward Sinclair, xx...
Mark A. Torres, xxx...
David R. Callahan, xx...
Michael E. Sullivan, xxx...
Lance O. Benton, xx...
Robert G. Mueller, xx...
Hal R. Savage, xxx...
Rudy T. Holm, xx...
David D. Simms, xx...
Ronald E. Kaetzel, xx...
Steven R. Baum, xx...
Lyle A. Rice, xx...
Joseph M. Hanson, xx...
James B. McPherson, xx...
Stephen M. Wheeler, xx...
Richard G. Brunke, xx...
Leonard L. Ritter, xx...
Mark M. Campbell, xx...
Fred R. Call, xx...
Christopher W. Doane, xx...
Michael A. Hamel, xxx...
Peyton A. Coleman, xxx...
Steven C. Taylor, xx...
Michael D. Dawe, xx...
Frank M. Reed, xx...
Thomas M. Heitstuman, xx...
Thomas E. Atwood, xx...
Michael E. Kendall, xx...
Robert L. Desh, xx...
Daniel B. Abel, xx...
Richard T. Gromlich, xx...
Lincoln D. Stroh, xx...
Keith A. Taylor, xx...
Mark R. Higgins, xx...
Frederick W. Tucher, xxx...
Kristy L. Plourde, xx...
Richard D. Belisle, xx...
Maura S. Albano, xx...
David H. Gordner, xxx...
Paul E. Wiedenhoeft, xx...
John C. Odell, xx...
Karl L. Schultz, xxx...
Bruce L. Toney, xx...
Terry A. Boyd, xx...
Edwin B. Thiedeman, xx...
Kenneth K. Moore, xx...
Mathew D. Bliven, xxx...
Todd Gentile, xx...
Richard K. Murphy, xx...
Eugene Gray, xxx...
John J. Jennings, xxx...
Robert M. Pyle, xx...

The following-named officers of the U.S. Coast Guard Permanent Commissioned Teaching Staff at the Coast Academy for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, Section 189:

To be commander

Stephen E. Flynn, xxx...
Jonathan C. Russell, xx...
Michael A. Alfultis, xx...
Vincent Wilczynski, xx...

The following-named officers for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, section 271:

To be captain

Michael F. Holmes, xx...
Herbert H. Sharpe, xx...
Erik N. Funk, xx...
Marvin J. Pontiff, xx...
John J. Davin, xx...
Richard R. Houck, xx...
David M. Mogan, xx...
Richard R. Kowalewski, xx...
James D. Spitzer, xx...
Sally Brice-Ohara, xx...
Kenneth W. Keane, xxx...
Peter A. Richardson, xx...
Christopher J. Snyder, xx...
Paul D. Luppert, xx...
Lawrence T. Yarborough, xx...
Ronald J. Morris, xx...
Randolph Meade, xx...
Ronald L. Rutledge, xx...
Eric N. Fagerholm, xx...
George R. Matthews, xx...
Geoffrey D. Powers, xx...
Alan H. Moore, xx...
Theodore C. Lefeuvre, xx...
Richard R. Kelly, xx...
Lawrence J. Bowling, xx...
Glenn W. Anderson, xx...
Loren P. Tschohl, xx...
John A. Gentile, xx...
Surran D. Dilks, xx...
Terrence C. Julich, xx...
John M. Krupa, xx...
John C. Miller, xx...
Geoffrey L. Abbott, xx...
James S. Thomas, xx...
Joseph A. Halsch, xx...
Wayne R. Buchanan, xx...
Glenn A. Wiltshire, xx...
Mark S. Kern, xx...
James E. Evans, xx...
Stephen J. Krupa, xx...
Richard D. Poore, xxx...
James W. Decker, xx...

Glenn R. Gunn, xx...
William W. Peterson, xx...
Scott E. Davis, xx...
Mark H. Johnson, xx...
Glenn E. Gately, xx...
James F. Murray, xx...
Ivan T. Luke, xx...
Arthur H. Hanson, xx...
Michael K. Grimes, xx...
James R. Mongold, xx...
David J. Visneski, xx...
Gregory J. Macgarva, xx...
Arn M. Heggers, xx...
James W. Stark, xx...
John Astley, xx...
Gilbert J. Kanazawa, xx...
Scott J. Glover, xx...
Kevin L. Marshall, xx...
Paul A. Langlois, xx...
Daniel B. Lloyd, xx...
John P. Currier, xx...
Wayne E. Justice, xx...
William R. Webster, xx...
Eric A. Nicolaus, xx...
Charles J. Dickens, xx...
Howard P. Rhoades, xx...
Robert D. Allen, xx...
Jody A. Breckenridge, xx...
Russell N. Terrell, xx...
Gregory F. Adams, xx...
William L. Ross, xx...
Beverly G. Kelley, xx...

(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. FRIST:

S. 1201. A bill to improve teacher preparation at institutions of higher education; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 1202. A bill providing relief for Sergio Lozano, Fauricio Lozano, and Ana Lozano; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. BENNETT, Mr. DODD, and Mr. BRYAN):

S. 1203. A bill to amend the Electronic Fund Transfer Act to limit consumer liability for the unauthorized use of a debit card, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COVERDELL (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. CRAIG, Mr. MACK, Mr. BROWNBACK, Mr. KYL, Mr. BURNS, Mr. HATCH, Mr. ENZI, Mr. GRAMM, Mr. THURMOND, Mr. DORGAN, and Mr. REID):

S. 1204. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; to the Committee on Judiciary.

By Mrs. MURRAY:

S. 1205. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act, for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on Judiciary.

By Ms. SNOWE (for herself, Mr. JEFFORDS, Ms. MIKULSKI, Mr. ALLARD, Mr. HARKIN, and Mr. GRASSLEY):

S. 1206. A bill to provide for an enumeration of family caregivers as part of the 2000 decennial census of population; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. DORGAN, Mr. HARKIN, Mr. WELLSTONE, Mr. CONRAD, Ms. LANDRIEU, Mr. REED, and Mrs. MURRAY):

S. 1207. A bill to authorize the President to award a congressional gold medal to the family of the late Raul Julia, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself and Mrs. MURRAY):

S. 1208. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. DODD, and Mr. KERRY):

S. 1209. A bill improving teacher preparation and recruitment; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1202. A bill providing relief for Sergio Lozano, Fauricio Lozano, and Ana Lozano; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation that provides permanent resident status to three children, Sergio, 17 years old; Fauricio 15 years old; and Ana Lozano, 14 years old; who were granted immigrant visas to come to the United States with their mother earlier this year. Now they have lost their mother and could be deported because they were recently orphaned.

The children have lived with their mother, Ana Ruth Lozano, until her death in February of this year due to complications from typhoid fever. Since their mother's death, the children have been living with their closest relative, their U.S.-citizen grandmother who lives in Los Angeles.

Without their mother, the children do not have the legal right to remain in the United States. The Lozano children can be deported because the immigration law prohibits permanent legal residency to minor children without their parents.

Without their mother, these children can be deported by the INS despite the fact the children have no family who will take care of them in El Salvador except their estranged father who, INS reports show, was abusive to the mother and the children.

Without this bill, the children will most likely be sent to an orphanage in El Salvador. Here in the United States, the childern have their U.S.-citizen grandmother and uncles who will give them a loving home.

I have previously sought administrative relief for the Lozano children by asking the INS district office in Los Angeles and Commissioner Meissner if any humanitarian exemptions could be made in their case. INS has told my staff that there is nothing further they can do administratively and a private relief bill may be the only way to protect the children from deportation.

I hope you will support this bill so that we can help the Lozano children begin to rebuild their lives in the United States.

Mr. President, I ask for unanimous consent that the attached news article and the bill be entered into the RECORD.

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

S. 1202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sergio Lozano, Fauricio Lozano and Ana Lozano, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

[From the Los Angeles Times, May 29, 1997]

YOUTH'S VISAS IN DOUBT AFTER MOTHER'S DEATH

(By Patrick J. McDonnell)

Three El Salvadoran teenagers who were granted U.S. government permission to move to Los Angeles with their mother earlier this year now face deportation because their mother's death has left them without a legal right to be in the United States.

Ana Ruth Lozano a single mother who worked in a garment factory in El Salvador, had long dreamed that she and her children would be able to join relatives in Los Angeles, a glittering place with promise beyond the postwar tumult of Central America.

She died in El Salvador in February at the age of 33, apparently of complications from typhoid fever, three weeks after her family received visas to emigrate to the United States following an eight-year wait.

Ironically, relatives say; Lozano took ill on the day she was informed by officials in the U.S. Embassy in San Salvador that authorities were approving the family's long-delayed application.

"My mother always said we'd go to the United States and have a real chance to succeed," said Sergio Lozano, 17, who finally arrived here last month with his siblings, Fauricio, 15, and Ana, 14.

With the shock of her unexpected death still raw, the family is facing another blow:

The Immigration and Naturalization Service says that Lozano's death means that her children must go back to El Salvador. Because she was the primary visa beneficiary, the INS says, the law calls for the papers of her children—the "derivative beneficiaries"—to be revoked upon her death.

The incredulous Lozano family has fallen into one of the many cracks in U.S. immigration law. Their case stands out even amid the often dramatic consequences in a legal arena replete with tales of separated families.

"It's just not fair to send these children back now." Zoila Esperanza Lozano, 54, the children's maternal grandmother, said as she fought back tears during an interview at her Los Angeles apartment, where a photograph of her late daughter and a Mother's Day poem from her are displayed prominently.

Rosemary Melville, INS deputy district director in Los Angeles, declined to discuss the Lozano case specifically, citing privacy laws. But she confirmed that visas for family members are considered "null and void" if the principal beneficiary dies before the visa is used. In "compelling" cases, Melville added, the agency has discretion to grant residency or block deportation based on humanitarian concerns.

In another era, legal observers say, authorities may have been inclined to stretch the letter of the law or issue a waiver allowing the Lozano children to stay. But such exceptions are more problematic amid today's national climate generally hostile to immigration.

"The unfortunate track record of immigration law is if you make one exception you find it spinning out of control," said Ira Mehlman of the Federation for American Immigration Reform, a group that seeks to reduce immigration levels and assails "loopholes" in the law.

Relatives of the Lozano children say they were assured by officials at the U.S. Embassy in San Salvador that the children's visas were still good, despite the mother's death. They learned otherwise upon the youths' arrival at Los Angeles International Airport last month, when, according to the family, the three youngsters were held and questioned for six hours and faced being sent back to El Salvador on the spot—an expedited "removal" procedure that has been in the INS arsenal since April 1, when a tough new immigration law went into effect.

Finally, inspectors agreed to allow the three into the country conditionally, pending the outcome of an agency review. The three teenagers have another date with the INS in Los Angeles on June 25.

The Lozano family has mobilized to do whatever necessary to keep the children in Los Angeles. The three, now enrolled at Belmont High School, are staying in their grandmother's one-bedroom Westlake apartment.

"For me, the children are a blessing from my beautiful daughter, and I'll do whatever I can for them," their grandmother said.

Though of modest means, relatives here say they are willing to sign legally binding accords to care for the three and ensure that they do not become public charges.

Francisco Lozano, Ana Ruth's younger brother, is spearheading a letter-writing campaign to officials in Congress and elsewhere. "If I have to go and see President Clinton, I will," said Lozano, a hotel pastry chef.

In El Salvador, the family says, the three children have nothing to go back to: no home, no close kin, no means of support. Ana Ruth Lozano had been estranged from the children's father for years, relatives say. Most close relatives on their mother's side of the family are in the United States and Canada, as are many other Salvadorans, who left their homeland during the civil war that engulfed it in the 1980s.

The children's grandmother has supported them in El Salvador for years, sending back monthly checks of up to $300, almost half her pay as a live-in housekeeper.

Seated in their grandmother's home on a recent afternoon, all three Lozano youths spoke of their desire to remain in the United States, study, and embark upon careers: Sergio wants to be a graphic artist, Fauricio would like to be an airline pilot, and Ana hopes to become a lawyer.

"I don't think I'd have any chance to even dream about such a thing back home," said Fauricio.

"Here one has the chance to better oneself," said the slender, reserved Ana. "This place is what our mother always wanted for us."

By Mr. D'AMATO (for himself, Mr. BENNETT, Mr. DODD, and Mr. BRYAN):

S. 1203. A bill to amend the Electronic Fund Transfer Act to limit consumer liability for the unauthorized use of a debit card, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE DEBIT CARD CONSUMER PROTECTION ACT OF 1997

Mr. D'AMATO. Mr. President, today I introduce legislation that will protect tens of millions of consumers who carry bank debit cards, as well as millions more who are being targeted by banks to use this relatively new and unfamiliar payment card. This bill extends to the users of debit cards the protections that now already apply to users of credit cards. And I would like to thank my colleagues, Senators BENNETT, DODD, and BRYAN, for cosponsoring this important legislation.

In the past few years, millions of Americans have opened envelopes from their banks to find these new payment cards. These cards look like credit cards. They have "VISA" or "MasterCard" logos on the front of them—I am holding one up now—but they are actually debit cards, or, in the language of the industry, they are "off-line" debit cards. They are called "off-line" cards because they can be used with just a signature, and no PIN No., in order to access the consumer's bank account directly.

These off-line cards combine the convenience of a credit card with the simplicity of an ATM card. In order to make a purchase, the consumer simply presents the debit card to a merchant and signs a sales slip. The money for the payment is then automatically withdrawn from the consumer's bank account and transferred to the merchant.

But if an off-line card is lost or stolen, it poses a little known and potentially unlimited danger to the consumer. Because it needs only a signature to authorize a purchase, a criminal who finds the card or who steals the card can easily use it to make purchases. He can go on a wild shopping spree and buy thousands of dollars worth of goods on that stolen card.

But unlike a stolen credit card, these fraudulent charges are immediately deducted from the victim's bank account. And unlike a stolen credit card, the law provides virtually no limit to the victim's liability.

And what happens to the consumer whose bank account is cleaned out by fraud? Soon her checks begin bouncing, bills go unpaid, late charges and overdraft fees pile up, suddenly the victim is facing financial disaster. Unraveling this mess can mean weeks of letters and phone calls, and nobody will compensate the victim for the lasting damage to his or her name or reputation.

Furthermore, the victim will be literally penniless until the bank investigates the theft and, hopefully, restores the account.

Under current law, the bank could take up to 20 days to complete this investigation. Imagine losing one's entire bank balance and then being unable to write a check for rent, car payment or groceries for 20 days.

Mr. President, I am concerned that consumers do not understand the off-line debit card. They may think it is just like an ordinary ATM card. But without the protection of a secret PIN number, the card is not secure. In reality, it is a direct line of access to the consumer's bank account. That line of access is open to anyone who possesses the card, including a thief. Just the number on the face of the card is all the thief needs to totally drain the consumer's bank account.

Financial institutions have sent out tens of millions of these cards unsolicited in the last few years. By 1994, there were 25 million off-line cards in circulation. By 1996, the number had jumped to more than 60 million. Millions more will be mailed out this year, because although banks cannot legally mail out an unsolicited credit card, a loophole in the law allows them to mail out these unsolicited off-line debit cards as replacements for consumer's ATM cards.

Mr. President, this is a ticking time bomb for millions of unwary consumers. Does the consumer understand how this new card differs from an ordinary ATM card? Does the consumer understand the risk that comes from carrying the new off-line card? Too often the answer is no. A recent survey by Mastercard found that 59 percent of the consumers who carry debit cards do not realize just how important it is to report a lost or stolen card immediately. At a minimum, consumers need to be warned before they start carrying these off-line cards, and they need protection in the event that anything goes wrong.

Mr. President, we need reform and we need it soon. The bill we have introduced today, the Debit Card Consumer Protection Act of 1997, provides a level of protection that is clearly needed.

First, it prohibits the banks from mailing out unsolicited debit cards. Only people who want these cards should be getting them in the mail.

Second, it requires a clear disclosure to the consumer that the card provides a direct line of access to the consumer's bank account.

Third, it prohibits the bank from sending out live debit cards. Cards must not be valid for use until the recipient identifies himself or herself as the rightful owner.

Fourth, it limits the consumer's liability to $50 in the event the card is lost or stolen.

Fifth, it expedites the restoration of funds to the consumer's account within 5 business days. Current law can make the consumer wait 20 business days.

Mr. President, this bill would bring the consumer protection laws up to date and into line with what the consumer is entitled to and expects. That is why consumer groups strongly support this bill, including the Consumer Federation of America, the Consumers Union, and the U.S. Public Interest Research Group. These organizations have all gone on record to say that this legislation provides essential protection for users of debit cards.

Now, Mr. President, some of the provisions of this bill were recently put forth in another bill, S. 1154, by my colleague, Senator REED of Rhode Island, who I see is on the floor. And some of these measures are now being implemented voluntarily by the industry. I want to commend Senator REED for his work in this area. I think that a consensus exists that consumer protections are needed to improve a situation that presents a very real risk for millions of consumers.

In fact, MasterCard and VISA recently announced that they will voluntarily cap the consumer's liability at $50 in the event of an unauthorized use. One bank, Bank of America, has announced it will not hold consumers liable for any unauthorized charges. I commend the industry for responding to these concerns. Because of this responsiveness, I am hopeful the industry will vigorously support legislation to make these essential consumer protection laws permanent and universal.

Finally, I thank Senators BENNETT, DODD, and BRYAN for cosponsoring this bill. Senator BENNETT, as chairman of the Banking Subcommittee on Financial Services and Technology, is very aware of the enormous impact financial fraud is having on the industry and consumers. This legislation will help to protect both the industry and consumers from having to pay these high costs.

Mr. President, I ask unanimous consent 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. 1203

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 "Debit Card Consumer Protection Act of 1997".

SEC. 2. CONSUMER LIABILITY FOR UNAUTHORIZED DEBIT CARD TRANSACTIONS.

Section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g) is amended by striking subsection (a) and inserting the following:

"(a) LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—A consumer shall be liable for an unauthorized electronic fund transfer only if—

"(A) the card or other means of access used to make the unauthorized electronic fund transfer was an accepted card or other means of access;

"(B) the liability, including any overdraft or other fee imposed by the financial institution in connection with or as a result of the unauthorized electronic fund transfer, is not in excess of the lesser of—

"(i) $50; or

"(ii) the amount of money or value of property or services obtained in such unauthorized electronic fund transfer prior to the time at which the financial institution is notified of, or otherwise becomes aware of, circumstances which lead to the reasonable belief that an unauthorized electronic fund transfer involving the consumer's account has been or may be effected;

"(C) the financial institution that issued the card or other means of access gave adequate notice to the cardholder of the potential liability;

"(D) such financial institution provided the consumer with a description of a means by which the institution may be notified of loss or theft of the card or other means of access, which description may be provided on the face or reverse side of the statement required by section 906(c) or on a separate notice accompanying such statement;

"(E) the unauthorized electronic fund transfer occurred before the financial institution was notified of such unauthorized transfer, or that such unauthorized transfer may occur as the result of loss, theft, or otherwise; and

"(F) the financial institution has provided a method whereby the consumer to whom the card or other means of access was issued can be identified as the person authorized to use it.

"(2) SUFFICIENCY OF NOTICE.—For purposes of paragraph (1), the financial institution has been notified when such steps have been taken as may be reasonably required in the ordinary course of business to provide the financial institution with the pertinent information, whether or not any particular officer, employee, or agent of the financial institution does in fact receive such information.".

SEC. 3. AMENDMENTS TO DEFINITIONS.

Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (1), by striking "and received" and all that follows through "services" and inserting "or renewed and received such card or other means of access (including a non-protected access card and a protected access card)";

(2) by redesignating paragraphs (9) through (11) as paragraphs (11) through (13), respectively; and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9) the term 'protected access card' means an accepted card or other means of access that requires use of a personalized code or other unique identifier (other than a signature) to initiate access to the account of a consumer;

"(10) the term 'non-protected access card' means an accepted card or other means of access that does not require the use of a unique identifier to initiate access to the account of a consumer, except that for purposes of this paragraph, a signature shall not be considered to be a personalized code or other unique identifier;".

SEC. 4. TIMING OF ERROR RESOLUTION.

Section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting accordingly;

(B) by striking "(a) If a financial" and inserting the following:

"(a) IN GENERAL.—

"(1) NOTICE TO INSTITUTION.—If a financial";

(C) in the first sentence, by striking "ten business" and inserting "5 business"; and

(D) in the second sentence, by striking "The financial" and inserting the following:

"(2) WRITTEN CONFIRMATION OF ORAL NOTIFICATION.—The financial"; and

(E) by striking "the previous sentence" each place it appears and inserting "this paragraph";

(2) in subsection (c), by striking "ten business" and inserting "5 business"; and

(3) in subsection (f)(1), by inserting before the semicolon ", including such unauthorized transfer by use of a protected access card or a non-protected access card".

SEC. 5. ISSUANCE OF CARDS.

(a) LIMITATIONS ON ISSUANCE.—Section 911 of the Electronic Fund Transfer Act (15 U.S.C. 1693i) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting accordingly;

(B) by striking "(a) No" and inserting the following:

"(a) LIMITATIONS ON ISSUANCE.—

"(1) IN GENERAL.—No"; and

(C) by adding at the end the following:

"(2) RENEWALS; SUBSTITUTIONS.—For purposes of paragraph (1), a non-protected access card may only be issued in response to a request or application for, or as a renewal of or substitution for, a non-protected access card.";

(2) in subsection (b)—

(A) by striking "(b) Notwithstanding" and all that follows through "basis" and inserting the following:

"(b) CRITERIA FOR ISSUANCE.—A person may only issue to a consumer";

(B) by striking "distribution" each place it appears and inserting "issuance"; and

(C) by striking "distribute" and inserting "issue".

(3) in subsection (c), by striking "(c) For" and inserting the following:

"(d) DEFINITION.—For"; and

(4) by inserting after subsection (b) the following new subsection:

"(c) DISCLOSURE OF NON-PROTECTED ACCESS CAPABILITY.—In any case in which a non-protected access card is issued to a consumer, such issuance shall be accompanied by a clear and conspicuous printed disclosure designated as a warning that—

"(1) the card does not require a personalized code or other unique identifier (other

than a signature) to initiate access to the consumer's account; and

"(2) loss or theft of the card could result in unauthorized access to the consumer's account.".

(b) FORM OF DISCLOSURE.—Section 904(b) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(b)) is amended by striking "section 905" and inserting "sections 905 and 911".

SEC. 6. NOTIFICATION TO CONSUMERS OF RESTITUTION POLICY.

Section 905 of the Electronic Fund Transfer Act (15 U.S.C. 1693c) is amended—

(1) in paragraph (2), by striking "than an" and inserting "that an";

(2) in paragraph (7), by striking ". The financial institution" and all that follows through "year" and inserting ", which summary shall be transmitted to the consumer thereafter not less frequently than annually";

(3) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(4) by inserting after paragraph (7) the following new paragraph:

"(8) the policy of the financial institution regarding restitution to the consumer of any fees imposed by a person other than the financial institution as a result of an unauthorized electronic fund transfer, including returned check fees, late charges, and other fees;".

Mr. DODD. Thank you, Mr. President. I am pleased to take the floor today in support of the Consumer Payment Card Security Act of 1997. This legislation, of which I am an original cosponsor, would address a serious gap in our consumer laws which govern the use of debit or check cards. I would particularly like to thank my friend and Chairman of the Banking Committee, Senator D'AMATO, for his leadership role in developing this legislation.

Many of my colleagues may be aware of these cards through the intensive ad campaign mounted by VISA and MasterCard with such famous celebrities as Michael Jordan, Bugs Bunny, and our former colleague, Bob Dole. But these commercials may not exactly explain how these check cards—or debit cards—work. Essentially, a debit card is a card that looks just like your ATM card that uses the National Credit Card Electronic Networks to access your checking account. In this way, you could go into any business that accepts VISA or MasterCard, and instead of charging your purchase, you could pay for it right out of your checking account. Thus, bank customers have access to their accounts in hundreds of thousands of locations across the globe, not just at the ATM machines that are part of their banks' network.

In general, I believe that the private sector should be commended for developing this new technology. Clearly, if used properly, these debit cards will provide bank customers with greater flexibility and convenience.

However, we would not be standing on the floor today introducing legislation if the introduction of this card had gone as smoothly as everyone may have hoped. As with all new technologies, there are growing pains, and in this particular case, legislation appears necessary to help ease those pains.

The goal of this legislation is refreshingly simple: It puts debit cards under the same umbrella of consumer protections that currently govern the use of both credit cards and ATM cards.

Let me briefly recount some of the debit card problems—some might go so far as to say abuses—confronted by consumers and how the legislation would address them.

First, since a debit cards looks almost identical to an ATM card, many consumers don't know that their bank has made a switch. Until very recently, this could have posed a significant financial hardship for consumers since debit card liability—if it's lost or stolen—isn't capped at $50 the way it is capped for both credit cards and ATM cards. Also, debit cards are known as "off-line" cards; in other words, no PIN—personal identification number—is required to use the card—a crook can simply swipe it through any electronic scanner, just like a credit card, and empty your bank account.

It should be noted that in the last few weeks, the industry—particularly VISA and MasterCard, responding to increasing public pressure, has voluntarily moved to change these practices. Nevertheless, these belated efforts, while laudable, do not provide the same certainty to consumers that the statutes do. This legislation would clearly limit consumer liability to $50. It would also ensure that consumer disclosure is improved so that the bank customer is aware that these cards do not need a PIN to be used.

The legislation would also end the practice of replacing ATM cards with debit cards without a customer's consent. One of the ways in which these cards become subject to abuse is that consumers aren't aware that they've even received this debit card as a replacement for their old ATM card. The legislation would conform debit cards with credit cards by preventing the mailing of unsolicited cards to bank customers.

Last, the bill would address a potential problem by shortening the dispute resolution process from 20 to 5 days, again conforming it to the standards currently in use for credit cards. When there is credit card fraud, the cardholder is credited for the loss until the investigation is complete, and that investigation must be done within 5 days. Under current law, debit cardholders are not always credited pending investigation and those investigations can take as long as 20 days. That's a long time for someone whose checking account has been emptied by a criminal.

Again, Mr. President, I note that in most instances, the legislation codifies what has become the industry standard. But the fact remains that given the difficulties surrounding the introduction of debit cards, and the uncertainties that arise from some companies failing to follow the industry standard, it is incumbent upon the Congress to provide the same statutory safeguards for debit card users as we have for both credit card and ATM card users.

I hope that I will soon be able to stand here and mark the passage of this important legislation.

By Mr. COVERDELL (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. CRAIG, Mr. MACK, Mr. BROWNBACK, Mr. KYL, Mr. BURNS, Mr. HATCH, Mr. ENZI, Mr. GRAMM, Mr. THURMOND, Mr. DORGAN, and Mr. REID):

S. 1204. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

THE PROPERTY OWNERS ACCESS TO JUSTICE ACT OF 1997

Mr. COVERDELL. Mr. President, I am introducing today, with Senators LANDRIEU and DORGAN, the Property Owners Access to Justice Act of 1997, a bill to simplify access to the Federal courts for private property owners whose rights may have been injured by government action. The fifth amendment to the U.S. Constitution provides individuals with protection from having their property taken by the Government. The Constitution requires that when private property is taken for a public purpose, the property owner must be compensated.

However, property owners seeking protection of their rights are frequently frustrated by endless bureaucratic delay and countless procedural hurdles that prevent them from having their day in court. They are told they must resolve all of their State court remedies and all of their administrative remedies before their case is ripe for a hearing in Federal court.

Unfortunately, most property owners cannot afford the long and often fruitless process of resolving all possible remedies before their case is ripe. This process can mean years of court battles and tens of thousands of dollars in

legal fees just to win the right to have the merits of the case heard in Federal court. The hurdles are so oppressive that one study concluded less than 6 percent of takings claims filed during the 1980's were ever deemed ripe for Federal court adjudication.

This unfair result happens because the requirement to exhaust all administrative remedies before getting their day in court subjects property owners to endless rounds of appeals with the relevant agency. However, property owners should be able to know with some degree of certainty what rights they have in their own property. The Property Owners Access to Justice Act says that property owners must try to resolve their differences with the agency in question, but once the agency has denied their appeal or waiver attempt, the property owner has the right to go to court.

The property owner would still shoulder the burden of proof that he or she has been injured and deserves compensation, but at least the owner will be able to have the merits of the case heard. And there is an end to the process, instead of leaving the property owner in the regulatory limbo of appealing and appealing and appealing before getting the right to seek relief in court.

To deal with the problem of resolving all State court remedies, this bill essentially gives property owners a choice of how to assert their property rights under the Constitution. If the property owner wants to pursue action against a local or State agency that has infringed on his or her rights, the property owner can sue in State or local court, as he would now. Or, if the property owner wants to reject that route and instead pursue only a fifth amendment takings claim, the case can be heard in Federal court.

This will correct the current situation in which a property owner can be bounced between State and Federal courts for years, with the merits of their Federal claim never being heard.

The Property Owners Access to Justice Act of 1997 is strictly procedural in nature. It does not change substantive law. It does not define a taking or establish a trigger for when compensation is due. It does not give property owners any special access to the Federal courts. On the contrary, it allows property owners the same access to Federal courts that other claimants currently have. Citizens alleging violations of their first amendment rights or fourth amendment rights are not told to resolve their administrative and State court remedies first—they go to Federal court. Property owners deserve to be treated the same as everyone else.

Mr. President, this bipartisan bill is simply an effort to provide property owners with a less complicated way to have their day in court. It gives them the access to justice and the chance to present the merits of their case that all Americans expect as a matter of simple fairness.

I urge my colleagues on both sides of the aisle to support the Property Owners Access to Justice Act of 1997 and ask unanimous consent that the full text of the bill be entered in the RECORD.

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

S. 1204

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 "Property Owners Access to Justice Act of 1997".

SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES.

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

"(c) Whenever a district court exercises jurisdiction under subsection (a), it shall not abstain from exercising or relinquish its jurisdiction to a State court in an action where no claim of a violation of a State law, right, or privilege is alleged.

"(d) Where the district court has jurisdiction over an action under subsection (a) that cannot be decided without resolution of a significant but unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question certified to it, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

"(1) will significantly affect the merits of the injured party's Federal claim; and

"(2) is so unclear and obviously susceptible to a limiting construction as to render premature a decision on the merits of the constitutional or legal issue in the case.

"(e)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, that causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) the applicable statute, ordinance, regulation, custom, or usage provides for a right of appeal or waiver from such decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if the prospects of success are reasonably unlikely and intervention by the district court is warranted to decide the merits.

"(3) For purposes of this subsection, a final decision shall not require the party seeking redress to exhaust judicial remedies provided by any State or territory of the United States.".

SEC. 3. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) an applicable law of the United States provides for a right of appeal or waiver from such decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B), if the prospects of success are reasonably unlikely and intervention by the district court or the United States Court of Federal Claims is warranted to decide the merits.".

SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

"(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) an applicable law of the United States provides for a right of appeal or waiver from such final decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if the prospects of success are reasonably unlikely and intervention by the United States Court of Federal Claims is warranted to decide the merits.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

Ms. LANDRIEU. Mr. President, I am proud to join my colleague from Georgia, Senator COVERDELL, in introducing the Property Owners Access to Justice Act of 1997.

Mr. President, in my view, this bill is particularly aptly named. Justice and fairness are what this bill is all about. Unlike other countries, when this Nation was created, we did so with a contract between the people and the Government. It is not very long, but the freedoms it guarantees are quite profound. Among its provisions is a simple

promise from the Government to the people. Private property shall not be taken for public use without just compensation. These very few words included in our Constitution provide one of the strongest defenses we have against arbitrary government. The certainty that our property cannot be expropriated by government without our being compensated, provides the essential infrastructure for America's great economic strength. We could never be the world's largest market without such an assurance.

However, for often well-intentioned reasons, all levels of government have made claims on private property which conflict with the protections of the fifth amendment. Whether through zoning, environmental protections, or claims of eminent domain, people have found their property rights under increasing assault. Unfortunately, not only are their rights under assault, but then they have inadequate protection in our legal system.

We should not be confused as to whom this bill helps. Large corporations and wealthy landowners and developers do not need our help in Congress. They can hire a legion of lawyers and lobbyists to take up their case at city hall, at the statehouse, or even here in Washington. Whether this bill passes or not, their interests will be protected. The people we help with this bill are the small landowners and family farmers who lack the means to expedite the administrative process. It will help first-time home buyers in my State, who are trying to build their first home but have to put their plans on hold because they run into administrative deadlocks.

Our bill will help these people and countless others in two ways. First, it will clarify when a person has exhausted their administrative remedies. Right now, property owners spend countless hours and great expense in fruitless litigation over this subject. Legislation to end this unproductive debate should be welcomed by all parties.

Second, the bill would allow property owners to choose between bringing their claim for relief before Federal or State courts. As it stands, we all possess a fifth amendment right which we have no practical way of enforcing. The Supreme Court has interpreted the fifth amendment as applying to the States under the due process clause of the fourteenth amendment. However, the Federal courts have left it to State courts to adjudicate fifth amendment claims in this area. Only if issues of State law are resolved in the case, may plaintiffs have their constitutional claim heard in Federal court. Working people simply cannot afford a process that would require them to go all the way through the State court system and then into the Federal courts to enforce their constitutional rights.

Mr. President, it is my hope that our colleagues will join this bipartisan effort and take a concrete step to provide real relief to middle class people. We will all benefit by a judicial process that is more equitable and transparent.

By Mrs. MURRAY:

S. 1205. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on the Judiciary.

THE ILLEGAL IMMIGRATION ACT CANADIAN EXEMPTION ACT OF 1997

Mrs. MURRAY. Mr. President, today I am introducing legislation to amend a controversial provision in last year's illegal immigration legislation that threatens to stifle legal travel and commerce between the United States and Canada.

Section 110 of the 1996 Immigration Reform Act requires the Immigration and Naturalization Service to develop an automated entry and exit system for the purpose of documenting the entry and departure of every alien entering and leaving the United States. The legislation I am introducing today, will amend the illegal immigration legislation to clarify that records of entry and departure are not required for Canadians. This is consistent with longstanding U.S. policy toward Canadian citizens traveling to the United States.

My constituents are extremely concerned about the onerous implications of section 110. As a frequent visitor to Bellingham and Whatcom County, I hear again and again from the local community about the importance of unimpeded travel between the United States and Canada. I've visited the border crossings at Blaine, WA. At certain times, travel between the United States and Canada is already subject to lengthy delays and traffic back-ups that sometimes exceed 1 mile in length. Section 110 will further complicate border crossings if it is ever instituted on our northern border.

I have been a long proponent of strengthening and promoting the partnership between Washington State and British Columbia, Canada. British Columbia is a billion dollar neighbor for my State, generating jobs and economic activity important to all of Washington. Canadian tourism and commerce is particularly important to Bellingham and northwest Washington where border trade thrives to the benefit of both Americans and Canadians.

This legislative initiative follows up on a late 1996 letter I sent to Attorney General Janet Reno inquiring about section 110. The letter expressed my strong opposition to a border fee or other interpretation of section 110 which would inhibit legal tourism and trade between the United States and Canada. I continue to vigorously oppose nuisance measures that will unduly delay legal border crossings. A border tax is the most obvious nuisance measure however, section 110 if fully implemented will have a potentially disastrous impact on communities in my State.

I do not expect section 110 to ever be applied to Canadians. To do so, would be a phenomenal waste of limited resources. We can't neglect our northern border, but we can certainly be a lot smarter. Exempting Canadians from section 110 is the smart thing, the right thing to do.

I encourage my colleagues to review this important legislation and to join me in supporting the passage of this legislative exemption at the earliest opportunity.

By Ms. SNOWE (for herself, Mr. JEFFORDS, Ms. MIKULSKI, Mr. ALLARD, Mr. HARKIN, and Mr. GRASSLEY):

S. 1206. A bill to provide for an enumeration of family caregivers as part of the 2000 decennial census of population; to the Committee on Governmental Affairs.

THE FAMILY CAREGIVERS ACT OF 1997

Ms. SNOWE. Mr. President, I rise today to introduce legislation to highlight the millions of family caregivers across this country, by calling on the Census Bureau to count family caregivers in the Census 2000. This bill is a companion to House legislation introduced by Representative CANADY. I would like to thank Senators JEFFORDS, MIKULSKI, ALLARD, HARKIN, and GRASSLEY for joining me in support of family caregivers by cosponsoring this bill.

As the population of this country ages, more and more Americans have and will assume the role of family caregivers—people who provide noncompensated care for an elderly or disabled family member in their own home. Today, nearly 80 percent of elderly people needing long-term care services are estimated to reside outside the nursing home setting, and many nonelderly people are cared for by a family member as well. In fact, family caregivers provide two-thirds of all home care services in this country.

The decision to care for a loved one who is ill or incapacitated on a full-time basis requires significant personal sacrifice on the caregiver's part. Yet the compassionate services provided by family caregivers to those who are unable to care for themselves is invaluable. Without the contributions of caregivers, immense pressure would be brought to bear on our nursing home

and health care systems. Unfortunately, caregivers and their contributions to the Nation's public health system have historically gone unrecognized.

While the issue of family caregivers has obvious policy implications, adequate statistical and survey information is not available to help policymakers address issues concerning these individuals. That is why I am introducing legislation to request that family caregivers be counted by the Census Bureau in the Census 2000. By counting caregivers in the census, we will be able to collect more information about this rapidly-growing group and form policy solutions that will take into account their special needs.

In her book, "Helping Yourself Help Others," former First Lady Rosalynn Carter reminds us that there are only four kinds of people in the world: those who have been caregivers, those who are caregivers, those who will be caregivers, and those who will need caregivers. I urge my colleagues to support this important legislation and to draw attention to the needs of family caregivers.

By Mrs. BOXER (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. DORGAN, Mr. HARKIN, Mr. WELLSTONE, Mr. CONRAD, Ms. LANDRIEU, Mr. REED, and Mrs. MURRAY):

S. 1207. A bill to authorize the President to award a Congressional Gold Medal to the family of the late Raul Julia, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL LEGISLATION

Mrs. BOXER. Mr. President, I rise today to introduce legislation authorizing the President of the United States to award a Congressional Gold Medal in honor of the late Raul Julia, a remarkable person who touched the lives of millions.

Raul Julia is known to most people as a talented actor who performed in movies and on stage. He excelled in such films as "The Kiss of the Spider Woman," "Presumed Innocent," and "The Eyes of Laura Mars." In his greater love, the theater, he starred in several productions, including the New York Shakespeare Festival's "Macbeth," "Othello," and "The Taming of the Shrew." His brilliant career earned him four Tony Award nominations and a countless number of accolades.

However, Raul Julia was more than just a remarkable actor and entertainer—through his work, he was able to conquer stereotypes unfairly attached to Latin actors and performers. It is clear that the Latino community still suffers discrimination in the entertainment field. Too many times, we see Latinos cast as gang members, drug dealers, and other negative characters.

With his dignified presence and undeniable talent, Raul Julia was able to overcome these stereotypes. He became a role model for Latinos trying to break into the entertainment industry, and today is still an inspiration to Latino and non-Latino alike.

Raul Julia was also a dedicated activist and humanitarian. He was especially concerned with worldwide hunger, in part because of his upbringing in Puerto Rico. In honor of his lifetime of unselfish giving, this legislation will divide profits from the sale of duplicate medals equally between the Raul Julia Hunger Fund and the National Hispanic Foundation for the Arts.

A Congressional Gold Modal is a fitting tribute to the life and work of Raul Julia. I urge my colleagues to support this bill.

I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

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

S. 1207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Raul Julia was an accomplished, talented performer, entertaining millions through his work in film and theater;

(2) Raul Julia was a leader in the entertainment industry, particularly as a tireless mentor and role model to emerging Latino actors;

(3) a dedicated activist and humanitarian, Raul Julia was a major supporter and spokesperson for the Hunger Fund, a nonprofit organization committed to the eradication of world hunger; and

(4) Raul Julia received the Hispanic Heritage Award recognizing his many career achievements for the Latino community, including his involvement in "La Familia", a New York City outreach program for Latino families in need, the Puerto Rican traveling theater, the Museo del Barrio, and the New York Shakespeare Festival.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to the family of the late Raul Julia a gold medal of appropriate design, in recognition of his dedication to ending world hunger and his great contributions to the Latino community and to the performing arts.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) GIFTS AND DONATIONS.—

(1) IN GENERAL.—The Secretary may accept, use, and disburse gifts or donations of property or money to carry out this section.

(2) APPROPRIATION AUTHORIZED.—No amount is authorized to be appropriated to carry out this section.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

The medals struck pursuant to this Act are—

(1) national medals, for purposes of chapter 51 of title 31, United States Code; and

(2) numismatic items, for purposes of section 5134 of title 31, United States Code.

SEC. 5. TRANSFER OF ANY PROFIT TO LIBRARY OF CONGRESS.

The Secretary shall transfer in equal amounts from the Numismatic Public Enterprise Fund an amount equal to the amount by which the sum of any gifts and donations received by the Secretary in accordance with section 2(c)(1) and any proceeds from the sale of duplicate medals pursuant to section 3 exceeds the total amount of the costs incurred by the Secretary in carrying out this Act to—

(1) the Raul Julia Ending Hunger Fund; and

(2) the National Hispanic Foundation for the Arts.

By Mrs. BOXER (for herself and Mrs. MURRAY):

S. 1208. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Labor and Human Resources.

THE FAMILY PLANNING AND CHOICE PROTECTION ACT OF 1997

Mrs. BOXER. Mr. President, I come today to the Senate floor to introduce the Family Planning and Choice Protection Act of 1997, a comprehensive pro-choice, pro-family planning, and pro-women's health bill. The bill is cosponsored in the Senate by Senator MURRAY, and the companion bill was introduced by Representative NITA LOWEY.

This bill has three purposes: to improve family planning programs and services; to strengthen women's right to choose; and to increase research on women's health.

In the past months and years, Congress has curbed women's reproductive rights again and again. We've seen it in the appropriations process, as women in the military and military dependents are prevented from using their own funds to obtain an abortion at military facilities. Similarly, the District of Columbia has been prevented from using local funds to provide abortion services. These are just two examples. Bit by bit, anti-choice legislators are chipping away at women's fundamental right to choose.

Even family planning programs and services have been under attack. In June, the House of Representatives voted to cut off funding for family planning to overseas organizations unless they comply with certain restrictions. These restrictions amount to a global gag rule, prohibiting these organizations from using even non-Federal funds to provide abortion services or advocate to change abortion laws or policies abroad.

The Family Planning and Choice Protection Act of 1997 addresses these

attacks. It is a positive statement of what freedom of choice really means. The bill has three parts—family planning, choice protection, and health.

The family planning part does four things. First, it authorizes additional funds for family planning services. Second, it bans gag rules, which have restricted the information health providers can give and women can receive about reproductive health services. Third, it requires all health plans to cover contraceptive services and drugs if they cover other prescription drugs. Fourth, it promotes understanding of emergency contraceptives, which can be used after intercourse to prevent pregnancy.

The part on choice protection has four elements. First and foremost, it takes the basic principles of Roe versus Wade and makes them Federal law. Second, it repeals the many restrictions that Congress has placed on funding of abortions, including services for poor women, women in the military, women in the District of Columbia, and Federal employees. Third, it calls for additional Federal resources to ensure that women and health care providers have safe access to reproductive health clinics, and protection against violence at these clinics. Fourth, it directs the Department of Health and Human Services to ensure that the approval of RU-486 is based on health considerations only—not political decisions.

The third part of the bill focuses on women's health. First, it supports funding for preventive health measures in all 50 States, such as screening for breast and cervical cancer and chlamydia. Second, it calls for funding for more research on contraception and infertility.

The American people overwhelmingly support a woman's right to choose, family planning, and women's health research. Yet there are those in this Congress who are determined to turn the clock back. This bill works to ensure that no American woman will ever have to go back to the days of ignorance, isolation, and injustice. The women of America cannot afford to go back. The Family Planning and Choice Protection Act of 1997 calls on Congress to strengthen women's right to choose and to hold firm against further attacks on this fundamental right.

I am proud to sponsor this important initiative in the Senate, and proud to join Representative LOWEY and groups such as the National Abortion Rights Action League to make this positive statement for women's rights and health.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 1208

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 "Family Planning and Choice Protection Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) reproductive rights are central to the ability of women to exercise full enjoyment of rights secured to women by Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since 1973 and has become part of mainstream medical practice as is evidenced by the positions of medical institutions including the American Medical Association, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association;

(3) the availability of abortion services is diminishing throughout the United States, as evidenced by—

(A) the fact that 84 percent of counties in the United States have no abortion provider; and

(B) the fact that, between 1982 and 1992, the number of abortion providers decreased in 45 States; and

(4)(A) the Department of Health and Human Services and the Institute of Medicine of the National Academy of Sciences have contributed to the development of a report entitled "Healthy People 2000", which urges that the rate of unintended pregnancy in the United States be reduced by nearly 50 percent by the year 2000;

(B) nearly 60 percent, or approximately 3,100,000, of all pregnancies in the United States each year are unintended, resulting in 1,500,000 abortions in the United States each year; and

(C) the provision of family planning services, including emergency contraception, is a cost-effective way of reducing the number of unintended pregnancies and abortions in the United States; and

(5) at a minimum, Congress must enact legislation establishing or retaining the following policies to preserve the choice and reproductive health of women:

(A) Authorization of family planning programs.

(B) The prohibition of any gag rule on information pertaining to reproductive medical services.

(C) The promotion of equitable treatment and coverage of prescription contraception drugs and devices in the provision of health insurance.

(D) The provision of funding for emergency contraceptive education.

(E) The establishment of breast cancer, cervical cancer, and chlamydia screening programs in all 50 States.

(F) Full implementation of contraceptive and infertility research programs.

(G) Funding through the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for abortion services.

(H) Protection of women from clinic violence.

(I) Final approval of the drug called Mifepristone or RU-486.

(J) The maintenance of a fundamental right to choose, as stated in the Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973).

(K) The establishment of the right of the District of Columbia to access locally raised revenue to provide abortion services to low-income women.

(L) The promotion of fairness in insurance.

(M) The establishment of the ability of military personnel overseas to obtain abortion services.

TITLE I—PREVENTION

Subtitle A—Family Planning

SEC. 101. FAMILY PLANNING AMENDMENTS.

Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended to read as follows:

"(d) For the purpose of making grants and entering into contracts under this section, there are authorized to be appropriated $275,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003.".

SEC. 102. FREEDOM OF FULL DISCLOSURE.

Title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.) is amended by adding at the end the following:

"SEC. 1107. INFORMATION ABOUT AVAILABILITY OF REPRODUCTIVE HEALTH CARE SERVICES.

"(a) DEFINITION.—As used in this section, the term 'governmental authority' means any authority of the United States.

"(b) GENERAL AUTHORITY.—Notwithstanding any other provision of law, no governmental authority shall, in or through any program or activity that is administered or assisted by such authority and that provides health care services or information, limit the right of any person to provide, or the right of any person to receive, nonfraudulent information about the availability of reproductive health care services, including family planning, prenatal care, adoption, and abortion services.".

Subtitle B—Prescription Equity and Contraceptive Coverage

SEC. 111. FINDINGS.

Congress finds that—

(1) each year, approximately 3,100,000 pregnancies, or nearly 60 percent of all pregnancies, in this country are unintended;

(2) contraceptive services are part of basic health care, allowing families to both adequately space desired pregnancies and avoid unintended pregnancy;

(3) studies show that contraceptives are cost-effective: for every $1 of public funds invested in family planning, $4 to $14 of public funds is saved in pregnancy and health care-related costs;

(4) by reducing rates of unintended pregnancy, contraceptives help reduce the need for abortion;

(5) unintended pregnancies lead to higher rates of infant mortality, low-birth weight, and maternal morbidity, and threaten the economic viability of families;

(6) the National Commission to Prevent Infant Mortality determined that "infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception";

(7) most women in the United States, including two-thirds of women of childbearing age, rely on some form of private employment-related insurance (through either their own employer or a family member's employer) to defray their medical expenses;

(8) the vast majority of private insurers cover prescription drugs, but many exclude coverage for prescription contraceptives;

(9) private insurance provides extremely limited coverage of contraceptives: half of traditional indemnity plans and preferred provider organizations, 20 percent of point-of-service networks, and 7 percent of health maintenance organizations cover no contraceptive methods other than sterilization;

(10) women of reproductive age spend 68 percent more than men on out-of-pocket health care costs, with contraceptives and reproductive health care services accounting for much of the difference;

(11) the lack of contraceptive coverage in health insurance places many effective forms of contraceptives beyond the financial reach of many women, leading to unintended pregnancies; and

(12) the Institute of Medicine Committee on Unintended Pregnancy recently recommended that "financial barriers to contraception be reduced by increasing the proportion of all health insurance policies that cover contraceptive services and supplies".

SEC. 112. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is further amended by adding at the end the following new section:

"SEC. 713. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

"(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

"(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Standards relating to benefits for contraceptives.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 1998.

SEC. 113. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is further amended by adding at the end the following new section:

"SEC. 2706. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

"(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

"(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 1998.

SEC. 114. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

"SEC. 2752. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 1998.

Subtitle C—Emergency Contraceptives

SEC. 121. EMERGENCY CONTRACEPTIVE EDUCATION.

(a) DEFINITION.—In this section:

(1) EMERGENCY CONTRACEPTIVE.—The term "emergency contraceptive" means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is designed—

(A) to be used after sexual relations; and

(B) to prevent pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term "health care provider" means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(b) EMERGENCY CONTRACEPTIVE PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall develop and disseminate to the public information on emergency contraceptives.

(2) DEVELOPMENT AND DISSEMINATION.—The Secretary may develop and disseminate the information directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, and clinics.

(3) INFORMATION.—The information shall include, at a minimum, information describing emergency contraceptives, and explaining the use, effects, efficacy, and availability of the contraceptives.

(c) EMERGENCY CONTRACEPTIVE INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall develop and disseminate to health care providers information on emergency contraceptives.

(2) INFORMATION.—The information shall include, at a minimum—

(A) information describing the use, effects, and efficacy and availability of the contraceptives;

(B) a recommendation from the Secretary regarding the use of the contraceptives in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for the period consisting of fiscal years 1999 through 2001.

TITLE II—RESEARCH

SEC. 201. PREVENTIVE HEALTH MEASURES REGARDING BREAST AND CERVICAL CANCER AND CHLAMYDIA.

It is the sense of Congress that the programs of grants under section 318 and title XV of the Public Health Service Act (42 U.S.C. 247c and 300k et seq.) should receive a level of funding that is adequate for all States, or entities in all States, as appropriate, to receive grants under such section and title.

SEC. 202. PROGRAMS REGARDING CONTRACEPTION AND INFERTILITY.

(a) RESEARCH CENTERS.—It is the sense of Congress that the program assisting research centers under section 452A of the Public Health Service Act (42 U.S.C. 285g-5) should receive a level of funding that is adequate for a reasonable number of research centers to be operated under the program.

(b) LOAN REPAYMENT PROGRAM REGARDING CONDUCT OF RESEARCH.—It is the sense of Congress that the program of loan-repayment contracts under section 487B of the Public Health Service Act (42 U.S.C 288-2) should receive a level of funding that is adequate for a reasonable number of individuals to conduct research under the program.

TITLE III—CHOICE PROTECTION

SEC. 301. FUNDING FOR ABORTION SERVICES.

It is the sense of Congress that Federal and State governments should provide funding for abortion services to women eligible for assistance through the medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as such services are essential to the health and well-being of women.

SEC. 302. CLINIC VIOLENCE.

It is the sense of Congress that—

(1) Federal resources are necessary to ensure that women have safe access to reproductive health facilities and that health professionals can deliver services in a secure environment free from violence and threats of force; and

(2) it is necessary and appropriate to use Federal resources to combat the nationwide campaign of violence and harassment against reproductive health centers.

SEC. 303. APPROVAL OF RU-486.

The Secretary of Health and Human Services shall—

(1) ensure that a decision by the Food and Drug Administration to approve the drug called Mifepristone or RU-486 shall be made only on the basis provided in law; and

(2) assess initiatives by which the Department of Health and Human Services can promote the testing, licensing, and manufacturing in the United States of the drug or other antiprogestins.

SEC. 304. FREEDOM OF CHOICE.

(a) FINDINGS.—Congress finds the following:

(1) The 1973 Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973) established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy. Under the strict scrutiny standard enunciated in the Roe v. Wade decision, States were required to demonstrate that laws restricting the right of a woman to choose to terminate a pregnancy were the least restrictive means available to achieve a compelling State interest. Since 1989, the Supreme Court has no longer applied the strict scrutiny standard in reviewing challenges to the constitutionality of State laws restricting such rights.

(2) As a result of the recent modification by the Supreme Court of the strict scrutiny standard enunciated in the Roe v. Wade decision, certain States have restricted the right of women to choose to terminate a pregnancy or to utilize some forms of contraception, and the restrictions operate cumulatively to—

(A)(i) increase the number of illegal or medically less safe abortions, often resulting in physical impairment, loss of reproductive capacity, or death to the women involved;

(ii) burden interstate and international commerce by forcing women to travel from States in which legal barriers render contraception or abortion unavailable or unsafe to other States or foreign nations;

(iii) interfere with freedom of travel between and among the various States;

(iv) burden the medical and economic resources of States that continue to provide women with access to safe and legal abortion; and

(v) interfere with the ability of medical professionals to provide health services;

(B) obstruct access to and use of contraceptive and other medical techniques that are part of interstate and international commerce;

(C) discriminate between women who are able to afford interstate and international travel and women who are not, a disproportionate number of whom belong to racial or ethnic minorities; and

(D) infringe on the ability of women to exercise full enjoyment of rights secured to the women by Federal and State law, both statutory and constitutional.

(3) Although Congress may not by legislation create constitutional rights, Congress may, where authorized by a constitutional provision enumerating the powers of Congress and not prohibited by a constitutional provision, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(4) Congress has the affirmative power under section 8 of article I of the Constitution and under section 5 of the 14th amendment to the Constitution to enact legislation to prohibit State interference with interstate commerce, liberty, or equal protection of the laws.

(b) PURPOSE.—The purpose of this section is to establish, as a statutory matter, limitations on the power of a State to restrict the freedom of a woman to terminate a pregnancy in order to achieve the same limitations as were provided, as a constitutional matter, under the strict scrutiny standard of review enunciated in the Roe v. Wade decision and applied in subsequent cases from 1973 through 1988.

(c) DEFINITION.—As used in this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

(d) GENERAL AUTHORITY.—A State—

(1) may not restrict the freedom of a woman to choose whether or not to terminate a pregnancy before fetal viability;

(2) may restrict the freedom of a woman to choose whether or not to terminate a pregnancy after fetal viability unless such a termination is necessary to preserve the life or health of the woman; and

(3) may impose requirements on the performance of abortion procedures if such requirements are medically necessary to protect the health of women undergoing such procedures.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) prevent a State from protecting unwilling individuals or private health care institutions from being required to participate in the performance of abortions to which the individuals or institutions are conscientiously opposed;

(2) prevent a State from declining to pay for the performance of abortions; or

(3) prevent a State from requiring a minor to involve a parent, guardian, or other responsible adult before terminating a pregnancy.

SEC. 305. FAIRNESS IN INSURANCE.

Notwithstanding any other provision of law, no Federal law shall be construed to prohibit a health plan from offering coverage for the full range of reproductive health care services, including abortion services.

SEC. 306. REPRODUCTIVE RIGHTS OF WOMEN IN THE MILITARY.

Section 1093 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: "or in a case in which the pregnancy involved is the result of an act of rape or incest or the abortion involved is medically necessary or appropriate";

(2) by striking subsection (b) (as added by section 738 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 383)); and

(3) by adding at the end the following:

"(b) ABORTIONS IN FACILITIES OVERSEAS.—Subsection (a) does not limit the performing of an abortion in a facility of the uniformed services located outside the 48 contiguous States of the United States if—

"(1) the cost of performing the abortion is fully paid from a source or sources other than funds available to the Department of Defense;

"(2) abortions are not prohibited by the laws of the jurisdiction where the facility is located; and

"(3) the abortion would otherwise be permitted under the laws applicable to the provision of health care to members and former members of the uniformed services and their dependents in such facility.".

By Mr. KENNEDY (for himself, Mr. DODD, and Mr. KERRY):

S. 1209. A bill improving teacher preparation and recruitment; to the Committee on Labor and Human Resources.

THE HIGHER EDUCATION ACT TITLE V REAUTHORIZATION ACT OF 1997

Mr. KENNEDY. Mr. President, I am honored to introduce President Clinton's proposal for the reauthorization of title V of the Higher Education Act. The goal of this important legislation is to improve the quality of teacher preparation programs and to bring more qualified teachers into America's classrooms, particularly in the areas of highest need.

Investing in teachers is an investment in the Nation's children and its future. The Nation is clearly committed to the highest quality training for our doctors, engineers, and attorneys, both in their initial training and in subsequent professional development opportunities. President Clinton is right to ask us to make that same commitment to the training of teachers who are charged with educating the Nation's most precious resource—our children. Not since the Teacher Corps initiatives of the 1970's has the Federal Government given such high priority to teaching and teachers. Through inaction, the Nation has tacitly condoned low standards in too many schools, particularly in urban and rural areas. Through inaction, we have left too many of these schools understaffed and unsupported. We must recognize the urgency of this situation and act now.

In other initiatives, we are already asking teachers to ensure that children meet high standards, but we are not asking whether teachers are ready to meet this challenge. Because of the shortage of teachers, many educators are forced to teach subjects outside their certification area. This shortage is especially serious in communities with high concentrations of students from low-income families. Annually, more than 50,000 underprepared teachers enter the classroom. One in four new teachers do not fully meet State certification requirements, and 12 percent of new hires have had not teacher training at all. Students in inner-city schools have only a 50-percent chance of being taught by a qualified science or math teacher. In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

This gap is unacceptable. Teachers must have a strong knowledge base in their subject area, so that they can motivate young learners and teach strong basic skills. Teachers must be comfortable with topics, so that they encourage extended thinking and questioning on issues. Teachers must also have opportunities to improve their own skills, learn how to integrate technology, and employ strategies that encourage all students to achieve.

Clearly, we must invest in better teacher preparation, do all we can to ensure that all of our schools are fully staffed with qualified teachers. We must attract the best and the brightest new teachers to adequately prepare students to compete in the global marketplace. During the next decade, because of rising student enrollment and massive teacher retirement, the Nation will need over 2 million new teachers. But teacher preparation programs are currently producing between 100,000 and 150,000 new teachers a year, leaving the system with an annual deficit of at least 50,000 teachers, particularly in underserved, high-poverty schools.

The Federal Government, through the Eisenhower Professional Development Program, already invests in upgrading the skills of current teachers, but the investment is far from sufficient. In addition, we must invest in the front end of teacher training, to ensure that the Nation's children are taught by highly qualified, well informed teachers. The President's proposal will help improve teacher preparation and bring well-qualified teachers into more classrooms.

The legislation addresses these issues by encouraging strong partnerships among institutions of higher education with exemplary teacher preparation programs, other institutions that want

to improve their programs, and the school districts that they serve. The program would be authorized at $67 million for fiscal year 1999. A Lighthouse Partnership Program will identify lead institutions from the variety of successful teacher preparation programs that now exist. These programs provide aspiring teachers with the newest information about the best classroom practices, and give them the concrete clinical experiences they need to develop the skills to help students achieve high standards.

State and local education agencies, community colleges, and other professional groups will participate as partner institutions. The lead institutions will demonstrate their strength in cutting-edge, clinically based teacher preparation and course content. They must also demonstrate that they are committed to strong ongoing cooperation with school districts that serve needy families in rural and urban America.

A second major part of the President's proposal focuses on recruiting the best and the brightest teachers to serve in needy school districts. It supports partnerships between teacher preparation institutions and local education agencies that provide scholarships and other assistance to students who complete teacher preparation programs and agree to teach in targeted underserved areas for at least 3 years.

President Clinton's proposal is far-reaching, and it discusses broad bipartisan support. The United States is in urgent need of creating and maintaining a stronger supply of world-class teachers. These wise investments will provide high-quality opportunities today to the teachers who will be teaching the Nation's children tomorrow. I look forward to working with my colleagues on both sides of the aisle to enact this major teacher recruitment and training proposal.

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. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE V—EDUCATOR RECRUITMENT, PREPARATION, AND INDUCTION

Sec. 501. Findings.
Sec. 502. Purpose.
Sec. 503. Authorization of appropriations.
PART A—LIGHTHOUSE PARTNERSHIPS
Sec. 511. Definitions.
Sec. 512. Grants to Lighthouse Partnerships.
Sec. 513. Preapplications and applications.
Sec. 514. Uses of funds.
Sec. 515. Selection of applications.
Sec. 516. Evaluation.
Sec. 517. National activities.
PART B—RECRUITING NEW TEACHERS FOR UNDERSERVED AREAS
Sec. 521. Program authorized.
Sec. 522. Definitions.
Sec. 523. Grant conditions.
Sec. 524. Grant applications.
Sec. 525. Uses of funds.
Sec. 526. Selection of applicants.
Sec. 527. Duration and amount of assistance; relation to other assistance.
Sec. 528. Scholarship conditions.
Sec. 529. Service requirements.
Sec. 530. Evaluation.
Sec. 531. National activities.

"TITLE V—EDUCATOR RECRUITMENT, PREPARATION, AND INDUCTION

"FINDINGS

"SEC. 501. The Congress finds as follows:

"(1) What teachers know and can do has a critical impact on student achievement, yet too often prospective teachers are not receiving the initial preparation they need in order to teach children from diverse backgrounds to challenging standards.

"(2) A number of elementary and secondary schools throughout the United States are implementing educational reform strategies that are research-based, have records of demonstrated effectiveness in enabling students to achieve to high State or local standards, are replicable in diverse and challenging circumstances, and are supported by networks of researchers and experienced practitioners. Yet preparation to implement these strategies is not generally a central component of initial teacher preparation.

"(3) Institutions of higher education that provide teachers for urban and rural schools that enroll concentrations of children from low-income families often have the greatest need to restructure their teacher preparation programs because the teachers they graduate will face the greatest classroom challenges.

"(4) Improvement of teacher preparation in mathematics and reading represents a particular challenge for American education. For example, most future elementary and middle-school mathematics teachers take no more than one or two college-level mathematics courses, and these courses are not designed for prospective teachers and do not cover the mathematics content that elementary and middle-school teachers should teach to enable students to meet challenging mathematics standards. In reading, most teacher preparation programs have not incorporated the large body of research on effective reading instruction.

"(5) If current trends continue, American schools will need to hire more than two million teachers in the next decade to educate an increasing number of students and to replace current teachers who will retire or leave the profession. High-poverty urban and rural schools will experience the most severe teacher shortages. Of the more than two million teachers needed, approximately 15 percent, or 345,000, will be needed in central cities, in schools with large concentrations of low-income students. An additional 207,000 teachers will be needed in isolated, and often poor, rural areas. Recent trends in the number of people preparing to enter teaching indicate that the normal operation of the labor market, by itself, will not produce the number of qualified teachers schools will need.

"(6) Schools are already having trouble recruiting qualified teachers. Nearly three-quarters of physical science students and one-third of English students in high-poverty schools take classes with teachers who lack even a college minor in their field. The National Commission on Teaching and America's Future found that 50,000 uncertified individuals annually enter teaching because schools, frequently those in urban and rural areas with large concentrations of children from low-income families, cannot find all the certified teachers they need.

"(7) Teaching excellence and diversity are inextricably connected. By bringing distinctive life experiences and perspectives into the classroom, enriching the instructional curriculum and the school climate, and strengthening connections to parents and communities, teachers from diverse racial and ethnic groups, and those with disabilities, enhance the quality of American education. Yet today, while one-third of American students are members of minority groups, members of racial and ethnic minority groups make up only 13 percent of the teaching force and nearly half the school districts in the Nation have no minority teachers. In addition, few individuals with disabilities are teaching in American classrooms.

"(8) The Federal Government, by itself, cannot ensure needed improvements in teacher preparation or solve the problem of teacher shortages. However, the Government can make limited, targeted investments that—

"(A) encourage more institutions of higher education that operate teacher preparation programs, working in partnership with local educational agencies and States, to adopt the practices and strategies of the best programs;

"(B) encourage a more diverse mix of Americans to enter teaching and complete high-quality preparation programs; and

"(C) encourage more Americans to serve as teachers in underserved communities.

"PURPOSE

"SEC. 502. The purpose of this title is to help meet the national need to recruit, prepare, and retain a high-quality and diverse supply of elementary and secondary education teachers, and to help meet the needs of schools in urban and rural areas with concentrations of children from low-income families, by—

"(1) authorizing support for partnerships among institutions of higher education that operate exemplary teacher preparation programs, other institutions of higher education seeking to improve their programs, public elementary and secondary schools, and States, in order to improve the quality of the initial preparation of teachers for high-poverty communities;

"(2) authorizing support for partnerships to increase the number and diversity of students who enter teacher education programs and complete high-quality preparation programs, and to increase the quality of teaching in underserved urban and rural communities; and

"(3) encouraging, through such partnerships, the creation of a more diverse teaching force, through the recruitment and preparation of minority individuals, including language minority individuals, and individuals with disabilities, to enter teaching.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 503. (a) AUTHORIZATION FOR PARTS A AND B.—There are authorized to be appropriated—

"(1) $30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the program of Lighthouse Partnerships under part A; and

"(2) $37,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the program of Recruiting New Teachers for Underserved Areas under part B.

"(b) TRANSITION.—Notwithstanding any other provision of law, the Secretary may

use funds appropriated under subsection (a) to make continuation awards for projects that were funded under subpart 2 of part E of title V of this Act, as in effect prior to enactment of [inset name of reauthorization Act].

"PART A—LIGHTHOUSE PARTNERSHIPS

"DEFINTIONS

"SEC. 511. As used in this part, the following terms have the following meanings:

"(1)(A) The term 'lead institution' means an institution of higher education that—

"(i) operates an exemplary teacher preparation program of significant size in one or more areas of teacher preparation, which may include the preparation of principals and other educational administrators;

"(ii) desires to assist other institutions of higher education in improving their programs and to serve as a national model for effective teacher preparation; and

"(iii) places a significant percentage of its teacher preparation graduates in teaching positions in urban and rural communities with concentrations of children from low-income families.

"(B) A lead institution may participate in a consortium with one or more two-year colleges with which it has articulation agreements relating to teacher preparation.

"(2) The term 'lighthouse partnership' means a partnership of a lead institution, partner institutions, and State and local educational agencies, that is dedicated to improving the quality of teacher preparation programs. Within each partnership, the lead institution shall act as the fiscal agent for the grant.

"(3) The term 'local educational agency' has the meaning given that term in section 14101(18) of the Elementary and Secondary Education Act of 1965.

"(4) The term 'partner institution' means an institution of higher education that—

"(A) prepares teachers for their initial entry into the teaching profession;

"(B) desires to improve its program with assistance from a lead institution; and

"(C) prepares teachers for teaching positions in urban and rural communities with concentrations of children from low-income families.

"(5) The term 'teacher preparation program' means a program operated by an institution of higher education that prepares students to obtain initial teacher licensure and to teach in elementary and second schools. Such a program may also prepare students to become preschool teachers if the institution serves a State or school districts in which preschool education is provided as free, public education.

"GRANTS TO LIGHTHOUSE PARTNERSHIPS

"SEC. 512. (a) GRANTS AUTHORIZED.—(1) From funds appropriated under section 503(a)(1) for this part for each fiscal year, the Secretary shall make competitive grants to lighthouse partnerships.

"(2) Each grant under paragraph (1) shall be for a period not to exceed five years.

"(3) The Secretary shall—

"(A) make continuation awards, for the second and succeeding years, only after determining that the partnership is making satisfactory progress in carrying out the grant; and

"(B) conduct an intensive review of the partnership's progress, with the assistance of outside experts, before making the continuation award for the fourth year of the grant.

"(b) LIMITATION.—No partnership may receive more than two grants under this part.

"PREAPPLICATIONS AND APPLICATIONS

"SEC. 513. (a) PREAPPLICATIONS.—Each lead institution that wishes to participate in a lighthouse partnership that will apply for a grant under this part shall submit a preapplication to the Secretary at such time, in such manner, and containing such information as the Secretary may require, except that the lead institution need not identify the other members of the partnership until it submits an application under subsection (b). The Secretary shall use a peer review process to review these preapplications.

"(b) APPLICATIONS REQUIRED.—Any lighthouse partnership desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(c) CONTENTS.—Each application shall include—

"(1) a description of the teacher preparation program operated by the lead institution, including information on the curriculum, the faculty, and the number and characteristics of students served;

"(2) evidence of the quality of the institution's teacher preparation program, covering—

"(A) the extent to which the institution provides a coherent program that—

"(i) reflects the best of what is known, from research and practice;

"(ii) prepares teachers to implement research-based instructional programs of demonstrated effectiveness and to teach their students, particularly those in high-poverty schools, to high State and local content standards; and

"(iii) reflects high standards for teaching, such as the standards of the National Board for Professional Teaching Standards, and for teacher education;

"(B) the commitment of the institution to its program of teacher preparation;

"(C) the connections between the institution's teacher preparation program and its departments or schools of arts and sciences, to ensure the integration of pedagogy and content in teacher preparation;

"(D) the extent to which the institution operates a clinically based teacher preparation program, particularly in high-poverty schools, through which prospective teachers participate in intensive, structured clinical experiences, with extensive faculty involvement, throughout their preservice education, and the extent to which those experiences are integrated into the curriculum;

"(E) the extent to which the institution's program offers continuous assistance to its graduates during their initial years in the classroom;

"(F) the extent to which the institution's program meets the needs of, and has strong connections with, elementary and secondary education (particularly with urban and rural schools and school systems that serve concentrations of students from low-income families and with the education reforms under way in the institution's State), which may include the involvement of elementary and secondary educators in the continuing development, improvement, and implementation of the teacher preparation program;

"(G) the success of the institution in preparing teachers to teach individuals from diverse populations effectively;

"(H) the extent to which the institution is preparing teachers to use technology to teach children to high standards;

"(I) the record of the institution's teacher preparation program in attracting and graduating a diverse student body (including the recruitment and enrollment of individuals with disabilities);

"(J) the procedures the institution uses to measure the quality of its teacher preparation program (including the extent to which graduates improve their subject matter knowledge and teaching ability as a result of their participation in the program) and to improve its program, using information generated through those procedures;

"(K) the success of the program in graduating students who are fully qualified to teach to high standards in the State or region served by the institution;

"(L) the quality of the program's graduates, as documented through such evidence as the graduates' record of obtaining (and retaining) teaching positions and the opinions of school district officials, in the State or region, of the quality of those graduates;

"(M) if applicable, the quality of the institution's program for the preparation of school principals and other school administrators, and of the success of that program; and

"(N) involvement and leadership of the institution in national, regional, and State efforts to improve teacher education and licensure;

"(3) evidence of the extent to which—

"(A) graduates have taken teaching positions in urban and rural schools in communities with concentrations of students from low-income families; and

"(B) the institution recruits and serves students (such as education paraprofessionals) from those communities;

"(4) evidence of the experience of the lead institution in creating or participating in networks with other institutions to improve the quality of teacher preparation programs;

"(5) a description of how the partnership will operate a program under this part, including—

"(A) a description of the governance structure that the partnership will establish (through a written partnership agreement) for the grant, which shall include the active involvement of high-level administrators of the lead institution and representatives of—

"(i) both the teacher preparation program and the school or department of arts and sciences in the lead institution;

"(ii) the partner institutions involved with the grant;

"(iii) local educational agencies (including teachers and other school-level officials) served by the lead institution and one or more of the partner institutions; and

"(iv) State officials with authority over teacher licensure and teacher preparation in the States in which the lead institution and one or more of the partner institutions are located;

"(B) a description of how the partnership will fully engage local educational agencies in the activities carried out under the grant, including how the partnership will use grant funds to address the teacher training needs of the local educational agencies that are members of the partnership, consistent with section 514;

"(C) a description of how the activities undertaken with the grant will support, and be integrated with, the educational reforms under way in the States of the lead and the partner institutions, including a description of plans for coordinating activities carried out under the grant with activities carried out under other Federal or State professional development programs or activities designed to improve pre-service and in-service teacher training; and

"(D) a description of—

"(i) the measurable goals the partnership expects to achieve through the grant, including—

"(I) goals for improvements in the teacher preparation programs of the partner institutions;

"(II) goals for improvements in the quality, and increases in the number, of the graduates of teacher preparation programs operated by members of the partnership who take teaching positions in high-poverty schools of the local educational agencies in the partnership;

"(III) goals for meeting the teacher preparation needs of the local educational agencies in the partnership, in order to improve student achievement; and

"(IV) such other goals, consistent with the purposes of this part, as the partnership may select;

"(ii) how the partnership will achieve the goal of increased diversity among its teacher preparation graduates; and

"(iii) how the partnership will determine whether it is meeting the goals described in clauses (i) and (ii); and

"(6) a description of the partnership's plan for institutionalizing the activities it is carrying out under this part, so that those activities will continue once Federal funding ceases.

"USES OF FUNDS

"SEC. 514. (a) REQUIRED ACTIVITIES.—In order to increase the quality and number of teachers it is preparing for positions in urban and rural areas with concentrations of low-income families, and to increase the diversity of elementary and secondary teachers, each partnership selected to receive a grant under this part shall use the grant funds for each of the following purposes:

"(1) Further development, refinement, assessment of, and dissemination of information on, the teacher preparation programs operated by the lead institution, including activities that document, for other institutions nationally and for policymakers, effective practices in teacher preparation and that produce curricular and other materials for use by other institutions preparing teachers.

"(2) Technical assistance by the lead institution to the partner institutions in improving the partner institutions' teacher preparation programs (and, if applicable, their principal and other administrator preparation programs), based on the experience of the lead institution and the particular needs of the partners.

"(3) Making subgrants to the partner institutions for implementation of program improvements at those institutions, through adoption or adaptation of the teacher preparation practices of the lead institution, to meet the needs of the high-poverty schools in the urban and rural communities they serve. Each partnership shall use at least 40 percent of its grant for this purpose.

"(4) Joint activities with the local educational agencies in the partnership, and with other local educational agencies, that increase the involvement of classroom teachers and school administrators in the design and implementation of teacher preparation programs operated by the lead and partner institutions (and thereby make those programs more responsive to the needs of teachers and administrators), and other activities to improve teaching and administration, and to support new teachers, in the high-poverty schools of those local educational agencies.

"(5) Cooperation and interaction with other lighthouse partnerships and with other institutions, organizations, and public agencies, on activities aimed at the improvement of teacher preparation nationally, including improvement of teacher licensure and relicensure requirements.

"(6) Assessment of the effectiveness of the activities carried out under the grant, including the extent to which the partnership is achieving its goals under section 513(c)(5)(D).

"(b) OPTIONAL ACTIVITIES.—Each partnership selected to receive a grant under this part may also use the grant funds for joint activities with States that promote the development and implementation of State policies to facilitate the improvement of teacher preparation programs (and, if applicable, principal and other administrator preparation programs) within the States, as a component of comprehensive education reforms.

"SELECTION OF APPLICATIONS

"SEC. 515. (a) PEER REVIEW.—The Secretary shall, using a peer review process, select applicants to receive grants under this part on the basis of—

"(1) the quality of the teacher preparation program operated by the lead institution in a proposed partnership;

"(2) the quality of the partnership's plan for carrying out activities under the grant; and

"(3) the capacity of the lead institution and its partners to carry out the proposed activities successfully.

"(b) CRITERIA.—(1) In selecting grantees under this part, the Secretary shall seek to ensure that—

"(A) lighthouse partnerships represent a variety of approaches to teacher preparation;

"(B) lead institutions represent a variety of institutions of higher education; and

"(C) there is an equitable geographic distribution of awards.

"(2) In addition to complying with paragraph (1), the Secretary shall give special consideration to applications for—

"(A) projects that are likely to have the most significant impact on the quality of teaching in high-poverty urban and rural schools;

"(B) projects that are likely to result in improvement of teacher preparation in the areas of mathematics and reading; and

"(C) projects that are likely to prepare a significant number of minority individuals, including language minority individuals, and individuals with disabilities to be effective teachers.

"(c) SECOND FIVE-YEAR GRANTS.—In selecting grantees to receive second grants under this part, the Secretary shall give a preference to applicants whose projects have resulted in—

"(1) the placement and retention of a substantial number of high-quality graduates in teaching positions in underserved, high-poverty schools;

"(2) the adoption of effective teacher preparation programs, particularly those meeting the needs of high-poverty urban and rural ares, by the partner institutions; and

"(3) effective partnerships with elementary and secondary schools that are supporting improvements in student achievement.

"EVALUATION

"SEC. 516. The Secretary shall provide for an evaluation of the program carried out under this part, including an assessment of such issues as—

"(1) the extent to which the activities carried out through Lighthouse Partnership grants result in significant and positive changes in the teacher preparation programs operated by partner institutions, as well as improvements in the programs operated by lead institutions, that are likely to lead to improvements in teaching and learning;

"(2) the extent to which lighthouse Partnership grants enhance the effectiveness, including the technological proficiency, and the diversity, of students completing teacher preparation programs in the institutions of higher education participating in the grants; and

"(3) the involvement of elementary and secondary schools and school districts serving concentrations of children from low-income families in the activities carried out under this part, and the extent to which those activities result in benefits to those schools and districts, including information on the extent to which involvement in the grants improves the instructional programs and the educational outcomes for students in those schools and districts.

"NATIONAL ACTIVITIES

"SEC. 517. The Secretary may reserve up to 5 percent of the funds appropriated to carry out this part for any fiscal year for—

"(1) peer review of applications;

"(2) evaluation of the program under section 516, and measurement of its effectiveness in accordance with the Government Performance and Results Act of 1993;

"(3) conferences and networks of lighthouse partnerships, and other entities, in order to facilitate the exchange of information and ideas among the participating partnerships and other institutions, agencies, and individuals, including recipients of funds under part B of this title, who are interested in the improvement of teacher preparation and parallel improvements in principal and administrator preparation; and

"(4) technical assistance and other activities to enhance the success of the program carried out under this part or of teacher education more generally.

"PART B—RECRUITING NEW TEACHERS FOR UNDERSERVED AREAS

"PROGRAM AUTHORIZED

"SEC. 521. From funds appropriated to carry out this part under section 503(a)(2) for each fiscal year, the Secretary shall make competitive grants to eligible applicants for programs that—

"(1) provide scholarships and, as necessary, support services for students with high potential to become effective teachers, particularly minority students, including language minority students, and students with disabilities, seeking to complete teacher preparation programs;

"(2) increase the quality and number of new teachers nationally; and

"(3) increase the ability of schools in underserved areas to recruit a qualified teaching staff.

"DEFINITIONS

"SEC. 522. As used in this part, the following terms have the following meanings:

"(1)(A) The term 'eligible applicant' means a partnership of—

"(i) an institution of higher education that grants baccalaureate degrees and prepares teachers for their initial entry into the teaching profession; and

"(ii) one or more local educational agencies that are in underserved areas.

"(B) Such a partnership may also include—

"(i) two-year colleges that operate teacher preparation programs and maintain articulation agreements, with the baccalaureate-granting institution, for the transfer of credits in teacher preparation;

"(ii) State agencies that have responsibility for policies related to teacher preparation and licensure; and

"(iii) other public and private, nonprofit agencies and organizations that serve, or are located in, communities served by the local educational agencies in the partnership, and that have an interest in teacher recruitment, preparation, and induction.

"(2) The term 'local educational agency' has the meaning given that term in section 14101(18) of the Elementary and Secondary Education Act of 1965.

"(3) The term 'support service' includes—

"(A) academic advice and counseling;

"(B) tutorial services;

"(C) mentoring; and

"(D) child care and transportation, if funding for those services cannot be arranged from other sources; and

"(4) The term 'underserved area' means—

"(A) the three local educational agencies in the State that have the highest numbers of children, ages 5 through 17, from families below the poverty level (based on data satisfactory to the Secretary); and

"(B) any other local educational agency in which the percentage of such children is at least 20 percent, or the number of such children is at least 10,000.

"GRANT CONDITIONS

"SEC. 523. (a) GRANTS AUTHORIZED.—(1)(A) The Secretary shall carry out this part by making competitive grants to eligible applicants.

"(B) Each grant under subparagraph (A) shall be for a period not to exceed five years.

"(2) The Secretary shall—

"(A) make continuation awards, for the second and succeeding years, only after determining that the grantee is making satisfactory progress in carrying out the grant; and

"(B) conduct an intensive review of the grantee's progress, with the assistance of outside experts, before making the award for the fourth year of the grant.

"(3) No partnership may receive more than two grants under this subsection.

"(b) MATCHING REQUIREMENT.—(1) The Federal share of the cost of activities carried out under a grant made under subsection (a) shall not exceed—

"(A) 90 percent of the cost in the first year of the grant;

"(B) 80 percent in the second year;

"(C) 70 percent in the third year;

"(D) 60 percent in the fourth year; and

"(E) 50 percent in the fifth year and any succeeding year (including each year of the second grant, if any).

"(2) The non-Federal share of activities carried out with a grant under subsection (a) may be provided in cash or in kind, fairly evaluated, and may be obtained from any non-Federal public or private source.

"(c) PLANNING GRANTS.—(1) The Secretary may make planning grants to eligible applicants that are not yet ready to implement programs under subsection (a).

"(2) Each planning grant shall be for a period of not more than one year, which shall be in addition to the period of any grant under subsection (a).

"(3) Any recipient of a planning grant under this subsection that wishes to receive a grant under subsection (a)(1) shall separately apply for a competitive grant under that subsection.

"GRANT APPLICATIONS

"SEC. 524. (a) APPLICATIONS REQUIRED.—Any eligible applicant desiring to receive a grant under this part shall submit an application at such time, in such form, and containing such information as the Secretary may require.

"(b) APPLICATION CONTENTS.—Each application for a grant under section 523(a) shall include—

"(1) a designation of the institution or agency, within the partnership, that will serve as the fiscal agent for the grant;

"(2) information on the quality of the institution's teacher preparation program, which may include the types of information described in section 513(c)(2), and how the applicant will ensure, through improvements in its teacher preparation practices or other appropriate strategies, that scholarship recipients will receive high-quality preparation;

"(3) a description of the assessment the institution, the local educational agency partners, and other partners have undertaken—

"(A) to determine—

"(i) the most critical needs of the local educational agencies, particularly the needs of schools in high-poverty areas, for new teachers (which may include teachers in particular subject areas or at certain grade levels, including the prekindergarten level, minority teachers, and teachers who are disabled who will contribute to the diversity of the local educational agency's teachers, or teachers who are fluent in languages spoken by students in the local educational agency); and

"(ii) how the project carried out under the grant will address those needs; and

"(B) that reflects the input of all significant entities in the community (including organizations representing teachers and parents) that have an interest in teacher recruitment, preparation, and induction;

"(4) a description of the project the applicant will carry out with the grant, including information on—

"(A) the recruitment and outreach efforts the applicant will undertake to publicize the availability of scholarships and other assistance under the program;

"(B)(i) the number and types of students that the applicant will serve under the program, which may include education paraprofessionals seeking to achieve full teacher certification; teachers whom the partner local educational agencies have hired under 'emergency certification' procedures; or former military personnel, mid-career professionals, or AmeriCorps or Peace Corps volunteers, who desire to enter teaching; and

"(ii) the criteria that the applicant will use in selecting those students, including criteria to determine whether individuals have the capacity to benefit from the program, complete teacher certification requirements, and become effective teachers;

"(C) the activities the applicant will carry out under the grant, including a description of, and justification for, any support services the institution will offer to participating students;

"(D) the number and funding range of the scholarships the institution will provide to students; and

"(E) the procedures the institution will establish for entering into, and enforcing, agreements with scholarship recipients regarding their fulfillment of the service commitment described in section 529;

"(5) a description of how the institution will use funds provided under the grant only to increase the number of students with high potential to be effective teachers, participating in its teacher preparation programs, or in the particular type or types of preparation programs that the grant would support, or to increase the number of their graduates with high potential to be effective teachers who are minority individuals, including language minority individuals, or individuals with disabilities;

"(7) a description of commitments, by the partner local educational agencies, to hire qualified scholarship recipients in their schools and in the subject areas or grade levels for which the recipients will be trained, and description of the actions the grantee institution, the local educational agencies, and the other partners will take to facilitate the successful transition of those recipients into teaching; and

"(8) a description of the applicant's plan for institutionalizing the activities it is carrying out under this part, so that those activities will continue once Federal funding ceases.

"USES OF FUNDS

"SEC. 525. IN GENERAL.—Each grantee under section 523 (a) shall use the grant funds for the following:

"(1) Scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(2) Support services, if needed to enable scholarship recipients to complete postsecondary education programs.

"(3) Follow-up services provided to former schoalrship recipients during their first three years of teaching.

"(4) Payments to partner local educational agencies, if needed to enable them to permit paraprofessional staff to participate in teacher preparation programs (such as the cost of 'release time' for those staff).

"(5) If appropriate, and if no other funds are available, paying the costs of additional courses taken by former scholarship recipients during their initial three years of teaching.

"(b) PLANNING GRANTS.—A recipient of a planning grant under section 523(c) shall use the grant funds for the costs of planning for the implementation of a grant under section 523(a).

"SELECTION OF APPLICANTS

"SEC. 526. (a) PEER REVIEW.—The Secretary, using a peer review process, shall select applicants to receive funding under this part on the basis of—

"(1) the quality of the teacher preparation program offered by the institution;

"(2) the quality of the program that would be carried out under the application; and

"(3) the capacity of the partnership to carry out the grant successfully.

"(b) CRITERIA.—(1) making selections, the Secretary shall seek to ensure that—

"(A) in the aggregate, grantees carry out a variety of approaches to preparing new teachers; and

"(B) there is an equitable geographic distribution of awards.

"(2) In addition to complying with paragraph (1), the Secretary shall give special consideration to—

"(A) applications most likely to result in the preparation of increased numbers of individuals with high potential for effective teaching who are minority individuals, including language minority individuals, and individuals with disabilities; and

"(B) applications from historically black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities, as defined in title III of this Act.

"(c) SECOND FIVE-YEAR GRANTS.—In selecting grantees to receive second grants under this part, the Secretary shall give a preference to applicants whose projects have resulted in—

"(1) the placement and retention of a substantial number of high-quality graduates in teaching positions in undeserved, high-poverty schools;

"(2) the adoption of effective programs that meet the teacher preparation needs of high-poverty urban and rural areas; and

"(3) effective partnerships with elementary and secondary schools that are supporting improvements in student achievement.

"DURATION AND AMOUNT OF ASSISTANCE; RELATION TO OTHER ASSISTANCE

"SEC. 527. (a) DURATION OF ASSISTANCE.—No individual may receive scholarship assistance under this part—

"(1) for more than five years of postsecondary education; and

"(2) unless that individual satisfies the requirements of section 484(a)(5) of this Act.

"(b) AMOUNT OF ASSISTANCE.—No individual may receive an award under this program that exceeds the cost of attendance, as defined in section 472 of this Act, at the institution the individual is attending.

"(c) RELATION TO OTHER ASSISTANCE.—A scholarship awarded under this part—

"(1) shall not be reduced on the basis of the individual's receipt of other forms of Federal student financial assistance; and

"(2) shall be regarded as other financial assistance available to the student, within the meaning of sections 471(3) and 480(j)(1) of this Act, in determining the student's eligibility for grant, loan, or work assistance under title IV of this Act.

"SCHOLARSHIP CONDITIONS

"SEC. 528. (a) IN GENERAL.—A recipient of a scholarship under this part shall continue to receive the assistance only as long as he or she is—

"(1) enrolled as a full-time student and pursuing a course of study leading to teacher certification, unless he or she is working in a public school (as a paraprofessional, or as a teacher under emergency credentials) while participating in the program; and

"(2) maintaining satisfactory progress as determined by the institution.

"(b) SPECIAL RULE.—Each grantee shall modify the application of section 527(a)(1) and of subsection (a)(1) of this section to the extent necessary to accommodate the rights of students with disabilities under section 504 of the Rehabilitation Act of 1973.

"SERVICE REQUIREMENTS

"SEC. 529. (a) REQUIREMENT.—Each partnership receiving a grant under this part shall enter into an agreement, with each student to whom it awards a scholarship under this part, providing that a scholarship recipient who completes a teacher preparation program under this part shall, within five years of completing that program, teach full-time for at least three years in a high-poverty school in an underserved geographic area or repay the amount of the scholarship, under the terms and conditions established by the Secretary.

"(b) REGULATIONS.—The Secretary shall prescribe regulations relating to the requirements of subsection (a), including any provisions for waiver of those requirements.

"EVALUATION

"SEC. 530. The Secretary shall provide for an evaluation of the program carried out under this part, which shall assess such issues as—

"(1) whether institutions taking part in the partnerships are successful in preparing scholarship recipients to teach to high State and local standards;

"(2) whether scholarship recipients are successful in completing teacher preparation programs, becoming fully certified teachers, and obtaining teaching positions in underserved areas, and whether they continue teaching in those areas over a period of years;

"(3) the national impact of the program in assisting local educational agencies in underserved areas to recruit, prepare, and retain diverse, high-quality teachers in the areas in which they have the greatest needs;

"(4) the long-term impact of the grants on teacher preparation programs conducted by grantees and on grantees' relationships with their partner local educational agencies and other partners; and

"(5) the relative effectiveness of different approaches for preparing new teachers to teach in underserved areas, including their effectiveness in preparing new teachers to teach to high content and performance standards.

"NATIONAL ACTIVITIES

"SEC. 531. The Secretary may retain up to five percent of the funds appropriated for this part for any fiscal year for—

"(1) peer review of applications;

"(2) conducting the evaluation required under section 530; and

"(3) technical assistance and other activities to facilitate the exchange of information and ideas among participating partnerships, and other activities to enhance the success of the program carried out under this part.".

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 219

At the request of Mr. DASCHLE, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Illinois [Mr. DURBIN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 449

At the request of Mr. KYL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 449, a bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

S. 512

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mr. BROWNBACK], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Iowa [Mr. HARKIN], the Senator from Montana [Mr. BURNS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 778

At the request of Mr. LUGAR, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom Program, and for other purposes.

S. 1135

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1135, a bill to provide certain immunities from civil liability for trade and professional associations, and for other purposes.

S. 1154

At the request of Mr. REED, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1154, a bill to amend the Electronic Fund Transfer Act to clarify consumer liability for unauthorized transactions involving debit cards that can be used like credit cards, and for other purposes.

S. 1169

At the request of Mr. REED, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1169, a bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes.

S. 1182

At the request of Ms. SNOWE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1182, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

S. 1192

At the request of Ms. SNOWE, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of 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.

S. 1194

At the request of Mr. KYL, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Florida [Mr. MACK] were added as cosponsors of 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.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the names of the Senator from Oregon [Mr. SMITH], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

AMENDMENT NO. 1177

At the request of Mr. REED the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of amendment No. 1177 proposed to S. 830, a bill 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.

At the request of Mr. DURBIN his name was added as a cosponsor of Amendment No. 1177 proposed to S. 830, supra.

AMENDMENT NO. 1182

At the request of Mr. HATCH the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of amendment No. 1182 proposed to S. 830, a bill 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.

NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, September 24, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The following are on the agenda to be considered: S.1186, Workforce Investment Partnership Act of 1997; and nominations, Public Health Service Corps, 128 candidates. For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, September 25, 1997, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Tobacco Settlement, part II. For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, for the information of the Senate and the public I am announcing that the Committee on Energy and Natural Resources will hold an oversight hearing to receive testimony on the impacts of a new climate treaty on U.S. labor, electricity supply, manufacturing, and the general economy.

The hearing will be held on Tuesday, September 30, 1997, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

Those interested in testifying or submitting material for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510 attn: David Garman at (202) 224–8115.

ADDITIONAL STATEMENTS

TRIBUTE TO THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES UPON ITS 25TH ANNIVERSARY

• Ms. MIKULSKI. Mr. President, it is with great pride that I rise today to recognize the 25th anniversary of the Uniformed Services University of the Health Sciences [USUHS]. Over the past 25 years, USUHS has provided an invaluable service to our Armed Forces and to our Nation.

The founders of USUHS wanted to create a medical school to produce physicians who would remain on active duty for a full career, ensuring the continuity of lessons learned in the practice of uniformed medicine. This concept has made USUHS a unique institution which enables doctors to target their skills to meet the changing demands of the modern battlefield.

USUHS is essential to our military mission because it ensures readiness. Readiness doesn't just mean supplying our troops with the best equipment and training. It also means that we are ready to provide the best possible medical care in the worst possible situations. If we send our military to battle without skilled and experienced medical professionals—we are sending them out unarmed.

This concept for medical training was a success during recent conflicts. During Operation Desert Storm, USUHS physicians were immediately deployable to combat areas and utilized their training in military combat, unconventional warfare, and preventive medicine. This saved countless lives during the gulf war and will keep our troops safe in any future military conflict.

I am proud of USUHS's accomplishments. I hope they will continue serving our armed services by keeping them safe and healthy well into the 21st century.•

AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

• Mr. GORTON. Mr. President, I am pleased to join with my distinguished colleagues, Senator MCCAIN, Senator HOLLINGS, and Senator FORD, to introduce the aviation insurance reauthorization Act of 1997. The bill would reauthorize the aviation insurance program for 5 years. The program is set to expire at the end of this fiscal year.

The aviation insurance program, commonly known as war-risk insurance, has been in place since 1951. It insures air carriers against losses resulting from war, terrorism, or other hostile acts, when commercial insurance is canceled, or is unavailable at reasonable rates. For an air carrier to qualify for the program, the President must determine that a flight is essential to the foreign policy interests of the United States.

The FAA can issue both premium and nonpremium insurance under the program. Premium insurance is issued to air carriers flying commercial operations in foreign air commerce, or between two or more points outside the United States. Nonpremium insurance is issued to air carriers flying missions for Federal agencies, such as the Departments of Defense and State, that have indemnification agreements with the Department of Transportation. Nonpremium insurance accounts for 99 percent of the aviation insurance program.

Both the premium and nonpremium insurance provides hull coverage for the loss of, or damage to aircraft. The insurance also provides liability coverage for death or bodily injury, and damage to property, baggage and personal effects. Program coverage is limited to the amount of insurance that an air carrier's commercial policy would have provided. The program is self-financed through the aviation insurance revolving fund.

Reauthorization of the aviation insurance program is noncontroversial. The program enjoys the support of all of its participants. I want to note, however, that my bill adds a new element to the program. It authorizes the Federal Aviation Administration [FAA] to borrow money from the Federal treasury to pay a claim, in the event that the revolving fund is not sufficient to cover a large claim, or simultaneous claims. I believe that this provision is necessary to ensure that timely payments for hull losses can be made to air carriers. These same carriers typically lease aircraft under agreements that stipulate that the carriers must repair or replace damaged aircraft within 30 days of the incident.

Although the Congressional Budget Office claims that this provision does not have a significant budget impact, I understand that the Office of Management and Budget [OMB] may disagree. The FAA and the OMB are working with the aviation leadership on the Commerce Committee to resolve this issue. I pledge my full cooperation, and I hope and expect that we can resolve this issue before the Commerce Committee reports out the legislation.

The Commerce Committee plans to report out the bill as early as next week. The House plans to approve companion legislation next week, as well. I urge my colleagues to work with me to reauthorize the aviation insurance program before it expires at the end of the fiscal year.•

IN RECOGNITION OF 10TH ANNUAL HEAT'S ON DAY

• Mr. LEVIN. Mr. President, I rise today to bring to my colleagues' attention to the HEAT'S ON partnership of Grand Rapids, MI, which serves people who need special assistance in preparation for the harsh winter months that lie ahead.

On Saturday, September 27, 1997, plumbers and steamfitters of UA Local 70 and the Mechanical Contractors Association of Grand Rapids will join together with Community Action to participate in the 10th annual HEAT'S ON Day. The HEAT'S ON—Handicapped and Elderly Assistance to Serve Our Neighbors—Program began in 1987 in Minneapolis and St. Paul, MN. HEAT'S ON Day has become an annual event in the Grand Rapids area, as members of plumbers and steamfitters local 70 and the Mechanical Contractors Association of Grand Rapids donate their time and talents to ensure that the homes of elderly and disabled people in Grand Rapids and the nearby cities of Grandville, Kentwood, Walker, and Wyoming are safe for the winter.

Participating servicepeople check homes approved for the program and repair and replace broken parts in furnaces and heating units. They also install easy-to-read thermostats and smoke alarms for people who need them. In the past 9 years, HEAT'S ON participants have discovered more serious—and potentially life-threatening—problems, such as plugged chimneys, defective furnaces, and homes exposed to carbon monoxide poisoning. These discoveries have enabled homeowners to have the problems repaired before suffering dangerous accidents.

HEAT'S ON is a community effort, as evidenced by local businesses who contribute time, money, and products to help defray the costs. Consumers Power, Meijer, and Dominos are just a few of the local businesses who participate in this vital program.

HEAT'S ON Day brings together many people to help ensure that nobody who requires assistance needlessly suffers through a cold winter. In Grand Rapids, union workers and business owners combine their resources and abilities to serve those in need. They are an inspiration, and they deserve our recognition. I know my colleagues will join me in extending our congratulations and thanks to the HEAT'S ON partnership of Grand Rapids, MI for 10 years of service to their community.•

CHARACTER COUNTS IN NEW MEXICO

• Mr. DOMENICI. Mr. President, as we approach National Character Counts Week, October 19–25, I want to relate another example of how character education programs are expanding across the State of New Mexico.

In New Mexico, over 30 communities and cities have adopted partnerships with their school systems to promote the Six Pillars of Character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. There are literally thousands of young people involved in character-related programs in their youth organizations and public or private schools. Some communities have expanded their local efforts to include Character in the Workplace programs.

Character Counts is not just a slogan. It represents, instead, exciting and well-developed programs by citizens who believe there are important and positive benefits to be derived from good character. Because families, churches, community groups, civic leaders, and school administrators and teachers want to place more emphasis on the value of ethical behavior, Character Counts has become one of the fastest growing and localized movements in the State's history.

As an example, in Farmington, NM, the Navajo Preparatory School is initiating an all-encompassing character education program for its students. The Navajo Preparatory School is chartered by the Navajo Nation to operate as a college preparatory school program for Navajo and other native American youth. Its mission is to educate highly motivated and talented students who have the potential and desire to achieve a college education and become leaders of their respective communities. It has 195 boarding and day students from the Navajo Nation, Jicarilla Apache, and various Pueblo Tribes. It has an excellent academic record, with 85 percent of its graduating students enrolled in college.

Some weeks ago I was invited to visit the school to hear about its Character Counts Program. Attending were teachers, students, school administration officials, and members of the board of trustees. The briefing included an innovative audio-visual program designed to transfer the concepts of the Six Pillars of Character into traditional Navajo teachings, as well as a review of the schools's translation of the Six Pillars into the Navajo language. In addition to its Character Counts curriculum, Navajo Prep also supports the development of student activities that will maximize the messages of the Six Pillars. It wants to ensure that its students have a comprehensive and cohesive program that surrounds both their academic and social conduct.

The board of trustees presented their resolution for "Endorsing and Implementing the Character Counts Program at the Navajo Preparatory School." I would like to quote from this resolution so Members of Congress will know how thoroughly the school's officials have developed this character education program.

> The Navajo Preparatory School Board supports and endorses Character Counts which are based on six core ethical values: trustworthiness, respect, responsibility, fairness, caring, and citizenship.
>
> The Navajo Preparatory School Board requests its staff to examine the curriculum and integrate Navajo-specific character development teachings, strategies, methods and partnership initiatives into the overall school program as an ongoing part of school instruction.
>
> The Navajo Preparatory School Board empowers the school staff to join forces with the State of New Mexico Navajo Nation and other local organizations and become a leader for community action through teaching, enforcing, advocating and modeling the six pillars of character.
>
> The Navajo Preparatory School staff shall pursue available funding to develop Navajo curriculum materials which promote the development of good character.

As evidenced by Navajo Prep's creative character education program and as explained well in its resolution, "* * * no single entity can instill ethical behavior in youth and adults if it is acting without the support of the other institutions and groups." Character-building activities are for all. They can be embraced by the young and old and the public and private sectors in a way the transcends political, cultural, religious, and socioeconomic differences.

In New Mexico, Character Counts is a statewide and communitywide effort. It is a program with unbelievable energy because everyone who hears about it believes in it and wants it to work. It works because people, like those associated with the Navajo Preparatory School, are wholeheartedly committed to making it a reality.

I applaud the fine work of the Navajo Preparatory School, and welcome it as a new member of the ever-growing family of Character Counts enthusiasts.●

THE 50-YEAR ANNIVERSARY OF THE KSEN RADIO STATION IN SHELBY, MT

● Mr. BURNS. Mr. President, I rise today to salute the KSEN radio station in Shelby, MT, for 50 years of service to the Golden Triangle area in north central Montana.

As a former broadcaster, I applaud KSEN for the valuable service they provide to the Shelby area, especially to the agricultural community. KSEN works hard to provide the area with farm and market reports, weather, local news, and sports broadcasting as well as national programs. KSEN radio is a very important tool for the area's farmers and ranchers.

KSEN radio has won more broadcasting awards than any other station in Montana and is the smallest market in the United States to receive the Crystal Award from the National Association of Broadcasters for its outstanding public service.

Congratulations to Mr. Jerry Black and the staff at KSEN radio in Shelby, MT, for a fabulous 50 years of service to our great State.●

THE 50TH ANNIVERSARY OF THE WISCONSIN LEGISLATIVE COUNCIL

● Mr. FEINGOLD. Mr. President, today, I want to pay tribute to an important institution in the Wisconsin State Legislature on its 50th anniversary: the Wisconsin Legislative Council.

The legislative council was created as a joint committee of the State legislature in 1947, charged with convening special committees each biennium to study the more complex, controversial or sometimes tedious but necessary legislative issues, and to develop legislative solutions. The unique aspect of the council's directive has been to identify and appoint knowledgeable Wisconsin citizens to work alongside legislators to craft bills, often recodifying whole chapters of the statutes at a time.

The Wisconsin Legislative Council is derived from the same Wisconsin Idea, fostered by the Progressives in the early part of this century, that created the Congressional Research Service. Senator "Fighting Bob" LaFollette saw the importance of having nonpartisan, professional staff provide research, analysis and bill-drafting to legislative bodies. The Wisconsin version, which has been the model for many other State legislatures, further improves on the concept by setting up a mechanism for open discussion and citizen participation directly in the development of legislative solutions in subjects selected by a bicameral body every 2 years.

Since its inception, the joint legislative council has overseen 426 individual studies, conducted by not only State legislators but also including over 6,000 Wisconsin citizens as full voting members of committees. These committees are staffed by the legislative council staff under the direction of the joint legislative council. These nonpartisan professional staff members further support the work of the legislature by staffing committees, providing research and analysis to individual legislators and their staff, and performing a technical review of all proposed State regulations.

Many of the members of the Wisconsin congressional delegation have had the experience of serving on legislative council committees—I served on three, once as chairman of a study committee reviewing laws on interstate sales and use taxes.

On its 50th anniversary, I am pleased to pay tribute to Wisconsin's Joint Legislative Council and the dedication of the legislative council staff. May they continue their service to the state for many years to come.●

DAVID SCHMELTZER

● Mr. D'AMATO. Mr. President, today I rise to honor a truly outstanding, dedicated public servant—David Schmeltzer. Dave is retiring from the Federal Government after 35 years of service, including 25 years at the U.S. Consumer Product Safety Commission, where he is the Director of the Office of Compliance. Over the years I have been fortunate to have gotten to know Dave personally. A native New Yorker, he received a bachelor of arts degree from Long Island University in 1957. He attended Brooklyn Law School with my dear friend Larry Elovich, and became a member of the New York Bar after graduating in 1960. I want to wish Dave, his wife Louise, and their son Daniel and his family the best of luck on this happy occasion.

David Schmeltzer has had a truly remarkable career in Federal service. I am unaware of anyone with Dave's experience and knowledge when it comes to product safety regulation and enforcement. At the U.S. Consumer Product Safety Commission, in addition to his current position as Director of the Office of Compliance, Dave has served as both Deputy General Counsel and Acting General Counsel. Before joining the Commission in 1973—at its inception, I should note—Dave served as the Assistant Chief Counsel for Enforcement and Administrative Law with the National Highway Traffic Safety Administration. He has also served as the Vice Chairman for the International Consumer Health and Safety Organization Symposium [ICPHSO] and is presently on ICPHSO's executive committee.

While the list of Government positions Dave has held is quite impressive, it does not begin to measure his contributions in improving product safety for all Americans of all ages, from infants to our seniors. Dave has never been someone who has ducked the tough calls, and he has been willing to take the heat for doing so when many others would have run away. He has always been fair and balanced in exercising his judgment, a real straight shooter. The results speak for themselves. On behalf of those consumers who have been spared the pain of a loss or devastating injury to a child or other loved one, I want to thank Dave Schmeltzer for his years of service and wish him well in his future endeavors.●

COMMEMORATING THE INDEPENDENCE OF ARMENIA

● Mr. LEVIN. Mr. President, I rise today to honor the sixth anniversary of Armenian Independence.

With the fall of the Soviet Union, Armenians were quickly faced with the possibility of realizing a vision which they had long sought—independence. On September 21, 1991, Armenia held a referendum to decide its future. More than 94 percent of Armenia's eligible voters turned out to support independence. Two days later, on September 23, the Armenian Parliament made the people's desire official when it declared Armenia's independence from the Soviet Union.

The historic vote for independence on September 21, 1991, has far greater significance when examined in light of Armenia's modern history. Throughout the last century, the Armenian people have experienced incredible hardship and tragedy in their efforts to rule themselves. Armenia began the 20th century under the control of the Ottoman Turks. Ottoman Turk rule turned savage at the beginning of World War I when it waged a government-organized genocide on the Armenians. During the Armenian Genocide of 1915–23, 1.5 million people perished as the Ottoman Turks tried to permanently silence Armenian calls for independence.

Following the defeat of the Ottoman Turks in World War I, Armenians were able to briefly fulfill their wishes of independence. On May 28, 1918, the Republic of Armenia was established. However, this independence was short-lived as the Republic of Armenia soon collapsed because of renewed Turkish and Soviet pressure. On November 29,

1920, Armenia was declared a Soviet republic and spent the next 71 years under Soviet rule. With the fall of the Soviet Union in 1991, Armenia was finally able to fulfill its goal of self-determination.

Today, September 23, Armenia celebrates the sixth anniversary of its independence. I know that the many Armenian-Americans in Michigan and the United States join in this celebration. The support Armenian-Americans have given to their homeland has been indispensable as Armenia emerges from many years of Soviet domination. I applaud their efforts and the efforts of the Armenian people to build an independent and democratic Armenia.•

FURTHER EVIDENCE OF NEED FOR LEGAL REFORM NOW

• Mr. GORTON. A jury in New Orleans the other week issued a clarion call for legal reform. A monstrous judgment against CSX Transportation and four other companies illustrates once again the arbitrary and perverse nature of our current tort system.

Mr. President, I rise today to bring to my colleagues' attention a $2.5 billion punitive damage award against CSX Transportation stemming from a 1987 chemical-car fire in the New Orleans neighborhood of Gentilly. Even in the context of our current broken legal system, this one is shocking. The jury awarded $2.5 billion, out of a total punitive damage award of $3.4 billion, against CSXT, Mr. President, despite the fact that Federal experts had determined that CSX was not at fault; despite the fact that the jury did not allocate any significant portion of the compensatory damages to CSXT; despite the fact that actual compensatory damages awarded to date in the case are only $2 million; and despite the fact that the accident resulted in no deaths, no serious injuries, and no significant property damage.

Comparisons made in a New Orleans Times Picayune article put the total punitive damage award into perspective, warped as it is. Consider that the punitive damage award in this case is seven times the amount Union Carbide paid to settle a claim relating to a chemical leak in Bhopal, India, that killed 4,000 people and injured 300,000. Despite only minor property damage, this award is two-thirds of the punitive damage award against Exxon for the environmentally devastating spill that occurred in Alaska in 1989.

Let me set out the facts of the case as I understand them from the press accounts. On September 9, 1987, a railroad tank car containing butadiene, a volatile compound used in making synthetic rubber, was located in a rail yard in New Orleans on tracks that belonged to CSXT. Due to a faulty gasket, the contents of the car leaked and the car caught fire. Local officials determined that the best approach was to let the fire burn itself out. To avoid harm to nearby residents, authorities ordered the evacuation of those living near the yard. Many people were inconvenienced, but although there are 8,000 people in the plaintiff class, only 2,300 people claim to have been located within the evacuation zone, and contemporary estimates of how many people were actually evacuated put the number at about 1,000.

One year after the accident, the National Transportation Safety Board, the Federal agency that investigates transportation accidents, determined that a misaligned gasket and other factors, not involving CSXT, had caused the accident. In fact, other than providing the track on which the train car was placed, CSXT had no connection to the car. CSXT did not own or repair the tank car, and it did not transport the car.

Significantly, even though the NTSB determined that CSTX had not caused the accident, the jury held CSXT 15 percent responsible for the $2 million on compensatory damages that have been awarded to 20 plaintiffs at this time. The remaining plaintiffs will have to prove their damages in separate proceedings. Though it seems unfair that CSXT would be responsible for any compensatory damages if it was not at fault, it is unspeakably outrageous that CSXT would be assessed over 75 percent of the punitive damages, and only 15 percent of the compensatory damages.

How can it be that a Federal agency determines that a company has no responsibility for causing an accident and yet this huge verdict is awarded? The answer, unfortunately, is that our tort system is broken. The case in New Orleans is the latest, though perhaps most egregious, example of why we have to reform our civil justice system, to place some reasonable limit on punitive damage awards, to modify the laws regarding joint and several liability, and to provide disincentives for lawyers to go after the "deep pockets," simply because they're there.

CSXT is a big corporation, but that should not be reason to impose huge penalties on it, penalties that could affect its thousands of employees, thousands of middle-class stockholders who own shares in the company through their pension plans, and everyone who uses its vital transportation facilities. Until we undertake meaningful legal reform, we will continue to disadvantage businesses and consumers, stunt career opportunities, breed contempt for the law, and do injustice.•

THE 200TH ANNIVERSARY OF TRUMBULL, CT

• Mr. DODD. Mr. President, located in the hilly country of southwestern Connecticut in the watershed of the Pequonnock River is the quaint residential community of Trumbull. Despite its proximity to many highly industrialized cities, Trumbull has been able to preserve its small-town New England character and charm, and this year the town of Trumbull will celebrate its 200th anniversary.

The Trumbull area was permanently settled in 1690, and in the following years families began migrating to this secluded wilderness region, building mills, churches, and schools. In 1725, the settlement officially became the village of Unity, and this village was eventually absorbed by the larger community of North Stratford. Nearly a century after it was settled, the residents began the petition process for independence from North Stratford, and in 1797, the general assembly granted this request, established town bounds, and declared that this area shall forever be a distinct town known by the name of "Trumbull."

The town was named after one of the most respected families in Connecticut history, the Trumbulls of Lebanon, CT. The family's patriarch, Jonathan Trumbull, Sr., was the first of four "Governor Trumbulls" in Connecticut. He was a close ally of George Washington, and he was the only colonial Governor to support the Revolution. In recognition of his contributions to his State and his country, a statue of Jonathan Trumbull, Sr., currently stands in the Statuary Hall of the U.S. Capitol.

His son, Jonathan Trumbull, Jr., also had an illustrious career as an early American statesman. He was a member of the U.S. House of Representatives where he served as Speaker of the House. He also represented the State as a U.S. Senator and was elected Connecticut's Governor in 1797, shortly after the town of Trumbull was incorporated.

In addition, Jonathan Trumbull, Sr.'s youngest child, John, was one of the most noteworthy American artists known for painting important historical events. Today, four of his paintings hang in the U.S. Capitol rotunda, his most famous being "The Surrender of Cornwallis."

While the namesakes for this town were truly heroic individuals, the many generations of Trumbull residents who have settled this town and shepherded its evolution over the years are equally heroic in their own right. They met the crises of their times. They worked hard to ensure a promising future for their children. They lent a helping hand to their neighbors when they were in need. They did all of the things that are necessary to sustain a community and help it develop into a wonderful place to live.

Today, Trumbull is a vibrant residential community which is dedicated to the preservation of its family-oriented atmosphere. Its schools are among the

best in the State and the Parent-Teachers Association is very active. There are places of worship for more than a dozen different religions, strengthening the fabric of the community and adding to its diversity. More than 1,000 acres of town-owned open space are set aside for recreational use, and Trumbull is renowned for its numerous public parks. Trumbull has also invested in its children by establishing an excellent youth sports program. In fact, one of the town's and the State of Connecticut's proudest moments came when a resilient group of 11- and 12-year-olds from Trumbull pulled off one of the greatest upsets in baseball history and won the Little League World Series in 1988.

Trumbull's motto is "Pride in our past. Faith in our future." I would like to personally say that the people of Trumbull should be very proud of their town's history and heritage. But more important, I have complete faith that the future for the people of Trumbull will be even brighter than the past. I congratulate the town of Trumbull on this historic milestone and offer my best wishes for future centuries of success and prosperity.

INTERIOR APPROPRIATIONS—NATIONAL PARK AND ENVIRONMENTAL IMPROVEMENT FUND

• Mr. McCAIN. Mr. President, as part of the Interior appropriations bill (H.R. 2107) the Senate adopted an amendment I offered with Senator STEVENS to create a National Park and Environmental Improvement Fund. The fund is financed with $800 million in disputed oil revenue awarded to the Federal Government by the Supreme Court. Under the amendment, the annual interest from the fund would be available, subject to appropriation, for top priority capital improvements within the National Park System; to assist States with their own park planning and development; and to finance ocean research.

As I stated, disbursements of the interest revenue would be subject to appropriation. I want to be clear that it is not our intent to create this fund in vain, by appropriating the interest and reducing other vital park or environmental accounts in order to remain below the applicable budget caps. Our goal and intent is to ensure these funds will supplement the appropriations parks and environmental accounts would otherwise receive. The distinguished chairmen of the Budget Committee and the Appropriations Committee have agreed to work to ensure that end and I thank them for their courtesy and leadership.

Mr. DOMENICI. Mr. President, the Senator is correct. I look forward to working with him next year to address this issue during the budget process to ensure this fund provides additional resources to meet park and relevant environmental needs so that it will not require offsets from other park or vital environmental accounts.

Mr. STEVENS. Mr. President, I concur with my colleagues, and I will work as chairman of the Appropriations Committee to make sure that these funds are additional, not replacement, revenues to meet park and environmental purposes.•

ELIMINATION OF SECRET SENATE "HOLDS"

• Mr. WYDEN. Mr. President, I am submitting for the RECORD a notification of a proposal I intend to offer.

I ask that the proposal be printed in the RECORD.

The proposal follows:

(Purpose: To eliminate secret Senate "holds")

At the appropriate place, insert:

SEC. . ELIMINATING SECRET SENATE "HOLDS."

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection (hold) in the Congressional Record not later than 2 session days after the date of said notice.

(b) RULEMAKING.—This section is adopted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the Rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.•

RETIREMENT TRIBUTE TO JIM WENGERT

• Mr. HARKIN. Mr. President, I rise to pay tribute to the work of Jim Wengert—a good friend and great fighter for working people across the State of Iowa and around the country.

For well over a generation, Jim Wengert has been a leader at the Iowa Federation of Labor. From 1966 to 1979, he was Secretary-Treasurer of the statewide organization. And from 1979 until his retirement this year, Jim has been at the helm of the Iowa Federation of Labor serving as its President.

Prior to his years at the Iowa Fed, Jim worked at Swift and Company in Sioux City. In 1952, he joined Local 71 of the United Packinghouse Workers of America and he wasted no time rising up the ranks. He served as Vice President and Steward of his local—and Recording Secretary and President of the Woodbury County Labor Council.

In addition, Jim has been a legislator in the Iowa General Assembly, and a member of the United States Commission on Civil Rights, the University of Iowa Labor Advisory Committee, and the Iowa Workers' Compensation Advisory Committee.

Mr. President, Jim Wengert has had a long and distinguished career but there is a common thread that weaves all his work together. For almost half a century, Jim Wengert has been on the frontlines of the battle for dignity and economic and social justice for the working people of this country.

That fight has not been easy—far too often, the deck has been stacked against working people. But Jim never picked his battles because the odds were on his side. He did it because America's best values were on his side. Values like dignity, justice, and fair play. Time and again, Jim Wengert put it on the line for workers on the line.

To Jim, it's simple. Fighting for working people is a labor of love. That's why he has used his position and his platform to speak out for good jobs, a living wage, secure pensions, and a better future for our children and grandchildren.

And if one looks across the landscape of Iowa and at all that's happened that's been good for working people, I guarantee you'll find the fingerprints of Jim Wengert. Because whether it's passing legislation, electing progressive candidates, or changing attitudes, Jim helped make it happen.

Mr. President, Jim Wengert is an optimist, a doer and a believer. He believes with his head and his heart that tomorrow can be better than today. And the power to make that happen isn't in the hands of "them"—the powerful and privileged. The power to make the future brighter rests with us—by organizing and working together.

That is what a union is all about. And that's what Jim Wengert is all about.

I know the Senate joins me in wishing Jim many more years of health and happiness. And even though his retirement is a loss for the working people of Iowa, it is truly a gain for the Wengert family—for Jim's wife Joanne, his children and, of course, his grandchildren.

Once again, Mr. President, I want to thank Jim Wengert for his commitment and service. We owe him an enormous debt for a lifetime of building our communities and advancing the cause of justice and dignity for the working people of Iowa and our Nation.•

AUSTRIAN-AMERICAN DAY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 168, S. Res. 122.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 122) declaring September 26, 1997 as "Austrian-American Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be

agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 122) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 122

Whereas 1997 marks the 50th anniversary of General George C. Marshall's plan for assisting the free countries of Europe in their post-World War II rebuilding process;

Whereas on September 26, 1945, upon the insistence of the United States, a conference was held in Vienna by the Allies and the 9 Austrian Federal State Governors, that laid the foundation for the first post-war Austrian Government recognized by the United States and the other Allied Forces;

Whereas this treaty saved Austria from being divided into an East and West, as in Germany;

Whereas Austrians are thankful for the generosity demonstrated by the citizens and the Government of the United States after World War II;

Whereas Austrian-Americans have made important contributions to the American way of life as well as in industry, education, culture, and the arts and sciences; and

Whereas Austrian born Americans, or Americans of Austrian descent, have brought prestige and recognition to the United States as Nobel laureates in medicine, economics, and the sciences: Now, therefore, be it

Resolved, That the Senate—

(1) declares September 26, 1997, as "Austrian-American Day"; and

(2) authorizes and requests the President to commend this observance to the citizens of the United States in honor of this momentous occasion.

CONVEYANCE OF A PARCEL OF LAND TO THE DOS PALOS AG BOOSTERS

Mr. ENZI. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of H.R. 111, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 111) to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California to the Dos Palos Ag Boosters for use as a farm school.

Mr. ENZI. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 111) was considered read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. 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. 259 and Calendar No. 260.

I further ask unanimous consents the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations be printed 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 are as follows:

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Harold W. Gehman, Jr., 3817.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles E. Wilhelm, 4063.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 105–28, 105–29, AND 105–30

Mr. ENZI. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 23, 1997, by the President of the United States:

Comprehensive Nuclear Test-Ban Treaty (Treaty Document No. 105–28);

Protocol Amending Tax Convention With Canada (Treaty Document No. 105–29);

Extradition Treaty With India (Treaty Document No. 105–30).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The President's messages are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Comprehensive Nuclear Test-Ban Treaty (the "Treaty" or "CTBT"), opened for signature and signed by the United States at New York on September 24, 1996. The Treaty includes two Annexes, a Protocol, and two Annexes to the Protocol, all of which form integral parts of the Treaty. I transmit also, for the information of the Senate, the report of the Department of State on the Treaty, including an Article-by-Article analysis of the Treaty.

Also included in the Department of State's report is a document relevant to but not part of the Treaty: The Treaty on the Establishment of a Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization, adopted by the Signatory States to the Treaty on November 19, 1996. The Text provides the basis for the work of the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization is preparing detailed procedures for implementing the Treaty and making arrangements for the first session of the Conference of the States Parties to the Treaty. In particular, by the terms of the Treaty, the Preparatory Commission will be responsible for ensuring that the verification regime established by the Treaty will be effectively in operation at such time as the Treaty enters into force. My Administration has completed and will submit separately to the Senate an analysis of the verifiability of the Treaty, consistent with section 37 of the Arms Control and Disarmament Act, as amended. Such legislation as may be necessary to implement the Treaty also will be submitted separately to the Senate for appropriate action.

The conclusion of the Comprehensive Nuclear Test-Ban Treaty is a signal event in the history of arms control. The subject of the Treaty is one that has been under consideration by the international community for nearly 40 years, and the significance of the conclusion of negotiations and the signature to date of more than 140 states cannot be overestimated. The Treaty creates an absolute prohibition against the conduct of nuclear weapon test explosions or any other nuclear explosion anywhere. Specifically, each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion; to prohibit and prevent any nuclear explosions at any place under its jurisdiction or control; and to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

The Treaty establishes a far reaching verification regime, based on the provision of seismic, hydroacoustic, radionuclide, and infrasound data by a global network (the "International Monitoring System") consisting of the facilities listed in Annex 1 to the Protocol. Data provided by the International Monitoring System will be stored, analyzed, and disseminated, in accordance with Treaty-mandated operational manuals, by an International Data Center that will be part of the Technical Secretariat of the Comprehensive Nuclear Test-Ban Treaty Organization. The verification regime includes rules for the conduct of on-site inspections, provisions for consultation and clarification, and voluntary confidence-building measures designed to contribute to the timely resolution of any compliance concerns arising from possible misinterpretation of monitoring data related to chemical explosions that a State Party intends to or has carried out. Equally important to the U.S. ability to verify the Treaty, the text specifically provides for the rights of States Parties to use information obtained by national technical means in a manner consistent with generally recognized principles of international law for purposes of verification generally, and in particular, as the basis for an on-site inspection request. The verification regime provides each State Party the right to protect sensitive installations, activities, or locations not related to the Treaty. Determinations of compliance with the Treaty rest with each individual State Party to the Treaty.

Negotiations for a nuclear test-ban treaty date back to the Eisenhower Administration. During the period 1978–1980, negotiations among the United States, the United Kingdom, and the USSR (the Depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)) made progress, but ended without agreement. Thereafter, as the nonnuclear weapon states called for test-ban negotiations, the United States urged the Conference on Disarmament (the "CD") to devote its attention to the difficult aspects of monitoring compliance with such a ban and developing elements of an international monitoring regime. After the United States, joined by other key states, declared its support for comprehensive test-ban negotiations with a view toward prompt conclusion of a treaty, negotiations on a comprehensive test-ban were initiated in the CD, in January 1994. Increased impetus for the conclusion of a comprehensive nuclear test-ban treaty by the end of 1996 resulted from the adoption, by the Parties to the NPT in conjunction with the indefinite and unconditional extension of that Treaty, of "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" that listed the conclusion of a CTBT as the highest measure of its program of action.

On August 11, 1995, when I announced U.S. support for a "zero yield" CTBT, I stated that:

". . . as part of our national security strategy, the United States must and will retain strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests and to convince it that seeking a nuclear advantage would be futile. In this regard, I consider the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States.

"I am assured by the Secretary of Energy and the Directors of our nuclear weapons labs that we can meet the challenge of maintaining our nuclear deterrent under a CTBT through a Science Based Stockpile Stewardship program without nuclear testing. I directed the implementation of such a program almost 2 years ago, and it is being developed with the support of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. This program will now be tied to a new certification procedure. In order for this program to succeed, both the Administration and the Congress must provide sustained bipartisan support for the stockpile stewardship program over the next decade and beyond. I am committed to working with the Congress to ensure this support.

"While I am optimistic that the stockpile stewardship program will be successful, as President I cannot dismiss the possibility, however unlikely, that the program will fall short of its objectives. Therefore, in addition to the new annual certification procedure for our nuclear weapons stockpile, I am also establishing concrete, specific safeguards that define the conditions under which the United States can enter into a CTBT. . ."

The safeguards that were established are as follows:

—The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile, including the conduct of a broad range of effective and continuing experimental programs.

—The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology that will attract, retain, and ensure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.

—The maintenance of the basic capability to resume nuclear test activities prohibited by the CTBT should the United States cease to be bound to adhere to this Treaty.

—The continuation of a comprehensive research and development program to improve our treaty monitoring capabilities and operations.

—The continuing development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

—The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE)—advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type that the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with the Congress, would be prepared to withdraw from the CTBT under the standard "supreme national interests" clause in order to conduct whatever testing might be required.

With regard to the last safeguard:

—The U.S. regards continued high confidence in the safety and reliability of its nuclear weapons stockpile as a matter affecting the supreme interests of the country and will regard any events calling that confidence into question as "extraordinary events related to the subject matter of the treaty." It will exercise its rights under the "supreme national interests" clause if it judges that the safety or reliability of its nuclear weapons stockpile cannot be assured with the necessary high degree of confidence without nuclear testing.

—To implement that commitment, the Secretaries of Defense and Energy—advised by the Nuclear Weapons Council or "NWC" (comprising representatives of DOD, JCS, and DOE), the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—will report to the President annually, whether they can certify that the Nation's nuclear weapons stockpile and all critical elements thereof are, to a high degree of confidence, safe and reliable, and, if they cannot do so, whether, in their opinion and that of the NWC, testing is necessary to assure, with a high degree of confidence, the adequacy of corrective measures to assure the safety and reliability of the stockpile, or elements thereof. The Secretaries will

state the reasons for their conclusions, and the views of the NWC, reporting any minority views.

—After receiving the Secretaries' certification and accompanying report, including NWC and minority views, the President will provide them to the appropriate committees of the Congress, together with a report on the actions he has taken in light of them.

—If the President is advised, by the above procedure, that a high level of confidence in the safety or reliability of a nuclear weapon type critical to the Nation's nuclear deterrent could no longer be certified without nuclear testing, or that nuclear testing is necessary to assure the adequacy of corrective measures, the President will be prepared to exercise our "supreme national interests" rights under the Treaty, in order to conduct such testing.

—The procedure for such annual certification by the Secretaries, and for advice to them by the NWC, U.S. Strategic Command, and the DOE nuclear weapons laboratories will be embodied in domestic law.

As negotiations on a text drew to a close it became apparent that one member of the CD, India, would not join in a consensus decision to forward the text to the United Nations for its adoption. After consultations among countries supporting the text, Australia requested the President of the U.N. General Assembly to convene a resumed session of the 50th General Assembly to consider and take action on the text. The General Assembly was so convened, and by a vote of 158 to 3 the Treaty was adopted. On September 24, 1996, the Treaty was opened for signature and I had the privilege, on behalf of the United States, of being the first to sign the Treaty.

The Treaty assigns responsibility for overseeing its implementation to the Comprehensive Nuclear Test-Ban Treaty Organization (the "Organization"), to be established in Vienna. The Organization, of which each State Party will be a member, will have three organs: the Conference of the States Parties, a 51-member Executive Council, and the Technical Secretariat. The Technical Secretariat will supervise the operation of and provide technical support for the International Monitoring System, operate the International Data Center, and prepare for and support the conduct of on-site inspections. The Treaty also requires each State Party to establish a National Authority that will serve as the focal point within the State Party for liaison with the Organization and with other States Parties.

The Treaty will enter into force 180 days after the deposit of instruments of ratification by all of the 44 states listed in Annex 2 to the Treaty, but in no case earlier than 2 years after its being opened for signature. If, 3 years from the opening of the Treaty for signature, the Treaty has not entered into force, the Secretary-General of the United Nations, in his capacity as Depositary of the Treaty, will convene a conference of the states that have deposited their instruments of ratification if a majority of those states so requests. At this conference the participants will consider what measures consistent with international law might be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty. Their decision on such measures must be taken by consensus.

Reservations to the Treaty Articles and the Annexes to the Treaty are not permitted. Reservations may be taken to the Protocol and its Annexes so long as they are not incompatible with the object and purpose of the Treaty. Amendment of the Treaty requires the positive vote of a majority of the States Parties to the Treaty, voting in a duly convened Amendment Conference at which no State Party casts a negative vote. Such amendments would enter into force 30 days after ratification by all States Parties that cast a positive vote at the Amendment Conference.

The Treaty is of unlimited duration, but contains a "supreme interests" clause entitling any State Party that determines that its supreme interests have been jeopardized by extraordinary events related to the subject matter of the Treaty to withdraw from the Treaty upon 6-months' notice.

Unless a majority of the Parties decides otherwise, a Review Conference will be held 10 years following the Treaty's entry into force and may be held at 10-year intervals thereafter if the Conference of the States Parties so decides by a majority vote (or more frequently if the Conference of the States Parties so decides by a two-thirds vote).

The Comprehensive Nuclear Test-Ban Treaty is of singular significance to the continuing efforts to stem nuclear proliferation and strengthen regional and global stability. Its conclusion marks the achievement of the highest priority item on the international arms control and nonproliferation agenda. Its effective implementation will provide a foundation on which further efforts to control and limit nuclear weapons can be soundly based. By responding to the call for a CTBT by the end of 1996, the Signatory States, and most importantly the nuclear weapon states, have demonstrated the bona fides of their commitment to meaningful arms control measures.

The monitoring challenges presented by the wide scope of the CTBT exceed those imposed by any previous nuclear test-related treaty. Our current capability to monitor nuclear explosions will undergo significant improvement over the next several years to meet these challenges. Even with these enhancements, though, several conceivable CTBT evasion scenarios have been identified. Nonetheless, our National Intelligence Means (NIM), together with the Treaty's verification regime and our diplomatic efforts, provide the United States with the means to make the CTBT effectively verifiable. By this, I mean that the United States:

—will have a wide range of resources (NIM, the totality of information available in public and private channels, and the mechanisms established by the Treaty) for addressing compliance concerns and imposing sanctions in cases of noncompliance; and

—will thereby have the means to: (a) assess whether the Treaty is deterring the conduct of nuclear explosions (in terms of yields and number of tests) that could damage U.S. security interests and constraining the proliferation of nuclear weapons, and (b) take prompt and effective counteraction.

My judgment that the CTBT is effectively verifiable also reflects the belief that U.S. nuclear deterrence would not be undermined by possible nuclear testing that the United States might fail to detect under the Treaty, bearing in mind that the United States will derive substantial confidence from other factors—the CTBT's "supreme national interests" clause, the annual certification procedure for the U.S. nuclear stockpile, and the U.S. Safeguards program.

I believe that the Comprehensive Nuclear Test-Ban Treaty is in the best interests of the United States. Its provisions will significantly further our nuclear nonproliferation and arms control objectives and strengthen international security. Therefore, I urge the Senate to give early and favorable consideration to the Treaty and its advice and consent to ratification as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 22, 1997.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital Signed at Washington on September 26, 1980 as Amended by the Protocols Signed on June 14, 1983, March 28, 1984 and March 17, 1995, signed at Ottawa on July 29, 1997. This Protocol modified the taxation of social security benefits and the taxation of gains from the sale of shares of foreign real-property holding companies.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of India, signed at Washington on June 25, 1997.

In addition, I transmit, for the information of the Senate, a related exchange of letters signed the same date and the report of the Department of State with respect to the Treaty. As the report states, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

Upon entry into force, this Treaty would enhance cooperation between the law enforcement authorities of both countries, and thereby make a significant contribution to international law enforcement efforts. With respect to the United States and India, the Treaty would supersede the Treaty for the Mutual Extradition of Criminals between the United States of America and Great Britain, signed at London December 22, 1931, which was made applicable to India on March 9, 1942, and is currently applied by the United States and India.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1997.*

ORDERS FOR WEDNESDAY, SEPTEMBER 24, 1997

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Wednesday, September 24. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 830, the FDA reform bill.

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

PROGRAM

Mr. ENZI. Mr. President, tomorrow the Senate will resume consideration of S. 830, the FDA reform bill. Under the previous order, at noon the Senate will conclude the remaining 4 hours of debate on that measure. Therefore, Members can anticipate a vote on final passage of S. 830, between 3:45 and 4 o'clock tomorrow afternoon.

Following disposition of S. 830, it is hoped the Senate will begin consideration of the District of Columbia appropriations bill. Members can expect additional votes during Wednesday's session of the Senate, following the final passage vote of S. 830. In addition, the Senate may consider any other legislative or executive business that can be cleared for action.

I thank all Senators for their attention.

ADJOURNMENT

Mr. ENZI. Mr. President, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m, adjourned until Wednesday, September 24, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Secretary of the Senate September 22, 1997, under authority of the order of the Senate of January 7, 1997:

DEPARTMENT OF STATE

RICHARD FRANK CELESTE, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 1997;

NAVY

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., [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. CHARLES E. WILHELM, [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, September 23, 1997*

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes.

VOTE "NO" ON H.R. 1270

Mr. GIBBONS. Mr. Speaker, I would like to address this Chamber as well as all America on an issue that is extremely important to all of us, and that is the issue of nuclear waste.

In a recent advertisement, in fact, an advertisement paid for by the nuclear energy lobbyists, it appeared in the Congressional Daily, dated September 22, 1997, and I quote, "Thanks to nuclear energy, the air in Maine and New Hampshire is cleaner." The ad goes on to say, "Since nuclear powerplants don't burn anything to generate electricity, they do not pollute the air."

Well, Mr. Speaker, if nuclear energy is as environmentally safe an energy source as they claim it to be, then why do they not store the wastes associated with those nuclear energy plants in their own States?

Why not keep that nuclear waste safely stored at nuclear powerplants throughout the country, as this claim advertises, and let me say, generating electricity with nuclear energy produces a small amount of used nuclear fuel. Today this used fuel is safely stored at 109 nuclear powerplants throughout the country.

The headline, Mr. Speaker, should read, "Thanks to nuclear energy, innocent people all across this country will be put at risk as 80,000 tons or more of nuclear waste is transported through their communities."

Mr. Speaker, the American people should say thanks, but no thanks. I urge my colleagues to understand the facts, that as nuclear waste is transported through their communities, Americans are put at risk, and I urge them to get the facts on nuclear waste. I urge them to vote "no" on H.R. 1270.

Mr. Speaker, I include for the RECORD the ad from National Journal's CongressDaily.

THANKS TO NUCLEAR ENERGY, THE AIR IN MAINE AND NEW HAMPSHIRE IS CLEANER

Nuclear energy provides electricity to millions of people in Maine, New Hampshire and throughout America, and because nuclear plants don't burn anything to generate electricity, they don't pollute the air.

BUT WHAT ABOUT THE WASTE?

Generating electricity with nuclear energy produces a small amount of used nuclear fuel. Today, this used fuel is safely stored at 109 nuclear power plants throughout the country. However, the government has the legal responsibility to dispose of this waste beginning January 31, 1998.

H.R. 1270 would move used nuclear fuel to a single, engineered storage facility at a remote desert location. It's a common-sense strategy that will ensure nuclear energy continues to provide electricity to Maine and New Hampshire and nationwide for years to come.

H.R. 1270: Act Now On Nuclear Waste Disposal.

PROVIDING FLEXIBILITY AND COMMUNITY INVOLVEMENT IN ISSUES OF TRANSPORTATION

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon [Mr. BLUMENAUER] is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I recently returned from a weekend visit to the metropolitan areas of Seattle and Miami, where I had an opportunity to visit with a wide array of individual citizen activists, academics, journalists, government officials, health professionals, people who are struggling with a variety of issues to make their communities livable.

I was struck, Mr. Speaker, by the fact that those conversations were identical in those two communities, separated by our continent, and in fact would be indistinguishable from conversations that I have in my own hometown of Portland, OR.

They are wrestling with notions of public safety, affordable housing, water resources, open space, how to make the most out of scarce land use resources, and, most of all, the defining issue they felt was one of transportation.

It was a timely series of conversations, Mr. Speaker, because we are now dealing with the reauthorization of the Surface Transportation Act. Six years ago the Federal Government entered into a new era of partnership with ISTEA, a new way of thinking about transportation, of providing flexibility and community involvement.

Stories from all across America attest to the success of this visionary process. We are now about to begin the next stage with the reauthorization.

Congress has the opportunity to build upon this solid foundation. I am concerned, Mr. Speaker, that we in Congress not be bogged down on some of the details that are not unimportant, that seem to be swirling about the issue. We need to be aware of the questions regarding donor and donee States, and continue to make progress toward more equitable and fair distribution.

We need to be aware of the conflicts between individual motorists and the trucking industry, understanding their issues as well.

But it is critical that we not be engaged in some sort of zero sum game, where we look at roads, rail, air and water as being somehow set off against one another. That way of thinking should be a thing of the past.

Our goal is how do we make the pieces fit together. If, for instance, a community has determined that a rail line might be far more cost effective to provide transportation capacity, the Federal Government ought not to stand in the way of their making that decision. If a community determines that sound land use planning and arranging the land uses in a thoughtful way is the most cost effective alternative to building another freeway, the Federal Government should not stand in their way.

Tomorrow in the Committee on Transportation and Infrastructure we begin the markup of H.R. 2400, the so-called BESTEA. It is a good bill, and it is in fact getting better. It is critical that we keep our eye on five essential elements:

No. 1, we deal with an adequate funding level. These resources are, after all, trust funds that the American people have paid through user fees. We have a responsibility to make sure they get the resources they need.

No. 2, we need to make sure that the enhancements that have meant so much to communities across the country are protected and encouraged.

No. 3, we need to expand the community input in the decisionmaking process, which has unlocked creativity across the country.

No. 4, we must continue to encourage the careful planning. We can ill afford to misspend these resources, when in fact we find out that improperly spent

they can actually make the problems worse.

Most important, we must work to promote a balanced transportation system to get the most out of the money, the land, and our existing infrastructure.

Mr. Speaker, I urge my colleagues to pay careful attention to this next stage in the most important environmental and economic development legislation of this session.

MARRIAGE TAX PENALTY MUST BE CHANGED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois [Mr. WELLER] is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, it is my privilege to represent Illinois' most diverse district. I represent part of the city of Chicago, the south suburbs in Cook and Will Counties, bedroom communities like Morris, where I live, at the center geographically of our district, and also rural communities and cornfields. Even though it is a very, very diverse district, as a local legislator I always look for the things that are in common throughout this district.

Clearly the election results in 1996, which reelected a Democrat President and a Republican majority in Congress for the first time in history, clearly gave us a message, a common message, that we should work together in a bipartisan way to solve the challenges that we face.

We have answered that challenge just in the last several months with the first balanced budget in 28 years, the first meaningful tax relief for middle-class families in 16 years, and extending the life of Medicare for 10 years. Those are bipartisan victories, and clearly the middle-class working families are the winners.

Now as I travel throughout the diverse district that I have the privilege of representing, when I listen at my town meetings, VFW and local union halls and the grain elevators, there is a common concern that is getting louder and louder all the time, and that is the issue regarding the marriage tax penalty.

Let me explain why the marriage tax penalty is a common concern to so many working middle-class families with a couple of questions. Do Americans feel that it is fair that our Tax Code imposes a higher tax on married couples than on nonmarried couples? Do Americans feel it is fair that the average married working couple pays almost $1,400 more in taxes than a working couple with identical incomes living together outside of marriage?

I think not. I know that the taxpayers and middle-class families that I represent think not. The marriage tax penalty is not only unfair, but it is wrong.

□ 1245

It is immoral. It is immoral that our Tax Code punishes our society's most basic institution, the institution of marriage. According to the Congressional Budget Office, 21 million American couples, married couples, suffer the marriage tax penalty.

Let me give an example of an Illinois couple from my district who has a combined income of $61,000. Of course, the marriage tax penalty results, because a married couple usually files jointly so their incomes are combined, and of course that pushes them into a higher tax bracket.

Now, the couple that I have here as individuals, after we factor in their personal exemptions and standard deduction, would be in the 15-percent tax bracket if they filed as singles, but because they filed jointly as a married couple, they are pushed into the 28-percent tax bracket.

What this means for this Illinois working couple is a marriage tax penalty of $1,378. That is wrong. That is unfair. It is unfair that a married couple pays higher taxes just because they are married. Our current Tax Code punishes working Illinois married couples, middle-class families, with an average marriage tax penalty of almost $1,400.

Think about what that means for this Illinois family. This Illinois working couple who just happens to be married, like 21 million American couples. That extra $1,400 is a significant portion of a downpayment on a home. It is several months' worth of car payments. It is tuition for their child to go to a local parochial school or for a child who they themselves as adults go to local community college. That is wrong, that is unfair.

What we propose to do with the enactment of the Marriage Tax Elimination Act, H.R. 2456, is to give working couples the power to choose which filing status makes sense for them. They would have the opportunity under the Marriage Tax Elimination Act to choose to file jointly or as singles, whichever is to their financial advantage. And as two singles, this couple here from Illinois could benefit from greater standard deductions, of course, but they would also get the full advantage, the full advantage of the lower tax rates. In this case each individual would pay in the 15-percent tax bracket rather than the 28 percent. It is a fair solution to the marriage tax penalty.

It is similar also to what the State of Virginia has already done, a case where the States are always ahead of the Federal Government, where there is one form or two columns for each individual and the couple to file singly, and, of course, they avoid the marriage tax penalty.

What is the bottom line? The Marriage Tax Elimination Act puts a married working couple on an equal tax footing with working singles. Thanks to this Congress, in 1996 we helped working middle-class families with the adoption of the tax credit, this year with the child tax credit. Our legislation deserves bipartisan support, and I ask for bipartisan support.

Mr. Speaker, I include for the RECORD data in support of the Marriage Tax Elimination Act.

CHRISTIAN COALITION CALLS FOR END TO MARRIAGE TAX PENALTY

SUPPORTS MARRIAGE TAX ELIMINATION ACT

CHESAPEAKE, VA.—Christian Coalition President Don Hodel announced that the pro-family grass-roots citizens action organization would fully support the Marriage Tax Elimination Act, introduced today by Reps. Dave McIntosh and Jerry Weller in a press conference on Capitol Hill.

Elimination of the marriage penalty was first called for by the Christian Coalition in its Contract with the American Family, unveiled in May 1995. This proposal was also included in the American Dream Restoration Act of the 104th Congress, which was approved by the House of Representatives on April 5, 1995. Under current law, many married couples pay more in taxes than they would if they remained single. Hodel called, again, for an end to the marriage tax penalty two weeks ago while announcing the Coalition's top legislative priorities for this Fall, which included additional family tax relief following the victory over the $500 per child tax credit recently signed into law.

"Government, by taxing married couples at higher rates than singles, has, for too long, been a part of the problem," said Hodel. "At a time when family breakups are so common, the Congress should pass legislation to encourage marriage and ease the burden on families trying to form and stay together. This legislation places government on the side of families when it comes to taxation policy."

With the Marriage Tax Elimination Act, married, working couples will receive the same tax treatment as singles. Couples will be allowed to choose the tax filing status that makes the most sense for them. The Congressional Budget Office reported that more than 21 million couples suffered a marriage tax penalty averaging $1,400, and some exceeded $20,000.

"For most Americans $1,400 is a lot of money," said Hodel. "That is money that a young family can use to buy clothes for their children, invest in a college savings account or make repairs on a home. The bottom line is it's their money, and a government that truly values families will let families keep it."

INDEPENDENT WOMEN'S FORUM,
Arlington, VA, September 12, 1997.

Hon. DAVID MCINTOSH,
Hon. JERRY WELLER,
U.S. House of Representatives,
Washington, DC.

DEAR GENTLEMAN: The Independent Women's Forum urges Congress to put the tax code where its rhetoric is, and eliminate marriage penalties. Serious steps to reform tax laws would mean real liberation for women, those who work and those who may have to in the future.

Marriage taxes can impose a nearly 50% marginal tax rate on second earners, most of

whom are wives and mothers. This is state sponsored discrimination against women, the unintended consequences of which is to discourage women from entering the labor force. If Congress is sincere in improving the lives of American women and their families, it will eliminate tax loopholes that choke their paychecks. Real support for the family begins with tax reform.

Sincerely,

BARBARA J. LEDEEN,
Executive Director for Policy.

AMERICANS FOR TAX REFORM,
Washington, DC, September 5, 1997.

Hon. JERRY WELLER,
U.S. House of Representatives,
Washington, DC.

Subject: End the Marriage Penalty Now!

DEAR MR. WELLER: Americans for Tax Reform supports the Marriage Tax Elimination Act offered by Representatives Jerry Weller (R-IL) and David McIntosh (R-IN). We believe that married working couples deserve the same tax treatment as singles. Now is the perfect time for action because the Congressional Budget Office (CBO) is anticipating an earlier than expected fiscal surplus.

For many Americans, the average marriage tax is approximately equal in value to half a year of car payments. With an extra $1,400, a couple might be able to send a child to the school of their choice. The bottom line is that the marriage tax is very real to many working couples in this country.

In fact, many working Americans are so skeptical of real tax relief that they have expressed doubt the Taxpayer Relief Act, which became law on August 5, 1997, would provide them with any real relief of their tax burden. Giving them the opportunity to choose to end their marriage tax penalty will go a long way in restoring their confidence in the process and tax reform. The Marriage Penalty Elimination Act would allow couples to select the filing status that makes the most sense to their personal finances.

Americans for Tax Reform supports the efforts of the Sophomore Republican Class lead the march towards tax relief for working American couples. We support efforts to enact the Marriage Tax Elimination Act for America's working couples. We would like to thank you and Davis McIntosh in particular for your efforts.

Sincerely,

GROVER G. NORQUIST.

HEALTHY PRACTICES FOR CHILDREN AND FAMILIES

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, during the past several years, the American Health Foundation, which is based in New York City, has led the charge to reestablish National Child Health Day. Initially proclaimed by President Coolidge back in 1928, this day had unfortunately fallen from our national calendar before being taken up by this foundation. In an effort to bring Child Health Day back on to the calendar, Congressman JOHN PORTER and I recently invited Members of Congress to attend a bipartisan luncheon here in the Capitol which was hosted by the American Health Foundation. While focusing on children's health and healthy behavior is something we should do every day, Child Health Day has the potential to focus our Nation's attention on this issue like never before.

Beginning on October 6, which is National Child Health Day, families across this country are encouraged to make the healthy practices pledge. This pledge consists of five healthy habits that our children can learn at a young age and which can create the foundation for healthy adult lives.

I have been working to take the message of Child Health Day back to my home State of Massachusetts, and on October 6, Massachusetts will proudly unveil the first and only State report card on children's health modeled after the American Health Foundation's national publication. This report is being put together by a team of local volunteers to quantify our strengths and weaknesses in the area of children's health so we can see what we have done right and address those areas where we can improve.

While we have several events planned in my district that will address both children's health and early childhood development, these efforts will be wasted if people do not take the message of keeping children healthy into their homes and to their own families.

Mr. Speaker, I want to take a couple of minutes today to share this pledge that has been put together with my colleagues, and I urge all of those parents who are watching here today to agree to sign this pledge. As my colleagues can see, the five items here are not impossible to achieve, and they could make a lasting difference to the lifelong health of our children.

First, have a healthy breakfast. While those of us caught up in the rat race seem to rush around more today than ever before, there is no reason to leave for work without making sure that our kids have the nutrition they need to start their day. Let us show our kids that we care about this issue and make certain that we at least take the time to sit down with them for a healthy breakfast at least at a minimum 1 day a week.

Second, stop smoking. Children learn by example. Ninety percent of today's smokers became addicted while they were still children. If one personally cannot kick the habit, try to make it a habit not to smoke in front of your children or grandchildren.

Third, engage in physical activities. Watching television is the No. 1 after-school activity for American 6- to 17-year-olds. Childhood obesity is on the rise to the point where some 25 percent of our children are believed to be overweight. Let us make a pledge to teach our children the value of exercise. Supporting our children in sports or just getting out the door and taking a walk will teach our children the importance of healthy physical activity.

Fourth, live and play safely. In my own State of Massachusetts, some 40 percent of parents do not buckle their children in the car. Every day, buckle up. Put your children in the back seat with their seatbelts snugly fastened, secure rear-facing infant seats in the back seat, and have our children wear helmets when biking and in-line skating, and teach them the importance of sunscreen and proper sunglasses. We all know these few steps can really help save lives. We need to commit ourselves to making them a central part of enjoying the outdoors with our kids.

Finally, we need to teach kids to take care of their teeth. Prevention here is so simple. In 1987, some 27 percent of our kids had untreated tooth decay. The number of children who do not brush regularly is staggering. Again, we are the ones who need to set a good example for our kids. Let us make a point to show our kids how important good oral hygiene really is.

Mr. Speaker, although these tips require some effort and planning on our part, their long-term benefits will lead to the better health and full development of our children. Child Health Day gives us an important opportunity to lead the way toward healthier lives for our children. I urge my colleagues to join with me in reestablishing October 6 as a day for us to celebrate our national commitment to our kids.

PROBLEMS WITH FAST TRACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, I come to the floor this afternoon to talk about fast track. Recently the President has requested fast track authority from the United States Congress to extend the NAFTA-like trade agreements to South America, Chile, and the Caribbean Basin.

Mr. Speaker, what the fast track authority really does is extend trade agreements to countries without any chance of the U.S. Congress or the U.S. Senate to amend, alter, or change these agreements. We are very concerned about this fast track authority. We do not know what the rush is and why we have to enter into another fast track type of agreement when we find problems with past fast track legislation, namely, the NAFTA agreement.

In the past, Mr. Speaker, when we may have criticized fast track agreements, and it centered on labor or environmental concerns, and these are good reasons to oppose fast track if they do not address our environmental or labor concerns, but there is a third reason

and maybe a more pressing reason to reject this new fast track authority for the President if the fast track legislation does not contain food safety and pesticide use and control of fruits, vegetables, meats, poultry coming into this country.

Food safety should be of the utmost concern of all Americans. It is not a trade issue, it is a safety issue, based upon the food we present to our family each and every day.

If we take a look at the NAFTA experience, Mr. Speaker, we find that over the past 3 years that NAFTA has been implemented, we find that the standards for food safety, pesticide use on food and products coming into the United States has actually been lowered under NAFTA. Why should our standards, our high qualities that we enjoy here in the United States to ensure proper food, nutrition, and safety on our dinner tables, be waived or lowered in the name of some fast track agreement?

If we take a look at the May 1997 General Accounting Office review of the NAFTA and the food safety issue, we find that over 9,000 trucks per day come into this country from Mexico. That is 3.3 million trucks a year. When we take a look at it, there is very little or no enforcement or inspection of these vehicles entering the United States.

For instance, the GAO study reports that strawberries alone has an 18-percent violation of our health food and safety standards. Carrots have a 12-percent violation. Head lettuce that comes into the United States from Mexico, 15 percent of them are found to be in violation of our food and health standards. Now, these are not my statistics, or it is not my report, but that of the Government Accounting Office, May 1997 study.

When we eat contaminated food, we have problems, as we have seen recently in this country, with E. coli, or hepatitis A. Hepatitis A along the Mexican border with Texas has a 2 to 5 times greater hepatitis outbreak in certain counties in Texas than the national average, and it is directly related to food entering into the United States not properly cared for, inspected, and treated before it is being placed on our tables. Even in Michigan where I am from, Mr. Speaker, this past year we had 130 schoolchildren who were infected with hepatitis A when they consumed strawberries that were grown in Mexico.

When we talk about pesticides, which ones can and cannot be used to grow fruits and vegetables, many of those standards are waived under the current NAFTA agreement, and I am afraid that under the new fast track authority for the South American and Caribbean Basin that there will not be adequate pesticide standards placed in that agreement.

Again, this is not a trade issue, but really a safety issue. We should not lower our standards. We should not jeopardize the health and safety of our families in the name of trade, but let us not lower our standards.

Mr. Speaker, the gentleman from Ohio [Mr. BROWN] and myself have been preparing a letter to send to the President which asks him, before he agrees to any fast track authority, we would ask him and we would urge him to do the following: Renegotiate the provisions of NAFTA which relate to border inspections and food safety, and ensure that any future requests for fast track authority include strong food safety protections. Increase the funding for border inspections, or in the alternative, limit the increasing rate of food imports to ensure that safety of our food is paramount at the time of inspection. We would also ask the President to begin an aggressive program to label all food, including fresh and frozen fruits, vegetables, and meats, and also place what country they are from.

What we find now is food coming into the United States, and they are in a big truck or container ship.

FAST TRACK DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Ohio [Mr. BROWN] is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I got confirmation yesterday from the Embassy of Chile that former Presidential candidate Bob Dole is going to represent the Government of Chile against the United States in a trade dispute over salmon. The Embassy expressed the hope and expectation that former Senator Dole would advise the Chilean Government on its political strategy on the fast track debate currently underway in the United States Congress.

I would urge Senator Dole to reconsider his decision. Unfortunately, this is business as usual, and it underscores how bad trade agreements make their way through Congress. Foreign governments have tremendous resources to hire American lobbyists and Washington DC law firms with powerful connections. Often these lobbyists are prominent ex-Members of Congress, former Senators, and ex-trade officials. But Bob Dole is different. He is not just another politician. I am not saying that Senator Dole has done anything wrong. He left the Senate in June 1996, so he is not bound by the 1-year revolving door laws.

□ 1300

He is free to represent Chile if he wants. But I am saying that this is too much business as usual. Senator Dole is playing on the visitor's team, and we want him back on the home team. We want him on America's team, not Chile's team. Chile has threatened to take the United States to the World Trade Organization if we act to protect our American salmon farmers and salmon fishermen.

What do the American people think when they see Bob Dole working as a lobbyist for a foreign government which is suing the U.S. Government? I believe there are many American working families, particularly in New England, especially in Maine and in the State of Washington and in the Pacific Northwest and in the State of Alaska, who will be astounded to learn that the same Bob Dole who asked for their support in a Presidential election just 10½ months ago is now trying to beat them and take their jobs in the international arena.

Clearly, this sends the wrong signal to the American people. Clearly, that is why I am asking Senator Dole to reconsider his decision.

We are going to have a tough and vigorous debate over fast track legislation in the House of Representatives. There are many of us, especially on the Democratic side, who are adamantly opposed to fast track without labor and environmental provisions and safeguards. We know we have a tough fight on our hands. We want to keep focused on the issues: jobs in America, environmental protection, food safety, worker and labor provisions, truck safety. We are going to take our case to the American people.

Senator Dole has signed on to help Chile with its political strategy for fast track in the U.S. Congress. This is a perfect example of how things like fast track get approved, even when the American people are so adamantly against them.

USDA ACCOUNTABILITY AND EQUITY ACT OF 1997

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the National Black Farmers Association marched yesterday in front of the White House. They marched for equality, they marched for change, they marched for fairness, and they marched for justice.

Why do they march, we may ask? They march because the USDA has a documented history of discrimination against blacks and other minority farmers. Over the last 32 years there have been numerous reports declaring and describing the problems of deliberate discrimination by the USDA against black farmers, by agencies such as the U.S. Commission on Civil Rights, the inspector general, and our

very own Committee on Government Operations, as it was known then.

Farmers and ranchers are invaluable resources to all of us. American producers, who represent less than 3 percent of the total population, provide more than enough food and fiber to meet the needs of our Nation, as well as many nations overseas. By now it should be clear that it is not in our national interest to accept the elimination of small farmers, family farmers, nor minority farmers and the limited resource farmers in the name of progress.

From 1910 to 1993 the number of American farms have declined from a little more than 6.4 million to less than 2.1 million, roughly a 70-percent decline and decrease. This decline is even greater in the year 1997. The decline in minority farmers is even sharper.

In my home State of North Carolina, there has been a 64-percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992. There are several reasons why the number of minority and limited-resource farmers are declining so rapidly, but the one that has been documented time and time again is the discriminatory environment present in the Department of Agriculture, the very agency established by the U.S. Government to accommodate and assist special needs of all farmers and all ranchers.

The General Accounting Office found instances of discrimination in fiscal years 1995 and 1996. GAO also found the disapproval rates of loans were 6 percent higher for minority farmers than the 10 percent rate for the nonminority farmers. The very next month two related reports were released: the Office of Inspector General's Evaluation Report for the Secretary on civil rights issues and the Civil Rights Action Team Report.

The authors of these hard-hitting reports came to the identical conclusion that those who had looked at this issue some 32 years before did. There are significant problems of discrimination within the Department of Agriculture. The very same conclusion, 32 years later.

The farmers and ranchers of America, including minority and limited-resource producers, through their labor and sustained effort, sustain each and every one of us and maintain the lifeblood of our Nation through providing food to us. Without these hard-working men and women, how could we be fed and clothed, regardless of their race?

These people do not discriminate with their product. That is why, Mr. Speaker, each of us should commit ourselves that we should not have the extra burden of discrimination or racism rearing its ugly head. Secretary Glickman has said he is personally committed to returning USDA to its original status as a people's department, to serve all the people, all the people, without regard to their racial identification.

I am equally committed in that effort to achieve that goal. I introduced H.R. 2185, the USDA Accountability and Equity Act of 1997, in conjunction with the gentleman from Georgia, Mr. SANFORD BISHOP, the gentleman from Alabama, Mr. EARL HILLIARD, and the gentleman from Mississippi, Mr. BENNY THOMPSON.

Mr. Speaker, we all should have the goal that discrimination has no basis for the farmers and producers for all of America. Please, Mr. Speaker, I urge all my colleagues to join with me in that goal.

WE MUST REMEMBER OUR POW'S AND MIA'S

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. SANCHEZ] is recognized during morning hour debates for 2 minutes.

Ms. SANCHEZ. Mr. Speaker, last Friday I joined the Veterans of Foreign Wars from my district in recognizing and remembering Prisoner-of-War, Missing-in-Action day. POW–MIA day offers us an opportunity not only to remember and recognize those that we have lost, but also to rededicate ourselves to the cause of finding these men or their remains and bringing them home to their family and to their grateful Nation. We must work together to ensure the fullest possible accounting of these men, for their families and for all Americans who have benefitted from their fight for liberty and freedom.

There are still over 164 POW's and MIA's from California from the Vietnam war unaccounted for. This means that these 164 men will not walk home tonight to their wives and children, 164 men who will not be able to enjoy the freedom for which they gave the last full measure of devotion.

I urge my colleagues to join me in recognizing and in remembering these men. We must continue to fight and remember those we have lost in battle for freedom. Until all of these men from throughout this country have been accounted for, we must not rest in our efforts.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 8 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. PEASE] at 2 p.m.

PRAYER

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

As we offer our thanks and praise to You, O gracious God, we listen to Your word of faith, Your message of hope, and Your gift of love. Enable us as best we can to hear Your word even with the clamor of the world about us compelling our attention and demanding our allegiance. Help us to distinguish Your message of justice and mercy and humility from the cries of any false prophet who prescribes words of selfishness or arrogance. We are grateful for Your favor to us, O God, by which You bless us and our Nation, and we pray for Your benediction upon us, now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CHABOT 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.

EDUCATION AT THE HEART OF THE AMERICAN DREAM

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

Mr. BALLENGER. Mr. Speaker, if any issue goes to the heart of the concept that every child should have a shot at the American dream, education is it. Without a good education, many dreams will lie forever beyond the reach of those who wish to get ahead in life.

But there are many difficult obstacles standing in the way of a good education, especially for those born to disadvantage and hardship. Of course, it is easy for the liberal elite, safely ensconced in their suburban homes and enclaves, to send their own children to exclusive private school. But the disadvantaged, the very same people they pretend to champion, do not have that luxury.

That is why it is particularly distressing to see that the liberal elite is opposed to giving kids a chance to go to a better school, all because the special interests would see their power threatened.

This issue cries for some kind of fairness. It is not fair that some kids have to start out with two strikes against them. Let us give parents a choice so more kids will have a chance. Parental choice means more kids will realize their dreams.

IRS HAS A QUOTA SYSTEM

(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, according to news reports, the IRS has a quota system. IRS agents got bonuses for ripping off taxpayers. And many times taxpayers settled their cases even though they were innocent.

What is so shocking about all that? The American people have known this for years, and the American people have been telling us the IRS is incompetent, the IRS is arrogant, the IRS has abused their powers. It has gotten so bad the IRS is even above the law.

That is right, in America the accuser has the burden of proof, but not in a civil tax case. The IRS accuses, the taxpayer must prove their case. Beam me up.

Let me say this. There can be no true reform in American tax law without changing the burden of proof. It is time to handcuff them to a chain link fence and flog them with their own hefty Tax Code.

I yield back their unauthorized seizures and excessive penalties.

THE MEMORY PROBLEM AT THE WHITE HOUSE

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

Mr. CHABOT. Mr. Speaker, I think I am beginning to understand what the problem in education is today. It is pretty clear that everyone in the White House was educated in the 1960's style feel-good mushiness where rote memorization was taboo. How else to explain the astounding number of times the White House officials say "I don't recall, I can't remember" whenever they are asked to testify about all the various White House scandals under investigation.

Mr. Speaker, what else are we to conclude if even the so-called best and brightest seem to have no capacity whatsoever to recall simple facts about the misdeeds of their employees? Is this perhaps a medical condition that we should be aware of, some kind of environmental problem in the water over at the White House that strikes at the very heart of the memory process?

Mr. Speaker, the "I do not recall" problem over at the White House should not be allowed to infect the rest of the Nation, especially as children everywhere are heading back to school. Children should be taught that memory skills are important, too, that rote memorization that many of us had to do in schools, even if they are in short supply down at the White House.

MEMORY PROBLEM EXTENDS ACROSS AMERICA

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

Mr. DOGGETT. Mr. Speaker, I find that memory problem not limited to the White House. Indeed, I find it extending across America. If you ask the people of America when is the last time that this Congress did anything to reform the problems of campaign finance, most people will have to scratch their head and say, "Gee, I can't remember. I don't recall the Congress doing anything."

Yes, there were a lot of hot speeches about wrong here on one party or wrong here on another, but in terms of getting down to constructive reform to do something about changing the system in which special interests dump millions and millions of dollars into the coffers of both parties, nothing has been done because Speaker GINGRICH refuses to schedule a ban, backed by Republicans and Democrat, a ban on soft money.

At least some Members of this Congress in the other body have moved from investigating to legislating. It is time for this House to do the same thing. Then no one in America will have a memory problem because not only will we prosecute and enforce existing laws, but we will clean up a system that has gone bad.

FURTHER TAX REFORM NEEDED

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

Mr. NEUMANN. Mr. Speaker, I would like to begin by just briefly responding to my colleague from the other side of the aisle and suggest that with the laws currently on the books, millions and millions of dollars came in illegally, and I think we need to enforce those laws that are on the books where there are clear-cut violations at this time.

But I rise today really to call attention to the part of the recently passed plan that balances the budget for the first time since 1969, reduces taxes for the first time in 16 years, and restores Medicare to that part of the plan that specifically addresses education, because education is extremely important in this Nation.

As a former math teacher, I know that without a proper education, our students do not have a shot at the American dream. In this tax cut package we have $1,500 for most freshmen and sophomores in college. That is, when their parents fill out their tax forms next year, they will simply subtract $1,500 of the bottom line and keep that in their own homes, instead of sending it to Washington, DC. For most juniors and seniors that number is $1,000.

For grandparents and parents who would like to start saving for their children's education in the future, we have established an account called an Education Savings Account, and it works like this: You can put up to $500 per year per child into the account to prepare for their education.

CAMPAIGN FINANCE REFORM NEEDED NOW

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this weekend over a variety of morning news shows the comment was raised as to where are the defenders of the President and Vice President of the United States.

I think, first of all, we should hold those offices, as we have done in years past, with great respect. But I do think that we will find in the wallowing of partisan politics those two individuals used as the most recent scapegoats in the refusal by the majority of this Congress to deal realistically and forthrightly with campaign finance reform.

Over 50 percent of Americans have said "The heck with both of you, Republicans and Democrats. You are both involved." So the real issue is not whether the President and Vice President acted within laws of which they did, but it is a question of addressing forthrightly the idea of cleaning up this mess called getting elected, through campaign finance reform.

We believe that we should have campaign finance reform. The real issue is will the Republican leadership bring campaign finance reform to the floor of the House for us to address it realistically, or will they wallow in the continued accusations that make no sense, because one can easily point the finger at the other side of the room, and do nothing.

THE TAXPAYER RELIEF AND PROTECTION ACT

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

Mr. KNOLLENBERG. Mr. Speaker, I just want to remind the gentlewoman who just spoke, it is enforcing the existing laws that really should be looked at, enforcing the laws in effect now.

Mr. Speaker, while the recently enacted tax relief package represents a major step in the right direction, tax cutters cannot stop and rest on their laurels.

Taxes are still too high, and many Americans, primarily single adults without children, will receive little or no relief from the recently enacted tax cuts. Therefore, it is imperative, I believe, that we provide the American people with more tax relief.

In the next few days I will introduce a proposal that offers the next logical step in our efforts to increase the take-home pay of the American people. My proposal, the Taxpayer Relief and Protection Act, cuts marginal tax rates across the board by 5 percent, it eliminates the marriage penalty, and it moves the tax filing date from April 15 to November 1.

This proposal benefits every American who earns a paycheck. It injects some fairness into the Tax Code, and makes it harder for Washington politicians to raise taxes in the future.

Mr. Speaker, I urge my colleagues to support this bill.

CRUNCH TIME FOR CAMPAIGN REFORM

(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, Sunday's New York Times says it all. It is "crunch time for campaign reform." The leader of the other body has even promised his Members a vote on campaign finance reform next month.

Mr. Speaker, I ask you, where is our vote? Where is the vote in the people's House? There have been 85 campaign finance proposals introduced, but there has been not one hearing on campaign finance reform. The Republican leadership is giving us no opportunity to debate the issue on the floor of this House and no opportunity to vote on any one of these 85 proposals.

The New York Times editorial goes on to say that "There are legislators in both parties who want to preserve a system that makes money more important than the public will."

Mr. Speaker, please prove that you value the will of the American people over your campaign coffers. Live up to the promise you made in New Hampshire over 2 years ago. Schedule a vote on campaign finance reform today.

CAMPAIGN LAWS BEING BROKEN

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

Mr. TIAHRT. Mr. Speaker, the President wants the Federal Government to set national standards for education. How well will it work? I think it will work at least as well as our campaign laws.

Last year campaign laws, which are a form of national standards, were twisted, turned, and outright broken. In Kansas, according to the Wichita Eagle, the Democrat National Party violated the law by laundering some $315,000 through individuals and county parties.

The first part of campaign reform is to obey the laws we have on the books today. The Democrat National Party apparently broke the laws by coming into our communities, while money laundering is not one of the values our communities like to uphold. Likewise, we do not need Washington to set our educational standards in the communities.

□ 1415

Kansas already has educational standards. Let us not degrade educational standards to the level of campaign laws.

TED TURNER'S GIFT

(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, Ted Turner's $1 billion gift to the United Nations is remarkable. This man saw a problem in this country, in this world, and he decided to help. He did not have to act, but he wanted to make a difference, and he will.

Ted Turner's gift is an inspiration to us all. It should inspire Congress to pay our debt to the United Nations. Bosnia, El Salvador, Somalia, as a community of nations, we have helped millions around the world.

Ted Turner's gift should also inspire each and every one of us to serve. Even though we all cannot give large amounts of money, we can care, we can get involved, in our schools and our neighborhoods, and we can make a difference.

So thank you, Ted Turner. You have reminded us all to be a little more caring and do a little more sharing.

AMERICANS ARE IGNORANT OF OUR NATIONAL HERITAGE

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

Mr. PAPPAS. Mr. Speaker, a recent poll showed that the majority of Americans do not even know the most basic facts about American history. Just listen to these revelations.

Six out of ten respondents did not know that the Revolutionary War began in 1775. Sixty percent did not know that Thomas Paine wrote "Common Sense," the political manifesto that helped inspire the revolution. Eighty-nine percent did not know that James Madison wrote the Bill of Rights. Thirty-six percent could not identify George Washington as the subject of the phrase, "First in war, first in peace, and first in the hearts of his countrymen."

In sum, the birth of this great Nation is a mystery to most of its citizens.

What can explain this development where generations of children graduate from school lacking in basic knowledge about American history? Academic fads, the substitution of nonsense for facts, the denigration of Western ideals and American achievements, and an utter lack of standards that are actually enforced. Unless that changes, generations will continue to graduate ignorant of our national heritage.

CAMPAIGN INTEGRITY ACT OF 1997

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

Mr. ALLEN. Mr. Speaker, those of us who are freshmen experienced the 1996 elections in a different way. There was soft money involved in those elections on a scale never before seen. Issue advocacy groups were participating in the election on a scale that has never happened before.

Beginning in February, our Freshmen Task Force sat down and tried to figure out how we could pass real campaign finance reform in this session. We proposed a soft money ban. That bill is now H.R. 2183, the Campaign Integrity Act of 1997. It bans soft money, it provides new restrictions or new requirements for disclosure on issue advocacy, and it tightens up candidate disclosure. It is a good bill. It needs to come to the floor of this Congress for a vote.

Mr. Speaker, I urge the Republican leadership and the other side not simply to keep investigating without legislating; bring this bill to the floor, and let us give the Members of this Congress a chance to do something besides investigate. Let us change the way we finance campaigns. Let us vote on the bill.

ROBERT STODOLA HOMELESS ASSISTANCE ACT

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

Mr. METCALF. Mr. Speaker, recently I introduced legislation to assist homeless veterans. H.R. 1754, the Robert Stodola Homeless Assistance Act, will require that at least 20 percent of the McKinney Home Assistance Act be allocated for activities designed to

serve homeless veterans. Many veterans' organizations have joined me in support of this legislation. Approximately 30 of my colleagues have joined in sponsoring this bill.

In time of need, we ask our veterans to defend this Nation. It is time for us to provide for their needs. Helping homeless veterans is a small price to pay to these people who in many cases have risked their lives so that we may remain free.

I am asking my colleagues to assist me in support of this worthwhile legislation by cosponsoring H.R. 1754.

FAST TRACK DEBATE

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

Mr. BROWN of Ohio. Mr. Speaker, former Presidential candidate Bob Dole has been hired by the Government of Chile to sue the United States in a trade dispute over salmon. The Chilean Embassy expressed the hope and expectation that Senator Dole would advise the Chilean Government on its political strategy on the fast track debate now being conducted in Congress. I would urge Senator Dole to reconsider his decision.

This is business as usual, and it underscores how bad trade agreements make their way through Congress. Foreign governments have tremendous resources to hire lobbyists with powerful connections. These lobbyists often are prominent ex-Senators, ex-trade officials, and ex-Members of Congress. However, Bob Dole is different; he is not just another politician.

I am not saying Senator Dole has done anything wrong. He left the Senate in June 1996, so he is not bound by the 1-year revolving door laws. He is free to represent Chile if he wants. Former Presidential candidate Dole is free to sue the American Government on behalf of the Government of Chile if he wants, but it is simply not right. Senator Dole is playing on the visitor's team. He should play on the home team. We want him on America's team, not Chile's team.

RAYMON ROEBUCK LEAVES HIS MARK ON HOUSE OF REPRESENTATIVES

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

Mr. STOKES. Mr. Speaker, I am saddened to announce the passing of a dedicated former employee of the House, Mr. Raymon Roebuck. I know that Members on both sides of the aisle join me in expressing our deepest sympathy to members of Raymon's family.

In 1993 we came together on the House floor to pay tribute to Raymon on the occasion of his retirement. "Chez Raymon," as he was affectionately known, decided to retire after 30 years of loyal service. In the cloakroom snack bar where he was employed, one could always count on Raymon's friendly conversation. Along with serving the best tuna sandwiches on Capitol Hill, Raymon also delivered accurate information on the number of votes we could anticipate and the time that the House would adjourn.

In addition to his friendship with Members of Congress, Raymon leaves a host of young people all over America whom he befriended and counseled when they served as congressional pages.

Chez Raymon has left his mark on this institution. We are saddened that we can no longer experience his radiant smile. However, we realize that God has called home a good soldier to rest. Raymon was a good friend and a loyal employee of the House of Representatives.

CAMPAIGN FINANCE REFORM

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, when it comes to finance reform, it seems our colleagues on the other side of the aisle would prefer to keep the focus on whether or not elected officials are using bad form rather than our desire for reform.

Despite their best efforts, our message is finally being heard. I thought the Wall Street Journal put it well on Monday in their publication. The story read, and I quote, "They," the Republican leadership, "have been pushing for an independent counsel for months, but they have resisted calls for sweeping changes in campaign financing."

We are being heard in major publications, and we are being heard in the Senate where the Committee has apparently agreed to shift its focus from fingerpointing to problem-solving. But we need to be heard on this floor, and we need to bring campaign finance reform to the floor of this House for a vote before we recess.

CAMPAIGN FINANCE REFORM FOR DEMOCRATS AND REPUBLICANS

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

Mr. DEFAZIO. Mr. Speaker, there is a flood of money corroding the foundation of our democracy. Now, the Republicans would have us believe that it is only the foundations on this side of the aisle or downtown at the White House that are endangered by this flood of money, but that is not quite true, because we remember Simon Fireman. Simon Fireman was the vice-chair of Bob Dole's fund-raising. He pled guilty to 64 counts of money laundering, paid $6 million in fines and 6 months in jail.

This is a bipartisan problem. Both sides suffer from this problem, and it does not serve either side to stonewall reform. There are many of us on this side of the aisle calling sincerely for just a debate, an open rule. Let us see what happens. Let us vote on campaign finance reform before we go home.

Even on the Senate side now they have relented, and they say they are going to take up campaign finance reform. Let us take it up here in the House of Representatives, or do many Members think, as the Speaker does, that there is not enough money spent on campaigns yet corroding our democracy.

CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. PEASE). This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD ABOLISHMENT ACT

The Clerk called the bill (H.R. 2343) to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

The Clerk read the bill, as follows:

H.R. 2343

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 "Thrift Depositor Protection Oversight Board Abolishment Act".

SEC. 2. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of the enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out the requirements of paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this Act shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person which—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this Act.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board between August 9, 1989, and the end of the 3-month period beginning on the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any such action or proceeding.

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation which—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(ii) are in effect at the end of the 3-month period beginning on the date of the enactment of this Act,

shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under section 3, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

SEC. 3. TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO THE SECRETARY OF THE TREASURY.

The authority and duties of the Thrift Depositor Protection Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are hereby transferred to the Secretary of the Treasury (or the designee of the Secretary) as of the end of the 3-month period beginning on the date of enactment of this Act.

SEC. 4. MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.

Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thrift Depositor Protection Oversight Board Abolishment Act".

SEC. 2. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of the enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out the requirements of paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this Act shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person which—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this Act.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board between August 9, 1989, and the end of the 3-month period beginning on the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any such action or proceeding.

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation which—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(ii) are in effect at the end of the 3-month period beginning on the date of the enactment of this Act,

shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under section 3, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

SEC. 3. TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO THE SECRETARY OF THE TREASURY.

The authority and duties of the Thrift Depositor Protection Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are hereby transferred to the Secretary of the Treasury (or the designee of the Secretary) as of the end of the 3-month period beginning on the date of enactment of this Act.

SEC. 4. MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.

Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 5. TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.

(a) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking "4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or" and inserting "2 times a year or at the request of"; and

(2) by striking the 2d sentence.

(b) CLERICAL AMENDMENT.—The heading for section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended by striking "AND LOCATION".

Mr. LEACH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa [Mr. LEACH] and the gentleman from New York [Mr. LAFALCE] each will control 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

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

Mr. Speaker, the bill before us, H.R. 2343, would abolish a Federal agency, the Thrift Depositor Protection Board, which was established to oversee the activities of the now defunct Resolution Trust Corporation and the Resolution Funding Corporation.

By background, the oversight board was created in the Financial Institutions Reform, Recovery and Enforcement Act, FIRREA, in 1989. FIRREA was the Federal Government's response to the massive financial crisis of the savings and loan industry and its insolvent insurance fund, the Federal Savings and Loan Insurance Corporation.

With the enactment of FIRREA, the Resolution Trust Corporation was created to close or sell the failed institutions transferred to it by the industry's new regulator, the Office of Thrift Supervision. The RTC was then tasked with selling the assets of failed thrifts.

FIRREA also established the Resolution Funding Corporation, REFCORP, a mixed-ownership Government corporation for the purpose of providing financing for the RTC. The oversight board was created to oversee the RTC and its use of taxpayer funds, as well as activities of REFCORP.

Today, the oversight board is no longer needed, given that its primary responsibility ceased when the RTC's doors were closed on December 31, 1995. The oversight board's remaining programmatic responsibilities are: First, oversight of the REFCORP; and Second, through fiscal year 1998, a nonvoting membership on the Affordable Housing Advisory Board.

H.R. 2343 would transfer the REFCORP oversight responsibilities to the Secretary of the Treasury, and the Affordable Housing Advisory Board would be restructured to eliminate the nonvoting seat held by the oversight board. As a result, CBO estimates the passage of this bill would result in annual savings of over $250,000 in personnel and overhead costs for the remaining 33 years of the board's life. In short, the bill will abolish a Government agency that is no longer needed and result in significant savings to the taxpayers.

H.R. 2343 has the support of all three members of the oversight board, Acting Chairman Hawke, Secretary Cuomo, and Chairman Greenspan. In addition, the Committee has been informed that the Office of Management and Budget has no objection to this legislation.

In terms of procedure, the committee held a hearing on September 9 and favorably reported the bill on a unanimous voice vote. In this context, I would like to express my appreciation to Mr. LAFALCE and Mr. VENTO for their cooperation in this endeavor and for the corrections day task force for its constructive support. I hope this commonsense legislation will receive the approval of the House. After all, the bill eliminates an unneeded Government agency, has bipartisan support, and saves the taxpayer money.

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

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

Mr. Speaker, I join with the distinguished chairman of the Committee on Banking and Financial Services in urging the House to pass H.R. 2343, the Thrift Depositor Protection Oversight Board Abolishment Act.

The legislation was adopted unanimously by our Committee on Banking and Financial Services by voice vote. It formally abolishes the Thrift Depositor Protection Oversight Board which Congress created in 1989 to oversee the Resolution Trust Corporation.

The Oversight Board played a significant role in supervising the RTC's takeover and resolution of nearly 750 failed thrift institutions. However, since its elimination in 1995, the Oversight Board's activities have been minimal. Its only remaining responsibility involves overseeing repayment of the $30 billion in REFCorp bonds issued between 1989 and 1991 as part of the RTC's initial funding. This responsibility requires that the Oversight Board remain in existence for another 33 years, when the last REFCorp bonds are repaid.

Since the Treasury Department pays approximately $2.3 billion of the $2.6 billion in annual interest payments on the REFCorp bonds, most responsibilities relating to REFCorp repayment are performed by Treasury staff. Nevertheless, the Oversight Board must by law maintain separate offices and separate staff, and perform administrative and reporting functions imposed largely because of its existence as a separate entity of the Government. These functions require annual expenditures of over one-quarter of a million dollars.

Mr. Speaker, these are unnecessary costs that taxpayers should not have to continue paying for another 33 years. The abolition of the Oversight Board is supported by the administration, by the Treasury Department, and by all three members of the Oversight Board, including Federal Reserve Board Chairman Alan Greenspan. CBO reports that the legislation will produce annual savings of over $250,000, and OMB reports no objections to the bill.

An additional provision of the bill added during markup by our colleague, the gentleman from Alabama [Mr. BACHUS], would provide additional savings to taxpayers by reducing the mandated meeting requirements of the Affordable Housing Advisory Board. That board was created by Congress to advise the FDIC on the use of the sizeable stock of foreclosed residential properties it acquired from failed thrift institutions.

The FDIC also supports these changes. It is time to put these last vestiges of the S&L crisis behind us and to provide some tangible savings for taxpayers. I would urge adoption of the legislation.

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

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], the distinguished chairwoman of the Committee on Banking and Financial Services's Subcommittee on Financial Institutions and Consumer Credit.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding time to me, and I certainly thank the chairman of the subcommittee.

Mr. Speaker, I rise today as a full-fledged battle-scarred veteran of the savings and loan debacle. I was a member of this committee when we put into place the mechanisms that have been identified today that were so desperately needed to clean up and put this scandal behind us.

During the long hours we spent passing FIRREA back in 1989, as has been explained by the chairman and ranking member, we created the Resolution Trust Corporation so we were able to close or sell the failed institutions transferred to it by the OTS. That has all been clearly pointed out, and I think we did a good job, or they did a good job of that over the years. The chairman has already pointed out how in the process of that we created not only RTC, but REFCorp and this Oversight Board. And the dispositions of these properties valued at hundreds of millions of dollars was done without scandal.

However, I think that the fact now remains that since 1995, when RTC was terminated, having concluded its business, essentially, the primary role of the cleanup and oversight is now nonexistent. Its remaining functions are formal and routine at most, and can easily be carried out by the Treasury Department.

This legislation, in fact, transfers the REFCorp oversight and the board oversight to the Secretary of the Treasury and portions to the Affordable Housing Advisory Board. I strongly support that.

I want to commend the gentleman from Iowa, Chairman LEACH, for his leadership on this, and also reiterate the fact that all responsible people, including Alan Greenspan of the Federal Reserve Board, the chairman, and the Department of the Treasury and OMB have no exceptions. They all support this legislation.

It has been pointed out that the estimate is that it is going to save millions of dollars for the taxpayer, $250,000 per year, and it seems to me that in this age when we are all talking in the Congress about downsizing government and finding constructive ways to reduce overburdening regulation, this is a wonderful example of how we can constructively move in that direction, and at the same time, save the taxpayers' money.

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

Mr. Speaker, I thank the gentlewoman for her terrific leadership on this and so many other issues related thereto.

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

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. VENTO], ranking Democrat on the Subcommittee on Financial Institutions and Consumer Credit.

Mr. VENTO. Mr. Speaker, I thank the gentleman from New York [Mr. LAFALCE], the ranking member, for yielding time to me. I rise with the chairman and my colleagues to support the passage of this bill.

Mr. Speaker, the Resolution Trust Corporation initiated in FIRREA, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, was very important. In fact, they managed the closure or the assets of nearly 750 different S&L's, literally managing a half a trillion dollars over the course of its history, which, as my colleague, the gentlewoman from New Jersey [Mrs. ROUKEMA], pointed out, the RTC was folded into the Federal Deposit Insurance Corporation in 1995. In fact, many of the policies they followed were the policies of the insurance agency, the Federal Deposit Insurance Corporation, and one of its successors, the insurer of the S&L's.

In any case, the Oversight Board, which they are talking about today, played an oversight role. But many of us as well closely monitored the success and the problems of the RTC as they tried to navigate their way through the disposal of, as I said, literally hundreds of billions of dollars worth of assets. It was very controversial at times.

I think the Oversight Board did a good job. I think we in Congress did a good job in terms of monitoring the RTC, too, especially with the backdrop of the S&L crisis of the 1980's. We really needed to do that type of task. I commend my colleagues that we have reached this particular chapter. Hopefully we will continue to watch the FDIC and monitor its progress, if in fact problems should arise with the substantial issue of managing the billions in assets, a result of failed institutions that faced the Resolution Trust Corporation in the recent past.

Our congressional task force did a good job as did the oversight of the RTC. Now we are going to save $250,000 a year by eliminating it. It is no longer needed as an oversight group. I commend this measure to my colleagues.

Mr. Speaker, I rise in support of H.R. 2343, the Thrift Depositor Oversight Board Abolishment Act. I joined as a cosponsor of this legislation before its passage by the Banking Committee 2 weeks ago. Passage of this legislation is key for several reasons. First, it will draw the RTC era to a close. Second, this closure will potentially save the taxpayer more than $250,000 a year by ending the Thrift Depositor Oversight Board and transferring the few remaining and relatively routine functions to the Treasury Department. And third, they will provide for the abolition of an agency for all the right reasons: basically, the unique function and mission of the Oversight Board have been completed.

As any of my colleagues know, I served as the Chairman of the Resolution Trust Corporation [RTC] Oversight Task Force for several years. During those early times of the RTC, there were many, many implementation problems. We worked hard on the RTC Task Force, and with the Oversight Board on some occasions, to call for and require improvements in several areas such as internal controls and information systems. The task focused on a number of contract issues including procurement systems. I am certain that without our oversight, monitoring, and the improvements made because of it, the costs of the S&L crisis to the U.S. taxpayers would have been higher. There were ample problems with the RTC, and the practices of the FDIC deserve our continued monitoring.

Through the end of 1995, of the $105 billion provided for thrift resolution and asset disposition activities, $91.3 billion was released by the Oversight Board to the RTC. Actual loss funds used by the RTC from its inception through December 31, 1995, were originally estimated to be $87.9 billion. According to the latest GAO financial statement audit of the FDIC, however, total costs incurred were $86.4 billion. Innovation provisions written into the 1989 law, the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA], had to be congressionally monitored and followed closely. The RTC Oversight Board and the House's RTC Task Force did their jobs to be certain that the public focus was not lost.

During the 6 years of the RTC, 747 failed thrifts transferred to it were resolved. In the process, the RTC protected 25 million federally insured deposit accounts. The RTC disposed of $458 billion in assets through December 21, 1995, recovering $397 billion with a rate in excess of 86 percent of book value. The RTC disposed of more than 98 percent of the assets that came under its supervision. Roughly $7.7 billion—book value—in assets were placed under FDIC management when the RTC closed. These numbers do not adequately tell the story of the immensity of their task and the complex issues that this new Agency faced. They do show clearly, however, why vigilant oversight was very pertinent and critical at the time and in the future should the FDIC be engaged in a greater number of financial institution closures.

Additionally, Mr. Speaker, there was also a silver lining on the RTC cloud. The Affordable Housing Program disposed of 24,000 properties with a book value of $2.5 billion and also provided more than 109,000 housing units for low- and moderate-income families through the single-family program and the multifamily buildings. This program took assets we had in abundance and turned them into much needed housing opportunities for folks across the country.

Mr. Speaker, it is time to put the Oversight Board to rest. The RTC's work has been completed for some time now and the few tasks that remain can easily be absorbed by the Department of Treasury. The transition of assets, personnel and operations to the FDIC is complete. I thank the gentleman from Iowa for moving this bill expeditiously. I support passage of H.R. 2343 and urge my colleagues to support it as well.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I would like to conclude with one brief observation. Methodologically, this bill is being brought up under the Consent Calendar, and I would just simply like to state that I think this is a very appropriate manner to bring a bill of this nature to the floorup. I think it has been a very constructive and helpful circumstance to have the calendar which this is being brought up under. I apologize, I do not mean the Consent Calendar, I mean the new Corrections Calendar that was established for this kind of correction.

In any regard, I also want to particularly thank the minority for their help in this matter, and our committee for its unanimous support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the previous question is ordered on the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services and on the bill.

The question is on on the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mrs. MALONEY of New York. 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.

Pursuant to clause 5 of rule I, further proceedings on this question are postponed until after 5 p.m. today.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2414) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2414

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 "50 States Commemorative Coin Program Act".

SEC. 2. FINDINGS.

The Congress hereby finds the following:

(1) It is appropriate and timely to—

(A) honor the unique Federal republic of 50 States that comprise the United States; and

(B) promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage.

(2) The circulating coinage of the United States has not been modernized within the past 25 years.

(3) A circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent.

(4) It is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(k) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

"(1) REDESIGN BEGINNING IN 1999.—

"(A) IN GENERAL.—Notwithstanding the 4th sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

"(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

"(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

"(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

"(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

"(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year (of the 10-year period referred to in paragraph (1)), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

"(4) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(6) NUMISMATIC ITEMS.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, I am pleased to bring H.R. 2414 before the House today. H.R. 2414, which is known as the 50 States Commemorative Coin Program Act of 1997, would authorize the United States Mint to strike over a 10-year period a series of 50 quarters that would preserve the portrait of George Washington on the front or obverse side of the coin, and retain all the traditional mottoes and identifying marks the current quarter carries.

On the back or reverse side of the quarter, there would be a series of designs honoring each of the 50 States. The coins would be issued at the rate of 5 each year, starting in 1999, first in the order of States' ratification of the Constitution, then in order of their admission to the Union.

Such a program would reinvigorate our circulating coin program for both the public and collectors in a responsible, affordable way. In addition, it would be educational and fun, would promote pride among the States, and would be a winner financially for the Government.

Mr. Speaker, my subcommittee, the Subcommittee on Domestic and International Monetary Policy of the House Committee on Banking and Financial Services, has been studying the concept of a circulating commemorative coin since 1997. We have held public hearings, authorized an independent study conducted by Coopers & Lybrand, which is substantial, and have worked with the Treasury Department on all aspects of this issue.

We are confident that all questions regarding the design process, production, and public acceptance of the new quarters have been fully addressed. As Members may recall, the quarter, save

for a brief commemorative design on its reverse for the 1975–76 bicentennial, has been unchanged since 1932, the longest period for any coin in U.S. history.

Interestingly, the current quarter itself was intended as a circulating commemorative, scheduled to circulate only one year to commemorate the 200th anniversary of Washington's birthday. This country has not had a circulating commemorative coin since the very popular Bicentennial quarter.

While that coin commemorated the bicentennial of the country's birth and was not designed as a fundraising mechanism, it was very popular with both the general public and with coin collectors. Of the 1.67 billion quarters struck, only 20 percent are still in circulation, so approximately 330 million dollars' worth of coins were saved by people and taken out of circulation.

The fact that people save the coins saves the Government money. It represented a cost avoidance, meaning the Treasury did not need to borrow that money to pay interest on the national debt. Although this was not the original intent of this project, it turns out, based on the study commissioned last year by the Treasury Department and conducted by the accounting firm of Coopers & Lybrand, that minting a circulating commemorative quarter offering the 50 States would be a pretty impressive moneymaker.

□ 1445

Here is how the mint will earn an estimated $11 million annually, $110 million over the life of the program, from the sale of silver proof sets of the quarter. The Coopers & Lybrand study showed that, as with the Bicentennial quarter, the 50-State quarter will be very popular with the public. The study showed that while 51 percent of the 2,000 people surveyed said that they thought the program would be a good idea, 75 percent said they would collect some or all of the quarters.

Because the study found that an overwhelming number of people would save the quarters, Coopers & Lybrand estimated that between 2.6 and 5.1 billion dollars' worth of quarters would be taken out of circulation, meaning this program could save taxpayers billions of dollars.

Given that the survey excluded people under the age of 18, the entire universe of schoolchildren that might be expected to collect the coins, those figures seem very conservative. Estimates by the General Accounting Office and the Congressional Budget Office and the mint of the amount that would be collected are generally consistent with the Coopers & Lybrand study.

It must be noted that these estimates are necessarily a little imprecise because nothing of this scope, on average, roughly 700 million quarters will be minted of each State's design, ever has been attempted in this country before.

Our neighbor to the north, Canada, conducted a similar program in 1992 when that country issued a series of quarters commemorating the provinces. While the scale is much smaller, nearly all of these coins are said to have been removed from circulation by collectors so quickly that the supply of coins struck dried up in 3 months. Given this, the program will certainly be a financial benefit to the Government.

The program will also draw the interest of all Americans. As my colleagues have seen in the news, there has been coverage of the 50-State coin proposal on news pages and feature pages and editorial pages in newspapers across the country. Residents of many States have already been speculating what symbols would best represent their State.

In my home State of Delaware, the Wilmington News Journal conducted a contest in which Delawareans designed a number of creative suggestions, including an outline of the State, the old Cape Henlopen Lighthouse, the Delaware Blue Hen, and Caesar Rodney, who made a heroic ride to Philadelphia to vote in favor of American independence in 1776. The News Journal had well over 100 entries, and I am told that I should expect these designs in my office in coming days. As a matter of fact, they did a full feature in one of their sections in the paper on this subject.

Even informal contests, like the one in Delaware, will encourage school children and all Americans to learn more about the history of their States and suggest designs for their State's quarter to the Treasury. The public will have a chance to discuss the symbols and history of the States, and this will produce an even greater interest in this coin program.

It is important to point out that we have worked with the Department of Treasury to ensure that the design of the coins will be carefully managed to ensure that they maintain the high standards our coin designs have reflected over the years.

Treasury Secretary Rubin and I are in agreement that all the new designs should be dignified. To that end, the legislation authorizing the new quarters stipulates that the Secretary, and I quote, "shall not select any frivolous or inappropriate design." The bill also specifies that the Governors of the individual States, and I quote again, "or such other State officials or group as the State may designate" will consult with the Secretary of the Treasury, who will select the final designs.

When each State's final decision choice is sent to Washington, it must be approved by both the Federal Commission of Fine Arts and the Citizens Commemorative Coin Advisory Commission, the latter chaired by the director of the mint, before going to the Treasury Secretary for final approval. In other words, the Secretary of the Treasury has complete authority to ensure that the designs are appropriate and reflect the goals of the program and the high standards of our Nation.

Importantly, while the bill would have quarters struck in the order the States came into the Union, the quarters for the first year would represent Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut, there is provision for growth of the Union. The bill states that if any new State is admitted to the Union during the 10-year period when the commemorative quarters are being struck, the Secretary may, using the above guidelines, issue a circulating commemorative quarter for that State.

Mr. Speaker, the 50 State Coin Program will promote State pride, reinvigorate interest in our circulating coinage, help educate our young people, and produce savings for the Treasury. It has been carefully developed and will be of real benefit to the Nation. I urge the immediate adoption of H.R. 2414.

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

MR. FLAKE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to thank my colleagues for the expedited scheduling of what I believe to be a truly exciting event in the history of United States coinage, the 50 States Commemorative Coin Program Act.

This bill also marks the last time that I will have the opportunity to bring a bill to the floor as ranking member of the Subcommittee on Domestic and International Monetary Policy. Thus, it is both a proud and bittersweet occasion for me, particularly given the relationship that I have had with the gentleman from Delaware [Mr. CASTLE], chairman of this subcommittee.

It has been a tremendous experience that we have shared. We have had a great opportunity to bring bills before the floor, particularly coin bills, and have been in agreement in terms of numbers and standards and those things which we feel are important for the American people.

So I would like to thank the gentleman from Delaware [Mr. CASTLE] for the opportunity to serve as ranking member of this Committee on Domestic and International Monetary Policy.

In introducing this bill last year, the committee suggested several reasons as to why now is the time to introduce a series of circulating commemorative coins. We noted that it is appropriate to honor and celebrate our 220th anniversary as a republic. In addition, it was brought to our attention that Congress has not modernized U.S. coinage for nearly 25 years.

I am pleased to recognize and recommend this program to the House,

not only because it will reinvigorate the circulating coin program for both the public and collectors, but also because of the obvious educational benefits that can be derived from it.

Each of the 50 coins will bear an image capturing the unique character of each and every individual State. This will promote public awareness of the roots of the Federal system upon which our Nation is founded and increase knowledge of the individuality of each and every State in the Nation.

Beyond the educational dividends, the gentleman from Delaware [Mr. CASTLE] and I crafted H.R. 2414 to benefit the Federal budget as well. Indirect savings from the program will result in an estimated $3.4 billion, plus interest, gain for the Treasury over the 10 years that this program is in effect.

Beyond these issues, the circulating commemorative program for quarters makes management sense for the mint. Last year, the gentleman from Delaware [Mr. CASTLE], the chairman, and I produced a bill that would limit the number of noncirculating commemorative coins. As many here may know, there has been a glut on the commemorative coin market over the last few years, and the mint and numismatic community have urged Congress to reduce the number of commemoratives.

At the same time, we have been urged to authorize a circulating program. The program proposed in H.R. 2414 will strike a balance between the mint's productivity capacity and the desire to create artistic collectible coinage.

In what better way could we create excitement in U.S. coinage? This program, as one witness in committee hearings described it, would put pride back into the pockets of the American citizens. The American public will become more aware of the rich history of the U.S. coinage, which dates all the way back to the 1790's.

To illustrate this fact, we need to look back no further than 1976, the year we commemorated our Nation's bicentennial on the quarter. The bicentennial coins honored the people, places, events, and ideals which were the foundation of our great Nation.

I expect that the 50 States Commemorative Coin Program will reflect similar values which exist in each of our 50 States while also celebrating our Nation's diversity. Moreover, I believe the legislation will generate a collective pride among Americans about not only their home States, but also the United States in general.

Mr. Speaker, I hope that our colleagues will join us in support of H.R. 2414.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank my distinguished friend, the gentleman from Delaware [Mr. CASTLE], for whom we are all in such great debt.

Mr. Speaker, at issue with American coinage and currency is the need for stability and confidence, combined with the need for keeping up with the times. This bipartisan legislation, largely the work of the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE], chairman and ranking member of the Subcommittee on Domestic International Monetary Policy, uniquely is designed to maintain continuity by keeping George Washington on one side of the quarter, while celebrating American history, and particularly that of her 50 States, in new ways on the reverse side.

The legislation provides an opportunity for artistic expressions from our citizenry; it celebrates State history in an uplifting way; and it allows for collectors to collect all 50 quarters for only $12.50. Not only is this exciting approach educational, indeed fun, but the Government projects that the program will produce interest savings on the debt of between $2.6 and $5.1 billion.

I know of very few bills ever brought before Congress in which one can find a more unique combination of circumstance: a celebration of history, an exercise in artistic expression, and multibillion dollar savings to the Federal Government.

This modest modification of our coinage could not be more in the public interest. I congratulate the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] on their imaginative initiative.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from New York [Mr. FLAKE] for yielding me the time.

Mr. Speaker, I rise to support H.R. 2414, legislation intended to revitalize the American public's interest in our circulating coins. I surely join in all the remarks that have been made thus far by the gentleman from New Jersey [Mr. CASTLE], the gentleman from New York [Mr. FLAKE], and the gentleman from Iowa [Mr. LEACH].

This is a unique way to celebrate history, to celebrate the dual sovereignty that exists. We have a symbol of the Federal Government standard throughout each and every coin, and we allow for an expression from each and every State in celebration of the dual sovereignty.

But more than anything else, I want to take this opportunity to, while the gentleman from Delaware [Mr. CASTLE], as the chairman of the committee, is worthy of greatest praise for this particular bill, I want to single out the work of the gentleman from New York [Mr. FLAKE] because this may well be the last bill that he will report out to the floor and manage. His contribution, not just on this bill, but his contributions on countless bills and legislation and issues over the years has been virtually legendary.

He is one of those unique individuals who can and does reach out to all sides, whether Democrat or Republican, whether liberal or conservative, in order to find common ground. He is not only one of the most respected Members of this Chamber, it is quite clear too he is perhaps the best-liked Member of this Chamber, and I think that is because of the conciliatory approach that he has taken.

So, it is with some sadness that I participate in today's ceremony because it might mark the last bill that the gentleman from New York [Mr. FLAKE] manages.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. METCALF]. Let me just say, in matters of monetary policy and currency and coins, I do not think there is anyone other than the next two speakers on our side who have shown as much interest on this subcommittee. We appreciate that work.

Mr. METCALF. Mr. Speaker, in 1976, the U.S. Mint introduced the Bicentennial quarter. The success of this coin in the coin collecting groups was astounding. Today we have a new opportunity to change a coin for the better.

The new quarter, uniquely representing all 50 States individually, will be an outstanding addition to the coin family and will encourage coin savings. The earnings for the Treasury, let's hold it, can you imagine a Federal project earning money? But this time it is true. The earnings for the Treasury, by all indications, will be substantial.

I want to thank the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] for this positive legislation.

Mr. FLAKE. Mr. Speaker, I yield as much time as she may consume to the brilliant gentlewoman from the District of Columbia (Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from New York [Mr. FLAKE] for yielding me the time. I must say, I learned only today that this may be his last bill. I hope this is not his last hoorah, however. I am sure it will not be, especially since I understand there is a $23 million cathedral that awaits him in Queens.

May I also thank the gentleman from Delaware [Mr. CASTLE] for his kindness in agreeing to support a subsequent bill that he would cosponsor with me and with the other delegate to add us to the 50 States who are being commemorated with these coins.

I rise, then, in support of H.R. 2414. And I congratulate the chairman and

ranking member on a very innovative and worthwhile bill that manages to commemorate and make savings for the Treasury at the same time. Would that we could more often accomplish this dual feat.

□ 1500

We come to the floor, however, to remind our colleagues that this is a union of 50 States, four insular areas and the District of Columbia. I know it is important to all of us to think of our country in all of its fullness.

There are, of course, among us those of us who still sting from the fact that the vote that we won on the House floor was, in fact, taken back when the majority arrived. My taxpaying citizens have not forgotten that. It is one thing to take back a vote that we won on the floor and was approved by the courts. It is quite another to exclude our jurisdictions from a mere commemorative act. The fact is that there was no intent to exclude us, and we should have come forward sooner.

I very much appreciate the way in which the chairman has worked with me to see that the four insular areas and the District are subsequently included. I daresay, Mr. Speaker, that including us in the commemorative coin act means more to my district than to that of most Members. That has to do with our peculiar history. This bill seeks to, and I am quoting, promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography and the rich diversity of the national heritage. The commemorative coin, when it includes the territories and the District, will probably for the first time inform many Americans that there are such areas and the District.

The bill seeks also to encourage young people and their families to collect memorable tokens of all of the States, yes, and of the four insular areas and the District.

We are most pleased that we have been able to come to an agreement to support what is surely one of the more worthwhile and innovative bills that will come to the floor during the 105th Congress.

Mr. CASTLE. Mr. Speaker, I yield myself 30 seconds. I would like to just state that the delegate from the District of Columbia and I have had some very fruitful and meaningful discussions about this, and I am in agreement with her. We are going to cosponsor along, I am sure, with the delegates from the insular areas legislation that would hopefully be able to be added to this at some point in the future. I think there would be some historical and educational aspects of that that could be helpful to the young people of our country. We do have to go back to Treasury and do some clearance, but we will be glad to go to work on that right away.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. LUCAS], another Member who has been just of tremendous help in dealing with the issues of coinage, monetary policy, and related issues of our subcommittee.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to support H.R. 2414, the 50 States Commemorative Coin Program Act of 1997. Although most Americans are not coin collectors and do not give them much of a thought, coins are in reality a part of our daily lives. For most, the change in our pockets is something we do not think about. We simply pick through it when making a purchase, paying a toll on the highway, or buying a soda from a vending machine. Perhaps once in a while we may stop to look at a coin when it catches our eye. But for most of us, the pennies, nickels, dimes, and quarters are simply coins in our pockets.

In a sense, it is unfortunate that we take coins for granted, because they tell a story. For over 2,000 years nations and governments have used coins for commerce. And while many of those nations and governments have not survived, the coins that they created have survived the passage of time and provide a window into the past.

In the case of our Nation's coins, we are reminded of our Nation's history and of those people, places, and events which were part of what made this country great. Although I am confident that our Nation will survive for centuries, I believe our coins, and specifically these commemorative quarters, will leave a record for generations to come.

It is for that exact reason I am such an avid supporter of this legislation. H.R. 2414 will temporarily change how the quarter looks and replace it with designs emblematic of our 50 States. Beginning in 1999, there will be five new designs every year for the following 10 years, as the chairman and ranking member so eloquently pointed out, in the order in which the States ratified the Constitution.

I truly believe that the real benefit of this program is that it will encourage coin collecting by all Americans. Because this is a circulating program, there will be no surcharge, no fees that have often made coin collecting prohibitive for most Americans. The cost of collecting the commemorative quarter set will be $12.50 spread out over 10 years. This means that Americans, regardless of age or income, will be able to collect a complete set.

My vision is that this legislation will change the way we see coins. When this program is in place, I hope Americans will stop and take a look at the change they receive when making a purchase, instead of just throwing it in a pocket or a wallet. I hope everyone will stop to look at the designs on the quarters and reflect on our Nation's diverse and rich history which will be reflected in each design.

I would like to thank the gentleman from Delaware [Mr. CASTLE], the chairman, and the gentleman from New York [Mr. FLAKE], the ranking member, for introducing this legislation and for their efforts to bring it to the floor in such a timely manner. As someone with a personal interest in coins, I appreciate this effort to realize the potential of our Nation's coinage programs. Once again, I urge all Members to support H.R. 2414.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. I thank the gentleman from New York for yielding me this time. Mr. Speaker, I rise to support H.R. 2414, the 50 State Commemorative Coin Act. This is a worthwhile project for all the reasons that have already been pointed out and one that we should certainly support. The main sponsor, the gentleman from Delaware, certainly has a very worthwhile project.

There is one element of the project that I hasten to point out, and that is to suggest that in the future, instead of taking $12.50 out, we could perhaps move that to $13.75 by including the District of Columbia and the insular areas. One comes here to the House of Representatives and one of the things that is most notable about this institution is that the seals of all the 50 States and the insular areas and the District of Columbia are all around us. I take opportunity to point that out to various Members of the House so that they continue to remember us in their legislation.

As has already been indicated by the gentleman from Delaware, he recognizes that this legislation does not include the District of Columbia or any of the insular territories, and that he will work along with us to make sure that that defect and that deficiency will be corrected in the future.

If the purpose of this is truly educational, I can think of no areas that need more of an educational boost in the American consciousness than the insular areas. I repeatedly, even in my personal dealings in the Washington, D.C. area, have been routinely told that my driver's license is no good, my checks are no good because I come from a foreign country. When I hasten to point out that I am a Member of the House of Representatives, they would say they did not know they let foreigners in there. But I want to point out that without the District of Columbia and the territories, we really devalue our national symbols, and without us, we forget the contributions of millions of citizens to the life of this Nation.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the beautiful Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. I thank the gentleman for yielding me this time. Mr. Speaker, I rise to support H.R. 2414, the 50 State, soon to be 50 State, the District of Columbia and Territories Commemorative Coin Program, and to thank the gentleman from Delaware [Mr. CASTLE], the chairman, for agreeing to work with those of us who represent the District and offshore areas to have us included. I also want to thank the gentlewoman from the District of Columbia [Ms. NORTON] for her leadership and persistence on this issue and to join my colleagues in recognizing the efforts of the gentleman from New York [Mr. FLAKE] and his distinguished service to this House and this country.

Mr. Speaker, as the representative of the people of the U.S. Virgin Islands, full American citizens who have fought in record numbers alongside Americans from the District, Guam, American Samoa, Puerto Rico and the States, we want and deserve to be a part of this program. We look forward to having our young people and their families embark on this wonderful educational journey with their fellow Americans.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume. I have already spoken to the issue raised by the delegates who have been so eloquent in carrying their message here today. I think the historical perspective of what they say and what the District of Columbia says does make a great deal of sense. In fact, the more I hear, the more I like it, and we should go forward with that as soon as we can.

I would like to close not necessarily by talking about the legislation, but talking about the distinguished gentleman from New York [Mr. FLAKE], the ranking member, with whom I have worked for some 3 years now in the position of chair and ranking member. I do not know of any working relationship in this Congress which has been stronger than ours. We have never had a disparaging word between us. We have been in sync on practically everything. One time when he got rolled on something, he told me, and I got rolled on it almost as rapidly, on something we were not sure we really wanted to do.

He has been just an absolute pleasure to work with. I thought of presenting some sort of resolution having all 435 Members urging the distinguished gentleman from New York [Mr. FLAKE] to stay in Congress, but I thought his church might vote about 3,000 to nothing as opposed to 435 to nothing and perhaps be able to overwhelm us. We will miss him tremendously.

I do not know if this will be his last piece of legislation or not. If we can conjure up some other trouble out there, we probably will, because we have had a habit of doing that, but in case it is, I just want to give public recognition to one of the fine public servants in America today who has been called to a higher calling, if you will, and I respect that, much as it troubles me to have to lose him on the committee and in the Congress of the United States.

He has obviously been tremendously helpful in the preparation and presentation of this legislation, which, by the way, is not being heard here for the first time. We have been working on this for over 2 years together, and we have had many, many discussions with the Treasury and the mint working out and refining all of the details.

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

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume. I would just like to thank the chairman of the committee. This has been 3 wonderful years. I have enjoyed my tenure here over the last 11 years, both as a chairman of the Subcommittee on General Oversight and Investigations at a point and also as ranking member.

I can honestly say that I do not leave the Congress because of the changes that have taken place in leadership. I leave the Congress because the Lord has blessed me to build a wonderful church community in Jamaica, Queens, NY, with over 9,000 members in that church now and a myriad of community development programs, over 800 employees. It is impossible for me to maintain both my church responsibilities and the responsibilities of this Congress.

I was called at 15 to preach, and I was pastoring by the time I was 19. I am 52 now, so I know what my calling is, and though I leave this place with some regret, because I have been very fortunate to work with both sides of the aisle, no one any greater than the gentleman from Delaware [Mr. CASTLE] for the last 3 years. I certainly do appreciate the kind of respect that we have had for each other and the kind of work that we have been able to do. Hopefully as I leave, I am certain there are persons who can take up this mantle and continue in that kind of relationship.

I look forward to my days. Someone said I was going so I would have a lighter schedule. I would assure my colleagues that my schedule will be much heavier than it is even here. But I cannot do two full-time jobs. I have been working overtime in both. I am just privileged to have had this opportunity to be here.

My one regret about my congressional life is that my mother and father did not live long enough to see me come here, but I know that they rejoice in what I have been able to do.

I do hope the gentleman from New York [Mr. LAFALCE], soon to be ranking member, who has served on this committee with me and the gentleman from Texas [Mr. Gonzalez], who was chairman and ranking member, they have been exemplary in their work with me and legislation, and I am grateful for that.

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

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. PEASE]. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2414, as amended.

The question was taken.

Mr. CONDIT. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1515

PROVIDING AUTHORIZATION FOR ARBITRATION IN U.S. DISTRICT COURTS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 996) to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, as amended.

The Clerk read as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARBITRATION IN DISTRICT COURTS.

Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking "for each of the fiscal years 1994 through 1997" and inserting "for each fiscal year".

SEC. 2. ENHANCEMENT OF JUDICIAL INFORMATION DISSEMINATION.

Section 103(b)(2) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "sections 471 through 478" and inserting "sections 472, 473, 474, 475, 477, and 478"; and

(3) by adding at the end of the following new subparagraph:

"(B) The requirements set forth in section 476 of title 28, United States Code, as added by subsection (a), shall remain in effect permanently.".

SEC. 3. EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note) is amended—

(1) by striking paragraph (1) and redesignating the succeeding paragraphs accordingly; and

(2) by striking the last 3 sentences and inserting the following: "Except with respect to the western district of Michigan and the eastern district of Pennsylvania, the first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring 10 years or more after the

confirmation date of the judge named to fill the temporary judgeship created by this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled. The first vacancy in the office of district judge in the eastern district of Pennsylvania, occurring 5 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled. For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeships created under this section.".

SEC. 4. TRANSFER OF FEDERAL COURT JUDGESHIP.

The table contained in section 133(a) of title 28, United States Code, is amended by amending the item relating to Louisiana to read as follows:

"Louisiana:

"Eastern	12
"Middle	3
"Western	7".

The SPEAKER pro tempore [Mr. PEASE]. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentlewoman from Texas [Ms. JACKSON-LEE] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the Senate bill under consideration.

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

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 996, a bill introduced to reauthorize the existing Federal court arbitration programs established in Chapter 44 of Title 28 of the U.S. Code.

On June 23 of this year we passed by voice vote the House version of this bill, H.R. 1581. The bill reauthorizes 20 pilot arbitration programs which have been in existence in the U.S. district courts around the country for 20 years. These programs have been unquestionably successful over the years in resolving Federal litigation in a fair and expeditious manner and improving the efficiency of those Federal courts which participate in the program.

Upon consideration of this bill by the Senate an amendment was adopted to reauthorize another very successful reform from the Civil Justice Reform Act, the requirement that a list of each Federal judge's 6-month-old motions and 3-year-old cases be published and disseminated twice each year. According to one report, this reporting requirement has led to a 25-percent reduction in the number of cases pending more than 3 years in the Federal system.

The version of S. 996 being considered today contains two additional provisions. The first is an amendment to reauthorize for 5 more years certain temporary judgeships which are due to expire this year. Statistics compiled from the Administrative Office of the U.S. Courts indicate that the case loads in these districts require the continued use of temporary judgeships to prevent case backlogs. The amendment contains provisions similar to those introduced by the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, and Senator ORRIN HATCH, chairman of the Senate Judiciary Committee.

The other provision would transfer a Federal judgeship from the Eastern District of Louisiana to the Middle District of Louisiana. The amendment seeks to alleviate the burdensome caseload facing the Middle District there, which is four times the national average. The change is similar to the legislation Senator JOHN BREAUX has pending in the other body.

The current authorization of the arbitration programs expires on September 30 of this year, and thus there is some urgency, Mr. Speaker, in reauthorizing these very successful programs prior to that date.

I urge my colleagues to vote in favor of this bipartisan bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as well in support of S. 996, the House version of which was reported out of the House Committee on the Judiciary on June 23 of this year. S. 996 includes an extension of certain arbitration programs in the Federal district courts that have been in place now for 20 years. It is well known that as the court systems have increased both the interests of the public and the number of litigation matters that have appeared before our Federal courts around the Nation, and arbitration has been a very effective and useful tool to bring parties to the opportunity of resolution and fairness and equity and justice, and as proponents of that on the floor of the House I think it is extremely important that we give this vehicle an opportunity to work further.

This bill also creates a reauthorization of caseload reporting requirements from Federal courts, and might I say that as we secure these caseload requirements it was noted that part of the result is to assist judges in making sure they clean up cases that have been on the dockets for 3 years and motions for 6 months. I also hope, however, that the utilization of this data helps us to recognize the great burden that is placed on many of our district courts and will see us encouraging, one, the creation of new courts to help alleviate the burden because where we have burden and case logs, cases jammed, we also have a denial of justice. So this would hopefully help us to remedy the problems that we might have in overload in many of our Federal courts. This legislation also creates an extension of certain temporary judgeships and a transfer of a judgeship from one Louisiana district to another.

I am aware at this time, Mr. Speaker, of no objections to this legislation before us. I certainly would like to commend the hard work of the gentleman from North Carolina [Mr. COBLE] who worked very hard on this legislation. I am sure that many of our courts around the Nation, our Federal district courts, will appreciate some of the assistance that is given to them through this legislation, and I also thank the ranking member, the gentleman from Massachusetts [Mr. FRANK], for his leadership, along with our staffs for concluding work on this important piece of legislation.

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

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from Texas for her generous comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the Senate bill, S. 996, as amended.

The question was taken.

Mr. CONDIT. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REGARDING CANADIAN BORDER BOAT LANDING PERMIT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2027) 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.

The Clerk read as follows:

H.R. 2027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE IN CANADIAN BORDER BOAT LANDING PERMIT REQUIREMENTS.

(a) REVISED REGULATION.—Not later than 60 days after the date of enactment of this

Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall issue revised regulations for the implementation of section 235 of the Immigration and Nationality Act with respect to the requirement that certain individuals entering the United States from Canada by boat obtain a landing permit. The revised regulations shall provide that, in the case of a United States citizen traveling in a boat of not more than 65 feet in length (including a boat of not more than 65 feet in length (including a boat used for commercial purposes) on a trip between the United States and Canada of not more than 72 hours duration, the citizen need not obtain such a permit if—

(1) the citizen carries a United States passport for the duration of the trip; and

(2) the citizen is not an owner, or an operator, of the boat.

(b) SUNSET.—The revised regulations issued under subsection (a) shall cease to be effective on December 31, 1998. After such date, the regulations that were in effect on the day before the enactment of this Act with respect to the requirement that certain individuals entering the United States from Canada by boat obtain a landing permit shall resume to be effective, in the same manner and to the same extent as if this Act had not been enacted.

(c) REPORT.—Not later than March 1, 1999, the Attorney General shall report to the Congress on the impact of the revised regulations issued under subsection (a) on the number and nature of unauthorized entrances by individuals into the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the time and effort the gentleman from Ohio [Mr. LATOURETTE] has devoted in working with me to devise a bill that addresses the legitimate concerns of his Great Lakes constituency while at the same time keeping the U.S. border as secure as possible. H.R. 2027 carefully balances the two competing interests. I urge my colleagues to vote in support of this legislation.

By way of background American and Canadian small boat operators and their passengers returning to the U.S. from Canadian waters must either enter through a port of entry or possess approved I-68 forms issued by the INS and good for 1 year. While the I-68 forms allow individuals on boats to enter the United States without being inspected at each docking, the persons are physically inspected and entered into INS records once a year in applying at INS offices for the forms. H.R. 2027 would set up a pilot program whereby a United States citizen passenger on a small boat would be able to return from Canadian waters without an inspection or an I-68 form as long as the passenger was carrying an United States passport.

I do not want to leave the impression that I do not have concerns about any waiving of the I-68 requirement. The Subcommittee on Immigration and Claims recently held a hearing on alien smuggling in which it was learned that smuggling from Canada has been increasing and will continue to increase as beefed-up border control presence makes the southern border less hospitable. Unfortunately, smugglers will look for any available weak link in our border security apparatus.

However there are two aspects to the bill of the gentleman from Ohio [Mr. LATOURETTE] that minimize these security concerns. First, passengers must still carry U.S. passports. Because a passport is the identification document most difficult to counterfeit, alien smugglers will find it difficult to use. Second, experimenting with an I-68 waiver as a pilot program lasting until the end of 1998 will enable the INS to measure its effects and report back to Congress on whether making the waiver permanent is warranted.

Again, I urge my colleagues to vote in favor of H.R. 2027.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in opposition to the bill, and let me state from the outset that if a vote is called on this bill, it will not be because I called for the vote. It seems to me that we are getting votes on each one of the suspension bills today for other reasons. I rise in opposition to this bill not because there are not competing arguments, but because there are competing arguments, and I think my colleagues deserve to hear arguments on all sides of this bill.

This is a bipartisan bill, and a number of my colleagues on the Democratic side will be speaking in favor of it, and so I hope that my colleagues will just pay attention to the debate and make their own decisions about it.

We used to say when I was growing up that consistency is the hobgoblin of small minds, but we also used to say that when you ignore consistency sometimes you can be extremely hypocritical, and, so according, this dilemma here. On the one hand we are substantially beefing up our borders along especially the southern borders and throughout the rest of the United States. On the other hand, this bill relaxes our border around the Great Lakes, and it seems to me that we at least need to be aware that this is inconsistent with everything else we are saying about immigration policy.

The bill, like every other bill related to U.S. immigration policy, is about striking the proper balance between securing U.S. borders against illegal immigration while allowing trade and tourism to continue to flow freely. I am not convinced that H.R. 2027 strikes the proper balance between these competing interests. The fact is that the southwest border of the United States between Mexico and the United States is becoming more and more secure, or at least we are attempting to make it more and more secure, and as a result pressures are being increased on other borders for people to try to immigrate to this country illegally across other borders. There have already been incidents of smugglers bringing illegal aliens into the U.S. through upstate New York, and while there have been no reported incidents of alien smuggling on the Great Lakes, there have been innumerable instances of alcohol and tobacco products being smuggled across the Great Lakes into Canada to avoid the steep Canadian excise taxes. If we continue to relax the border on the Great Lakes we may be setting the stage for an influx of illegal immigrants directly into the heartland of the United States, and that is the dilemma we are in with this bill.

I think it is commendable to try to make it as easy as we can make it for citizens to get back, for our citizens to get back and forth, into and out of Canada. Unfortunately it is not possible always to know who our citizens are, and the law, as currently written, provides some protections while not creating so much of an inconvenience that it is unreasonable.

□ 1530

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. LATOURETTE], who has been a tireless advocate of recreational boaters who have to comply with the requirements of the I-68 form. While the subcommittee had concerns with the gentleman's earlier version of this legislation, he was willing to work with me and other members of the subcommittee, and that is much appreciated. Thanks to the gentleman from Ohio [Mr. LATOURETTE], H.R. 2027 strikes an important balance and ensures our borders remain secure and brings relief to the boating public.

Mr. LATOURETTE. Madam Speaker, I want to thank the chairman of the subcommittee, the gentleman from Texas [Mr. SMITH], for his cooperation and leadership on this bill. While, as the gentleman noted, we had a difference of opinion initially on this piece of legislation, I appreciate his

willingness to work out a compromise and move H.R. 2027 to the floor.

I also want to thank the gentleman from North Carolina [Mr. WATT], the ranking member of the subcommittee, and although I have not been as successful in convincing him of the worthiness of our bill as I was with the gentleman from Texas [Mr. SMITH], I do want to thank him for his cooperation and also appreciate the thoughtfulness of his remarks.

Madam Speaker, before I begin my remarks about the bill itself, I want to extend a personal apology to several supporters of this legislation who asked to be cosponsors of the bill, and, much to my disappointment, were not added. If there is one positive effect to this revelation, it is that I did not ignore any one Member of Congress, I excluded all of the potential cosponsors to the bill so as to not slight anyone.

Accordingly, I want to take a moment to mention the champions of the boating public who serve in the House on both sides of the aisle and thank them for their efforts on this issue. I want the record to reflect their cosponsorship of H.R. 2027.

They are the gentleman from Michigan [Mr. BONIOR], who happens to be the cochairman of the Congressional Boating Caucus; the gentleman from Michigan [Mr. DINGELL], the dean of the House, a bad one to leave off; my colleagues the gentleman from Ohio [Mr. TRAFICANT], the gentleman from Ohio [Mr. OXLEY] and the gentlewoman from Ohio [Ms. KAPTUR]; the gentleman from New York [Mr. PAXON]; the gentleman from Michigan [Mr. STUPAK]; also the gentleman from Washington [Mr. METCALF], and also on the floor with us here today is the gentleman from New York [Mr. LAFALCE], a tireless champion for the boating public as well.

Madam Speaker, earlier this year I introduced legislation to modify the I-68 program to allow greater flexibility for recreational boaters from the United States that wished to call on a Canadian port and return home without the inconvenience that that current program places on boaters.

The INS is charged with the important responsibility of keeping our borders secure from illegal immigration, a mission which I wholeheartedly support. Current law requires vessels that have visited Canada undergo a face-to-face inspection with INS upon return, but since 1963 boaters have been afforded the opportunity to apply for what is known as an I-68 permit that would allow multiple crossings without inspection.

This permit was issued without charge until 1995. They then began charging a $16 personal fee and required that all passengers apply to the INS office.

Until this change, many boaters thought they were complying with the law by calling in to customs and were unaware of the INS inspection requirement. This has caused much confusion along the Canadian-United States border because they are not required to pay a fee at Canadian-United States land crossings. These boaters rightfully wonder if once again they are being singled out as a broad target for additional user fees such as the ill-conceived FCC radio license fee.

Madam Speaker, I am a supporter of the fee-for-service concept and I believe that if a particular class of citizens is receiving an individualized service from the government, it should help pay for it. However, there appears to be no discernible increase in INS inspection activities for the recreational borders along the border with the I-68.

Additionally, if INS is willing to forego the face-to-face inspection requirement for a $16 annual fee, it appears it does not consider recreational boaters as a major conduit for illegal aliens, but rather as a source for additional revenue.

The I-68 permit has caused an adverse economic impact in my district, and I would suggest all of the districts along the Great Lakes border. This has translated in my district to 6,000 less boat trips and an economic loss of about $2 million for each of the countries involved in the destination spending.

With the counsel of the gentleman from Texas, Chairman SMITH, and the support of other members of the subcommittee, we have crafted a bill that we think crafts a good compromise. It will give boaters an additional option to the I-68 without compromising the security of the United States-Canadian border.

The bill will allow passengers on the vessel to utilize the U.S. passport, which is the document we use to travel all over the world, without paying an additional fee. Thanks to Chairman SMITH's wisdom, we have also included a provision that there will be a report sent to Congress that will evaluate the effectiveness of our change and will also sunset after a 1-year exploration period.

Also I wanted to commend the INS. They are now engaged in a pilot program where they have video phones installed in the district of the gentleman from New York [Mr. MCHUGH], and it is my hope that if we cannot eliminate either the fee or the I-68, eventually we can expand that pilot program to the ports of entry along the Great Lakes.

Again I want to thank the gentleman from Texas, Chairman SMITH, for his cooperation and also the gentleman from North Carolina [Mr. WATT], the ranking member.

Madam Speaker, with the balance of the time that I have been yielded, I would ask the gentleman from Ohio [Mr. TRAFICANT] if he has observations he wanted to make?

Mr. TRAFICANT. Madam Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Madam Speaker, I appreciate that very much and your efforts. I was part of an effort to offer an amendment last year that was approached but was finally dropped from the bill that deals with this particular issue. I would like to say that the arguments and positions presented in opposition by the gentleman from North Carolina [Mr. WATT] make a lot of sense, and I hope before it is all over some of those things will be worked out, because his position is very valid. I want to commend him for the effort he has made. We have an awful lot of boaters up there and I believe there has been an undue hassle. Sometimes we can cut through the red tape.

Mr. WATT of North Carolina. Madam Speaker, I yield 6 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Madam Speaker, I support the purpose of this bill to make it easier for recreational boaters to cross the waters between the United States and Canada. Very often those waters are as far from the one wall of this Chamber to the other wall of this Chamber. It is important to understand that. But I do think there are two modifications to the bill before us that I hope will be made in conference that could significantly improve the legislation.

One of the main complaints I hear about the current I-68 program is that a United States citizen who is invited to go on a pleasure ride aboard a friend's boat must first go to an immigration office to complete the I-68 application and pay the required fee even for a one-time recreational excursion that never stops in Canada.

This is crazy. This is crazy. So H.R. 2027 would take a step in the right direction by exempting passengers who are U.S. citizens from the requirement of obtaining an I-68 permit, but only if they carry a U.S. passport.

I have some difficulty with that, because the passport requirement is unprecedented with respect to the United States and Canada, and, in my judgment, extremely impractical. We are talking about friends who come up with their bathing suits and their children and they do not have passports to go out on these recreational boats for a swim, to fish, et cetera.

United States citizens have never been required to carry a passport to reenter the United States from Canada. Indeed, such a requirement would violate the specific intent of the United States-Canada Accord on our shared border to open and improve the flow of United States and Canadian citizens across the border. As a practical matter, requiring recreational boaters and their guests, many of them children, to carry a passport while boating, is quite unrealistic.

I understand they can have the I–68 instead, but the INS enacted regulations last week that attempt to simplify the process for obtaining these permits for some boaters by allowing applications to be made by mail. Well, this is a welcome change, but it does not alleviate the problem for most guests because the initial application must still be made at an immigration office.

For these reasons, I hope the final version of the bill will strike the passport requirement, and we never required a passport for Canada, while retaining the I–68 exemption for United States citizen passengers. As this bill provides, boat owners would still be required to obtain a permit.

Now, a second, even stronger complaint I hear from my constituents involves the fee that the INS began charging for these permits in 1995. Again, I am saying INS began charging fees in 1995. They did not charge fees before. They never wanted to, they did not, but in 1995, they looked at a law and said we think this law requires us to charge a fee. For 32 years they interpreted the law to say no fee is necessary and will not charge one, because the amount we raise is negligible. But for the past 2 years, because of this new interpretation of an old law, they have been charging $16 for individuals and $32 for family permits.

We need to change the law so that they can operate in the future the way they did for 30-some years. How much money have they raised per year by charging these fees? About $30,000. That is what we are talking about. It is peanuts. But insofar as the number of permits, well, in 1995, when no fee was required, we had about 10,000 permits; in 1996, with that fee, about 1,000; 1,000 percent more in 1995 than 1996. Who is adversely affected? American businesses along the border, where those recreational boaters are not stopping. That is who is being hurt.

I believe that Congress should provide direction to the INS by authorizing the Attorney General to eliminate the fee, the way they did for 30-some years. 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.

I again applaud the gentleman from Ohio [Mr. LATOURETTE] for his excellent leadership on this, and I look forward to working with the gentleman from North Carolina [Mr. WATT] and the gentleman from Texas [Mr. SMITH] as this bill proceeds and goes into conference.

Mr. LATOURETTE. Madam Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Madam Speaker, I want to thank the gentleman from New York [Mr. LAFALCE] for his thoughtful comments and suggestions. I can assure the gentleman that I support both of the proposals to improve the current I–68 program. The original legislation, as the gentleman knows, proposed exactly the gentleman's thoughts. However, in working through the legislative process with the subcommittee, it became apparent that such a proposal would not win the approval of the committee and hence no floor action.

I made it clear to our colleagues on the subcommittee that we hope the study included in this bill would give us evidence to come back and hopefully get rid of the fee and/or the I–68. I look forward to working with the gentleman, and I thank him for his thoughts.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Madam Speaker, I want to take us on a short excursion through the Second Congressional District of Washington State, one of the most beautiful inland waterways in the world. With over 200 islands, give or take a few, depending on the tide, it is no wonder that the San Juan Islands and Northern Puget Sound have been called the boating capital of the world. In fact, the San Juan Islands are always ranked among the top tourist spots in the Northwest, and on any given day in the summer months, thousands of boaters travel the inland waters between Canada and the United States.

But today, Madam Speaker, the Immigration and Naturalization Service in their infinite wisdom has decided that this kind of boating needs much more regulation. It is not enough that American boaters must report to the Canadian authorities when they enter Canada and to customs agents when they return from Canada. Now they must procure a special form from the INS called the I–68 form when they travel back and forth from United States to Canada. This form must be in the possession of every member on board the vessel at a cost of about $20 a head.

I frankly do not think the INS knows exactly what it is getting into. For one thing, where is the money coming from which will fund the hundreds of new INS agents that we are going to need to enforce this outlandish regulation? It will not raise that much money. Finally, I do not think many of my constituents are excited about going through the bureaucratic nightmare, drive perhaps 100 miles to an INS facility, stand in line for possibly hours, pay a $20 fee for a piece of paper that now gives them the OK by INS to travel into Canada and back.

Let me thank the gentleman from Ohio [Mr. LATOURETTE] and the gentleman from New York [Mr. LAFALCE] for their work on this issue. Let us not further increase bureaucratic redtape at the border for law abiding citizens.

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Let us get rid of one more Federal form, the I–68.

Mr. WATT of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me this time. I would like to thank the gentleman from Ohio [Mr. LATOURETTE] for his leadership on this issue.

Madam Speaker, I urge the passage of H.R. 2027. While not a perfect bill, it is a move in the right direction. This bill will establish a pilot program that aims to prove that once again, while the Federal Government has good intentions, its regulations can, at times, be overburdensome on American citizens.

For years, recreational boaters were permitted to obtain form I–68 from the Immigration and Naturalization Service, or INS, for free. This form allowed the boaters to reenter the United States without inspections on bodies of water along the Canadian border during the navigation season. In the Great Lakes, Canadian waters can be as close as a stone's throw away. In fact, in my congressional district, which has more shoreline than any congressional district except Alaska, and most of that shoreline is with Canada, we want the freedom to move back and forth without further interference and disruption from the Federal Government.

Two years ago, the INS began charging a fee for this form. What this all boils down to is that American citizens are paying a new fee for the privilege of reentering the United States. They are not receiving services, because that was the whole purpose of the form, to allow citizens to move back and forth freely without inspection. I find it incredible that we are now charging U.S. citizens for the simple act of reentering their own country.

Furthermore, individuals must apply and pay for this form in person. This may not seem like such a hardship to other States, but in northern Michigan, this could mean at least an 8-hour drive for many of my constituents to the nearest INS office.

This bill is simply an 18-month pilot program that reestablishes a system that has worked well for years. I urge my colleagues to support this legislation and to restore a small sense of integrity to the Federal Government.

Mr. SMITH of Texas. Madam Speaker, I have no further speakers, and I would hope the gentleman from North Carolina [Mr. WATT] would finish up with his speakers and we could proceed.

Mr. WATT of North Carolina. Madam Speaker, I yield myself the balance of my time to just say in conclusion that

this bill clearly is an improvement over similar legislation which passed the House on the Suspension Calendar last year, but there is no escaping the fact that the net effect of the bill is to further relax border security on the Great Lakes. While I understand that the current system may be inconvenient to Great Lakes boaters, I do not believe that such inconvenience justifies any further relaxation of the border along the Great Lakes, especially at a time when the Congress and this administration have increased efforts to secure all of America's borders against illegal immigration and drug smuggling.

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

Mr. CONYERS. Madam Speaker, I support this very narrow and time limited change to the law which will allow guests of boat owners sailing on the Great Lakes to be exempted from the INS I–68 permit. The I–68, called the Canadian border boat landing permit, allows boaters to travel to and from Canada without inspection for the entire summer boating season.

This bill will not exempt boat owners from I–68 permit requirements. It will merely permit a nonfamily member guest from having to apply for the I–68, paying $16 and waiting 2 weeks for the permit just to take a possible one time recreational ride on a boat on the Great Lakes. Guests will still be required to have a U.S. passport.

This bill is not a carte blanche opening of the Great Lake borders, it is tailored very narrowly. H.R. 2027 will sunset in December 1998 and requires the Attorney General to make a report to Congress on the impact of the revised regulation. Therefore, next year, INS will be able to ascertain whether this limited exemption has had any adverse impact on illegal immigration or narcotics smuggling. In the meantime, this small but important change will enhance tourism on both sides of the border.

The Great Lakes provide great summer recreation to many American citizens and Canadian nationals. In Detroit, we can see Windsor, Canada, and share the Detroit River with them. Many of my constituents vacation on the Great Lakes in the Upper Peninsula and frequently cross over to the Canadian shore. By modernizing the I–68 permit requirement we can ease the paperwork burdens on their travel as guests. I urge your support on this very narrowly tailored and practical bill.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2027.

The question was taken.

Mr. CONDIT. Madam 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. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDERS REGISTRATION IMPROVEMENTS ACT OF 1997

Mr. McCOLLUM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1683) to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as amended.

The Clerk read as follows:

H.R. 1683

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 "Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997".

SEC. 2. STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.

(a) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "with a designated State law enforcement agency"; and

(B) in subparagraph (B), by striking "with a designated State law enforcement agency";

(2) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

"(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

"(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

"(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators."; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "that consists of—" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:";

(B) in subparagraph (B), by striking "that consists of" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by"; and

(4) by adding at the end the following:

"(F) The term 'employed, carries on a vocation' includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and

"(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.".

(b) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(1) in paragraph (1)—

(A) by striking the paragraph designation and heading and inserting the following:

"(1) DUTIES OF RESPONSIBLE OFFICIALS.—";

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "or in the case of probation, the court" and inserting "the court, or another responsible officer or official";

(ii) in clause (ii), by striking "give" and all that follows before the semicolon and inserting "report the change of address as provided by State law"; and

(iii) in clause (iii), by striking "shall register" and all that follows before the semicolon and inserting "shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student"; and

(C) in subparagraph (B), by striking "or the court" and inserting ", the court, or another responsible officer or official";

(2) by striking paragraph (2) and inserting the following:

"(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

"(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

"(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.";

(3) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by striking "on each" and all that follows through "applies:" and inserting the following: "State procedures shall provide for verification of address at least annually."; and

(B) by striking clauses (i) through (v);

(4) in paragraph (4), by striking "section reported" and all that follows before the period at the end and inserting the following: "section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system";

(5) in paragraph (5), by striking "shall register" and all that follows before the period at

the end and inserting "and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration"; and

(6) by adding at the end the following:

"(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall ensure that procedures are in place to accept registration information from—

"(A) persons who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

"(B) nonresident offenders who have crossed into another State in order to work or attend school.".

(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(c)) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

"(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.".

(d) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking "The designated" and all that follows through "State agency" and inserting "The State or any agency authorized by the State".

(e) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking ", and State officials" and inserting "and independent contractors acting at the direction of such agencies, and State officials".

(f) FBI REGISTRATION.—(1) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking "and 'predatory'" and inserting the following: "'predatory', 'employed, or carries on a vocation', and 'student'".

(2) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(A) in subparagraph (A), by inserting "in a range of offenses specified by State law which is comparable to or exceeds that" before "described";

(B) by amending subparagraph (B) to read as follows:

"(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;"; and

(C) by amending subparagraph (C) to read as follows:

"(C) provides for verification of address at least annually;".

(g) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

"(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.".

(h) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(1) Section 4042 of title 18, United States Code, is amended—

(A) in subsection (a)(5), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(B) in subsection (b), by striking paragraph (4);

(C) by redesignating subsection (c) as subsection (d); and

(D) by inserting after subsection (b) the following:

"(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

"(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

"(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

"(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

"(A) An offense under section 1201 involving a minor victim.

"(B) An offense under chapter 109A.

"(C) An offense under chapter 110.

"(D) An offense under chapter 117.

"(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

"(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).".

(2)(A) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with "The results of a drug test" and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(B) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(i) by striking "The results of a drug test" and inserting the following:

"(e) RESULTS OF DRUG TESTING.—The results of a drug test"; and

(ii) by striking "paragraph (4)" each place it appears and inserting "subsection (a)(5)".

(C) Section 3563(a) of title 18, United States Code, is amended—

(i) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(ii) by striking "and" at the end of paragraph (6);

(iii) in paragraph (7), by striking "assessments." and inserting "assessments; and"; and

(iv) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

"(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(D) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(E) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: "In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(3)(A) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this paragraph.

(B) In relation to persons sentenced by a court martial for conduct in the categories specified under subparagraph (A), the Secretary shall prescribe procedures and implement a system to—

(i) provide notice concerning the release from confinement or sentencing of such persons;

(ii) inform such persons concerning registration obligations; and

(iii) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(C) The procedures and requirements established by the Secretary under this paragraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by paragraphs (1) and (2).

(D) If a person within the scope of this paragraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(i) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and".

SEC. 3. SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(b) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act, except that—

(1) paragraphs (1), (2), and (3) of section 2(h) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from Texas [Ms. JACKSON-LEE] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

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

There was no objection.

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

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvements Act of 1997 builds upon previous efforts of Congress to establish a system to keep track of convicted sex offenders and to notify communities of their presence. This bill will substantially strengthen the sex offender registration programs in our States, commonly referred to as "Megan's law," and close several loopholes which currently allow convicted sex offenders to avoid registering their whereabouts with local law enforcement.

In the 1994 crime bill, Congress established the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This act contained guidelines for the States to set up sex offender registration programs. Currently, all 50 States and the District of Columbia have established such registration programs. These registries provide an invaluable law enforcement tool by providing quick access to computerized information on sex offenders living nearby. Just this year, the President signed Megan's law, and the Pam Lychner National Sexual Offender Tracking Identification Act into law, two bills which strengthen the community notification laws with regard to registered sex offenders and provided law enforcement the tools to keep track of sex offenders who move from State to State.

The States have taken this issue quite seriously and should be commended, but despite these efforts, some child sex offenders are slipping through the cracks. It is well recognized that sexual predators are remarkably clever and persistently transient. These offenders are not confined within State lines, and neither should our efforts to keep track of them, which brings us to the purpose of today's bill.

In consultation with State and local law enforcement and the National Center for Missing and Exploited Children, we have developed this very important piece of legislation which will strengthen the Jacob Wetterling Act, in addition to providing more flexibility to the States as they implement their own sex offender registration program. H.R. 1683 will make three primary improvements:

First, this bill will require offenders convicted under Federal or military law of certain sex offenses to register in the State in which they reside. Convicted military personnel will be required to register in the State in which they reside and the State in which they are permanently assigned, if applicable. It is important to note that this bill does not establish a Federal registry system, nor does it require States to pass new laws. It does require Federal offenders to register under already existing State programs. Convicted sex offenders in the Federal system may be just as dangerous as offenders in all of our States. We must keep track and notify communities of their whereabouts.

Second, this bill will also apply to offenders crossing State borders. Offenders are required to register in the State in which they reside and the States in which they are employed, or are enrolled in school, if applicable. State and local law enforcement agencies have struggled with numerous serial rapes in which offenders worked or went to school in a bordering State and were able to commit crimes in these nearby communities, free from the registration requirements of the State in which they were convicted.

Third, this bill will provide more flexibility to States as they implement their own registration programs, in addition to providing more time to come into compliance with registration requirements imposed by sex offenders registry legislation passed last fall. The original 1994 act was written in such detailed language that some States have struggled to understand the intent of Congress. Moreover, some States have come up with better, more creative ways to implement the act, and therefore, it is the purpose of this bill to provide States with the freedom to implement these improvements.

Last, the Jacob Wetterling Improvements Act addresses an issue which has been very important to the citizens of my State of Florida, and I am sure many other States as well, that of child stalking. The Florida State Legislature just passed the Jennifer Act, which punishes individuals who stalk children. This bill is intended to heighten awareness of this issue by requiring the Department of Justice to submit to Congress a report describing existing State laws with regard to child stalking. This provision, along with provisions which will significantly improve the Jacob Wetterling Act of 1994, will serve as an effective law enforcement tool to better protect Americans from sexual victimization. I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to share my approval, and yet my concerns, concerning H.R. 1683, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvements Act of 1997.

In 1994, Congress enacted this legislation, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which encourages States to operate sex offender registration programs. States which operate such programs receive criminal justice grant funds. States which do not are denied access to these funds. This act specifies in considerable detail what the State must do to operate its program, and administering the act has proved to be complex and difficult.

H.R. 1683 is intended to remedy certain of these difficulties. H.R. 1683 is deficient, however, in that it fails to address the danger of the unjust application of sex offender registration laws, a danger which has become apparent in the 3 years since the Jacob Wetterling Act became law. It forces the Federal Government to intrude in the local jurisdiction and governments of certain States, by requiring registration for acts not related to children.

H.R. 1683 does nothing to prevent States from forcing individuals convicted of consensual adult sex or similar offenses to register as sexual offenders. This is a glaring deficiency and takes away from the chief issue that we are concerned with, the acts of sexual violence against our children and others. We want to protect women against rape and other sexual abuses and violence, and we certainly want to effect an impact on our children.

I have, over the years of my tenure in this Congress, Madam Speaker, supported vigorously registration legislation that deals with the idea of protecting our communities and neighborhoods from a sexual predator against our children and certainly against women from moving from one State to the next. I fully believe that we should not wake up one morning and find next door a child molester, and let me go on record by saying, we in Texas, and particularly in the Houston area, have been bombarded by tragic incidences of the abduction of children or the rape and molestation of children in our community.

So I like the original intent of this legislation, to protect victims, many times women and children, against sex crimes. This act was designed to protect the community and particularly young children from violence at the hands of sexual offenders. The registration requirements were aimed at those with a history of, and therefore a presumed propensity for, the forcible victimization of others. However, in at least four States, Kansas, Louisiana, Mississippi, and South Carolina, people with convictions for consensual adult sex, which form thereof violates State laws, are being forced to register with the police as sexual offenders.

This is unfair and discriminatory and also violates individual privacy rights. The act was never intended to encompass such individuals, and there is no reason whatsoever to think that individuals convicted of these so-called offenses pose any danger to the community. Their crimes involve no force or threat of force, nor do they involve adults having sex with children.

I can assure my colleagues, I stand at the front door and at the front of the line to block any sort of legislation which would deny us the right to track persons who have been convicted of sexual acts against our children. However, this has absolutely nothing to do with generally predatory offenses, such as rape and child molestation.

At the Committee on the Judiciary markup of H.R. 1683, the gentleman from New York [Mr. SCHUMER] offered an amendment that would have added another condition to the listing of requirements that States must obey under the Wetterling law. States would be prohibited from requiring someone to register as a sex offender solely on the basis of a conviction for consensual adult sex of which the State would find illegal. As we all know, such statutes have been used to persecute individuals due to homophobic attitudes. Therefore, it is unfair to further victimize them under this law.

States that require this are lumping homosexuals together with rapists and child molesters. That, I think for all of us who understand that there are rights of privacy under constitutional law, is offensive, and certainly not what this Congress intended to do with the Wetterling program.

Again, Madam Speaker, I applaud this legislation. I celebrate it for what it does for the children of America, for it protects our children and attempts to protect our children even further from these malicious, inherently vicious child predators who move from State to State.

□ 1600

How many of us have cried tears of frustration of trying to prevent such terrible tragedies. So I ask in particular that we consider recognizing the violation of personal individual rights as it relates to adults and consensual sex as not to violate the spirit of this legislation.

Let me also acknowledge that this legislation pays tribute to Pam Lyncher, who tragically lost her life in TWA 800, who was a leading spokesperson in the organization, Justice for All, she always worked to oppose the viciousness of those who would travel from State to State to State to perpetrate violent acts against children as it relates to sex crimes and other violent crimes. We thank her for that.

Madam Speaker, the Committee on the Judiciary members who took exception to the provision regarding consensual sex were responded to by members of the Committee on the Judiciary that this would inject the Federal Government into decisions made by States.

We know that that is a ludicrous argument, primarily because we are injecting ourselves already, and I am happy to inject us when it comes to protecting children, women and others against violate sexual crimes. As I said, I will be at the front of the line on any of these occasions. The act itself already imposes a multitude of requirements on the States.

Might I add that I want to have as many States as possible be able to access these funds. I hope the chairman will review ways that we can help make it simpler for States to respond so they can get the money. I want to make sure that everyone who is able to do so is not distracted by the complexity of the reporting requirements.

Therefore, we already intrude upon the States as it relates to burdens. In fact, the act contains four pages of dense statutory language telling States how to operate their programs. The amendment simply would have added one additional requirement to these pages and pages of requirements.

Madam Speaker, Congress cannot possibly intend for the Jacob Wetterling Act, an outstanding piece of legislation as it relates to children and those abused by violent sexual acts, to cover individuals, adults, engaged in consensual sexual activity. Therefore, it is our responsibility hopefully to work together to ensure that this not happen in this critically important legislation, that could do damage to what we intend to do.

With that, Madam Speaker, I would conclude by saying "Hurrah" for the children of America, and yet we must also recognize that we must address the constitutional rights of other individuals in this country.

Madam Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, in our discussions today it is important to remember the boy behind the bill. Eleven-year-old Jacob Wetterling was kidnapped at gunpoint in rural Minnesota on October 22, 1989. He is still missing. All of us hope and pray for his safe return.

I was a member of the Minnesota State Legislature when we passed an early version of the Wetterling Act in 1991. In 1994 Congress recognized the importance of this idea, and required all States to register the addresses of convicted kidnappers or child sex offenders. Last year we passed Megan's Law to notify communities when one of these people moves into the neighborhood.

While every State now requires registration of child sex offenders, many community notification programs have been stalled by legal challenges and

confusion as to what plan would be most effective. Because of this, it is unclear how many States are fully following the Wetterling Act requirements. H.R. 1683 gives the States much needed flexibility as they seek to comply with this law.

To help States even further, 31 of my colleagues, and I want to especially thank my colleague, the gentleman from Texas [Mr. LAMPSON], have joined me in cosponsoring and introducing House Concurrent Resolution 125, which provides the States with a model community notification program that they can follow if they choose. I encourage all of my colleagues to consider cosponsoring it.

Winston Churchill once said, "Never give in; never give in; never, never, never, never—in nothing great or small, large or petty—never give in except to convictions of honor." These are fitting words for Patty Wetterling, Chairman MCCOLLUM, and everyone who works tirelessly to protect America's children. I am proud to be an original cosponsor of H.R. 1683, and I urge my colleagues to vote for it.

Mr. MCCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Madam Speaker, I rise in strong support of this bill. I commend our chairman, the gentleman from Florida [Mr. MCCOLLUM] for initiating it. He has been a leader in these types of initiatives, and they are very, very important in protecting our children.

Madam Speaker, this legislation provides additional strength to the critical measures we have enacted in the past, most significantly, Megan's Law, to protect the children of our Nation against violent sexual predators. One of its main goals is to ensure that everyone convicted of violent sexual crimes is required to register in the places in which they live and work so that their whereabouts are known.

The community notification that we provided last year under Megan's Law is only as good as the sex offender registrations that have been set up in each State now. If those registries do not have complete information on the whereabouts of sexual predators, then our attempts to keep track of those who will continue to prey on young children will be flawed.

Madam Speaker, John Walsh of Fox TV's America's Most Wanted said that in his show he has helped capture 64 child molesters in one 6-month period. Over half of them were people who had worked with children. Sixty-four people, child molesters, caught in a 6-month period; over half of them had worked with children.

Parents and families have a right to know if those living near their children or working with their children are convicted violent sexual offenders who have victimized children. They cannot know this unless we have strong registration and notification laws that provide that information.

Madam Speaker, I cosponsored Megan's Law, and I am cosponsoring this bill to strengthen Megan's Law for the sake of the children it is designed to serve and to save.

Mr. MCCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Madam Speaker, I rise today to urge my colleagues to support this violent offender registration proposal. For the last several years I have been working on similar legislation, first in the Kansas legislature and now here in Congress. I was encouraged in this effort by my friends, the Schmidts, whose daughter Stephanie was murdered.

I know we would all like to think this kind of thing happens in other places, to other people's children in other parts of the country, but no community is immune from violence. Stephanie Schmidt was a beautiful young woman who was violently murdered by a coworker in 1993. Her parents, my constituents, Gene and Peggy Schmidt, have made it their life's work to make sure that other families are spared the grief they so well know.

There is something we can do to help solve this problem. That is why I have been a consistent supporter of community notification statutes. It is my hope that this information, used responsibly, will keep dangerous sex offenders away from potential victims. Specifically, this act's provisions will require that sex offenders who work or go to school in a State other than the State in which they reside will be required to register in those other States. This is especially important to the families of the Kansas City area, which is a major metropolitan area that straddles the State line.

I would like to thank Chairman MCCOLLUM and my distinguished colleagues from the other side of the aisle for leading this fight. Today as we pass these important changes to the Jacob Wetterling Act and Megan's Law, I will think of Stephanie Schmidt and hope that what we do today will help prevent another tragedy.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. LAMPSON], who is chairman of the caucus for missing and exploited children.

Mr. LAMPSON. Madam Speaker, I thank the gentlewoman from Houston, Texas, for yielding time to me, and for her good and gracious work on this bill.

As chairman of the congressional missing and exploited children's caucus, I rise in strong support of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvement Act of 1997. I congratulate and thank the gentleman from Florida [Mr. MCCOLLUM] for his work on this bill.

Scientific studies have shown that those who commit acts of sexual violence against children have the highest rate of recidivism among all criminals and crimes. In fact, the typical offender molests an average of 117 children, most of whom never report the offense. These are innocent children being preyed upon by devious and sick individuals.

The legislation before the House will widen the net that registers these predators. Megan's Law mandated registration, and through this bill we will close loopholes in making sure that every sexual predator is on the books whenever and wherever they relocate in this country, regardless of the original jurisdiction in which they were convicted.

Is this unfortunate? Yes. Is it necessary? Absolutely. The statistics speak for themselves. The memories of Jacob Wetterling, Megan Kanka, Laura Smither, and hundreds of other victims of senseless abuse cry out for every possible protection we are able to offer.

Madam Speaker, I have taken to the floor of the House twice this year to report the abduction of young girls in my district. It is my hope that by speaking on behalf of legislation like this, I will never be faced with that sad duty again. So I urge strong support for H.R. 1683.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank the committee and the chairman for the hard work they have put into this effort. I think by the expressions being made, so many of us can recount the tragedies of children in our community being dragged away from the safety and sanctity of their home and school and as a vicious sexual attack is perpetrated upon them.

We certainly stand in support of moving forward to assist in creating an atmosphere where not one tree leaf or not one cover can keep us away from spotting a malicious child molester or sexual predator. I hope as we proceed, as well, that we will consider some of the concerns that I have expressed. I think in the course of reconciliation and the understanding of this issue of individual rights, certainly those concerns should be addressed.

Needless to say, I thank the chairman of the committee and thank Members who, unanimously, agree that children in this country must be protected and sexual predators must be targeted and must be eliminated from our communities and made never to perpetrate their violent act again on our innocent children and citizens in this country. That is why this bill deserves our consideration.

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

Madam Speaker, I simply want to thank the gentlewoman from Texas [Ms. JACKSON-LEE] for her cooperation in this matter, and note the fact that each of the speakers today on this legislation was an original cosponsor of the bill that was introduced. It is a good bill. It should be adopted.

Mr. RAMSTAD. Madam Speaker, as the author of the Jacob Wetterling Act of 1994, I am proud to be a cosponsor of H.R. 1683, the Jacob Wetterling Improvements Act of 1997, and I urge my colleagues to support this important child protection measure.

The 1994 Wetterling Act signaled a national, coordinated commitment to protecting America's children. For the first time, we instituted a national system for registering the worst kind of convicted criminals—those who prey on children.

This landmark law was named after Jacob Wetterling, an extraordinary youngster who was kidnapped in 1989 from the small community of St. Joseph, MN, when he was 11 years old. We have not heard from Jacob since his abduction, but we continue to pray for his safe return and for the safe return of hundreds of children stolen from their families.

Jacob's incredible mother, Patty Wetterling, has become a tireless advocate for protecting children. Patty and her husband, Jerry, formed the Jacob Wetterling Foundation, which promotes child safety and responds to child abductions. With Patty's help, we were able to enact the 1994 Wetterling Act. With her help, we are building stronger child protection laws every day.

H.R. 1683 builds on the foundation of the 1994 Jacob Wetterling Act, and applies the Wetterling requirements to offenders convicted under Federal or military law. In addition, it will give the FBI access to state sex offender registries and allow the U.S. Marshals Service to monitor offenders enrolled in the Federal Witness Protection Program. This bill will also give additional flexibility to states to help them establish effective offender registration programs.

Just a few months ago, I stood with Patty Wetterling, Ernie Allen of the National Center for Missing and Exploited Children, the other sponsors of H.R. 1683 when we introduced the bill during Child Safety Week. I am grateful to all these people—and particularly Mr. MCCOLLUM, the bill's sponsor and chair of the Crime Subcommittee—for helping to move this important legislation so quickly through the process.

I look forward to continued progress toward ending the tragedy of stolen childhoods and making American communities safer places to grow up.

Mr. DIAZ-BALART. Madam Speaker, I rise in strong support for the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997 (H.R. 1683). I would like to commend the Subcommittee on Crime and its chairman, Mr. MCCOLLUM, for bringing forth this meritorious legislation and for working to ensure that law enforcement agencies have the tools needed to protect our children from any and all dangerous individuals who would harm them or threaten their safety.

Of particular importance is the need for tough laws to combat child stalking. Florida has taken the lead in this respect. H.R. 1683 acknowledges the worthy initiative taken by the State of Florida in its successful implementation of the Jennifer Act (Fla. Stat. Sec. 784.048). The Jennifer Act designates the stalking of a child under the age of 16 as a third degree felony. The act provides that a person who willfully, maliciously, and repeatedly follows or harasses a child younger than 16 years of age commits aggravated stalking.

The Florida State law is named after a 13-year-old Dade County girl in my district who was stalked in 1996 by an acquaintance. Police told the girl's mother they could not arrest the man unless he had hurt or kidnapped her daughter. Unable to obtain a judicial restraining order, Jennifer's mother worked closely with her State senator and representative to enlist support for a change in the law to remove the requirement that physical harm or abduction occur before the police could intervene. Thanks to her tenacious and courageous persistence, the law was signed into Florida law on April 29, 1997, and becomes effective October 1, 1997.

I am very pleased that today this House has recognized the importance of putting the States on notice that this is a very critical gap in their criminal codes that needs to be corrected. To this end, H.R. 1683 requires that the attorney general survey and publish current or proposed State laws, which concern the criminal elements and penalties for stalking against children. In this way, States will be required to examine the state of their antistalking laws and Congress will oversee their efforts.

This is the first step toward making the effective deterrence of child stalking a Federal priority. Accordingly, I will work to ensure that the Jennifer Act becomes the national model for State action.

Mr. CUNNINGHAM. Madam Speaker, I am a proud original cosponsor of H.R. 1683. And I am delighted to support this bipartisan, bicameral legislation today.

This bill is based on us listening to citizens and law enforcement, to see what can work best to protect children and communities from violent predators.

What we heard, is that it is time for the law to take the side of innocent citizens and victims of crime, and to crack down on criminals, especially sex offenders and people who commit crimes against children.

Congress developed the Wetterling Act to create a sex offender registry. I was proud to help develop Megan's law, to create community notification of certain sex offenders and enable citizens to protect themselves against criminals. Now, we are making the Wetterling Act and Megan's law better for communities, better for law enforcement, better for citizens and children and victims of crime, and a lot worse for criminals.

H.R. 1683 closes loopholes relating to sex offenders who are Federal criminals, military personnel, and people who live in one state and work or study in another. It helps us obtain more information from the States on their laws that combat the stalking of juveniles. It gives states more flexibility to implement the law, to make registration of these criminals work better for everyone. And it provides protection from liability of those who work in good faith with law enforcement on criminal registration and community notification.

In the fight against crime, it's time for us to fight for the victims and the law-abiding citizens, and against the criminals. That's what we will do today, by enacting H.R. 1683.

I thank Chairman MCCOLLUM and Chairman HYDE for their leadership in moving this bill. And I also want to recognize Congresswoman DUNN and Congressman DEAL, for their longstanding hard work on this issue.

I encourage my colleagues to support H.R. 1683, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1683, as amended.

The question was taken.

Mr. CONDIT. Madam 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. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CARL B. STOKES U.S. COURTHOUSE

Mr. KIM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 643) to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, OH, as the "Carl B. Stokes United States Courthouse".

The Clerk read as follows:

H.R. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, shall be known and designated as the "Carl B. Stokes United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Carl B. Stokes United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Madam Speaker, H.R. 643 designates the U.S. Courthouse in Cleveland, OH, as the "Carl B. Stokes United States Courthouse." In 1962 Carl Stokes began public service upon his election to the Ohio General Assembly. Five years later Carl Stokes broke new ground when he won Cleveland's mayoral election, becoming the first African American to be elected mayor of a major city.

Declining reelection in 1971, Carl Stokes entered the field of journalism with WNBC TV in New York City. For his work at WNBC, he received an Emmy Award. In 1983 Carl Stokes returned to Cleveland, where he won election to Cleveland's municipal court.

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Within weeks he was elected both presiding and administrative judge. In 1994, President Clinton appointed him the Ambassador to the African Island Republic of Seychelles. In his position, he advised emerging African nations on the establishment of a democratic form of government and lobbied the administration in support of the African continent.

Carl Stokes passed away on April 3, 1996. This is a fitting tribute to a man who dedicated so much of his life to the public service. I support the bill and urge my colleagues to join in this support.

Madam Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Madam Speaker, I yield myself as much time as I may consume.

Carl Stokes probably will be remembered for being the first black political figure to be elected in a major urban area of our country, that being Cleveland, OH, and all of Ohio participated in that great election.

I can remember from Youngstown, OH, now my constituents, that had traveled to Cleveland to help elect Carl back then. I think his record is exemplary, and I think everybody in here also knows that he is the brother of LEWIS STOKES, LOU STOKES, one the strongest leaders of Congress for many years and has set a record for the Stokes family that is unparalleled in our country regardless of race or religion or however we want to categorize it.

So, on behalf of all from Ohio, I want to extend to the gentleman from Ohio [Mr. LATOURETTE], the sponsor of this bill, and to the Stokes family, and to the legacy of Carl Stokes in Cleveland and to the record in contributions of LOU and the entire family, I am very honored to have been a part of this and support the bill wholeheartedly.

Madam Speaker, I reserve the balance of my time.

Mr. KIM. Madam Speaker, I yield 2½ minutes to my colleague, the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Madam Speaker, I thank the gentleman from California [Mr. KIM] for yielding me the time.

Madam Speaker, I want to thank the gentleman from California [Mr. KIM], the chair of our subcommittee, for his assistance and also in getting this bill to the floor. I also want to thank the gentleman from Youngstown, OH [Mr. TRAFICANT], ranking member of our subcommittee. I also want to extend my appreciation to the staff of the subcommittee on their hard work.

Madam Speaker, this bill was passed by the House under suspension in the last Congress, but unfortunately the Senate adjourned before taking it up. I am pleased to report that, in the 105th Congress, the Senate has already passed this bill, sponsored by Senator DEWINE of Ohio. If we are successful today, and given the bipartisan support this bill enjoys I assume we will be, we can complete this tribute.

Madam Speaker, Carl Stokes grew up in the ghetto of Cleveland but never let his surroundings hold him back. In fact, he made it his life's devotion to make a difference in the lives of others and to help others aspire to the greatness lurking within them.

In 1962, Carl Stokes became the first black Democrat to be elected to the Ohio House of Representatives, winning a seat in Cuyahoga County. At the time, the population of Cuyahoga County was only 14 percent black.

In 1967, Carl Stokes came back and beat the Democratic mayor by 20,000 votes. And in 1967, he was elected mayor of the city of Cleveland. And he faced in that election one of Ohio's and the country's most notable political families, the Tafts. That November in 1967, Carl Stokes, who was the great-grandson of a slave, defeated Seth Taft, the grandson of President William Howard Taft.

Madam Speaker, in April of 1996, cancer claimed the life of Carl Stokes. At his funeral, Carl Stokes was remembered with great fondness and admiration. Few, of course, were able to capture the essence of the magic of Carl Stokes more than his brother, the gentleman from Ohio [Mr. STOKES], our colleague for many years, who described his brother's life this way:

> A life that has been a series of 'firsts' for African-Americans. A life that opened up doors and opportunities and raised the aspirations of African-Americans everywhere. He wrote a different American story. He wrote the poor American black boy's story. He didn't rise from rags to riches. He went from poverty to power. And he used that power to help people.

Cleveland, Ohio will never forget Mayor Stokes' contributions, Judge Stokes' contributions, and Ambassador Stokes' contributions. He served his city and country with dignity and purpose. And it is only fitting that Carl Stokes, the true visionary, one of Cleveland's most remarkable sons, now be honored by the naming of the Carl B. Stokes U.S. Courthouse.

Mr. TRAFICANT. Madam Speaker, I yield such time as she may consume to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Madam Speaker, I likewise am delighted for the kindness of the distinguished gentleman from Ohio [Mr. TRAFICANT] and certainly congratulate the proponents of this legislation.

Some would say that there is something in the water in Ohio. I would say there is something in the water of the Stokes home in Ohio.

Carl Stokes was born on June 21, 1927, in Cleveland, OH, and he was only 2 years old when his father, Charles, a laundry worker, died. His widowed mother, Mrs. Louise Stokes, supported her two sons by working as a domestic, and for a time the family was on public assistance.

He and his older brother LOUIS, who must have drank from the same well and the same water, a Member of this body and a great leader in this Congress, went ahead to augment the family income as newspaper carriers for the old Cleveland News and by working in neighborhood stores.

What I am trying to say, Madam Speaker, is these are true American stories and heroes. Certainly, the honorable and the late Carl Stokes exhibits the ability and the fact that you can pull yourself up by your bootstraps and, as well, continue to fight against the oppression of some of those who would not lose their prejudice.

They represent, the two, the brothers, and as we are celebrating and commemorating the Honorable Carl Stokes, the fact that you can stand for what you believe in. The Honorable Carl B. Stokes held the title of mayor and ambassador, two of the finest and most honored titles that anyone can hold in a lifetime. His life's work was centered around expanding opportunity for others that had been denied to him in his youth.

What we are actually saying is he did not hold a grudge, he did not have a chip on his shoulder, he kept pressing forward. And even until the time he took ill, he was serving his country as an ambassador. Carl Stokes was a great communicator who shared his gift of the spoken and written word and thereby challenged the minds of his constituents to reach beyond where they were to where they could go in life. His dedication to others through his work as a public servant will be most missed by those who can appreciate his spirit of egalitarianism.

Carl Stokes' work promoted equal political, economic, and social rights for all through sharing his vital perspective on the human condition with this world. As mayor, he challenged his city to be great. And as ambassador, he challenged his Nation to be even greater.

Madam Speaker, let me say that I am delighted to join by honoring this very

fine gentleman and providing with him a lasting legacy along with his works.

Madam Speaker, I include the following statement into the RECORD.

Madam Speaker, I rise in support of H.R. 643, which would designate a U.S. courthouse to be constructed in Cleveland, OH, as the "Carl B. Stokes United States Courthouse."

Carl Stokes was born on June 21, 1927, in Cleveland, OH. He was only 2 years old when his father, Charles, a laundry worker, died. His widowed mother, Mrs. Louise Stokes, supported her two sons by working as a domestic and for a time the family was on public assistance. He and his older brother Louis, who is a Member of this body, augmented the family income as newspaper carriers for the old Cleveland News, and by working in neighborhood stores.

The Honorable Carl B. Stokes held the title of mayor and ambassador, two of the finest and most honored titles that anyone can hold in a lifetime. His life's work was centered around expanding opportunities for others that had been denied him in his youth. Carl Stokes was a great communicator who shared his gift of the spoken and written word, and thereby challenged the minds of his constituents to reach beyond where they were, to where they could go in life. His dedication to others through his work as a public servant will be most missed by those who can appreciate his spirit of egalitarianism. Carl Stokes' work promoted equal political, economic, and social rights for all through sharing his vital perspective on the human condition with the world.

In November 1962, Carl Stokes became the first African-American Democrat in the history of the State of Ohio to be elected to the Ohio General Assembly. He was reelected in 1964 and 1966. At that time members of the assembly were elected countywide. Cuyahoga County's population was only 14 percent African-American.

On November 13, 1967, Carl Stokes attracted international attention when he was sworn in as mayor of the city of Cleveland—the first African-American mayor of a large American city. At that time Cleveland's population was only 37 percent African-American.

Public service provides a path through and around barriers in life which violence and harsh words can never penetrate. We know through the example of Cesar Chavez, John F. Kennedy, Martin Luther King, and Carl Stokes, that violent actions are much weaker than the strength of powerful positive messages which have been instrumental in leading us all to a better understanding of each other, and the world around us. These heroes were each guided by a strong personal philosophy rooted in the belief that, indeed, one person could make a difference in this world.

In August 1994, President Clinton appointed then Judge Carl Stokes to be his Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Seychelles.

Carl Stokes was a full participant in life who believed in making a difference in the lives of others, strangers and friends alike, and his legacy to this Nation will be the positive lives that each person he reached through personal example have chosen to lead.

Dedication of the new U.S. courthouse to be constructed in Cleveland, OH, in recognition of the work which Carl Stokes engaged in is most appropriate. He devoted his life to the promotion of human welfare and the advancement of social reforms. The Honorable Carl Stokes lived a life based on his personal philosophy; that the sole moral obligation of humankind is the improvement of human welfare. The tireless humanitarian work he performed in the area of economic redevelopment and revitalization of the diverse Cleveland community reflects the character of a unique individual. His extraordinary efforts gave the gifts of employment, housing, and a brighter future to families throughout that city. His commitment to Cleveland and the Nation provided many with the good news that caring translated into hard work, determination, and perseverance leads to a better quality of life for everyone.

I would like to offer my thanks to the leadership of both parties for allowing this measure to come before the full House for consideration. I urge all of my colleagues to join me in support of this important bill.

Mr. KIM. Madam Speaker, I do not have any more speakers, and I reserve the balance of my time.

Mr. TRAFICANT. Madam Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KUCINICH], a young fighter newly elected, who knows the Stokes family well.

Mr. KUCINICH. Madam Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding me the time.

It is an honor to be on this floor and actually between the gentleman from Ohio [Mr. TRAFICANT] on my right and the gentleman from Ohio [Mr. STOKES] on my left to read this tribute today in honor of Ambassador Carl B. Stokes, the former mayor of the city of Cleveland.

Carl Stokes grew up in the depths of the Great Depression and scaled the heights of public service. He was a visionary and a great leader who inspired those who worked around him. The world will remember him as the first African-American mayor of a major American city. I will always remember him as a special friend, as a confidant, and as a mentor who helped me navigate the rough waters of Cleveland politics and the even rougher circumstances of being mayor of Cleveland, an office which Carl and I have both held.

Carl B. Stokes was the son of a laundry worker who died when he was 2 years old. His mother worked as a domestic. He and his brother, the honorable gentleman from Ohio [Mr. STOKES], worked in neighborhood stores and delivered newspapers to help out their family.

Over the years, Carl Stokes excelled in many aspects of life: as a soldier during World War II, as a middleweight boxing champion in 1948, as someone who could shoot a pretty good game of pool I might add, as an attorney and investigator for the Ohio Department of Liquor Control.

In his 1973 autobiography "Promises of Power," we see a classic work of Cleveland political literature. The story of Carl Stokes and his career is a story of accomplishments. In 1962, he became the first black Democrat elected to the Ohio General Assembly. In 1967, he became the first African-American to be elected mayor of a major American city. He appeared on the cover of Time Magazine after that victory.

As mayor, before environmental issues attracted wild public attention, he developed a program to clean up the Cuyahoga River and started the first clean water task force in the city's history. In 1970, he was elected president of the National League of Cities, the first African-American to hold that post.

After 4 years as mayor, he moved on to a journalist career in New York City, becoming the first African-American to serve as the daily anchorman for a television news program. I am sure those who are familiar with American politics at that time know that in 1968, he was actually being considered as a possible running mate to Hubert Humphrey. So we may have had the first African-American Vice President of the United States in Carl Stokes. He was later elected as judge of the Cleveland Municipal Court. In 1994, President Clinton appointed Carl Stokes as Ambassador to the Seychelles.

The legacy of Carl Stokes is with us today. As the Reverend Jesse Jackson said about Carl Stokes, "All that exists now in the political spectrum for African-Americans are seeds from trees that Carl Stokes planted."

It is a fitting tribute to the legacy of Carl Stokes that we name the new Federal courthouse in Cleveland as the "Carl B. Stokes United States Courthouse."

I join with the gentleman from Ohio [Mr. LATOURETTE] and other Members of the Ohio delegation in asking my colleagues to support this tribute.

Mr. TRAFICANT. Madam Speaker, evidently Louise Stokes was a great woman. And Charles Stokes, I think we all know his legacy.

But the gentleman I am introducing now is one of the stalwarts of this Congress, one of the most respected men of our Congress. He stands up there with the gentleman from Illinois [Mr. HYDE], shoulder to shoulder with the giants that have been here for many years. I want to thank him on behalf of all Ohioans for his record and his distinguished service.

Madam Speaker, I yield as much time as he may consume to the gentleman from Ohio [Mr. STOKES]. I think it is fitting that he should have an opportunity to pay tribute to his younger brother.

Mr. STOKES. Madam Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], my distinguished friend and colleague, for yielding to me and also want to thank the gentleman from

Ohio [Mr. TRAFICANT], the ranking member of the committee, for his work bringing this legislation to the floor and for his very kind and generous words.

I also want to express my appreciation to the distinguished gentleman from California [Mr. KIM] for making this resolution possible today and for his action in bringing this bill to the floor. I want to say to the gentleman from Ohio [Mr. LATOURETTE], my friend and colleague, the sponsor of this legislation to name the new courthouse to be built in Cleveland, OH, the "Carl B. Stokes Courthouse," how much I appreciate this honor to be bestowed upon my late brother.

To all of my colleagues who have spoken so eloquently about the life of my brother Carl, I thank them for the eloquent statements spoken here on the floor today regarding the meaning of his life, his accomplishments, and the reasons for memorializing his name in this manner. They have far exceeded my ability to in any manner enhance their eloquent statements here on the floor.

I would confine my remarks on this occasion to expressing the heartfelt appreciation of Carl's wife Raija, his daughters Cordi and Cynthia, his sons Carl, Jr., and Cordell, and his grandchildren, Jevonne, Cybil, and Cordell, Jr., for the action being taken by the House today.

The naming of this courthouse, which will sit in the heart of downtown Cleveland, will be a lasting and fitting memorial to the man who became America's first black mayor of a major American city and who became mayor of Cleveland in 1967.

As my colleagues have already heard, Carl and I were both born and raised in Cleveland. Our mother, Louise Stokes, was a woman who believed in the American dream. Shortly after her marriage to our father, he became ill and died, leaving her with two young boys. I was 3 years old, and Carl was only a year old.

Our mother had only an eighth grade education. So as a widow with two young boys and a mother to care for, she became a domestic worker. My mother worked in suburban homes around Cleveland, caring for children, cleaning homes, serving dinners, washing windows, scrubbing floors, doing whatever domestic work was required of her. In order to make ends meet, she also went on welfare. And in order to provide decent housing for Carl and me, she applied for and obtained a home in public housing.

It was in this setting that she urged both of us to get an education, "Get something in your heads so you don't have to work with your hands, as I've had to work with mine."

□ 1630

My mother's greatest dream was that someday her two boys would not have to scrub floors as she did. She dreamed that they would have high school diplomas. In her wildest dreams she did not realize that she would be the inspiration for one of her sons to become America's first black mayor, following the achievement of becoming the first black American to be elected to the Ohio Legislature as a Democrat.

As my colleagues have already heard, Carl followed these achievements with his career as an Emmy award-winning TV anchorman and journalist, lawyer, and then judge of the Cleveland Municipal Court, and finally by appointment by President Bill Clinton as United States Ambassador to the Seychelles.

The election of Carl B. Stokes as mayor of Cleveland in 1967 sparked and inspired black Americans all over America to aspire to the highest offices in the land. As mayor of Cleveland, Carl was proud of his accomplishments for a city which in 1967 was the eighth largest city in the United States. It was also not a black city. At the time of his election, Cleveland was only 37 percent black.

The naming of this courthouse in honor of Carl B. Stokes will be a fitting and lasting tribute to a son who not only was a credit to his mother Louise Stokes, but was a credit to the city of Cleveland, the State of Ohio and to our Nation. Again, I thank the House for this honor which you would bestow upon my brother.

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

Madam Speaker, I, too, want to thank the gentleman from California [Mr. KIM] as well as the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, and the gentleman from Minnesota [Mr. OBERSTAR], the ranking member. I, too, want to concur with all the statements made here today.

Mr. TRAFICANT. Madam Speaker, I rise in support of H.R. 643 and thank Mr. LATOURETTE for introducing a bill to honor Carl B. Stokes.

Carl B. Stokes achieved many remarkable things in his life—he was a member of the Ohio General Assembly, a news anchor for WNBC–TV in New York City, a Judge, and a U.S. Ambassador. Perhaps his greatest achievement was his landmark election as the mayor of Cleveland, becoming the first African-American to hold great urban, political power.

He is the brother of Louis Stokes, our friend and colleague. It is most fitting to honor Carl Stokes by designating the new U.S. courthouse in Cleveland in his honor.

Mr. CLAY. Madam Speaker, I am happy to support HR 643, a bill to name the new Federal Courthouse in Cleveland, Ohio in honor of the late Ambassador Carl B. Stokes. Carl Burton Stokes was one of our nation's preeminent Black leaders and this legislation is a fitting tribute in memory of his noteworthy accomplishments.

Ambassador Stokes was a trailblazer. He was the first Black Democrat in history to be elected to the Ohio General Assembly. In 1967 he became the first Black American to be elected mayor of a major city. When the people of Cleveland, Ohio elected Carl Stokes, the grandson of a slave over Seth Taft, the grandson of a President, his victory was acclaimed around the world.

In 1983 Carl Stokes was elected Judge of the Cleveland Municipal Court and his colleagues soon elected him Administrative Judge of the Court and later chose him to be Presiding Judge. In 1994 President Clinton appointed Judge Stokes Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Sychelles. Ambassador Stokes had the distinction of being among the few Americans to serve at the highest levels in all three branches of the government—legislative, executive and judicial.

I was a dear friend and great admirer of Carl Stokes. He was a man of courage and dedication. His life was about overcoming obstacles and advancing true justice and social equality for all. Stokes was a man blessed with vision and courage. He lived a life of true conviction to the principles of social justice. His many contributions to our society have forever changed the course of our Nation's history. I urge my colleagues to support this legislation to designate the Carl Burton Stokes Federal Courthouse.

Mr. BISHOP. Madam Speaker, I rise today to pay tribute to a great American and distinguished Ohioan, Carl Burton Stokes. Mr. Stokes rose to prominence in this country at a time when it was unheard of for an African-American male to serve as a big-city Mayor. In his death, Mr. Stokes has left a legacy of accomplishment both personally and professionally. He is the first African-American ever to be elected to all three branches of government—the legislative, the executive, and the judicial.

Ambassador Stokes' career was both long and distinguished. It began in November, 1962 when he was elected to the Ohio General Assembly. In 1967, Mr. Stokes attracted international attention when he was sworn in as Mayor of the city of Cleveland, a major American city with a population of 810,000. In 1983, he was elected as a Judge of Cleveland Municipal Court, Ohio's largest court. In 1994, President Bill Clinton appointed then-Judge Stokes as his Ambassador of the United States to the Republic of the Seychelles. He served in this position until his death. I encourage all my colleagues to join with me in paying tribute to a leader, a visionary, a role model and above all, a wonderful and warm human being, Carl Burton Stokes.

Mr. GILMAN. Madam Speaker, I rise in support of the designation of the Carl B. Stokes United States Courthouse.

In 1967, Carl Stokes was elected as the first Afro-American mayor of Cleveland. His victory was a milestone in the black empowerment movement of the late sixties and early seventies.

Mayor Stokes was born June 21, 1927, in a Cleveland housing project. His upbringing is what made it possible for him to be so close to all his constituents. The bond he shared especially with the lower income families of Cleveland had motivated him to push legislative acts such as the awarding of Federal

money to urban renewal projects and programs that required city contractors to employ more minorities.

Carl Stokes' career is also highlighted with his service as a Cleveland municipal judge. As a Ohio State legislator subsequent to his service as mayor, he became a New York City anchorman. In 1994, he was appointed an Ambassador to Seychelles by President Clinton where he served until his death in 1996.

The service of Ambassador Stokes is deserving of this honor and I strongly urge my colleagues join me in support of this bill.

Mr. TRAFICANT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 643.

The question was taken.

Mr. CONDIT. Madam 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KIM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 643.

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

There was no objection.

HOWARD T. MARKEY NATIONAL COURTS BUILDING

Mr. KIM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 824) to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building".

The Clerk read as follows:

H.R. 824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 717 Madison Place, NW., in the District of Columbia and known as the National Courts Building shall be known and designated as the "Howard T. Markey National Courts Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Howard T. Markey National Courts Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding me this time. I cannot possibly say what I want to say in 2 minutes. Howard Markey was my lifetime friend. This honor is certainly deserved.

Madam Speaker, H.R. 824 would redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building." Judge Markey clearly deserves this recognition as a result of and in tribute to his service to others and to this country.

Howard Markey has been a leader in the Federal judiciary from the time of his initial appointment in 1972. Judge Markey presided on the U.S. Court of Appeals for the Federal Circuit, which sits in the building to be redesignated, from the court's creation in 1982 until he stepped down as chief judge. He also served as judge and chief judge of the former Court of Customs and Patent Appeals. He was a brilliant practicing patent lawyer prior to ascending to the bench, and served as Dean of the John Marshall School of Law in Chicago after stepping down from the bench. Howard was also one of this country's first test pilots of jets and rose to the rank of major general.

Wholly apart from his monumental contributions to American jurisprudence through his arguments at the bar and his opinions from the bench, Howard had a profound and ameliorative impact upon our legal system when he led the movement that resulted in the creation of the U.S. Court of Appeals for the Federal Circuit. Howard had the insight to recognize, and the intellectual power to make the case, that the Nation would be better served if appeals in the domains of intellectual property law, Federal claims, and Federal civil service matters were taken to a single national tribunal rather than disparate geographic courts. He demonstrated this could be done without undermining the Federal nature of our legal system or doing injury to the logic that generally sustains the geographic division of the circuits. As the U.S. Court of Appeals for the Federal Circuit's first and most influential chief judge, Howard led it to its stature as the world's most respected and followed court on matters of intellectual property, international trade, governmental obligations to citizens, and public sector personnel law.

There is some urgency to this legislation as Howard, who was widowed a few years ago, is in a nursing home and in frail health. There is no more fitting name for the building that houses the judicial structure that he fathered than that of Howard Markey, and no better way to remember Howard Markey than to attach his name to the hall of justice in which he worked so long and so well for the American people. I am pleased that the Congress will enact this bill and redesignate this building for this great American.

Madam Speaker, I include the following material for the RECORD:

HOWARD T. MARKEY

Howard T. Markey assumed duties as Dean of the John Marshall Law School in July, 1991. He retired October 31, 1994 and now serves as Dean Emeritus.

A distinguished jurist, serving as Chief Judge of the United States Court of Appeals for the Federal Circuit from 1982 to 1990 and was an active judge on this court after his resignation as chief judge. Prior to serving on the Federal Circuit Court of Appeals, he served since 1972 as chief judge for the United States Court of Customs and Patent Appeals.

Dean Markey is the first active judge to have sat with every Federal Court of Appeals. He has sat in over 1,400 cases and written more than 250 opinions for the Regional Circuit Courts in every field of law, in addition to 5,000 cases and 800 opinions for the Court of Customs and Patent Appeals and the Court of Appeals for the Federal Circuit.

Dean Markey received his juris doctor degree in 1949 from Loyola University in Chicago, where he graduated *cum laude* and served as editor-in-chief of the Loyola University Law Review. He earned a master's degree from The John Marshall Law School in 1950.

Dean Markey has published extensively in legal periodicals, and has taught at George Washington University, Loyola University, the Federal Judicial Center, and the John Marshall Law School.

He is the recipient of numerous awards and honorary degrees—the most recent being the A. Sherman Christensen Award from the American Inns of Court. He has been chairman of the Ethics Advisory Committee on Codes of Conduct, and a senior member of the Judicial Conference of the United States. He currently is chairman of the board of the American Inns of Court Foundation, and a member of the board of trustees of the Supreme Court Historical Society.

Prior to serving in the federal judiciary, Dean Markey was a partner for many years in the Chicago law firm of Parker, Markey & Plyer.

A retired major general in the United States Air Force, Dean Markey is a highly decorated veteran of both World War II and the Korean War, and was one of the first jet test pilots in the United States.

He is a brilliant orator, administrator, jurist and lawyer—and he richly deserves this honor.

Mr. KIM. Madam Speaker, H.R. 824 redesignates the Federal building located at 717 Madison Place in the District of Columbia as the "Howard T. Markey National Courts Building. Judge Howard Markey presided on the U.S. Court of Appeals for the Federal Circuit from 1982 until he stepped down as chief judge in 1990. He also served as judge and chief judge of the former Court of Customs and Patent Appeals.

Judge Markey has been a leader in the Federal judiciary from the time of his initial appointment in 1972. He had a profound impact upon our legal system by leading the movement in the creation of the Federal circuit. As the Federal circuit's first chief judge, Judge Markey raised the court's stature to the world's most respected court

on matters of intellectual property, international trade, governmental obligations to citizens, and public sector personnel law. This is a fitting tribute to this esteemed jurist. I support the bill, and I urge my colleagues to join in this support.

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

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

Mr. Speaker, I do not know Judge Markey, I know of his record and the great distinguished service that has been brought forward, but I know the gentleman from Illinois [Mr. HYDE]. I know that the gentleman from Illinois made this recommendation, the gentleman from Illinois believes that he is a great man, and I am sure he is and most deserving. I just want to join forces today here from our side of the aisle to support the recommendation of the gentleman from Illinois [Mr. HYDE], the distinguished chairman. I want to thank the gentleman from California [Mr. KIM], the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] for having allowed that opportunity.

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

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, it is an honor to stand as a matter of family pride in behalf of this resolution for my friend Judge Howard Markey. I say family for two reasons. First of all, my father was chief judge of the Federal court in Chicago and on many occasions served with Judge Markey by designation on the seventh circuit. It was my father, Judge William Campbell who first introduced me to Judge Markey. My father passed away just a few weeks before I was elected to Congress, but I think he is smiling in heaven to know that his son today is paying tribute to his friend, our family friend, Howard Markey.

It is a family honor as well because of the man I consider as close as a brother, Joseph Morris of Chicago, who with his wife Kathleen, are with us in the gallery today for the purpose of watching this honor given to Howard Markey. It is Mr. Morris who reminded me that though Judge Markey is now confined most of the time to a nursing home in Chicago, he still comes downtown to teach class at John Marshall Law School once a week so that his students will have the benefit of his encyclopedic, insightful knowledge of intellectual property law.

It is a matter of professional pride as well as family pride that I rise to add my words to those of my colleagues in this worthy designation, because Howard Markey is an academic without equal in the field of intellectual property. As a professor of law at Stanford University, I recognize an academic colleague in Howard Markey whose knowledge and influence in making intellectual property law consistent with free-market economics is second to none.

Last, as a native son of Chicago, I rise with tremendous pride to see how well another son of Chicago has done, bringing the wisdom of the prairie to the Capital of the United States, something that some of us can only aspire to do—and that via detour through California.

Mr. TRAFICANT. Mr. Speaker, I join Mr. KIM in supporting H.R. 824, a bill to designate the National Courts Building here in Washington in honor of Judge Howard Markey.

Judge Markey was the first active judge to have sat with every Federal Court of Appeals. He participated in over 1,400 cases and wrote more than 250 opinions for the regional courts and over 800 opinions for the Court of Customs. He is a World War II and Korean war veteran and his biography is filled with numerous honors and distinctions. It is most fitting to honor Judge Markey in this manner.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 824.

The question was taken.

Mr. CONDIT. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 824.

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

There was no objection.

ROBERT J. DOLE UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1000) to designate the U.S. courthouse at 500 State Avenue in Kansas City, KS, as the "Robert J. Dole United States Courthouse".

The Clerk read as follows:

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT J. DOLE UNITED STATES COURTHOUSE.

The United States courthouse at 500 State Avenue in Kansas City, Kansas, shall be known and designated as the "Robert J. Dole United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert J. Dole United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, S. 1000 designates the U.S. courthouse in Kansas City, KS, as the Robert J. Dole United States Courthouse.

Senator Dole has served and continues to serve his country in many ways. He is an honorable leader and a respected statesman who will long be considered one of the most powerful Senators and brilliant legislators of our times.

He was raised in the small town of Russell, KS, and though he gained national prominence, he remained a faithful advocate for the State of Kansas. Senator Dole attended the University of Kansas and Washburn University, but left to join the U.S. Army in World War II. During his tour of duty, he was severely wounded, permanently hindering his right arm. Upon leaving the military, he returned to school and earned his college and law degrees, graduating magna cum laude.

In 1950, Senator Dole began his political career by his election to the Kansas State legislature. Following his term in the State house, he became the prosecuting attorney of Russell County from 1953 until he successfully bid for a seat in the United States House of Representatives in 1960. In 1968 Senator Dole successfully won a term in the U.S. Senate. Early in his tenure, he was recognized for his organizational skills by being selected as national chairman of the Republican Party. Senator Dole became the majority leader of the Senate in 1985, and served as majority and minority leader in the Senate from that time until his resignation in April 1996. Senator Dole holds a place of distinction as the longest serving Republican majority leader. He earned national acclaim for his leadership on behalf of the disadvantaged, Americans with disabilities, tax reform and military veterans, and for his mastery of foreign affairs.

Senator Dole now presides as the chairman of the Commission on the World War II Memorial, and is leading the effort to raise $100 million to construct the memorial on the mall.

The naming of this U.S. courthouse is a fitting tribute to Senator Dole. He played an instrumental role in maintaining its location in downtown Kansas City.

I am honored to bring this measure to the floor. It is a fine tribute to a distinguished public servant who has given so much of his life in service to his country. I support the measure, and urge my colleagues to join me in this effort.

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

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

Mr. Speaker, I join the gentleman from California [Mr. KIM], the chairman, and all of those speaking on behalf of the truly distinguished service record of a former Senator, and although Senator Dole's duties required him to have a national focus, he never forgot the people of his hometown and never forgot the people of his home State of Kansas. He continually worked on their behalf, he listened to their concerns on issues such as farm prices, safe roads, economic development, schools, and the safety of their children. I think that is what distinguished his career. He never lost sight of where he had come from and who he was. As all have stated, his career is filled with these lasting contributions and certainly great success. It is fitting to honor Senator Dole by designating the U.S. courthouse in Kansas as the Robert J. Dole United States Courthouse. I am honored to be a participant in that.

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

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from California [Mr. KIM], the subcommittee chairman, and the gentleman from Ohio [Mr. TRAFICANT], the ranking member, for their effort in bringing this bill to the floor. Additionally I would like to recognize the work and solidarity of the congressional delegation from Kansas. The gentleman from Kansas [Mr. TIAHRT], the gentleman from Kansas [Mr. MORAN], and the gentleman from Kansas [Mr. RYUN] are cosponsors of H.R. 2177, which is the companion bill to S. 1000.

Mr. Speaker, it is truly an honor for me to stand before this body today and pay tribute to a great Kansan, a dedicated patriot, and one of our Nation's most honorable statesmen, a man who has committed his life to this country.

As we all know by now, Bob Dole was born in the small town of Russell, KS. It was there that he learned from example the importance of hard work and the value of integrity. These lessons were sacred, they have never been neglected, and they remain uncompromised.

When World War II broke out, Bob Dole enlisted in the Army and put his life on the line to fight for his country. He led a platoon of the legendary 10th Mountain Division in Italy, and was severely wounded by shrapnel from enemy fire. His injuries were so severe that several times during his 4-year struggle to recover, his family was told he might not live. His ability to overcome the injuries sustained on the battlefield is testimony to his heroic will and the power of perseverance.

Bob Dole came home and served the town of Russell and our State of Kansas as an elected representative in the statehouse. In 1960 he was elected to the U.S. Congress and served honorably in this body until 1968 when then Congressman Dole became Senator Dole. In his 36 years of public service in Washington, Bob Dole commanded the highest respect of his colleagues. He earned the appreciation of his country by forging common ground on which progress could be made. President Clinton honored him with the Presidential Medal of Freedom for his significant contributions to this Nation.

□ 1645

Bob Dole has dedicated himself to moving this country forward. In every undertaking Senator Dole exhibited passion that shaped leaders and inspired others to follow and, more importantly, to trust. This trust is the greatest compliment that we pay to an individual, and it is the trademark of Bob Dole's public life. Bob Dole showed us what it means to lead by integrity built on principle. In the sound bite pace of this modern era we seem to have lost our understanding of this important concept. We are most fortunate to have such visible reference to guide us in our public and personal lives.

Senator Dole's life has clearly proven the advantages of conducting oneself by this maxim. The true power of his example resides in his ability to serve as a model for all of us to emulate.

Despite his ascension to the Senate as Senate majority leader, Bob Dole never forgot Kansas. Despite ascension to Senate majority leader, he never forgot the values that he learned as a child in rural America, and we will never forget his love and devotion to his country and home. Kansas is honored to have Bob Dole as her son. The dedication of the U.S. courthouse in the Third Congressional District of Kansas as the Robert J. Dole United States Courthouse is a small way to honor Senator Dole for his years of sacrifice and unwavering commitment to our State. I urge my colleagues to support this legislation and join Kansans and Americans in thanking Senator Dole for his service and example.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], my colleague.

Mr. TIAHRT. Mr. Speaker, I want to thank the gentleman from California for yielding me 2 minutes, and I also want to thank the committee chairman for bringing this bill forward, and I also want to thank the gentleman from Ohio [Mr. TRAFICANT], who appreciates Senator Dole's work to reform the IRS, and I want to congratulate the gentleman from Kansas [Mr. SNOWBARGER] for his hard work getting this bill moved forward in the House.

As my colleagues know, I do not have enough time to really tell about all the feelings and thoughts I have about Senator Dole, but I do want to tell my colleagues that I think he is an American hero, that he is still today living the American dream. He is a personal friend, and I still seek his sage counsel. In 1992 when I was first involved in the political process, he helped because he thought Kansas needed a farm team of young individuals who would be willing to serve their country, and I was part of his effort. In Kansas he spoke of smaller government, of States rights, of individual responsibility. It was the message of Bob Dole and the message of Kansas that still rings true today. I was proud to support him during his presidential campaign, and like the gentleman he is, he graciously stepped back from public life into the private, but I want to tell my colleagues that in Kansas he will always be No. 1 in our hearts.

Mr. Speaker, I rise today to support the naming of the new Federal courthouse in Kansas City, KS, for a man who has lived his life dedicated to the people of his State and the ideals of his Nation.

Bob Dole's commitment and service to America began in WWII, and nearly ended there. On a mountain in Italy named simply Hill 913, Lt. Bob Dole was leading the 2d platoon with the Army's 85th Mountain Regiment when he nearly lost his life. He endured terrible wounds that would last a lifetime.

He returned from this experience to the comfort and support of his home in Russell, KS, where he had grown up the hard-working son of a cream and egg station operator. Back home, he began his recovery and continued his career of serving his neighbors and country.

Bob Dole was elected to the U.S. House of Representatives in 1960, and elected to the Senate in 1968, where he served as the Republican leader for a record 11 years. He ran for Vice President with President Gerald Ford in 1976 and ran for the Republican Presidential nomination in 1980 and 1988, and was the Republican nominee for President in 1996.

And he never ceased working for the Kansans he represented for so long.

In the 1980's he worked extensively helping farmers get through the financial crisis they were facing—many family farms across our State and our Nation still work their own lands due to Bob Dole's leadership.

Senator Dole also took the lead in the effort to rebuild McConnell Air Force Base in Wichita, KS, after a devastating tornado hit.

In addition, he was deeply involved as an advocate for Kansas in every farm bill, tax bill, or any other issue which affected Kansas.

During the latter part of his career Bob Dole became one of the preeminent legislators and statesmen of our day. He has been a major player in just about every substantial policy debate of the last three decades—budget deals, tax packages, health reform, saving Social Security, farm bills, advocating for the disabled—Bob Dole's deft legislative ability and talent were imparted on hundreds of issues and countless pieces of legislation.

Norman Ornstein of the American Enterprise Institute has called Senator Dole one of the five most significant Senators of the last half of the 20th century.

Upon his farewell from the Senate to pursue the Presidency, his former colleagues used the words honor and integrity probably more than any others to pay tribute to Bob Dole. These two simple terms seem to best describe a truly great man.

It is with great pleasure that I come to the floor today to support the naming of the Bob Dole Federal courthouse in Kansas City, KS.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], my neighbor from Canton, one of our distinguished cardinals not only for his tremendous support of the naming of the courthouse for Bob Dole but also the fact that he was a very good friend of Carl Stokes.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just wanted to say as to Senator Dole that my observation of his service as a legislator was that of a caring person. I noticed that in his speeches, in his legislative programs, that he had a great empathy for the people of this Nation, and would reach out to them. I think it reflected his background, coming from Kansas and coming from a family and community situation where people worked hard and lived our cherished American values. Senator Dole showed these in the way that he dealt with legislative issues, that he cared about people.

As far as Carl Stokes, my first term as a member of the Ohio Legislature I had the good fortune to be placed on the Judiciary Committee, and one of my colleagues was Carl Stokes. I came from a rural area, he came from Cleveland, and yet we discovered we had sympatico and we had the same concerns for people. Carl was a great warm human being, and that was reflected in his approach to legislative issues. He was helpful to me as a new member of the Committee on the Judiciary, and we became good friends. I was there when he was inaugurated as the mayor of Cleveland. Our friendship continued over the years. He visited with his family at our home. We live on a farm about 60 miles south of Cleveland, and I will never forget Carl saying, "Well, one thing I would like to do is to have a farm." He just had a real yen for living in the rural area, and I was somewhat surprised given the fact that he was a product of the big city, but that is something that really appealed to him.

The other thing is that in one of—I guess it tells us a lot about Carl that in one of the political races in which I was involved, Carl went out of his way to endorse me before a group in my district for a Senate race. Given our political differences, that came as a little bit of a shock to quite a few people, but that is because Carl made his decisions based on personal relationships, and we had the same approach on a lot of issues. He therefore felt that the would like to support me even though we were of different parties. And I think again that tells us a lot about Carl Stokes. The important thing with him is what people were, what they stood for and how we could best serve them, and he was willing to support people who approached things in the same way even though of different political parties.

I am pleased that we are naming the courthouse in Cleveland. I am confident that knowing Carl, he would be very pleased and proud to have this type of recognition. The same would be true with Senator Dole. I was proud to work on his campaign for President. I think he is a great American in the finest sense of the words.

Mr. TRAFICANT. Mr. Speaker, S. 1000 is a bill to designate the U.S. courthouse at 500 State Ave. in Kansas City in honor of Senator Robert Dole.

Senator Dole represented the people of Kansas with honor and distinction for over 40 years. His biography is several pages long and includes numerous activities and civic positions such as being a member of the American Bar Association, the Veterans of Foreign War, National Society of Autistic Children, National Association of Retarded Children, and the American Heart Association.

Although Senator Dole's senatorial duties required him to have a national focus he never forgot the people of Kansas. He continually worked on their behalf listening to their concerns on such issues as farm prices, safe roads, and economic development. His career is filled with lasting contributions and success. It is fitting to honor Senator Dole by designating the U.S. courthouse in Kansas as the "Robert J. Dole United States Courthouse."

Mr. RYUN. Mr. Speaker, I rise today not only in support of S. 1000, but also in support of one of my State's greatest citizens, Senator Bob Dole.

Bob Dole faithfully served the people of Kansas for 46 years, starting in the State House, continuing through his leadership in Congress, and ending with a run for the Presidency. Even before this service though, Bob Dole answered his country's call. He bravely served in the Army during World War II where he was gravely injured. By the grace of God and a strong will, Bob Dole overcame adversity to continue his fight for America.

This designation—the Robert J. Dole Courthouse—is but a small symbol of our Nation's appreciation for his years of selfless sacrifice and his fight for our freedom.

I have admired this great man since I was a boy running through the Kansas countryside. That was back when Bob Dole was helping run the country as a Member of this great legislative body.

Now, as a freshman Representative from Kansas' Second District, I am grateful for Bob Dole's legacy.

Senator, a grateful Nation honors you today for a lifetime of dedicated service to your country.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the bill passed by the Senate honoring Robert J. Dole. Mr. Dole is a man of character and of dedication to the people of Kansas and the United States. The designation of the Robert J. Dole U.S. Courthouse in Kansas City, KS, is an honor that is duly earned.

Senator Dole served the United States for more than 50 years. It was in the Army during World War II that Bob Dole devoted his life to national service. His ability to overcome the injuries he sustained in combat demonstrates an enormous capacity to overcome adversity through trying and difficult times.

After serving the State of Kansas as an attorney and a State representative, Bob Dole spent four terms in the U.S. House of Representatives diligently working for his district's constituents. It was from the House that he moved to the Senate where his legacy would be built.

The election of Robert Dole to the Senate in 1968 was the beginning of an illustrious career in the national spotlight. During his terms, Senator Dole served as the Republican National Party chairman and twice as Senate majority leader. Most of the country came to know Bob Dole in his national campaigns for the Presidency and Vice Presidency. In his bids for these offices Mr. Dole demonstrated a skilled ability for reaching out to Americans and in supporting legislation he believed to be in their best interests.

It was an honor and a pleasure to have served with Senator Dole here on Capitol Hill. He is a friend and someone with whom I worked with many times on issues of importance to the people we represented. Our efforts together on POW/MIA issues, the Americans with Disabilities Act, senior food programs, and our campaigns against domestic violence were among some of the more significant projects on which Senator Dole displayed great interest, devotion, and expertise. It was a pleasure for me to work with him on these issues.

Though retired now from elected office, Bob Dole still works on behalf of issues that he deems important to our national well being. His tireless efforts are admirable and deserve our adulation. I urge my colleagues to join with the Senate in passing this bill honoring a great American.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 1000.

The question was taken.

Mr. CONDIT. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from California?

There was no objection.

KIKA DE LA GARZA UNITED STATES BORDER STATION

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 994) to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza United States Border Station".

The Clerk read as follows:

H.R. 994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States border station located in Pharr, Texas, shall be known and designated as the "Kika de la Garza United States Border Station".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the border station referred to in section 1 shall be deemed to be a reference to the "Kika de la Garza United States Border Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, House Resolution 994 designates the United States border station in Pharr, TX as the Kika de la Garza United States Border Station. Kika de la Garza was a distinguished Member of this body of 32 years. During his tenure he became one of the most outspoken advocates for U.S. agriculture. He was first elected to the House of Representatives in 1964. Since his first term in Congress he has been a member of the Committee on Agriculture, from 1981 to 1994. Kika de la Garza served as a chairman of this committee and successfully oversaw the passage of three omnibus farm bills in 1981, 1985, and 1990. He has also been successful in securing Federal funds to provide water and sewer services to depressed areas of Texas.

The distinguished gentleman from Texas retired from Congress at the end of the 104th Congress. He was a respected colleague whose presence will be missed by many. The naming of the U.S. border station in his honor is a fitting tribute to Congressman Kika de la Garza. I support this legislation, and I urge my colleagues to support the bill.

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

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

Mr. Speaker, I am very honored today to participate in the passing of this bill, being the sponsor of H.R. 994. Kika de la Garza was just a great man. I think the gentleman from California [Mr. KIM] has outlined many of his contributions. I would just like to say that he was the first Hispanic American to become a chair of a standing committee in this body, that being the Committee on Agriculture, and under his watchful eye legitimate substantive reform legislation for the USDA was crafted that made many needed and important changes, and those changes helped America's farmers and protected the public as well. That bill ultimately became law, and it made remarkable changes at USDA, and because of Chairman de la Garza's leadership and counsel the bill represented the right way to reinvent government, take government back to the people, and that is, I believe, the outstanding legacy of Kika de la Garza.

He never forgot the people that he served. Throughout those 32 years he fought tirelessly for his constituents, and he believed that all Americans and especially every farmer was his specific constituent, and how true he was.

We miss that smile, we miss his savvy, his common sense, and he always had a good word, and if he did not have a good word, he saved his word. I think everybody loved him.

I would just like to add here that the chairman, Kika de la Garza, was an amateur linguist and gourmet cook; that is right. And on many occasions he conversed with foreign dignitaries in their native tongue, to the surprise of people around the world at the scope and breath of his knowledge and intelligence. I am proud to have called him my friend, and I am honored to have sponsored this bill.

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

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. MORAN].

Mr. MORAN of Kansas. Mr. Speaker, I appreciate the gentleman yielding this time to me. I apologize for being a few minutes late, but I rise today to join my colleagues in seeking to honor former Senator and Majority Leader Bob Dole by renaming the Federal Court House located in Kansas City, KS the Robert J. Dole United States Courthouse. I am extremely pleased to have the opportunity to officially recognize and pay tribute to my fellow Kansan.

Growing up in western Kansas, I like so many others viewed Bob Dole as more than just a war hero, which he truly was, more than an able statesman which also he truly was, and more than an articulate voice for the disabled and veterans, which he truly was. To me he is someone who exemplifies the heritage of Kansas, hard-working, determined and having the ability to overcome great adversity.

Like our State's motto which means "to the stars through difficulty," Bob Dole rose to be one of the most distinguished figures of this century and did so while overcoming tremendous obstacles. His ascendancy to greatness began from his family's humble beginnings in Russell, KS, to the war-ravaged mountains of northern Italy and ultimately to serve as majority leader of the United States. As a young man Bob Dole was a athlete and scholar, and like so many of his generation, went off without hesitation to defend his country. On a snow-covered mountain in northern Italy he suffered near fatal wounds. Later, after a difficult and prolonged recovery, he returned to Kansas to finish his education utilizing the GI bill and embarked upon a public career we pay tribute to here today.

Bob Dole's appreciation for his boyhood community and the State of Kansas is without question. As a reminder of where he came from and what shaped his character throughout his career, he kept a cigar box on his desk containing receipts of various contributions made by his neighbors and friends to help pay for his difficult recovery after the war. Those receipts might have been for a dollar, 5 cents, 15 cents, it did not matter. Collectively they not only aided his rehabilitation, but they helped to find his sense of purpose and determination to give back to a community that had given so much to him.

□ 1700

Many people have told me how years ago they would pass the Russell County Courthouse late at night and notice the second floor light on. It was the light of the young county prosecutor named Bob Dole. Though his injuries from the war required him to spend long, additional hours at work, he never complained and continued to work tirelessly.

Later he went on to serve Kansas's First Congressional District, which I

am honored to serve, and then in the U.S. Senate. Senator Dole set an example while in both the House and Senate. It is his legacy that I must now attempt to follow.

Culminating his distinguished career in public service, Bob Dole was nominated by my party as the Presidential candidate for the 1996 election. In achieving all of his great accomplishments, Bob Dole served with character, candor, and a cunning wit that cannot be matched.

Mr. Speaker, renaming this Federal Court House as the Robert J. Dole United States Courthouse is a simple tribute to a great man and reflects our Nation's admiration and appreciation for his service. Kansans especially appreciate Senator Dole's dedication to them. His service will long be remembered.

Mr. TRAFICANT. Mr. Speaker, I would like to say a few words about H.R. 994, a bill to designate the border crossing station in Pharr, TX, in honor of Kika de la Garza. As you are aware, I am the sponsor of H.R. 994, a bill to honor my friend and former colleague, Kika de la Garza. He was the first Hispanic-American to become a chair of a standing committee, the Agriculture Committee.

Under his watchful eye, reform legislation for USDA was crafted that made many needed and important changes—without eviscerating those USDA programs that were effective and needed to help America's farmers and protected the public. The bill that ultimately became law made remarkable changes at USDA. Because of Chairman de la Garza's leadership and sage counsel the bill represented the right way to reinvent Government.

Throughout his 32-year career in Congress, Kika never lost sight of the folks back home. He fought tirelessly for his constituents. He also proved to be an able and effective advocate for American farmers. In no small measure because of his leadership, American agriculture remains the envy of the world.

Kika also is an amateur linguist and gourmet cook. On many occasions he conversed with foreign dignitaries in their native tongue. Personally, Kika is my friend. I am proud to sponsor this legislation.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 994 to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza U.S. Border Station." I believe this is an appropriate way to honor Congressman de la Garza's many years of service to the United States and the State of Texas, during which he provided tremendous leadership in support of agriculture, economic growth of south Texas, improved relations with Mexico, a better quality of life for residents along the border, and many other issues.

I am honored to have had the opportunity to serve in Congress with Kika de la Garza, even if for only 2 of his 32 years in this body. He is an example to all of us of a true gentleman and public servant who brought honor to this House through the civility, respect, and commitment to doing what is right that he brought to conducting the people's business. He is also a true Texan who worked with his colleagues from both sides of the aisle to further the best interests of our State.

Congressman de la Garza is best remembered for his leadership on behalf of American agriculture. He served as chairman of the Agriculture Committee for a longer interrupted period than anyone else in history and presided over the drafting and successful enactment of three major omnibus farm bills, 1981, 1985, and 1990, that have reformed our Nation's agricultural policies. He also guided efforts to reduce the cost of agricultural programs through several deficit reduction bills that have been approved by Congress. His other legislative accomplishments include legislation to streamline the agricultural lending system, strengthen Federal pesticide laws, and various other measures to assist American agriculture, encourage rural development, and improve human nutrition.

Congressman de la Garza was also one of Congress' leading experts on United States-Mexico relations and a proponent of greater trade with Mexico. In 1966, he became the first Member of Congress from the Texas-Mexico border area to serve on the Mexico-United States Interparliamentary Group, which promotes dialog between legislators from the two countries. He was an early congressional supporter of opening negotiations with Mexico to develop a free trade agreement and helped rally congressional support that led to approval of the North American Free Trade Agreement [NAFTA].

Throughout his career, Kika de la Garza also fought for Government policies that fostered better living and economic conditions for all Americans but particularly in south Texas. He obtained Federal funds to provide much-needed water and sewer services to Texas' impoverished colonias. He was a strong supporter of civil rights for all Americans, better educational opportunities, and improved access to health care for the elderly, veterans, and low-income individuals. He also supported policies to improve the Nation's infrastructure and maintain a strong, cost-effective national defense.

Our entire Nation benefited from Kika de la Garza's service in Congress, and his legacy includes an agricultural system that continues to lead and feed the world, better relations and expanded trade with Mexico and other nations, and a better quality of life for many Texans and Americans. I am pleased to join my colleagues in honoring Kika de la Garza and in urging approval of this legislation to designate the Kika de la Garza United States Border Station.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this afternoon in support of H.R. 994, legislation designating the Kika de la Garza U.S. Border Station in honor of our former Democratic colleague from my home State of Texas. This legislation is a fitting honor to a great legislator.

Born in 1927, Kika de la Garza is currently husband to Lucille and the father of three children. He attended Edinburg Junior College, received his law degree from St. Mary's University in San Antonio, TX, and practiced law in southern Texas. De la Garza was a U.S. artillery officer in Korea.

Former Representative de la Garza began his career in public service as a six-term Member of the Texas House of Representatives. In 1964, he was elected by the people of the 15th Congressional District of Texas to represent them in the U.S. House of Representatives. After 32 years of service de la Garza retired from public office in December 1996.

A member of the House Agriculture Committee beginning in 1965, Representative de la Garza served as chairman of the committee from 1981 to 1994. In that role Representative de la Garza was a true friend of agriculture. He was a strong supporter of the agriculture industry and cast many deciding votes for the industry over thee years. He will be remembered for his faithful commitment to farmers, ranchers, and U.S. agricultural industry. Representative de la Garza's accomplishments during his career included support of farm legislation, an overhaul of the agricultural lending system, and reform in Federal crop insurance and pesticide law.

Representative de la Garza was also a friend to the citizens of the State of Texas. He will be remembered for his steadfast dedication and outstanding leadership in support of better living and economic conditions, and for his ardent support of the educational research and extension activities of Texas universities.

I would like to offer the leadership of both parties my thanks for bringing this measure before the House for consideration. It is a fitting tribute to one of our former leaders. I urge my colleagues to join me in support of this legislation.

Mr. GILMAN. Mr. Speaker, I rise to support the designation of the Kika de la Garza U.S. Border Station. Representative de la Garza has duly earned this honor for the dedication he has demonstrated not only to the people of Texas but to the entire agricultural community of our Nation for the last 33 years.

Kika de la Garza started humbly. His first job was as a shoeshine boy on the streets of McAllen. His hard word and dedication earned him a seat in the Texas House of Representatives in 1953, where he served until 1965. He was elected to the U.S. House of Representatives in 1964 and served with us for 16 consecutive terms.

In 1982, he became chairman of the House Agriculture Committee and served in this position for 14 years.

During that period he has shown selfless dedication to the people of our Nation who earned their livelihood from the land and who grow food for all of us. He has focused the spotlight on important issues such as drought relief, pesticide use, and land preservation. Due to his efforts, he made the Agriculture Committee one of the least partisan in the House.

Accordingly, I strongly urge my colleagues to join with me in support of the designation of the Kika de la Garza U.S. Border House. It is rare to honor someone who is so deserving of this kind of accolade.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, I urge the adoption of the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 994.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 994.

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

There was no objection.

RONALD H. BROWN FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building."

The Clerk read as follows:

H.R. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 290 Broadway in New York, New York, shall be known and designated as the "Ronald H. Brown Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald H. Brown Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, House Resolution 29 designates the Federal building located at 490 Broadway, New York City, as the Ronald H. Brown Federal Building. Ronald H. Brown was the first African-American Secretary of Commerce. He was a strong advocate for economic development, promoting United States exports, technology, and entrepreneurship throughout the world, in pursuit of accelerating the Nation's economic growth and the creation of new job opportunities for America.

Secretary Brown was also a dedicated advocate for the Department of Commerce. He avidly pursued the Department's mission to ensure economic opportunity for all the citizens of the United States and provided a strong voice for business in the Presidential Cabinet.

Secretary Brown was killed in a plane crash in April 1996 while overseas on an economic development mission. He is survived by his wife and two children, a son and daughter. This is a fine tribute to his memory. I support this legislation.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. RANGEL], the author of this bill, one of the strongest Members in the Congress and leader on tax and trade issues.

Mr. RANGEL. Mr. Speaker, I thank the ranking member of the committee, the subcommittee chairman, the members of the committee and the entire committee for considering this great honor we pay to one of our own who was in Government. The reason I am so close to this is because I come from that same community that the late Ron Brown did come from, and it just makes you feel more of an American when you can see someone soar with the eagles and able to perform for our great Nation, and you remembered him from the streets of Lennox Avenue in Harlem, remembered him as a kid in a hotel where his dad was the manager of that hotel, and I, of course, served as a desk clerk there. I remember him going to school, working late in law school at night, and at the same time, fighting for people's rights with the Urban League.

To see him succeed and still not lose any of the grace that he had when he was a younger man and to move up even further to become our great Secretary of Commerce, I think it honors not just the people from the Harlem that I come from, but those communities throughout this great Nation of ours that have so little hope for themselves that vicariously they can see that any American, regardless of his or her background or their color, that our country would not be able to clamp the personality, the pride, and the distinguishing features that he had to make our Nation even greater. So we have already passed this bill, and it was not worked on by the other side. I do hope that we are successful this time, that we all can persuade the Senate to basically do the right thing.

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

Mr. Speaker, I want to associate myself with those remarks. I would like to say that were it not for the political savvy, acumen, and skill, we may not have had a President by the name of William Jefferson Clinton. Ron did a tremendous job in bringing the Democrat Party forward, working out many of the problems, and as Secretary of Commerce he advanced the interests of the business concerns of the United States of America around the world.

He was a leader, he was a fighter, he was tenacious, and he was a kind and gentle person and he cared for people. It is absolutely fitting that we join forces with the gentleman from New York [Mr. RANGEL] here today and pass this.

Let me say this to the gentleman from California [Mr. KIM], we will need all the help of the gentleman from Pennsylvania [Mr. SHUSTER] and everyone on that side of the aisle, because this is a fitting tribute and naming and we will need help with the other body. I thank the gentleman for working with us on this issue and his staff.

Mr. HOYER. Mr. Speaker, it is with great pleasure that I rise today in support of H.R. 29, a bill designating a Federal building in New York City as the "Ronald H. Brown Federal Building." I want to recognize the efforts of Representative RANGEL who introduced this legislation in January with 25 cosponsors.

Mr. Speaker, as you know, in April 1996, 33 Americans including Secretary Ron Brown, employees of the Department of Commerce, business leaders, and military personnel died in a plane crash in Croatia. Ron Brown spent his entire life as a consensus builder working hard for his family and his Nation, constantly striving to bring people together. He was a man who was always in the arena striving for greatness and truly embodied what is right in America. With his death, America lost a tremendous leader.

Having served as the first African-American Secretary of Commerce, Ron Brown was always seeking to bridge the racial divide in our country and worked hard to create and protect American jobs. He brought a sense of energy and creativity to the Commerce Department which allowed him to successfully rally labor and management, Republicans and Democrats, and foreign governments with American interests. This was most evident in the strong support that the private sector had shown for the Department.

Today, the House will pass this legislation which represents a small, yet meaningful, gesture of our admiration and appreciation for a man whom many considered the best Secretary of Commerce ever. I am sure that Alma and the entire Brown family is proud to see this building named in honor of Ron Brown. I applaud the leadership in bringing this legislation to the floor and join with my colleagues in supporting H.R. 29 and allowing the legacy of Ron Brown to live on in the Federal building located at 290 Broadway in New York City.

Mr. TRAFICANT. Mr. Speaker, I join Mr. RANGEL in supporting H.R. 29 a bill to designate the new Federal building at 290 Broadway in New York City as the Ron Brown Federal Building.

Ron Brown was an extraordinary man—a leader who gave his boundless energy and enthusiasm to numerous causes. He served as an army captain, vice president of the National Urban League, counsel to the Senate Judiciary Committee, and was the first African-American Secretary of Commerce.

He was an attorney, a trusted adviser, friend, husband, and father.

It is most fitting to honor Ron Brown by designating the new Federal building in his hometown of New York as the Ron Brown Federal Building.

Mr. BISHOP. Mr. Speaker, I rise today to pay tribute to a friend and great American, Ronald H. Brown or as he was known to millions of people around the world, those who knew him well and those who barely knew him, Ron. This fact alone, is a testament to the great charisma that Ron possessed and indeed, the true mark of a statesman.

Ron worked tirelessly as the Secretary of Commerce to forge new ground for U.S. commerce and create new jobs for all Americans. He traveled the world seeking out new opportunities for U.S. businesses. It was on one of these fateful trips that Ron lost his life in an airplane crash on a hill in Bosnia. Ron made the ultimate sacrifice for something he believed in—the United States of America.

It is fitting that this building that houses Federal agencies and the site of the recently discovered African slave burial ground, serve as a memorial to this American son who worked so hard and gave so much to make this country an even greater one.

I encourage all my colleagues to join me in designating this Federal building the Ronald H. Brown Federal building as a tribute to one of America's hardest working public servants, Ronald H. Brown.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 29.

The question was taken.

Mr. BASS. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 29.

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

There was no objection.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 871) to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes, as amended.

The Clerk read as follows:

S. 871

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 "Oklahoma City National Memorial Act of 1997".

SEC. 2 FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) few events in the past quarter-century have rocked Americans' perception of themselves and their institutions, and brought together the people of our Nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City;

(2) the resulting deaths of 168 people, some of whom were children, immediately touched thousands of family members whose lives will forever bear scars of having those precious to them taken away so brutally;

(3) suffering with such families are countless survivors, including children, who struggle not only with the suffering around them, but their own physical and emotional injuries and with shaping a life beyond April 19;

(4) such losses and struggles are personal and, since they resulted from so public an attack, they are also shared with a community, a nation, and the world; and,

(5) the story of the bombing does not stop with the attack itself or with the many losses it caused. The responses of Oklahoma's public servants and private citizens, and those from throughout the nation, remain as a testament to the sense of unity, compassion, even heroism, that characterized the rescue and recovery following the bombing.

(6) During the days immediately following the Oklahoma City bombing, Americans and people from around the world of all races, political philosophies, religions and walks of life responded with unprecedented solidarity and selflessness; and

(7) Given the national and international impact and reaction, the federal character of the site of the bombing, and the significant percentage of the victims and survivors who were federal employees the Oklahoma City Memorial will be established, designed, managed and maintained to educate present and future generations, through a public/private partnership, to work together efficiently and respectfully in developing a National Memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term "Memorial" means the Oklahoma City National Memorial designated under section 4(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRUST.—The term "Trust" means the Oklahoma City National Memorial Trust designated under section 5(a).

SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States and the World, as a National Memorial certain lands located in Oklahoma City, Oklahoma, there is established as a unit of the National Park System the Oklahoma City National Memorial. The Memorial shall be administered by the Trust in cooperation with the Secretary and in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et. seq.), and the Act of August 21, 1935 (49 Stat 666; 16 U.S.C. 461–467).

(b) The Memorial area shall be comprised of the lands, facilities and structures generally depicted on the map entitled "Oklahoma City National Memorial", numbered OCNM 001, and dated May 1997 (hereinafter referred to in this Act as the "map"):

(1) Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Trust.

(2) After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, in writing, the Trust, as established by section 5 of this Act, in consultation with the Secretary, may make minor revisions of the boundaries of the Memorial when necessary by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 5. OKLAHOMA CITY NATIONAL MEMORIAL TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Oklahoma City National Memorial Trust.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a board of Directors (hereinafter referred to as the "Board") consisting of the following 9 members:

(A) The Secretary or the Secretary's designee.

(B) Eight individuals, appointed by the President, from a list of recommendations submitted by the Governor of the State of Oklahoma; and a list of recommendations submitted by the Mayor of Oklahoma City, Oklahoma; and a list of recommendations submitted by the United States Senators from Oklahoma; and, a list of recommendations submitted by United States Representatives from Oklahoma. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 2 shall serve for a term of 3 years; and 2 shall serve a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Five members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) MEETINGS.—The Board shall meet at least three times per year in Oklahoma City, Oklahoma and at least two of those meetings shall be opened to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding operations maintenance and management of the Memorial; as well as, policy, planning and design issues.

(7) STAFF.—

(A) NON-NATIONAL PARK SERVICE STAFF.—The Trust is authorized to appoint and fix the compensation and duties 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, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(B) INTERIM PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide for a period not to exceed 2 years, such personnel and technical expertise, as necessary, to provide assistance in the implementation of the provisions of this Act.

(C) PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide such uniformed personnel, on a reimbursable basis, to carry out day to day visitor service programs.

(D) OTHER FEDERAL EMPLOYEES.—At the request of the Trust, the Director of any other Federal agency may provide such personnel, on a reimbursable basis, to carry out day to day visitor service programs.

(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of Oklahoma, and its political subdivisions including the county of Oklahoma and the city of Oklahoma City.

(10) GOVERNMENT CORPORATION.—

(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

SEC. 6. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall administer the operation, maintenance, management and interpretation of the Memorial including, but not limited to, leasing, rehabilitation, repair and improvement of property within the Memorial under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with—

(1) the provisions of law generally applicable to units of the National Park Service, including: "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4);

(2) the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461–467;

(3) the general objectives of the "Memorial Mission Statement", adopted March 26, 1996, by the Oklahoma City Memorial Foundation;

(4) the "Oklahoma City Memorial Foundation Intergovernmental Letter of Understanding", dated, October 28, 1996; and

(5) the Cooperative Agreement to be entered into between the Trust and the Secretary pursuant to this Act.

(b) AUTHORITIES.—

(1) The Trust may participate in the development of programs and activities at the properties designated by the map, and the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Memorial facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.

(3) The Trust may not dispose of or convey fee title to any real property transferred to it under this Act.

(4) Federal laws and regulations governing procurement by Federal Agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing working conditions, and any civil rights provisions otherwise applicable thereto.

(5) The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(c) MANAGEMENT PROGRAM.—Within one year after the enactment of this Act, the Trust, in consultation with the Secretary, shall develop a cooperative agreement for management of those lands, operations and facilities within the Memorial established by this Act. In furtherance of the general purposes of this Act, the Secretary and the Trust shall enter into a Cooperative Agreement pursuant to which the Secretary shall provide technical assistance for the planning, preservation, maintenance, management, and interpretation of the Memorial. The Secretary also shall provide such maintenance, interpretation, curatorial management, and general management as mutually agreed to by the Secretary and the Trust.

(d) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties.

(e) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, operation, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Memorial properties under its administrative jurisdiction. The Secretary of the Treasury, at the option of the Trust shall invest excess monies of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(f) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Western District of Oklahoma shall have exclusive jurisdiction over any suit filed against the Trust.

(g) BYLAWS, RULES AND REGULATIONS.—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the operation of the National Park System and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

(h) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

SEC. 7. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In furtherance of the purposes of this Act, there is hereby authorized the sum of $5,000,000, to remain available until expended.

(2) MATCHING REQUIREMENT.—Amounts appropriated in any fiscal year to carry out the provisions of this Act may only be expended on a matching basis in a ratio of at least one non-Federal dollar to every Federal Dollar. For the purposes of this provision, each non-Federal dollar donated to the Trust or to the Oklahoma City Memorial Foundation for the creation, maintenance, or operation of the Memorial shall satisfy the matching dollar requirement without regard to the fiscal year in which such donation is made.

SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING.

(a) Prior to the construction of the Memorial the Administrator of General Services shall, among other actions, exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building, or a portion thereof, to the Trust. Any such disposal shall not be subject to—

(1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.);

(2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. et seq.); or

(3) any other Federal law establishing requirements or procedures for the disposal of Federal property.

SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.

(a) Six years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from Guam [Mr. UNDERWOOD] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 1849 was introduced on June 10, 1997, by the gentleman from Oklahoma [Mr. LUCAS]. The purpose of the bill is to establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes.

H.R. 1849 focuses on the terrorist bombing at the Alfred P. Murrah Federal Building in Oklahoma City, OK, on April 19, 1995. The purposes and findings refer to the death of 168 men, women, and children, the heroic rescue efforts that followed in the aftermath, and the national and international impact of this event.

H.R. 1849 establishes the Oklahoma City National Memorial as a unit of the National Park System. The concept is to have an interactive learning museum, an institute dedicated to the prevention of terrorism and violence, and, finally, a landscape memorial consisting of the formal Federal building site and surrounding area.

H.R. 1849 designates a wholly owned governmental corporation, the Oklahoma City Memorial Trust, to design, construct, interpret, operate, and maintain the memorial under a cooperative agreement with the National Park Service. The Trust will raise $14 million or more from donations to carry out the provisions of this bill. The bill requires that expenditures will be on a matching basis in a ratio of at least one non-Federal dollar for each Federal dollar.

Mr. Speaker, the gentleman from Oklahoma [Mr. LUCAS] should be commended for the introduction of H.R. 1849. This is truly a unique approach to the establishment of a unit of the National Park Service. This is an extremely innovative initiative from citizens to local government, to the State government, and, finally, to the Federal Government, forming a partnership that is coordinated with the private sector and citizen involvement. This broad-based local and State approach to addressing the national issue is what we in Congress should have been talking about for years. The citizens of Oklahoma have presented a truly world class memorial to the Congress to support.

Mr. Speaker, I encourage all my colleagues to support this worthy legislation.

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

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

Mr. Speaker, along with the rest of the world, I stood in shock and silence on April 19, 1995, as I watched the TV news accounts of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

My thoughts went immediately to the people who worked inside the building. I wanted to believe that maybe the building was empty or maybe the children in the daycare center were at a city park far away. But seeing the destruction, I knew of the carnage that would be. The building was filled with people, and 168 innocent victims lost their lives.

Then, just as we were trying to grasp the tragedy before us, we were forced to face the realization that this horrendous act was carried out by an American and the victims selected solely because they worked for the Federal Government.

Mr. Speaker, my thoughts were then and continue to be with the families and friends of those killed or wounded in the blast. To lose a loved one under any circumstances is painful, but to have it happen through such a random and cowardly act must be almost unbearable. It is, therefore, extremely appropriate that a memorial be established at the scene of the attack and supported by the Federal Government.

I agree with the recommended themes developed by the Memorial Task Force, which spent a year talking and listening to people about a fitting memorial site. As recommended, this site should be a place of remembrance of both victims and survivors as individuals.

It should bring peace to the visitor, along with spirituality and hope. The cherished children need their own place within the memorial designed for their size and their ability to learn. Further, the memorial should be a comfort to any visitor, and provide recognition for all those who responded to help those in need.

Finally, the memorial needs to be a place of learning for all those who visit, so the tragedy is never to be forgotten.

This legislation establishes the Oklahoma City National Memorial as a unit of the National Park System. The memorial will be managed by the Oklahoma City National Memorial Trust through a cooperative agreement with the National Park Service. Working together, I am sure the Trust and the National Park Service will provide a fitting memorial to a tragic day in American history.

I ask all Members to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. LUCAS], the sponsor of this legislation.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in support of S. 871, the Oklahoma City National Memorial Act of 1997. I am a sponsor of the companion language, H.R. 1849, which was reported out of the Committee on Resources by unanimous vote on Wednesday, September 17. An amendment in the nature of a substitute was offered by the gentleman from Colorado [Mr. HEFLEY]. The language in the substitute amendment was agreed upon by all parties involved.

Mr. Speaker, I commend Chairman HANSEN's Subcommittee on National Parks and Public Lands and their staff for their hard work they have done on this legislation.

I would also like to thank the gentleman from Alaska, Chairman YOUNG, and the ranking member, the gentleman from California, Mr. MILLER, of the Committee on Resources for their support and efforts to move this legislation as expeditiously as is possible.

This historic legislation is a huge step in the healing process for the people of my State and the entire Nation. When a massive bomb exploded in front of the Alfred P. Murrah Federal Building on April 19, 1995, it shook Oklahoma City's foundations and shocked the Nation. Few events in history have rocked America's perception of themselves and their institutions and brought together the people of our great Nation with the intensity equal to this devastating crime.

□ 1715

Although those losses and struggles are personal, they resulted from a public attack and are shared by my heartland community, the Nation, and the world.

One of my district offices is less than a block and a half away from that ill-fated building. When I saw the damage to my office, so near to ground zero, the disbelief that I shared with my staff will never be forgotten.

As my colleagues can well imagine, there is no legislative road map to follow in the wake of this tragic event. It is both gratifying and a bit disheartening to realize that much of my legislative agenda in my short career in the House has been shaped by such an evil act.

Over the past years, I have had the privilege and opportunity to help ease the burden on Oklahoma City that it has borne as a result of this devastating tragedy, and this is what brings me here today. Given the national and international impact and reaction, the Federal character of the site of the bombing and the significant percentage of victims and survivors who were Federal employees, a national memorial designation is highly appropriate. This legislation heralds the spirit, determination and hopes of Oklahomans and all Americans who have persevered in the wake of such a tragic event.

This memorial will be established, designed, managed, and maintained to educate present and future generations. Through a comprehensive cooperative agreement, the Oklahoma City

Memorial Trust will work together efficiently and respectfully with the National Park Service in developing a national memorial relating to all aspects of the April 19, 1995, bombing. Mr. Speaker, I wholeheartedly believe this memorial deserves to be designated a national memorial.

So as to not further burden the Federal Government and the National Park Service, this legislation is unique in its approach toward establishing a unit of the National Park System. The memorial will be a local, State, and Federal Government partnership, with coordination with private sector and public donations. It will consist of three distinct components: an interactive learning museum, an institute dedicated to the prevention of crime and violence, and a remembrance component. The memorial's remembrance component design was unanimously chosen through an extensive international design competition, which drew entries from all 50 States and 23 countries.

The love and respect Oklahoma City has received since being thrust into the national spotlight was most evident in the vast participation and outpouring during the international design competition. The winning design will be a fabulous beacon drawing mankind to a site that will remind us of our Nation's greatness. This Nation, as has been proven many times in the past, will not be defeated by forces that seek to divide us. On August 13, President Clinton put his seal of support on this memorial and embraced the design in a Rose Garden ceremony.

S. 871 provides for establishment of a unit of the National Park Service and authorizes a wholly owned Government corporation, the Oklahoma City National Memorial Trust. As the entity responsible, through a cooperative agreement with the Park Service for the administration, operation, maintenance, management and interpretation of the site, the cooperative agreement, as provided by this legislation, states that the Secretary of the Interior will provide technical assistance for planning, preservation, maintenance, curator management, and the interpretation of the site as mutually agreed to with the Trust.

What has been most gratifying to me during this process is the good character of Oklahomans that continue to be on display in their asking the Federal Government for financial assistance for this meaningful project. The memorial trust is refusing to accept a dollar of Federal funding unless it is matched dollar for dollar by private donations.

Mr. Speaker, I urge my colleagues to support this worthwhile legislation.

Mr. UNDERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of the measure, and I want to commend my colleagues from Oklahoma who have worked on this, as well as the staff from the Committee on Resources and the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee; and the gentleman from Alaska [Mr. YOUNG], chairman of the full committee; and others that were interested and instrumental in bringing this bill forward.

It is an unusual designation of a national park site in this legislation in that the principal responsibilities will reside with the local community and the State of Oklahoma. There is, as my colleagues are well aware, a great enthusiasm for our National Park System, and many would like to have the park arrow or the bison added to their brochures or to their materials in terms of indicating that they are associated with the National Park System, and that is as it should be. Candidly, when we add a Park Service designation or designate a national park unit, such as we are doing in this legislation today, with it I think inherently is the understanding that the responsibilities to protect that resource and to interpret it properly have to also meet those national standards.

This legislation attempts to do that in an unusual way. First of all, it references the 1916 Organic Act and prescribes that as a program to be followed by the entity that is managing this resource, plus the 1935 Historic Preservation Act.

Furthermore, of course, on page 12 of the legislation, as we passed it out of committee and as I know has been changed, the Senate measure has been changed, we provide for mutual consent in the implementation of a cooperative agreement which must be addressed by the Department of the Interior and by the Park Service, that that cooperative agreement would deal with most of the specifics. The Secretary shall provide such technical assistance, but then must mutually agree to most of the precepts in this legislation. Hopefully, this model will accomplish the goals of making certain that our national parks have consistent standards, that they are consistently maintained, in fact, when we have the designation that it achieves the objective.

This, I think, will bear close scrutiny. I do not suspect that there are problems with this, but there is the potential for issues to arise and misunderstandings to occur with regards to this. So I will be closely watching this, as I am certain will the Members of Congress, to see that this is executed properly and that it does attain those high standards.

People around the world, frankly, have come to expect a certain degree of excellence from our National Park Service, a system and an organization, I think, which most of us are very proud of, and we hope that this model, these amendments that were added to it, after some discussion in the House, will accomplish the objective of keeping that quality intact in this particular park unit and across the 375 units that comprise the National Park System today.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I rise in support of this legislation regarding the Oklahoma City memorial. I commend my friend, the gentleman from Oklahoma [Mr. LUCAS], for shepherding this through the legislative process, as, of course, in the Senate, Senator NICKLES has done likewise.

Mr. Speaker, I think this is a unique arrangement for this particular memorial because of the unique manner in which things occurred in Oklahoma City. The Federal money to be expended on this memorial ultimately will be outweighed by four to five times as much additional money that will come from other sources, from private sources, perhaps someone from State and local government sources as well. So even though it will be a national memorial, actually, the Federal Government will only bear one-fourth or one-fifth of the cost.

Mr. Speaker, that is the way that it should be, because the terrorist act in Oklahoma City, taking the lives of 168 persons, was not just something that influenced Oklahoma. We all know about the people who came to Oklahoma City as rescue workers to assist, and we know that the assistance in building this memorial will come from places around the country, too. But more than anything else, just like the participation in the rescue efforts, just as the outreach to the rescue workers, to make them know how appreciated they were, came from Oklahomans, so too most of the resources for this memorial will come from Oklahomans. It will be a memorial that is designed by people acting under the community's guidance, under the guidance of the people who are survivors, under the guidance of those who had loved ones and family members who were killed or severely injured or otherwise impacted in the explosion at the Murrah Building.

People came from across the country, and the donations for this will come from businesses, from individuals, from housewives, from school children, from family and friends, and it is going to remind me, Mr. Speaker, of the phenomena that we saw. There are a lot of people who were doing rescue work in Oklahoma, and they would take a dollar bill out of their pocket and they would say, that is an Oklahoma dollar, because when I was with one of the rescue teams that came to Oklahoma,

they would say, I tried when I had time away to buy a meal or to pay for something, but as soon as somebody knew that I had come to help, they would not let me spend my money. Everything was given to me, was provided, by the good people of this State, and that is the same spirit in which this memorial is being created.

Now, to some, they say, well, this ought to be like any other national monument. After all, these people were Federal workers that were killed; it was a Federal building that was bombed, and that was the reason that it was singled out by terrorists as a target. Mr. Speaker, to some people, perhaps, they were just Federal workers, they were people that worked with Social Security or General Services or the Secret Service, but to folks in Oklahoma City, these are the neighbors who coached the Little League teams and the soccer teams; they are the ones who drove the carpools, who attended the parent-teacher conferences, who taught Sunday school, who we saw when we bought gasoline and groceries, who played the piano, and ordered pizza, and sang in choirs and took their kids to the zoo. They were not just Federal workers, they were Mom and Dad, and children and grandparents, and friends and neighbors.

I believe that this memorial is in the highest example and the highest manner of personal involvement, because Oklahoma has taken the lead in this. Despite the Federal contribution, most of the effort will come from the people who saw the victims not as Federal workers, but as friends and neighbors and family and want to be responsible for taking care of our own. For in Oklahoma, Mr. Speaker, we do believe, and we will always believe, that we are our brother's keeper.

I certainly urge adoption of this act, and I appreciate the support of my colleagues

Mr. UNDERWOOD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do want to acknowledge the good work of the gentleman from Oklahoma [Mr. LUCAS]. I rose to the floor in particular because we are neighbors, and I am very proud to say that many Houstonians, including the Houston Fire Department, joined the people of Oklahoma and Oklahoma City.

I certainly thank the subcommittee chair and ranking member, but I do want to focus on the gentleman from Oklahoma [Mr. LUCAS] and his district, because I want it to be mentioned, although there are some technical nuances that have brought this particular legislation to the floor, I will step aside from that as I am not a member of the committee.

□ 1730

I rise to state that this monument is a recognition of the heroism of Oklahomans and Oklahoma City residents. They are American heroes. I think this should be the point of this monument and this park, as we on the floor of the House are acknowledging that the death of the 168 and those that were maimed and injured was in fact in support of the freedom of this Nation. They died because this nation is a free Nation, and we should never forget the sacrifice that was made by them. I wanted to acknowledge and commend this effort and this acknowledgment of this sacrifice.

Mr. Speaker, let me also acknowledge that I did not arrive on the floor in time to support the naming of the former U.S. Federal Building in New York for Ronald H. Brown, and I do want to enthusiastically support that particular legislation for the great American, Mr. Brown.

In conclusion, sometimes the naming of buildings are taken lightly. These monuments are sometimes taken lightly. I hope the American people understand that in many instances we rise to commemorate great Americans, great heroes, and great members of our Nation that sacrificed their lives so we might live in freedom.

I rise in tribute to the citizens of Oklahoma and in tribute to Ron H. Brown.

Mr. Speaker, I rise today in strong support of H.R. 29 which would redesignate a U.S. Federal building in New York, in the name of Ronald H. Brown. Ronald H. "Ron" Brown, former chairman of the Democratic National Committee during the 1992 Presidential election and Secretary of Commerce in the first Clinton administration, was a man who served his country and its people above and beyond the call of duty. His performance in every area of his public life maintained and sustained a standard of excellence surpassed by few.

In particular, Mr. Brown was a gift to the African-American community. As the first African-American Secretary of Commerce, Mr. Brown remains a symbol of what we can all achieve when we strive to be the very best. While growing up in Harlem as a boy, often at his family's business, the famed Hotel Theresa, young Ron regularly interacted with the cutting edge leaders in the African-American community. From these experiences he learned the subtle nuances of leadership and sought to apply them in both his professional and political careers.

As a trained and practicing attorney, Mr. Brown regularly distinguished himself as more than simply competent, but exceptional. It was this drive and natural ability that propelled Ron to the Chair of the Democratic National Committee, and through his brilliant tactical leadership helped to put our current President in office. President Clinton, in return, rewarded the brilliant mind which had helped to make the White House a reality for him, by appointing Ron Brown to be the Secretary of Commerce. For 3½ years, Ron Brown pushed a new and exciting international commercial agenda to benefit parties both home and abroad until his tragic airplane accident in April 1996 near Bosnia. Secretary Brown lost his life in the service of his country, and for that, he stands as a hero for millions of Americans.

Athough the loss to his family and loved ones can never be replaced, the least we can do, as a body, as a nation, is to show our eternal gratitude. So by the rededication of this Federal building, we remember and honor his life, his loss, and his legacy; on these grounds, I implore the whole House to vote in favor of H.R. 29.

Mr. WATTS of Oklahoma. Mr. Speaker, I want to thank Congressman LUCAS for introducing the Oklahoma City National Memorial Act of 1997. I applaud Congressman LUCAS's efforts in realizing the importance of this legislation to all the people of Oklahoma.

April 19, 1995 was a terrible day for the State of Oklahoma. The whole world witnessed what minutes before seemed like an unthinkable act of terrorism. We, as a state and a country, pulled together as one to help all of those in need. Everyone was awed by the outpouring of love and generosity during this time of tragedy in our State.

A national memorial for the victims of the Oklahoma City bombing will help continue the healing process in Oklahoma. This will serve as a central place where all people, who were either victimized or lost a family member or friend, can go to remember not only the day of the tragedy but also the love and support offered by the people of this great Nation.

We must not forget the horrific actions that occurred on the morning of April 19th, 1995. This memorial will allow us to reflect on that day and all those who were affected by this tragedy. It will serve as a memorial of hope, showing future generations of Americans how we as country came together during a time of unimaginable tragedy.

Thank you again Congressman LUCAS for introducing this bill. All of Oklahoma thanks you for your efforts in the passage of this legislation.

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

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 871, as amended.

The question was taken.

Mr. CONDIT. 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. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on the Senate bill just considered.

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

There was no objection.

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 4, line 11, after "a" insert "wildlife-dependent recreational use or any other".

Page 11, line 19, strike out "and".

Page 11, strike out lines 22 and 23 and insert "fish and wildlife agencies during the course of acquiring and managing refuges; and

"(N) monitor the status and trend of fish, wildlife, and plants in each refuge.".

Page 15, line 8, after "use" insert ", except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] will each control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 3 the House passed H.R. 1420 by a vote of 407 to 1. They approved the National Wildlife Refuge System Improvement Act. This measure is the result of 3 years of hard work by the Committee on Resources, the minority and majority. The gentleman from California [Mr. MILLER] and myself and the gentleman from Michigan [Mr. DINGELL] and other people were involved.

We conducted seven hearings and three markups on ways to improve our National Wildlife Refuge System. It is the culmination of successful negotiations between members of the committee, the administration, hunting and conservation and environmental groups.

The other body has now overwhelmingly approved the amended version of H.R. 1420. The three differences in the legislation include an expanded definition of the term "compatible use" to mean "a wildlife-dependent recreational use or any other use of a refuge"; a requirement that the Secretary monitor the status and trends of fish, wildlife, and plants in each refuge; and a clarification requiring existing rights-of-way within refuges.

I have carefully reviewed these changes and find them acceptable. By approving this measure today, we will conclude the legislative process and send the bill to the President of the United States. By so doing, I am convinced we have enacted an organic act for our 509 wildlife refuge units that will serve our Nation well in the 21st century.

In the final analysis, this is a fine piece of conservation legislation that is true to the legacy of Theodore Roosevelt, and it reaffirms the National Wildlife System Act of 1966.

Before closing, again I would like to mention the people that have participated in this extraordinary effort: My good friend, the gentleman from Michigan, Mr. DINGELL, who was one of the fathers of the Wildlife Refuge Act; the gentleman from New Jersey, Mr. JIM SAXTON, the chairman of the subcommittee; the gentleman from Tennessee, Mr. JOHN TANNER; and the gentleman from California, Mr. DUKE CUNNINGHAM.

I would like to recognize and express my appreciation to Secretary Bruce Babbitt; Majority Leader TRENT LOTT; the ranking minority member, the gentleman from California, Mr. GEORGE MILLER, who cosponsored this bill; the leadership of the Senate Environment and Public Works Committee; and all the conservation and environmental and hunting organizations supporting this effort.

Together we have been successful in crafting a bill that will effectively conserve and manage our fish and wildlife for the future, while allowing millions of Americans to enjoy wildlife-dependent recreation within our refuge system.

Mr. Speaker, this is a good bill, and I urge an "aye" vote on H.R. 1420.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the amendments to H.R. 1420 made by the other body. This is in fact a bona fide compromise which resulted from concessions on both sides. When the House last considered this bill, it was 407 to 1. Maybe we can find that one person and they can vote for it this time.

I want to thank my chairman of the committee, the members, and so many people who helped on this measure: Secretary Babbitt, the gentleman from Michigan [Mr. DINGELL], the gentleman from Alaska [Mr. YOUNG], and the gentleman from New Jersey [Mr. SAXTON], who really did in fact search for common ground on this bill.

This bill continues building on the original version of the refuge system put together by the gentleman from Michigan [Mr. DINGELL], a true National Wildlife Refuge System that was envisioned at that time, and ensures that wildlife refuges, the only public lands dedicated to wildlife conservation, are properly managed and protected, while encouraging greater public appreciation for wildlife and the use of the refuge system.

Whether or not Members like to shoot birds with a Browning or a Nikon, this bill will enhance their appreciation of the refuge system. I urge passage of the legislation.

Mr. TANNER. Mr. Speaker, H.R. 1420, the National Wildlife Refuge System Improvement Act for the first time establishes a conservation mission for America's 509 refuge units.

Equally important, the measure establishes hunting, fishing, and environmental education, as legitimate and appropriate priority general public uses of the 92 million-plus acres of land and water that make up our refuge system. It also affirms the refuge system not only as a home to all wildlife, but also as a haven to endangered wildlife and fish.

Indeed, each of the six National Wildlife Refuges in Tennessee are either entirely or in part in my congressional district and you can fish and hunt on each of them.

Through the Pittman-Robertson Wildlife Restoration Program, the North American Wetlands Conservation Fund, the Dingell-Johnson-Wallop-Breaux Sportfish Restoration Program, the purchase of Federal duck stamps, and many other conservation and restoration programs, hunters and anglers are the unquestioned leaders when it comes to wildlife and fisheries restoration and conservation.

America's hunters and anglers have contributed well over $6 billion to wildlife and fisheries restoration over the past 60 years. And last year alone, they spent nearly $60 billion pursuing the twin traditions of hunting and fishing. And with this legislation, hunters and anglers are again leading the conservation movement.

In the best tradition of President Theodore Roosevelt, an avid hunter, this bill recognizes that fact. So I want to applaud Chairman YOUNG, Representative DINGELL, Chairman SAXTON, Representative MILLER, Secretary Babbitt, and those at the U.S. Fish and Wildlife Service are all to be commended for their leadership on this measure.

The bipartisan process that led to this consensus agreement should be a model for problem solving.

This is an excellent vote for conservation, hunting, and fishing, as we approach the 100th anniversary of our National Wildlife Refuge System. Earlier this year our bill received 407 votes in the House, the Senate passed it earlier this month by unanimous consent, and the President has said he will sign the legislation.

I would urge everyone's support of this bill so that we can send it to President Clinton for his signature.

Mr. SAXTON. Mr. Speaker, I rise in support of H.R. 1420, the National Wildlife Refuge System Improvement Act.

This bill passed the House on June 3, 1997 on a recorded vote of 407 to 1. The National Wildlife Refuge Improvement Act provides an organic act for the Refuge System similar to

those which exist for other public lands. Its principle focus is to establish clearly the conservation mission of the System, provide a mechanism for unit-specific refuge planning, and give refuge managers clear direction and procedures for making determinations regarding wildlife conservation and public uses of the System and individual refuges.

The other body passed this bill, amended, on October 9, 1997. The House concurs to the amendments.

I urge all Members to vote in support of this bill, which greatly benefits the Refuge System.

Mr. DELAHUNT. Mr. Speaker, when President Theodore Roosevelt established the first wildlife refuge in Florida 94 years ago, he could hardly have imagined a national system of 500 refuges covering 93 million acres.

Today, we have another opportunity to make a genuine contribution to this remarkable legacy of wildlife conservation and management. It is in that spirit that I rise today in support of H.R. 1420, the National Wildlife Refuge System Improvement Act of 1997. The Chairman and Ranking Member have worked together to craft a bill that ensures the future biological integrity of our refuges.

Legacies are not historic relics: like the species that inhabit our refuges, they survive only if they prosper and evolve. This bill will help protect species large and small, beautiful and not-so-beautiful, endangered and common alike, and specifically recognizes the benefits that refuges bring to people who live and work near them.

The bill explicitly encourages the Interior Department to work with local communities, states and private and non-profit groups. It is precisely such a partnership that has characterized our progress toward one of the newest additions to the refuge system, in Mashpee on Cape Cod, home to over 180 migratory fish and bird species.

Like so many others across the country, the Mashpee Refuge has value even beyond its statutory objectives—in this case, in safeguarding the quality and quantity of the area's fragile water resources. This imperative has become particularly acute with recent findings that pollution emanating from a nearby military reservation is seriously contaminating groundwater and jeopardizing future drinking water supplies.

For all these reasons, I urge my colleagues to enact H.R. 1420—and then to pay for it by passing a 1998 Interior appropriations bill that includes the $700 million for land acquisition provided for in the budget agreement.

This bill draws on historic, bipartisan support for the basic mission of the refuge system, and makes adjustments that keep this refuge system alive and vibrant. I urge my colleagues to again join me in helping the House send this legislation to the President.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendments to H.R. 1420.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

HOOD BAY LAND EXCHANGE ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1948) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1948

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 "Hood Bay Land Exchange Act of 1997".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act established the Admiralty Island National Monument which is managed by the Secretary of Agriculture, by and through the Forest Service.

(2) The Forest Service has established a policy of encouraging the acquisition of private land inholdings within Admiralty Island National Monument on a willing buyer/willing seller basis. Congress has supported this policy, for example by passage of the Greens Creek Land Exchange Act of 1996 which provided for a land exchange of certain public and private lands in Admiralty Island National Monument.

(3) Lands owned by Alaska Pulp Corporation, consisting of 54 acres, more or less, located in Hood Bay on Admiralty Island within the boundaries of the Kootznoowoo Wilderness are available for transfer to Federal ownership on a willing seller/willing buyer basis. The acquisition of these lands would provide Federal ownership of this valuable land in a critical area of Admiralty Island National Monument.

(4) The United States is the owner of certain reversionary interests to 143.87 acres, more or less, located adjacent to Silver Bay near Sitka, Alaska, which interests were reserved in patent No. 1213671 issued to the Alaska Pulp Corporation on October 18, 1960. The transfer of the reversionary interests of the United States in such lands adjacent to Silver Bay to the Alaska Pulp Corporation would facilitate future use and development of that land.

(5) The future acquisition by the United States of the Chaik Bay property on Admiralty Island to be incorporated into the Kootznoowoo Wilderness would be in the public interest.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(2) The term "Company" means the Alaska Pulp Corporation, an Alaska corporation, its successors, and assigns.

(3) The term "Company Property" means the property depicted on United States Survey Plat 1058 approved March 20, 1917, consisting of approximately 54 acres of land.

(4) The term "Federal Property" means the reversionary interest of the United States described in paragraphs (6) and (7) of the patent dated October 18, 1960, granted by the Bureau of Land Management to Alaska Lumber & Pulp Co., which was recorded at Book 15, Pages 271–273, Sitka Recording District on November 9, 1960. The term "Federal Property" does not include the interests described in paragraphs (1) through (5) of the said patent.

(5) The term "Monument" means the Admiralty Island National Monument, which was established by section 503 of ANILCA and which is managed by the Secretary of Agriculture as a unit of the National Forest System.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "Sitka" means the city and borough of Sitka, Alaska, a home-rule borough formed in accordance with the laws of the State of Alaska.

(8) The term "Sitka Property" means the property depicted on the maps entitled "Sitka Property", dated August 29, 1997, consisting of approximately 49 acres of land.

SEC. 4. LAND EXCHANGE, TRANSFER, RELINQUISHMENT.

(a) EXCHANGE OF COMPANY AND FEDERAL PROPERTY.—After the Company conveys to the United States, by general warranty deed, all right, title, and interest of the Company in and to the Company Property, the Secretary shall within 60 days of acceptance of delivery of said deed, unconditionally and without limitation except as provided herein, relinquish to the Company all right, title, and interest of the United States in and to the Federal Property and shall evidence that relinquishment by conveying to the Company a quitclaim deed to the Federal Property.

(b) RELINQUISHMENT OF PROPERTY TO SITKA.—Upon relinquishment of the Federal Property to the Company under subsection (a), the Company shall transfer all right, title, and interest of the Company in the Sitka Property to Sitka.

(c) AVAILABILITY OF MAPS.—The maps referred to in section 3(3) depicting the Company Property and in section 3(4) depicting Federal Property shall be on file and available for public inspection in the Office of the Forest Supervisor, Chatham Area, Tongass National Forest, in Sitka Alaska. The maps referred to in section 3(8) depicting the Sitka Property shall be on file and available for public inspection in the office of the Manager of the City and Borough of Sitka, Alaska, until the conveyance described in subsection (b), at which time the map shall be recorded along with the deed.

SEC. 5. PROCESSING OF AND TERMS AND CONDITIONS RELATING TO LAND EXCHANGE.

(a) SURVEYS.—Notwithstanding any other provision of law, the Secretary of the Interior may conduct and approve all cadastral surveys that are necessary for completion of the exchange. The cost of any surveys shall be borne by the Company.

(b) EQUAL VALUE EXCHANGE.—The values of the Federal Property and the Company Property are deemed to be of equal value.

(c) ADMINISTRATION.—The Secretary is directed to implement and administer the rights and obligations of the United States under this Act.

(d) CLEANUP OBLIGATIONS.—Nothing in this Act shall impact or alter the Company's rights, duties, and obligations regarding investigation, remediation, cleanup, and restoration under its September 10, 1995, Commitment Agreement with the State of Alaska or other applicable law. The Company shall use its property consistent with all restrictive covenants, including those restrictive covenants recorded on September 4, 1997.

(e) TITLE STANDARDS.—Title to the Company Property to be conveyed to the United States shall be acceptable to the Secretary consistent with the title review standard of the Attorney General of the United States.

SEC. 6. GENERAL PROVISIONS.

(a) MANAGEMENT OF COMPANY PROPERTY.—Upon acquisition of the Company Property by the United States pursuant to this Act, said property shall be managed as a part of the Admiralty Island National Monument and the Kootznoowoo Wilderness.

(b) AUTHORIZATION TO NEGOTIATE FOR ACQUISITION OF PROPERTY.—In furtherance of the purposes of the Kootznoowoo Wilderness, the Secretary, acting through the Forest Service, is authorized to enter into negotiations with the owners of private property in Chaik Bay on Admiralty Island, with the objective of acquiring such property. The Secretary is authorized to enter into an option to purchase or an exchange agreement with the owners of such property to be effected either through existing administrative mechanisms provided by law and regulation, or by subsequent ratification by Act of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] will each control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1948 is the result of several months of work on a land exchange proposal to help the City and Borough of Sitka, Alaska, to develop new economic opportunities.

Sitka is located in southeast Alaska, and is not accessible by road. Its major source of year-round jobs for several decades was a pulp mill which shut down in 1993.

The land for the pulp mill site was originally granted to the Alaska Pulp Corporation in 1960. However, the Federal Government retained a reversionary interest in it. This means that the United States may take ownership of the site if there is no timber processing on it for 5 consecutive years.

With the mill closure, the property cannot be used for anything other than timber processing, even though it is one of the best available locations for new economic development in Sitka.

The closure has several severe effects on the local economy. Year-round jobs were lost, the tax rolls took a hit, and people moved out of the city, to name a few.

Sitka has taken a number of steps to revitalize the community. An important component of this effort is to reuse the pulp mill land in order to offset the job losses. Since the Federal reversionary interest clouds the ownership status of the land, the site cannot be put to productive use. H.R. 1948 takes care of this problem through a land exchange between the company and the United States.

Under the legislation, the Federal reverter interest in the pulp mill will be removed. In exchange, APC will convey to the United States a spectacular inholding it holds on Hood Bay, within Admiralty Island National Monument. The Hood Bay property is a prime parcel of land that the Forest Service seeks to acquire, and it will be incorporated into the wilderness.

Finally, the bill also conveys a portion of the mill site land to the city of Sitka, which currently has an easement on the property for its hydro project and water supply system.

The Committee on Resources held a hearing on this legislation during the August recess. Major concerns were raised and resolved. The result is a fair exchange which benefits Sitka as well as Admiralty Island National Monument.

The committee ordered H.R. 1948 reported with an amendment on September 10, 1997, by a unanimous voice vote. The bill is in the best interests of the Federal Government and of Sitka. I look forward to its passing.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I rise in support of H.R. 1948.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is truly an honor and joy to be here joining the gentleman from Alaska in putting additional lands into wilderness. It is only 54 acres, but hope springs eternal on this side of the aisle.

But the fact of the matter is that the gentleman from Alaska [Mr. YOUNG], the Alaska Pulp Corporation, and the Forest Service have worked out a land swap that is of benefit to the local area and also a benefit to the Nation's wilderness system.

Very often during these land exchanges I have asked whether or not these exchanges are of fair and equal value. In this case I am relying on the chief appraiser of the Forest Service, who has concluded the values of the property interests to be exchanged are equal.

In addition, my concerns about a NEPA waiver in the bill as introduced have been addressed with language to assure us that APC meets its clean-up obligations at the former mill site lands. By enacting this bill, we do not intend to alter APC's obligations to pay for cleaning up pulp-mill-related pollution. So I think the gentleman in fact has brought again to the floor a bill that we can all support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California [Mr. MILLER]. I am extremely pleased that hope springs eternal. Just do not be too hopeful. Fifty-four acres is a lot of land, in my mind. But it is a good bill.

Mr. MILLER of California. If the gentleman will yield, it would be a big deal in Delaware.

Mr. YOUNG of Alaska. And it would be a big deal in Rhode Island.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1948, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ALLOWING ELECTION OF DELEGATE FROM GUAM BY OTHER THAN SEPARATE BALLOT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1460) to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BALLOT REQUIREMENT FOR DELEGATE.

Section 2(a) of the Act entitled "An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the

House of Representatives" approved April 10, 1972 (48 U.S.C. 1712(a)), is amended—

(1) by inserting "from the Virgin Islands" before "shall be elected at large"; and

(2) by inserting "The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate." before "If no candidate".

SEC. 2. PROGRAM EXTENSION FOR COMMUNITIES IN THE FORMER UNITED STATES TRUST TERRITORY.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2)) is amended—

(1) by striking "ten" and inserting "fifteen"; and

(2) by adding at the end of subparagraph (B) the following: "The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from Guam [Mr. UNDERWOOD] will each control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a Democrat bill, I would say to the gentleman from California [Mr. CONDIT]. I am sure the gentleman is going to ask for a vote, too.

The legislation by the delegate from Guam, H.R. 1460, will change existing Federal law to permit the Government of Guam to elect a delegate by other than separate ballot. The bill, as reported unanimously by the Committee on Resources, is being amended at my urging to continue a crucial program for certain small communities in the former Trust Territory of the Pacific Islands which were affected by the United States nuclear testing. As the current authorization expires at the end of this fiscal year, it is essential to take action to permit the continuance of this necessary program.

As H.R. 1460 is consistent with increasing local self-government both in Guam and in the small atoll communities in the former U.S.-administered trust territory, and does not result in any adverse budgetary impact, I would urge my colleagues to adopt the measure. This is a good piece of legislation. I congratulate the gentleman from Guam for introducing the legislation.

Mr. Speaker, the legislation by the Delegate from Guam, H.R. 1460, will change existing Federal law to permit the Government of Guam to elect the Delegate by other than separate ballot. This will potentially save costs for the Government of Guam if in fact Guam decides to change from the separate ballot requirement which has been in law since the authorization for the office of Delegate for Guam.

The bill as reported unanimously by the Committee on Resources is being amended at my urging as committee chairman to continue a crucial program for certain small communities in the former Trust Territory of the Pacific Islands which were affected by United States nuclear testing. As the current authorization expires at the end of this fiscal year, it is essential to take action to permit the continuance of this necessary program.

This matter was the subject of a committee hearing in 1996 and is supported by the administration. On June 12, 1997, the Senate passed this measure as section 2 of S. 210, an omnibus territories bill, which has not been reported due to other nonrelated provisions.

This program will continue to assist four remote atoll communities in the Marshall Islands, which were the locale for U.S. nuclear testing in the atmosphere, ground level, and below the ocean surface. Given the slow decay rate of radioactivity, and the lack of scientific knowledge for radiological rehabilitation, the people of these communities have been forced to rely on external food supplies. Locally grown products are contaminated by high levels of radioactivity, which has hampered resettlement efforts.

However, federally funded research has identified methods which are believed to be safe for raising safe food, which is necessary for any realistic effort of establishing a self-sustaining community. While active efforts are ongoing as part of the resettlement and rehabilitation processes, it will take an undetermined additional period for these new rehabilitation procedures to be analyzed to see if they can in fact produce enough radiation-free food to sustain the populations.

There is expected to be overall minor fiscal impact by extending the program, as the number of people in these communities is relatively small and it involves foodstuffs and not cash. In addition, the savings from helping to maintain the health of the people in these communities and preventing extended care or increased risk from radiological related problems may ultimately reduce the ongoing treatment costs to the Federal Government.

As H.R. 1460 is consistent with increasing local self-government both in Guam and in the small atoll communities in the former U.S. administered trust territory, and does not result in any adverse budgetary impact, I would urge my colleagues to adopt the measure.

Returning to the subject of amending Federal statues defining Guam's political process, the report of the Committee on Resources on this bill (Report No. 105–253 of September 18, 1997) elaborates on the necessity for a change in Federal law. In particular, the committee notes that Congress is being requested by Guam's territorial leaders to enact various amendments to the 1950 Organic Act concerning matters of internal government and local administrative affairs. This is happening because Guam has not established internal self-government under a local constitution adopted by the people of the territory, as authorized by Congress in 1976 under Public Law 94–584.

While the committee has approved the noncontroversial amendment to Federal law in this bill as a cost-saving measure, other amendments to organic law which have been proposed involve matters of internal affairs and self-government which could be addressed through a local constitution, which the people of Guam could amend on their own initiative through their own internal constitutional process. As long as the Organic Act continues to define the state of self-government in Guam, Congress will exercise its authority and responsibility under the territorial clause of the U.S. Constitution, and accordingly will consider amendments which may be proposed. However, as the committee report notes, establishment of local constitutional self-government would promote greater self-determination and autonomy for Guam and Congress would not be required to become involved in matters of a purely local nature. Perhaps most importantly, the report states that "The adoption of a local constitution is a significant part of the evolution of self-government, but its does not preclude the right of further self-determination in the advance toward a final political status."

The committee's emphasis of this latter issue is important in light of the adoption on September 15, 1997, of Guam Legislature Resolution 85 (LS). This measure requests Congress to confirm that adoption of a local constitution will not be prejudicial to further self-determination for Guam. The committee's report unequivocally confirms that there is no adverse affect on the right of self-determination for the people of Guam upon implementing local constitutional government and their right to seek a final political status.

It should be noted that the 1976 statute (section 2 of P.L. 94–548) explicitly defines the nature of local constitutional government authorized by that act as being "within the existing territorial-Federal relationship." While this seems to clearly mean that adoption of a local constitution does not diminish the right of self-determination regarding an ultimate political status, it is understandable that after over two decades the Legislature of Guam has now requested Congress to clarify and confirm this in Federal law, as stated in Guam Legislature Resolution No. 85 (LS), as follows:

RESOLUTION NO. 85

Whereas, in 1976 the United States Congress enabled the people of Guam, pursuant to P.L. No. 95–584, to organize a government under a constitution of our own adoption, which upon approval by Congress and the people of Guam, would provide for local government over the internal affairs of our Island; and

Whereas, when the current government of Guam structure for territorial government was established under the 1950 Organic Act, it was welcomed by the people of Guam as progress toward greater local government, but it was instituted without the consent of the people of Guam through a democratic act of self-determination or participation in the Federal lawmaking process on the basis of equal citizenship or equal representation; and

Whereas, the 1977 Constitution of Guam, drafted pursuant to Federal and local statutes, was approved by Congress but was not approved by the people of Guam in the 1979 referendum; and

Whereas, the process of establishment of internal local government under a local constitution was suspended after linkage was created between the draft constitution and the political status process; and

Whereas, in light of representation and speculations inconsistent with the foregoing from 1979 to the present, it is essential for Congress to confirm its original and continued intention and expectation that authorization and approval of local constitutional government in Guam would not preclude or be prejudicial to the exercise of the right to

self-determination, as part of the process through which ultimate political status of the territory of Guam is to be determined; now therefore, be it

Resolved, by the Guam Legislature, on behalf of the people of Guam, request the One Hundred and Fifth Congress of the United States to amend Public Law No. 94-585, Oct. 21, 1976, 90 Stat. 2899, as amended by Public Law No. 96-597, Title V. Sec. 501, Dec. 24, 1980, 94 Stat. 3479, by adding a new Section 6 to read as follows:

"Section 6. Establishment of local constitutional local government pursuant to this Act shall not preclude or prejudice the further exercise in the future by the people of Guam or the Virgin Islands of the right of self-determination regarding the ultimate political status of either territory."

and be it further

Resolved, That the Speaker certifies to, and the Legislative Secretary attests, the adoption hereof and that copies thereafter be transmitted to the President of the United States of America; to the President Pro Tempore, United States Senate; to the Majority Leader, United States Senate; to the Minority Leader, United States Senate; to the Chairman of the Committee of Energy and Natural Resources, United States Senate; to the Speaker, U.S. House of Representatives; to the Majority Leader, U.S. House of Representatives; to the Minority Leader, U.S. House of Representatives; to the Chairman of the Committee on Resources, U.S. House of Representatives; to the Resident Commissioner of Puerto Rico, U.S. House of Representatives; to the Virgin Islands Delegate to Washington, U.S. House of Representatives; to the Guam Delegate to Washington, U.S. House of Representatives; to the President of the Mayor's Council; and to the Honorable Carl T. Gutierrez, Governor of Guam.

Duly and regularly adopted on the 15th day of September, 1997.

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

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

Mr. Speaker, I encourage my colleagues to support H.R. 1460 as amended by the Committee on Resources. Section 1 of the legislation would provide cost savings to the Government of Guam in its conduct of the election of the Guam Delegate to Congress.

This section has no opposition and has no impact on the Federal budget. The legislation would remove the much-dated single ballot requirement that has been in place in Guam since the inception of the Guam Delegate position. This would enable the ballot to be combined with those for other elective offices by the Guam Election Commission, and the Commission estimates a cost savings of more than $10,000.

Section 2 of this legislation would extend the Eniwetok Food and Agricultural Program for an additional 5 years. Many of my colleagues should remember the nuclear testing that was conducted by the United States in the atolls of the Marshall Islands. Eniwetok Atoll, along with Bikini Atoll, were the subjects of these nuclear tests.

These tests caused a release of radioactive contaminants on these atolls and into their atmosphere. The people of these islands were displaced and resettled on other atolls, and there was always a commitment by the United States that they would be resettled at a later time.

□ 1745

Although some of this has occurred 20 or more years later, the vast majority of the land, some 75 percent, is not suitable or available for food production.

The livelihood of the Eniwetok people has been advanced by this food and agricultural program. The program provides the Eniwetok people with safe imported food for consumption as well as nutritional and agricultural rehabilitation assistance. Also included in this legislation is language that would address the growth and the population of the Eniwetok people since the program was created more than 10 years ago.

We have a unique relationship with the Marshall Islands which needs support and understanding. The Marshalls is in free association with the U.S. Aside from the nuclear testing we have conducted in the Marshalls, we continue to use Kwajalein Atoll as part of a system of missile testing. We should be mindful of this unique and beneficial relationship when programs like the Eniwetok Food and Agricultural effort are reviewed. We must support the people of Eniwetok and indeed all of the Marshalls.

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

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, but I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], if I may, if he would like to speak on our favored bill. He was not here. But if he wants to speak on something else, that is fine, too. After all, he is a senior Member of this House and I bow to his wisdom and maturity.

Mr. DINGELL. Mr. Speaker, I do want to thank and commend my dear friend, the gentleman from Alaska [Mr. YOUNG], and I do want to note the fine work of the gentleman on the Refuge System Improvement Act of 1997 and tell him what a great pleasure it was for me to work with him, what a good piece of legislation I think it is. And it brings back great memories that he and I shared of years past, when he used to work on the same kind of questions back when this business was done in the Subcommittee on Fisheries and Wildlife Conservation on the Committee on Merchant Marine and Fisheries, where the gentleman from Alaska [Mr. YOUNG] was a valuable member, as he is today a valuable member as the chair of the Committee on the Interior, and I thank him, and I had a few remarks which I think would just help say nice things about him and others who have made possible a significant advance in terms of protection of a great national treasure, our refuge system.

Mr. Speaker, today we find ourselves in the very fortunate position of having agreed to legislation which almost everyone agrees will better protect species and habitat on our Nation's wildlife refuges. It does so while articulating an overall mission for the National Wildlife Refuge System and providing general management guidance that the System has sorely needed for too long.

Not only does this codify almost all of the administrative reforms signed by President Clinton last year, it makes very clear the important role that hunting, fishing, and other wildlife-dependent recreational uses play in the successful option of our refuge system.

I understand that the Senate adopted three minor changes that it deemed important to the continued vitality of the Refuge System. After reviewing these proposals, I agree. Those changes include making clear that compatible uses can include wildlife and non-wildlife dependent uses; requires the Secretary to monitor the status and trends of fish, wildlife, and plants on refuges; and makes clear how periodic re-evaluation of secondary uses, such as electric utility rights-of-way, will be conducted consistent with the National Wildlife Refuge System Administration Act of 1966, as will soon be amended.

Mr. Speaker, many people deserve credit for bringing this legislation to a point where the President will sign it. I'd like to thank Chairman YOUNG, Ranking Member MILLER, and Secretary Bruce Babbitt for their leadership in helping bring about passage of this most important legislation.

I might note in closing, Mr. Speaker, that these same people are all very interested in the future protection of wildlife and plants that are NOT on refuge lands but still in need of federal protection. There is much discussion in both chambers about how to reauthorize *the Endangered Species Act.* I understand that the other body had a hearing on a consensus, bipartisan bill introduced last week. While I understand that the Senate bill is not a perfect bill, I wish to take note of the fact that reauthorization of the Endangered Species Act is 5 years overdue. With the passage of the Refuge Bill, it is my hope that all of the Members and interests that have an interest in the Endangered Species Act will negotiate in good faith so we might bring about better, *smarter* protection of species on all of our lands across the nation.

Mr. Speaker, in the meantime we have before us a good bill that is the product of hard work, sensible compromise, and in the interest of our refuges' future. I urge my colleagues to support H.R. 1420.

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

Mr. UNDERWOOD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank my colleague the gentleman from Guam [Mr. UNDERWOOD] for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to support passage of H.R.

1460, which was introduced by our colleague the gentleman from Guam [Mr. UNDERWOOD]. I also want to take this time to commend the gentleman for his hard work in getting Congress to address not only the provisions of this bill, but the many issues faced by the people of Guam.

Mr. Speaker, next year marks the 100th anniversary of Guam's becoming a member of the American family at the end of the Spanish-American War. It would be a deserving tribute to the people of Guam if this House, in recognition of the loyalty and support that Guam has shown for this Nation during those 100 years, could pass H.R. 100, the Guam Commonwealth Act, before this 100th anniversary ends.

Mr. Speaker, the Guam Election Commission has requested that Congress pass H.R. 1460 to remedy the cost of the Federal requirement that election ballots for delegates of Guam to the House of Representatives be by separate ballot from those of other elected officials.

Mr. Speaker, we should unanimously support our colleague and H.R. 1460 because it would facilitate the election of the delegate in Guam and avoid unnecessary costs. I urge my colleagues to support enactment of this bill.

Mr. Speaker, I would further like to thank the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, as well as the gentleman from California [Mr. MILLER], the ranking Democrat, for their efforts to bring this bill to the floor today.

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

Mr. Speaker, I would like to thank the chairman and the ranking member for their attention to the issues pertaining to Guam, and I am particularly grateful to the gentleman from Alaska [Mr. YOUNG] for his interest in the insular areas and in attending to issues pertaining to us.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 1460, a bill which will permit the Government of Guam to include the candidates for the position of Guam's Delegate to the U.S. House of Representatives on the same ballot with candidates running for territorial office. The bill will also extend for 5 years a food assistance program in the Republic of the Marshall Islands.

Mr. Speaker, we have been trying to help the Government of Guam reduce its election expenses for a couple of years now. I want to thank Chairman DON YOUNG and senior Democrat GEORGE MILLER for scheduling committee action on this legislation so we could address Guam's election problem.

For the record, there are similar provisions in the Federal laws which govern the election of congressional delegates in American Samoa and the Virgin Islands, but it is my understanding that the leaders of these two governments prefer not to change the laws governing their elections at this time.

Mr. Speaker, I also rise in strong support of extending the food assistance program for the Republic of the Marshall Islands. The United States created a multidimensional disaster when it conducted atmospheric tests of nuclear weapons in the Pacific and the people of the Marshall Islands are still suffering from the aftermath of those tests. We have a moral obligation to provide this food assistance, and much more, for the damage we did to their country with our atmospheric tests. As this is the same provision which passed the Senate as section 1 of S. 210, I am glad to see we are considering at least this small portion of that legislation, so these Pacific islanders can continue to receive this necessary assistance.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1460, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1460, the bill just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to instruct conferres.

The Clerk read as follows:

Mr. Yates moves that the managers on the part of the House be instructed to agree to the amendments of the Senate numbered 120, 121, and 122.

The SPEAKER pro tempore. Under the rule, the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes and the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes.

The Chair recognized the gentleman from Illinois [Mr. YATES].

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

Mr. Speaker, this is a motion to instruct the conferees on the Interior appropriations bill, to accept the provisions of the Senate bill improving funding for the National Endowment of the Arts.

The House, my colleagues will recall, provided no funds for the National Endowment of the Arts because it was said it was unauthorized. And yet, Mr. Speaker, 14 other agencies in the House bill which were unauthorized received waivers from the Committee on Rules in order to permit them to receive money for their operations.

NEA was the only unauthorized agency that did not receive a waiver of the Committee on Rules. And therefore, it was subject to being stricken by the bill on a point of order. That is why we attacked the rule, Mr. Speaker. We sought to vote down the previous question to correct the discriminatory treatment accorded to the NEA.

Mr. Speaker, we lost by one vote. One vote, Mr. Speaker. And NEA was stricken from the bill on a point of order when the bill came to the floor. That strong showing, Mr. Speaker, indicates to me that there is strong support for the NEA in the House, and that is why I believe the House is ready and willing to join the Senate in providing the fund for NEA, and that is why, Mr. Speaker, I have filed this motion to agree with the Senate.

I urge support for my motion.

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

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material.

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

There was no objection.

Mr. REGULA. Mr. Speaker, I have not had any requests for time at this point on this motion to instruct. I reserve the balance of my time if the gentleman from Illinois [Mr. YATES] would go forward.

Mr. YATES. Mr. Speaker, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Illinois [Mr. YATES] for yielding me the time.

I rise in strong support of the motion of the gentleman from Illinois [Mr. YATES]. I supported it in the House when we first brought this issue up. But of course, it was eliminated, as the gentleman stated, really on a parliamentary maneuver, not only the

lack of a waiver but the parliamentary maneuver to defeat the rule.

I am afraid that a lot of people were opposing it because they thought it was reducing the budget deficit, and I do not believe that had validity. But more importantly, there was a parliamentary maneuver that denied us the vote, not only denied us the vote, but really gave some people the opportunity to dodge the issue instead of confronting it directly. I am afraid that it put the House on record as being part of a dumbing down of America. I hate to say that, but I regretfully must admit that is the way the people across the country interpreted that vote. And in my opinion, it will be part of a "dumbing down" and denying Americans and the children especially the benefits of cultural and educational programming.

Fortunately, the Senate had the wisdom to include the funding. And indeed, I want to remind my colleagues, as they are aware from their own situations in their own communities, this is not just something that is good for urban communities; it supplements in urban, suburban, and rural areas alike improve the educational and the cultural qualities, whether we are talking about community orchestras or dance companies or the numbers of other children's programs that are supported by the NEA.

I want to tell my colleagues also, from my own experience as a member of the authorizing committee and for those that are fearful that there are some violations of community ethical and cultural standards and some that are still operating under the assumption that there is somehow a pornographic or indecent material here, I want to speak now as one of those who worked with our late departed colleague Paul Henry in 1990 to put the reforms in place.

This statement and debate was not permitted because we were denied, under the previous rule, the opportunity to debate this issue under the rules. The law as it now exists as to how the community standards must be met and it is precise as to how those selections are made. There is no longer any reason to look askance at the NEA as violating community standards of decency or projects that have questionable background.

So I guess in summary I want to say, for those who are concerned that we are violating community standards under this proposal, that is a thing of the past. Our committee put in good operational standards as long ago as 1990. This is no longer valid as an argument against the NEA. But to those who were taken in by the parliamentary maneuver so that some dodged the issue as to whether they stood squarely for continuing support for the National Endowment for the Arts, I want to say, this is a straight up-or-down vote. We are agreeing or disagreeing directly with the funding and authorization for the National Endowment for the Arts and following the wisdom of the Senate.

I know that all those letters and telephone calls that my colleagues had those editorials, commentary that was highly critical of us in the House, we now have a way, a direct up-or-down vote, to correct that problem that we created for ourselves under the parliamentary procedure and to correct it and follow the lead that the Senate has given us and bring all those orchestras and those community activities and those children's educational programs back to our communities across this Nation.

I urge support of the motion to instruct the conferees.

□ 1800

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, this is an opportunity for the House to do the right thing. I know in my heart that the chairman as well as the ranking Democrat on this subcommittee know that the National Endowment for the Arts deserves funding. I think that most people that have looked into what the National Endowment for the Arts has done over the last several years, particularly since Jane Alexander took over, recognize that all the projects are scrutinized, that the ones that have been used for rhetorical purposes are all past history. They were marginal projects, anyway. They certainly do not define what the National Endowment for the Arts is all about.

What defines what the National Endowment for the Arts is all about is a young woman that grew up just a few blocks from the Kennedy Center but never could afford to go to the Kennedy Center. When she was a teenager, she attended a National Endowment for the Arts opera recital and realized she wanted to sing opera. Now she is an internationally acclaimed star because the National Endowment for the Arts gave the kind of inspiration to Denyce Graves as it has to many thousands of artists around the country and to communities that wanted their people to be able to appreciate what this country's artists have to offer. These are not grants that go to the well-funded cities. These are grants that go out into communities that appreciate the arts but lack the funding to offer them to their citizens.

We heard from the chairman of CBS last week. The gentlewoman from New York [Ms. SLAUGHTER] sponsored the breakfast. He stood up, and said he represented corporate America. He told us that when the NEA gives its endorsement to a project, they know that it is worth investing in. They want to invest in the arts. They know it is in the best interests of their employees, that it is in the best interest of America.

But if we were to give it to the States or to otherwise eviscerate what the NEA stands for, then we will not have that kind of credibility, that the projects that need funding will not get funding. It is only the projects which have the contacts, which know the wealthy people, which know the right people which will get funded. Thousands of other projects around the country will not get funded because they do not have a National Endowment for the Arts ready, willing, and able to fund the most meritorious artists.

Mr. Speaker, I ask the Members of this House to do the right thing, support NEA, and follow the lead of the gentleman from Illinois [Mr. YATES], our ranking Democrat, in instructing the conferees to restore its funding.

Mr. YATES. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to support this motion very strongly to instruct the conferees to include the Senate level of $100 million in this conference report. This is absolutely essential for us, Mr. Speaker, as part of the most important link that we have in the United States to humanize and to give the opportunity for every child in this country to participate in arts programs.

We hear all the time, the debate always centers around where all these grants go. Oh, they say they go to New York City, to Chicago, and to Los Angeles. Yes, a lot of them do. Why do they do that? What do they do with the money in New York, Chicago, and Los Angeles? They send out troupes of artists, of dancers, of musicians, of teachers to every nook and cranny of the United States.

That really is what our obligation is here. Those famous and wonderful institutions that have art museums throughout the country will probably survive without the NEA, but I can guarantee Members that those programs that reach into the smallest of schools, to the most deprived of areas in the United States, those will not survive, and they will die.

Will it matter? You bet it matters. What do we do with children who have arts programs in school? In the first place, they are going to tell us that these are kids who never drop out, and on art day all those children are going to be there. Absenteeism is cut down. But one of the most important things is that, according to the college board in the United States, students with 4 years of art, they score 59 points higher on their verbal scores on the SAT's and 44 points higher on math portions than kids with no arts classes. There is nothing else that we do for education that gives us back that return.

Newsweek recently highlighted a school in Raleigh, NC, that used art to transform what was a troubled elementary school with below-average test scores to a school where the kids are excited about learning and the scores have gone up. University of California at Irvine researchers found that music training, specifically piano instruction, is far superior to computer instruction, dramatically enhancing the children's abstract reasoning skills necessary for learning math and science. A study in Florida shows there is a connection between arts education and dropout prevention. This is the best thing we do for children at risk.

Can we afford not to do that? Can we afford to not do these small programs, the small investment that we make to make sure as we are here on the cusp of the next century that every child in the public school system in the United States has that opportunity to expand its brainpower and its own ability, its verbal scores, and do better on the SAT's? How foolish for us not to do that.

The NEA's budget is less than 0.01 percent of the Federal budget. What does it do? It returns $3.4 billion to the Treasury. I promise my colleagues that we make no other investment in the Congress of the United States that brings that kind of return. It supports 1.3 million jobs and generates $36.8 billion annually. In addition, the arts produce $790 million in local government revenue and $1.2 billion in State government revenue.

Let me just close with something that is very important. Recently the New York Times ran the words of Harold Holzer, the Metropolitan Museum of Art's vice president. He said that in the fiscal year which ended June 30, the Metropolitan Museum of Art had greater attendance, 5.5 million persons, than the New York Mets, the Yankees, the Rangers, and the Knicks combined. That certainly says to us that people in this country are hungry to have art, hungry to hear music, anxious to dance, want their children to have the opportunity to expand their brains, to be everything they can be, to help us be ready to go into the next century with our children prepared.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I strongly support this motion to restore funding to the National Endowment for the Arts. I am grateful that the other body has more clearly understood the value of the NEA and has in its wisdom not only rejected efforts to eliminate the agency, but has also rejected efforts that would have dramatically altered the fundamental structure and mission of the NEA.

The NEA has a proven track record of supporting the creation of excellent art and facilitating Americans' access to it. For 30 years the NEA has helped bring art and culture to those who otherwise would be without it.

The NEA is sometimes accused of being elitist, but just the opposite is the case. Before the NEA, there were 38 orchestras in the country just 30 years ago. Today there are more than 1,000. Before the NEA, there were 37 professional dance companies. Now there are 300. Before the NEA, 30 years ago, only 1 million people attended theater each year. Today more than 55 million attend. All of this because of the NEA.

The NEA plays a crucial role in the nonprofit arts industry, which supports 1.3 million jobs and generates more than $3.4 billion in Federal income taxes. We cannot afford either culturally or economically to eliminate the NEA.

I am especially pleased that the House of Representatives will now finally be allowed to vote on whether or not to fund the NEA. Earlier this year the leadership of this House took extraordinary steps to prevent the House from even considering funding the NEA. On the controversial vote on the rule, several Members of Congress who have supported the arts in the past and had pledged to support the NEA failed to do so at that critical moment. I hope that these Members in particular will seize this opportunity to demonstrate their support for the NEA by voting for this motion to instruct conferees. I urge all of my colleagues to support the National Endowment for the Arts and to vote to accept the Senate funding level of $100 million for the NEA.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I know that there are a few persons in politics who will use the fact that an occasional fool has misused NEA funding to produce decadent and objectionable pieces of art under endowment funding, but I would simply point out one thing. Even Babe Ruth struck out 1,300 times, and no sane manager would have benched Babe Ruth. I do not think we should bench the National Endowment for the Arts.

I would say that for every occasional grant that any Member of this body can find that has funded a piece of so-called art that we would find objectionable or outrageous, there are literally tens of thousands of grants that are provided that raise people's spirits, that open the eyes of young people to their greater and finer possibilities. And I would just suggest that it is not the urban centers of this country who would be the great losers if the Endowment were to die, it would be the thousands of small communities across this country who need the seed money that the Endowment provides in order to enrich the cultural lives of their children in many areas where they would otherwise not have the opportunity to see some of the grand things that funding under the Endowment can provide.

Mr. Speaker, I would simply urge that we support this motion of the gentleman from Illinois. I also want to take this opportunity to say about the gentleman that I do not think there is a finer human being who has ever served in this House than the gentleman from Illinois [Mr. YATES]. He has devoted a great portion of his energies and his passions to improving the lives of many people in material ways as well as spiritual ways. I think this endowment is just one of the ways that he has tried to do that. On behalf of every person who cares about this program all across the country, I would like to personally thank him for the efforts he has shown. I think he does the House proud when he takes the positions that he has. We are, I think, all very happy to stand with him today in this effort to make the Congress finally do what is right on this issue.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Wisconsin for his kind remarks.

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

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Is it my understanding that this motion to instruct would in no way bind the conferees in terms of conditions that would be put on the grant? I know that the gentleman from Illinois has suggested we have six Members, three from the House and three from the Senate, on the NEA Board so that we have continuing input. There has been some talk about limiting the percentage that any State could receive and also no individual grants even for literature. Is my understanding correct that those types of conditions could be imposed by the conferees, and that this motion would in no way restrict our ability to do so?

Mr. YATES. That was my understanding as well. I subscribe to that.

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

Mr. REGULA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Illinois [Mr. YATES].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. REGULA, MCDADE, KOLBE, SKEEN, TAYLOR of North Carolina,

NETHERCUTT, MILLER of Florida, WAMP, LIVINGSTON, YATES, MURTHA, DICKS, SKAGGS, MORAN of Virginia, and OBEY.

There was no objection.

□ 1815

APPOINTMENT OF CONFEREES ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. PORTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2264, be instructed to insist on the Senate position to provide $368,716,000 for congregate meals for the elderly.

The SPEAKER pro tempore. Under the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

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

Mr. Speaker, I do not intend to take very much time. This amendment simply would raise by $4.1 million above the House figure the amount that we would support for congregate meals for the elderly. The Senate is $4 million higher than the House bill is. This would simply instruct the conferees to move to the Senate position.

This program reaches our most vulnerable senior citizens, and I would think and hope that it would have broad support within the House.

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

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

Mr. Speaker, we accept the gentleman's motion.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material.

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

There was no objection.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. OBEY].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. PORTER, YOUNG of Florida, BONILLA, ISTOOK, MILLER of Florida, DICKEY, WICKER, Mrs. NORTHUP, and MESSRS. LIVINGSTON, OBEY, STOKES, HOYER, Ms. PELOSI, Mrs. LOWEY, and Ms. DELAURO. There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair announces that he will now put the question on the Corrections Calendar bill and then on three motions to suspend the rules on which further proceedings were postponed earlier today, in the order in which the motions were entertained.

Votes will be taken in the following order: H.R. 2343 on the Corrections Calendar, de novo; H.R. 2414, de novo; S. 996, de novo; H.R. 2027, de novo; H.R. 1683, de novo; H.R. 643, de novo; H.R. 824, de novo; S. 1000, de novo; H.R. 29, de novo; S. 871, de novo; H.R. 1420, concurring in Senate amendments, de novo; and H.R. 1948, de novo.

Again, under previous agreement there will be three electronic votes during this voting period.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 2343, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. MILLER of California. 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 420, nays 0, not voting 13, as follows:

[Roll No. 416]

YEAS—420

Abercrombie	Crane	Hansen
Ackerman	Crapo	Harman
Aderholt	Cubin	Hastert
Allen	Cummings	Hastings (WA)
Andrews	Cunningham	Hayworth
Archer	Danner	Hefley
Armey	Davis (FL)	Herger
Bachus	Davis (IL)	Hill
Baesler	Davis (VA)	Hilleary
Baker	Deal	Hilliard
Baldacci	DeFazio	Hinchey
Ballenger	DeGette	Hinojosa
Barcia	Delahunt	Hobson
Barr	DeLauro	Hoekstra
Barrett (NE)	DeLay	Holden
Barrett (WI)	Dellums	Hooley
Bartlett	Deutsch	Horn
Barton	Diaz-Balart	Hostettler
Bass	Dickey	Houghton
Bateman	Dicks	Hoyer
Becerra	Dingell	Hulshof
Bentsen	Dixon	Hunter
Bereuter	Doggett	Hutchinson
Berman	Dooley	Hyde
Berry	Doolittle	Inglis
Bilbray	Doyle	Istook
Bilirakis	Dreier	Jackson (IL)
Bishop	Duncan	Jackson-Lee (TX)
Blagojevich	Dunn	Jefferson
Bliley	Ehlers	Jenkins
Blumenauer	Ehrlich	Johnson (CT)
Blunt	Emerson	Johnson (WI)
Boehlert	Engel	Johnson, E.B.
Boehner	English	Johnson, Sam
Bonior	Ensign	Jones
Bono	Etheridge	Kanjorski
Borski	Evans	Kaptur
Boswell	Everett	Kasich
Boucher	Ewing	Kelly
Boyd	Farr	Kennedy (MA)
Brady	Fattah	Kennedy (RI)
Brown (CA)	Fawell	Kennelly
Brown (FL)	Fazio	Kildee
Brown (OH)	Filner	Kilpatrick
Bryant	Flake	Kim
Bunning	Foglietta	Kind (WI)
Burr	Foley	King (NY)
Burton	Forbes	Kingston
Buyer	Ford	Kleczka
Callahan	Fowler	Klink
Calvert	Fox	Klug
Camp	Frank (MA)	Knollenberg
Campbell	Franks (NJ)	Kolbe
Canady	Frelinghuysen	Kucinich
Cannon	Frost	LaFalce
Capps	Furse	LaHood
Cardin	Gallegly	Lampson
Carson	Ganske	Lantos
Castle	Gejdenson	Largent
Chabot	Gekas	Latham
Chambliss	Gephardt	LaTourette
Chenoweth	Gibbons	Lazio
Christensen	Gilchrest	Leach
Clay	Gillmor	Levin
Clayton	Gilman	Lewis (CA)
Clement	Goode	Lewis (GA)
Clyburn	Goodlatte	Lewis (KY)
Coble	Goodling	Linder
Coburn	Gordon	Lipinski
Collins	Goss	Livingston
Combest	Graham	LoBiondo
Condit	Granger	Lowey
Conyers	Green	Lucas
Cook	Greenwood	Luther
Cooksey	Gutierrez	Maloney (CT)
Costello	Gutknecht	Maloney (NY)
Cox	Hall (OH)	Manton
Coyne	Hall (TX)	Manzullo
Cramer	Hamilton	

Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
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
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
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
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Bonilla
Edwards
Eshoo
Gonzalez
Hastings (FL)
Hefner
John
Lofgren
Ortiz
Pelosi
Schiff
Smith, Linda
Woolsey

□ 1845

Ms. DANNER changed her vote from "nay" to "yea."

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. GUTKNECHT]. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the next two motions to suspend the rules on which the Chair has postponed further proceedings, and on which recorded votes may be ordered.

Votes on additional suspension motions will be postponed until approximately 9 p.m.

THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2414, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2414, as amended.

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

RECORDED VOTE

Mr. TIERNEY. 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 413, noes 6, not voting 14, as follows:

[Roll No. 417]

AYES—413

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
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
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
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOES—6

Coburn
Ganske
LoBiondo
Roukema
Slaughter
Thornberry

NOT VOTING—14

Bonilla	Hastings (FL)	Ortiz
Cox	Hefner	Schiff
Edwards	Hinojosa	Taylor (NC)
Eshoo	John	Woolsey
Gonzalez	Lofgren	

□ 1856

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that this will be the last recorded vote in this series. This will be a 5-minute vote.

PROVIDING AUTHORIZATION FOR ARBITRATION IN UNITED STATES DISTRICT COURTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 996, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the Senate bill, S. 996, as amended.

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 421, noes 0, not voting 12, as follows:

[Roll No. 418]

AYES—421

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

NOT VOTING—12

Bonilla	Gonzalez	Lofgren
Edwards	Hastings (FL)	Ortiz
Eshoo	Hefner	Schiff
Ewing	John	Woolsey

□ 1904

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read:

"An Act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker, I was unavoidably delayed and missed votes 416, 417, and 418 because my flight from San Francisco to Washington, United flight 964, was canceled and I had to take a later flight. Had I been present, I would have voted "aye" on 416, "aye" on 417, and "aye" on 418.

RECESS

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 9 p.m.

Accordingly (at 7 o'clock and 7 minutes p.m.), the House stood in recess until approximately 9 p.m.

□ 2100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GUTKNECHT) at 9 p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–263) on the resolution (H. Res. 238) waiving points of order against the conference report to accompany the bill (H.R. 2209) making

appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–264) on the resolution (H. Res. 239) providing for consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–265)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2266) "making appropriations for the Department of Defense 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:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,452,057,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,493,518,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,137,899,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,102,120,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,032,046,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,376,601,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $391,770,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $815,915,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,333,867,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

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

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,437,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $16,754,306,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated in this paragraph, not less than $300,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the

Navy and the Marine Corps, as authorized by law; and not to exceed $5,500,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,617,766,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,372,635,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,362,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,492,883,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $10,369,740,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $28,850,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,207,891,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $921,711,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $116,366,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,632,030,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,419,632,000: Provided, That not later than March 15, 1998, the Director of the Army National Guard shall provide a report to the congressional defense committees identifying the allocation, by installation and activity, of all base operations funds appropriated under this heading.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,013,282,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $1,884,000,000: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title, and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $242,300,000, to remain available until transferred: Provided,

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

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $47,130,000, to remain available until September 30, 1999.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $382,200,000, to remain available until September 30, 2000: Provided, That of the amounts provided under this heading, $35,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East: Provided further, That of the amounts provided under this heading, $5,000,000 shall be available only for the Arctic Military Environmental Cooperation Program.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks); $360,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 1999, as follows:

Army, $100,000,000;
Navy, $70,000,000;
Marine Corps, $45,000,000; and
Air Force, $145,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,346,317,000, to remain available for obligation until September 30, 2000.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $762,409,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,298,707,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,037,202,000, to remain available for obligation until September 30, 2000.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,679,130,000, to remain available for obligation until September 30, 2000.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,535,444,000, to remain available for obligation until September 30, 2000.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,102,193,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $397,547,000, to remain available for obligation until September 30, 2000.

SHIPBUILDING AND CONVERSION, NAVY

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

For continuation of the SSN–21 attack submarine program, $153,444,000;
NSSN, $2,314,903,000;
NSSN (AP), $284,859,000;
CVN–77 (AP), $50,000,000;
CVN Refuelings, $1,615,003,000;
CVN Refuelings (AP), $46,855,000;
DDG–51 destroyer program, $3,411,200,000;
DDG–51 destroyer program (AP), $157,806,000;
LPD–17 amphibious transport dock ship (AP), $100,000,000;
Oceanographic ship program (AP), $16,000,000;
LCAC landing craft air cushion program, $20,000,000; and
For craft, outfitting, post delivery, conversions, and first destination transportation, $137,521,000;

In all: $8,235,591,000, to remain available for obligation until September 30, 2002: Provided, That additional obligations may be incurred after September 30, 2002, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading

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

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 194 passenger motor vehicles for replacement only; and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,144,205,000, to remain available for obligation until September 30, 2000.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 40 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $482,398,000, to remain available for obligation until September 30, 2000.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,480,983,000, to remain available for obligation until September 30, 2000: Provided, That of the funds made available under this heading, $331,000,000 shall be available for long lead activities related to the procurement of additional B–2 bombers: Provided further, That if the President determines that no additional B–2 bombers should be procured during this fiscal year, and he certifies to the Congress his decision, the funding described in the previous proviso shall be made available to modify and repair the existing fleet of B–2 bombers.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,394,202,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $398,534,000, to remain available for obligation until September 30, 2000.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 196 passenger motor vehicles for replacement only; the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,592,909,000, to remain available for obligation until September 30, 2000.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 381 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,106,444,000, to remain available for obligation until September 30, 2000.

NATIONAL GUARD AND RESERVE EQUIPMENT

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

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $5,156,507,000, to remain available for obligation until September 30, 1999.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $8,115,686,000, to remain available for obligation until September 30, 1999: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $14,507,804,000, to remain available for obligation until September 30, 1999: Provided, That of the funds made available in this paragraph, $4,000,000 shall be only for development of coal-derived jet fuel technologies.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,821,760,000, to remain available for obligation until September 30, 1999: Provided, That not less than $409,898,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: Provided further, That funds appropriated for the Dual-Use Applications Program under section 5803 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208), shall remain available for obligation until September 30, 1998.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $258,183,000, to remain available for obligation until September 30, 1999.

OPERATIONAL TEST AND EVALUATION, DEFENSE

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

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $971,952,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $1,074,948,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,369,075,000, of which $10,095,007,000 shall be for Operation and maintenance, of which not to exceed two per centum shall remain available until September 30, 1999, and of which $274,068,000, to remain available for obligation until September 30, 2000, shall be for Procurement.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $600,700,000, of which $462,200,000 shall be for Operation and maintenance, $72,200,000 shall be for Procurement to remain available until September 30, 2000, and $66,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1999: Provided, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $712,882,000: Provided, That the funds appropriated under this head shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $138,380,000, of which $136,580,000 shall be for Operation and maintenance, of which not to exceed $500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,800,000, to remain available until September 30, 2000, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

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

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account; $121,080,000, of which $39,011,000 for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2000, and $3,000,000 for Research, development, test and evaluation shall remain available until September 30, 1999.

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

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

NATIONAL SECURITY EDUCATION TRUST FUND

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

TITLE VIII

GENERAL PROVISIONS

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

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

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That of the authority provided under this section, not to exceed $65,000,000 shall be available to meet requirements for termination of the Reserve Mobilization Insurance Program, notwithstanding chapter 1214 of title 10 of the United States Code.

(TRANSFER OF FUNDS)

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

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

SEC. 8008. (a) None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

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

Apache Longbow radar;

AV-8B aircraft; and

Family of Medium Tactical Vehicles.

(b) None of the funds provided in this Act and hereafter may be used to submit to Congress (or to any committee of Congress) a request for authority to enter into a contract covered by those provisions of subsection (a) that precede the first proviso of that subsection unless—

(1) such request is made as part of the submission of the President's Budget for the United States Government for any fiscal year and is set forth in the Appendix to that budget as part of proposed legislative language for appropriations bills for the next fiscal year; or

(2) such request is formally submitted by the President as a budget amendment; or

(3) the Secretary of Defense makes such request in writing to the congressional defense committees.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 1998, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

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

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

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

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

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

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

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

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United

States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 1999 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

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

SEC. 8024. In addition to funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544: Provided, That these payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act: Provided further, That contractors participating in the test program established by Section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8025. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M–9 or M–11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

SEC. 8026. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, or the National Guard, as described in section 101 of title 32;

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

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

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

(3) requests and is granted—

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

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

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

SEC. 8027. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8028. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8029. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8031. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and supplies in the performance of contracts let by the Department of Defense.

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

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

SEC. 8032. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8033. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8034. Of the funds made available in this Act, not less than $26,247,000 shall be available for the Civil Air Patrol, of which $22,702,000 shall be available for Operation and maintenance.

SEC. 8035. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

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

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

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

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

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

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

(h) No part of the reductions contained in subsection (e) of this section may be applied against any budget activity, activity group, subactivity group, line item, program element, program, project, subproject or activity which does not fund defense FFRDC activities within each appropriation account, and the reductions in subsection (e) shall be allocated on a proportional basis.

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

SEC. 8036. None of the funds in this or any other Act shall be available for the preparation of studies on—

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

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

SEC. 8037. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8038. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8039. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8040. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1998. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8041. The total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $300,000,000 to reflect savings from the use of advisory and assistance services by the Department of Defense: Provided, That the savings shall be applied to the following titles in the following amounts:

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

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

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

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

SEC. 8042. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8043. Notwithstanding any other provision of this Act, the amounts provided in all appropriation accounts in titles III and IV of this Act are reduced by 1.5 percent: Provided, That these reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account: Provided further, That not later than 60 days after the enactment of this Act, the Undersecretary of Defense (Comptroller) shall submit a report to the congressional defense committees listing the specific funding reductions allocated to each category listed in the preceding proviso pursuant to this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8044. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8045. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: Provided, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: Provided further, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8046. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8047. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8048. Notwithstanding any other provision of this Act, the total amount appropriated in title IV of this Act is hereby reduced by $474,000,000: Provided, That each program element, program, project, subproject, and activity funded in title IV of this Act shall be allocated a pro-rata share of any of the reductions made by this section: Provided further, That not later than 60 days after the enactment of this Act, the Undersecretary of Defense (Comptroller) shall submit a report to the congressional defense committees listing the specific funding reductions allocated to each category listed in the preceding proviso pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 8061. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the Department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8062. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1998 until the enactment of the Intelligence Authorization Act for Fiscal Year 1998.

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

(RESCISSIONS)

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

"Shipbuilding and Conversion, Navy, 1996/2000", $35,600,000;

"Other Procurement, Navy, 1996/1998", $3,300,000;

"Aircraft Procurement, Army, 1997/1999", $5,000,000;

"Procurement of Ammunition, Army, 1997/1999", $5,000,000;

"Other Procurement, Army, 1997/1999", $6,000,000;

"Other Procurement, Navy, 1997/1999", $2,200,000;

"Aircraft Procurement, Navy, 1997/1999", $24,000,000;

"Research, Development, Test and Evaluation, Army, 1997/1998", $6,000,000;

"Research, Development, Test and Evaluation, Navy, 1997/1998", $40,000,000;

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

"Research, Development, Test and Evaluation, Defense-Wide, 1997/1998", $24,000,000.

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

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

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

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

SEC. 8069. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1997 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,118,000,000.

SEC. 8071. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

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

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

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

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

SEC. 8076. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

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

SEC. 8078. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: Provided, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8079. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

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

SEC. 8080. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

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

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

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

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

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

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

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

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

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

SEC. 8081. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10.

SEC. 8082. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.

SEC. 8083. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

SEC. 8084. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

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

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

SEC. 8085. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8086. During the current fiscal year, no more than $10,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8087. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the one percent limitation shall apply to the total amount of the appropriation.

SEC. 8088. Notwithstanding 31 U.S.C. 1552(a), not more than $14,000,000 appropriated under the heading "Aircraft Procurement, Air Force" in Public Law 102-396 which was available and obligated for the B-2 Aircraft Program shall remain available for expenditure and for adjusting obligations for such program until September 30, 2003.

SEC. 8089. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

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

(TRANSFER OF FUNDS)

SEC. 8090. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

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

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

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

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

T-AO fleet oiler program, $3,453,000;

AOE combat support ship program, $3,600,000; and

For craft, outfitting, and post delivery, $2,019,000;

To:

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

SSN-21 attack submarine program, $21,572,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

DDG-51 destroyer program, $1,060,000;

LHD-1 amphibious assault ship program, $1,600,000;

LSD-41 cargo variant ship program, $2,666,000;

AOE combat support ship program, $7,307,000; and

For craft, outfitting, and post delivery, $12,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

SSN-21 attack submarine program, $24,633,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

LHD-1 amphibious assault ship program, $5,592,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

SSN-21 attack submarine program, $5,592,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD-1 amphibious assault ship program, $400,000; and

DDG-51 destroyer program, $1,054,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/1999":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $715,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

LHD-1 amphibious assault ship program, $17,513,000; and

For craft, outfitting, and post delivery, conversions, and first destination transportation, $878,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $3,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

DDG-51 destroyer program, $24,160,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

Fast Patrol Boat, $9,500,000;

To:

"Research, Development, Test and Evaluation, Navy, 1998/1999", $9,500,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

Oceanographic ship SWATH, $45,000,000;

To:

"Research, Development, Test and Evaluation, Navy, 1998/1999", $45,000,000;

From:

"Aircraft Procurement, Air Force, 1997/1999", $73,531,000;

To:

"Research, Development, Test and Evaluation, Air Force, 1997/1998", $73,531,000:

Provided further, That notwithstanding any other provision of law, to facilitate a full and final settlement of all claims under contracts N00024-79-C-2614 and N00024-77-C-2031, the Secretary of the Navy may offset the amount of $1,660,680.84, owed by the Navy under contract N00024-79-C-2614 for the T-ARC-7 against an equal amount, $1,660,680.84, owed to the Navy under contract N00024-77-C-2031 for the AD 43.

SEC. 8091. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 1998 a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 1999 budget request was reduced because Congress appropriated funds above the President's budget request for that specific activity for fiscal year 1998.

SEC. 8092. (a) None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with a business combination of the defense contractor that occurs after the date of enactment of this Act unless—

(1) the auditable savings for the Department of Defense resulting from the restructuring will exceed the costs allowed by a factor of at least two to one; or

(2) the savings for the Department of Defense resulting from the restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department; and

(3) the report required by Section 818(e) of Public Law 103-337 to be submitted to Congress in 1997 is submitted.

(b) Not later than April 1, 1998, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(1) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combinations since 1993;

(2) an analysis of the specific costs associated with workforce reductions;

(3) an analysis of the services provided to the workers affected by business combinations;

(4) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment; and

(5) in accordance with section 818 of Public Law 103-337, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(c) The report should set forth recommendations to make this program more effective for

workers affected by business combinations and more efficient in terms of the use of Federal dollars.

SEC. 8093. Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8094. The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8095. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8096. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8097. Notwithstanding any other provision of law, and notwithstanding the provisions in section 7306 of title 10, United States Code, in addition to amounts otherwise appropriated or made available by this Act, $13,000,000 is appropriated to the Department of the Navy and shall be available only for a grant to the Intrepid Sea-Air-Space Foundation only for the refurbishment of the former U.S.S. Intrepid (CV 11).

SEC. 8098. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation: Funds obligated by the Economic Development Administration for EDA Project No. 04-49-04095 from funds made available in the Department of Defense Appropriations Act, 1994 (Public Law 103-189).

SEC. 8099. None of the funds provided by this Act may be used to pay costs of instruction for an Air Force officer for enrollment commencing during the 1998-1999 academic year in a postgraduate degree program at a civilian educational institution if—

(1) the degree program to be pursued by that officer is offered by the Air Force Institute of Technology (or was offered by that institute during the 1996-1997 academic year);

(2) the officer is qualified for enrollment at the Air Force Institute of Technology in that degree program; and

(3) the number of students commencing that degree program at the Air Force Institute of Technology during the first semester of the 1998-1999 academic year is less than the number of students commencing that degree program for the first semester of the 1996-1997 academic year.

SEC. 8100. During the current fiscal year, the amounts which are necessary for the operation and maintenance of the Fisher Houses administered by the Departments of the Army, the Navy, and the Air Force are hereby appropriated, to be derived from amounts which are available in the applicable Fisher House trust fund established under 10 U.S.C. 2221 for the Fisher Houses of each such department.

SEC. 8101. During the current fiscal year, refunds attributable to the use of the Government travel card by military personnel and civilian employees of the Department of Defense may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8102. During the current fiscal year, not more than a total of $60,000,000 in withdrawal credits may be made by the Marine Corps Supply Management activity group of the Navy Working Capital Fund, Department of Defense Working Capital Funds, to the credit of current applicable appropriations of a Department of Defense activity in connection with the acquisition of critical low density repairables that are capitalized into the Navy Working Capital Fund.

SEC. 8103. Notwithstanding 31 U.S.C. 3902, during the current fiscal year interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8104. At the time the President submits his budget for fiscal year 1999, the Department of Defense shall transmit to the congressional defense committees a budget justification document for the active and reserve Military Personnel accounts, to be known as the "M-1", which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel in any budget request, or amended budget request, for fiscal year 1999.

SEC. 8105. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $100,000,000 to reflect savings due to excess inventory, to be distributed as follows: "Operation and Maintenance, Army", $40,000,000; "Operation and Maintenance, Navy", $40,000,000; and "Operation and Maintenance, Air Force", $20,000,000.

SEC. 8106. Notwithstanding any other provision in this Act, the total amount appropriated in title III of this Act is hereby reduced by $75,000,000 to reflect savings from repeal of section 2403 of title 10, United States Code.

SEC. 8107. The Secretary of the Army may exchange or sell one Army C-20 aircraft and may apply the exchange allowance or sale proceeds in whole or in part payment for the acquisition of one C-37 aircraft: Provided, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1998 for Aircraft Procurement, Air Force, not more than $6,000,000 shall be made available for acquisition of the C-37 for the United States Army: Provided further, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1997 for Aircraft Procurement, Air Force, not more than $27,100,000 shall be made available for acquisition of the C-37 for the United States Army.

SEC. 8108. During the current fiscal year, the Secretary of Defense may award contracts for capital assets having a development or acquisition cost of not less than $100,000 of a Working Capital Fund in advance of the availability of funds in the Working Capital Fund for minor construction, automatic data processing equipment, software, equipment, and other capital improvements.

SEC. 8109. From funds made available by this Act for the Maritime Technology Program up to $250,000 shall be made available to assist with a pilot project that will facilitate the transfer of commercial cruise ship shipbuilding technology and expertise to U.S. yards, utilize the experience and expertise of existing U.S.-flag cruise ship operators, and enable the operation of a U.S.-flag foreign-built cruise ship, and two newly-constructed U.S.-flag cruise ships: Provided, That a person (including a related person with respect to that person) who, within 18 months after the date of enactment, enters into a binding contract for construction in the United States of two cruise ships, which contract shall provide for the construction of two cruise ships of equal or greater size than the cruise ship being operated by such person on the date of enactment and shall require the delivery of the first cruise ship no later than January 1, 2005, and the second cruise ship no later than January 1, 2008, may document with a coastwise endorsement a cruise ship constructed pursuant to this section and a foreign-built cruise ship otherwise in compliance with 46 U.S.C. sections 289, 883 and 12106 until such date which is twenty-four (24) months after the delivery of the second cruise ship or any subsequently delivered cruise ship: Provided further, That a person (including a related person with respect to that person) within the meaning of 46 U.S.C. section 801 may not operate a U.S.-flag foreign-built cruise ship, or any other cruise ship, in coastwise trade between or among the islands of Hawaii, upon execution of the contract referred to in this section and continuing throughout the life expectancy (as that term is used in 46 U.S.C. App 1125) of a newly constructed U.S. flag cruise ship referred to in this section, unless the cruise ship is operated by a person (including a related person with respect to that person) that is operating a cruise ship in coastwise trade between or among the islands of Hawaii on the date of enactment, except if any cruise ship constructed pursuant to this section operates in regular service other than between or among the islands of Hawaii: Provided further, That for purposes of this section the term "cruise ship" means a vessel that is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code) and has berth or stateroom accommodations for at least 275 passengers: Provided further, That for purposes of this section, unless otherwise defined in this section, the term "person" means a corporation, partnership or association the controlling interest of which is owned by citizens of the United States within the meaning of 46 U.S.C. section 802(b): Provided further, That for purposes of this section the term "related person" means with respect to a person (i) a holding company, subsidiary, affiliate or association of the person and (ii) an officer, director, or agent of the person or of an entity referred to in (i): Provided further, That none of the funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section.

SEC. 8110. The Secretary of Defense shall submit to the congressional defense committees not later than November 15, 1997 an aviation safety plan outlining an appropriate level of navigational safety upgrades for all Department of Defense aircraft and the associated funding profile to install these upgrades in an expeditious manner.

SEC. 8111. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for University Research Initiatives in the Department of Defense Appropriations Act, 1997 (titles I through VIII under section 101(b) of Public Law 104–208) for the projects and in the amounts provided for in House Report 104–863 of the House of Representatives, 104th Congress, second session.

SEC. 8112. The Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and Senate, not later than April 15, 1998, a report on alternatives for current theater combat simulations: Provided, That this report shall be based on a review and evaluation by the Defense Science Board of the adequacy of the current models used by the Department of Defense for theater combat simulations, with particular emphasis on the tactical warfare (TACWAR) model and the ability of that model to adequately measure airpower, stealth, and other asymmetrical United States warfighting advantages, and shall include the recommendations of the Defense Science Board for improvements to current models and modeling techniques.

SEC. 8113. Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended by striking out "$3,000,000" and inserting in lieu thereof "$1,000,000".

SEC. 8114. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8115. It is the sense of the Congress that all member nations of the North Atlantic Treaty Organization (NATO) should contribute their proportionate share to pay for the costs of the Partnership for Peace program and for any future costs attributable to the expansion of NATO.

SEC. 8116. The budget of the President for fiscal year 1999 submitted to Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as "subactivities") in the operation and maintenance accounts of the military departments and other appropriation accounts, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the expansion of the North Atlantic Treaty Organization. The budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 1999, and subsequent fiscal years, shall provide complete, detailed estimates for the incremental costs of such expansion.

SEC. 8117. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection for 1997 or a subsequent year.

SEC. 8118. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8119. None of the funds appropriated or otherwise made available by this Act may be made available for the United States Man and the Biosphere Program, or related projects.

SEC. 8120. Up to $4,500,000 of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May, 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

SEC. 8121. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $25,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

SEC. 8122. (a) FINDINGS.—(1) The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary.

(2) The President, on behalf of the United States endorsed and advocated the expansion of the North Atlantic Treaty Organization to include three additional members.

(3) The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization.

(4) The United States has contributed more than $20,000,000,000 since 1952 for infrastructure and support of the Alliance.

(5) In appropriations Acts considered by the Congress for fiscal year 1998, $449,000,000 has been requested by the President for expenditures in direct support of United States participation in the Alliance.

(6) In appropriations Acts considered by the Congress for fiscal year 1998, $9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997—

(1) the amounts necessary, by appropriation account, for all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002; and

(2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

SEC. 8123. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

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

(c) Subsection (a) does not apply to a limitation regarding construction of warships, ball and roller bearings, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, and 9404.

SEC. 8124. It is the sense of Congress that should the Senate ratify NATO enlargement, that the proportional cost of the United States share of the NATO common budget should not increase, and that if any NATO member does not pay its share, the United States shall not pay either.

SEC. 8125. Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Eglin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

SEC. 8126. (a) FINDINGS.—(1) The Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies;

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

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

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

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

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

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

(b) SENSE OF THE SENATE.—Therefore, it is the sense of the Senate that—

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

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

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

(RESCISSIONS)

SEC. 8127. Of the funds provided in title III of the Department of Defense Appropriations Act, 1996 (Public Law 104–61), $62,000,000 are rescinded, and of the funds provided in title IV of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), $38,000,000 are rescinded: Provided, That such rescissions shall not be made

before July 1, 1998: Provided further, That not later than June 1, 1998, the Undersecretary of Defense (Comptroller) shall submit a report to the congressional defense committees listing the specific programs, projects and activities proposed for rescission subject to the provisions of this section.

SEC. 8128. Section 303(e) of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 111 Stat. 168) is struck and the following is inserted in lieu thereof:

"(e) AVAILABILITY OF FUNDS.—The Secretary may use funds available in the Defense Working Capital Fund for the payment of the costs of utilities, maintenance and repair, and improvements entered into under the lease under this section.".

SEC. 8129. Subject to amounts appropriated under the heading "Shipbuilding and Conversion, Navy" in this Act for the New Attack Submarine Program, and notwithstanding any provisions of the National Defense Authorization Act for Fiscal Year 1996 and of the National Defense Authorization Act for Fiscal Year 1997 to the contrary, and notwithstanding section 2304(k) of title 10, United States Code, and the policy set forth in paragraph (1) of that section, the Secretary of the Navy may enter into a contract during fiscal year 1998 for the necessary procurement of four submarines under the New Attack Submarine Program with one of the two shipbuilders which are party to the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Dry Dock Company dated February 25, 1997, that was submitted to the Congress by the Secretary of the Navy on March 31, 1997, as the prime contractor on the condition such prime contractor enter into one or more subcontracts (under such prime contract) with the other shipbuilder which is a party to such Team Agreement as contemplated in such Team Agreement, with such contract providing for construction of the first submarine in fiscal year 1998 and for the advance construction and advance procurement of material for the second, third, and fourth submarines in fiscal year 1998: Provided, That such prime contract shall provide that if such contract is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine Program.

SEC. 8130. In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated for "Operations and Maintenance, Defense-Wide", and shall be made available only for the establishment of the "21st Century National Security Study Group" (hereinafter in this section referred to as the "Study Group"): Provided, That these funds may be obligated only upon the completion of a memorandum of agreement between the Secretary of Defense (after consultation with the President), the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate: Provided further, That this memorandum of agreement will set forth the scope of the Group's work, as well as its charter, composition, authorities, lifespan, and products to be generated: Provided further, That this memorandum of agreement shall be completed not later than December 15, 1997.

SEC. 8131. (a) PANEL TO REVIEW LONG RANGE AIR POWER.—(1) There is hereby established an independent panel to evaluate the adequacy of current planning for United States long-range air power and the requirement for continued low-rate production of B–2 stealth bombers.

(2) The panel shall be composed of nine members appointed as follows:

(A) Two members shall be named by the President;

(B) Two members shall be named by the Speaker of the House of Representatives;

(C) One member shall be named by the minority leader of the House of Representatives;

(D) Two members shall be named by the majority leader of the Senate;

(E) One member shall be named by the minority leader of the Senate; and

(F) One member, will serve as chairman of the panel, shall be named by the President.

(b) FUNCTIONS OF PANEL.—(1) Not later than March 1, 1998, the panel shall submit to the President and Congress a report containing its conclusions and recommendations concerning the appropriate B–2 bomber force and specifically stating its recommendation on whether additional funds for the B–2 should be used for continued low-rate production of the B–2 or for upgrades to improve deployability, survivability and maintainability.

(2) As part of its evaluation and review, the panel shall consider, but not be limited to, the following:

(A) Scenarios involving no warning time and little warning time from potential adversaries;

(B) The make-up of the current bomber fleet and expected attrition to that fleet over the next fifteen years;

(C) The potential effect of additional B–2 bombers on deterrence;

(D) The potential effect of additional B–2 bombers in the "halt phase" of a conflict;

(E) The potential of a biological or chemical "lock-out" of tactical U.S. assets by future adversaries and the effect of additional B–2 bombers toward mitigating such a tactic;

(F) Trade-offs between additional B–2 bombers and other programmed DOD assets in meeting the scenarios described in subsections (b)(2)(A) through (b)(2)(E) above;

(G) The desirability of an increased rate of purchase of precision-guided munitions for aircraft in the existing B–2 fleet;

(H) The desirability of improving the low observable characteristics of the existing B–2 fleet; and

(I) The affordability of additional B–2 bombers in the context of projected levels of future defense funding.

(c) PANEL ADMINISTRATION.—(1) The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

(2) Upon the request of the chairman of the panel, the Secretary of Defense may detail to the panel, on a nonreimbursable basis, personnel of the Department of Defense to assist the panel in carrying out its duties. The Secretary of Defense shall furnish to the panel such administrative and support services as may be requested by the chairman of the panel and shall ensure that all appropriate actions are taken to preserve the options of the President until the panel submits its report under subsection (b)(1).

(d) FUNDING.—The Secretary of Defense shall, upon the request of the panel, make available to the panel such amounts as the panel may require to carry out its duties under this section.

(e) TERMINATION OF THE PANEL.—The panel shall terminate 30 days after the date on which it submits its report under subsection (b)(1).

SEC. 8132. None of the funds in this Act may be made available for the deployment of United States armed forces in the Republic of Bosnia and Herzegovina after June 30, 1998, unless the President, after consultation with the bipartisan leadership of the Senate and the House of Representatives, transmits to the Congress not later than May 15, 1998 a certification that the continued presence of United States armed forces is required in order to meet the national security interests of the United States: Provided, That such certification shall specify the following aspects of any deployment beyond June 30, 1998—

(1) The reasons why such deployment is in the national interest;

(2) The number of United States military personnel to be deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia;

(3) The expected duration of any such deployment;

(4) The mission and objectives of United States military forces deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia;

(5) The exit strategy for United States forces engaged in such deployment;

(6) The costs associated with any deployment beyond June 30, 1998; and

(7) The impact of such deployment on the morale, retention, and effectiveness of U.S. forces: Provided further, That concurrent with said certification, the President shall submit a supplemental appropriations request for such amounts as are necessary for any continued deployment beyond June 30, 1998: Provided further, That nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

This Act may be cited as the "Department of Defense Appropriations Act, 1998".

And the Senate agree to the same.

BILL YOUNG,
JOSEPH M. MCDADE,
JERRY LEWIS,
JOE SKEEN,
DAVID L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
ERNEST ISTOOK,
RANDY "DUKE" CUNNINGHAM,
BOB LIVINGSTON,
JOHN P. MURTHA,
NORM DICKS (except on amendment dealing with the B–2 bomber.),
W.G. BILL HEFNER,
MARTIN OLAV SABO,
JULIAN C. DIXON,
PETER J. VISCLOSKY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
ROBERT BYRD,
PATRICK J. LEAHY,
DALE BUMPERS,
FRANK R. LAUTENBERG,
BYRON L. DORGAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2266), making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes,

submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 1998, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 105–206 and Senate Report 105–45 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1998, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply:

for the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act. At the time the President submits his budget for fiscal year 1999, the conferees direct the Department of Defense to transmit to the congressional defense committees budget justification documents to be known as the "M–1" and "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1999.

TITLE I—MILITARY PERSONNEL

The conferees agree to the following amounts and end strength totals for the Military Personnel accounts as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Active personnel:				
Army	$20,492,257	$20,445,381	$20,426,457	$20,452,057
Navy	16,501,118	16,504,911	16,508,218	16,493,518
Marine Corps	6,147,599	6,141,635	6,148,899	6,137,899
Air Force	17,145,556	17,044,874	17,206,056	17,102,120
Reserve personnel:				
Army	2,024,446	2,045,615	2,037,046	2,032,046
Navy	1,375,401	1,377,249	1,374,901	1,376,601
Marine Corps	381,070	391,953	384,770	391,770
Air Force	814,936	814,772	815,745	815,915
National Guard Personnel:				
Army	3,200,667	3,245,387	3,446,867	3,333,867
Air Force	1,319,712	1,331,417	1,334,712	1,334,714
Total, Military Personnel	69,411,762	69,343,194	69,683,671	69,470,505

PERSONNEL UNDERSTRENGTH

The conferees recommend a total reduction of $303,200,000 to the services military personnel accounts due to lower than estimated end strengths during fiscal year 1997. The conferees understand that the Services will begin fiscal year 1998 with fewer personnel on-board than originally budgeted, therefore, the requirements for pays and allowances of personnel are overstated. A summary of the understrength reductions is shown in the table below:

[In thousands of dollars]

Army	−$240,000
Navy	−10,000
Marine Corps	−3,600
Air Force	−44,600
Army Reserve	−5,000
Total	−303,200

FORCE STRUCTURE CHANGES

The fiscal year 1998 budget request included reductions in the size of Primary Aircraft Authorized (PAA) levels for Air Force B–52's, and Air Force Reserve and Air National Guard C–130's units. The conferees recommend restoring these aircraft levels during fiscal year 1998. In addition, the conferees recommend adding funds to support the Air Force Reserve's WC–130 Weather Reconnaissance mission, and Navy Reserve LAMPS squadrons. In total, the conferees recommend an additional $11,779,000 in the military personnel accounts and $64,373,000 in the services Operations and Maintenance accounts for personnel and support costs of these units. A summary of the funds provided follows:

	Military personnel	O&M	Procurement	Total
Air Force, B–52's	4,500	42,400	10,400	57,300
Air Force Reserve, C–130's	1,409	6,780		8,189
Air National Guard C–130's	4,000	13,063		17,063
Air Force Reserve, WC–130 Weather Reconnaissance	170	830		1,000
Navy/Navy Reserve, Magic Lantern	1,700	1,300		3,000
Total	11,779	64,373	10,400	86,552

FOREIGN CURRENCY SAVINGS

The budget request reduces the active duty military personnel accounts by $62,000,000 for foreign currency savings due to favorable fluctuations in overseas exchange rates. The conferees understand that there are additional savings and recommend a further reduction of $16,000,000 to the personnel accounts, for a total foreign currency reduction of $78,000,000.

CONTINGENCY OPERATIONS FUNDING

The fiscal year 1998 budget request recommended $213,600,000 for pay and allowances of military personnel in the "Overseas Contingency Operations Transfer Fund", for cost of operations in Bosnia during fiscal year 1998. The conferees agree to the realignment of these funds into the Services military personnel accounts.

TEMPORARY EARLY RETIREMENT AUTHORITY

The conferees recommend a total of $126,902,000 for Army and Air Force Temporary Early Retirement Authority. Of this amount, the conferees agree to restore $36,902,000, the budget request, for Army separation payments. However, due to enlisted understrength projections, the conferees recommend $90,000,000, a reduction of $57,836,000 from the budget request, for Air Force separation payments.

ACTIVE END STRENGTH

[Fiscal year 1998]

	Budget	Conference	Conference vs. budget
Army	495,000	495,000	
Navy	390,802	390,802	
Marine Corps	174,000	174,000	
Air Force	371,577	371,699	+122
Total, Active Personnel	1,431,379	1,431,501	+122

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	10,326		
Foreign Currency Savings	−4,000		−9,000
Temporary Early Retirement Program	−36,902		
Service Academies Foreign Students	−1,000		−1,000
Personnel Understrength Savings	−183,100		−240,000
Family Separation Allowance	9,600		9,600
Contingency Operations Transfer—Bosnia	158,200	158,200	158,200
End Strength Reduction		−266,000	
Additional Recruiting Support		42,000	42,000
Total, Military Personnel, Army	−46,876	−65,800	−40,200

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	9,393		
Foreign Currency Savings	-1,000		-3,000
Service Academies Foreign Students	-1,000		-1,000
Personnel Understrength Savings	-10,000		-10,000
Unemployment Compensation Savings	-10,000		-10,000
Family Separation Allowance	9,300		9,300
Contingency Operations Transfer-Bosnia	7,100	7,100	7,100
Total, Military Personnel, Navy	3,793	7,100	-7,600

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	2,736		
Foreign Currency Savings			-1,000
Personnel Understrength Savings	-3,600		-3,600
Family Separation Allowance	-3,600		-3,600
Unemployment Compensation Savings	-10,000		-10,000
Contingency Operations Transfer-Bosnia	1,300	1,300	1,300
Total, Military Personnel, Marine Corps	-5,964	1,300	-9,700

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	8,654		
Temporary Early Retirement Program	-147,836		-57,836
Foreign Currency Savings	-1,000		-3,000
Service Academies Foreign Students	-1,000		-1,000
Personnel Understrength Savings	-18,000		-44,600
Family Separation Allowance	2,500		2,500
Contingency Operations Transfer-Bosnia	47,000	47,000	47,000
B-52 Force Structure		4,500	4,500
Total, Military Personnel, Air Force	-109,682	51,500	-52,436

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $9,284,911,000 in Reserve personnel appropriations, $9,310,912,000 in Operation and maintenance appropriations, and $653,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve strength of 892,597 as shown below.

RESERVE STRENGTHS

	Fiscal year 1998		
	Budget	Conference	Conference vs. Budget
Selected Reserve:			
Army Reserve	208,000	208,000	
Navy Reserve	94,294	94,326	+32
Marine Corps Reserve	42,000	42,000	
Air Force Reserve	73,431	73,598	+167
Army National Guard	366,516	366,516	
Air National Guard	107,377	108,157	+780
Total	891,618	892,597	+979
AGR/TARS:			
Army Reserve	11,500	11,500	
Navy Reserve	16,136	16,168	+32
Marine Corps Reserve	2,559	2,559	
Air Force Reserve	963	963	
Army National Guard	22,310	22,310	
Air National Guard	10,616	10,671	+55
Total	64,084	64,171	+87
Technicians:			
Army Reserve	6,501	6,501	
Air Force Reserve	9,622	9,659	+37
Army National Guard	25,250	25,250	
Air National Guard	22,968	23,068	+100
Total	64,341	64,478	+137

RETENTION OF MILITARY LEAVE FOR FEDERAL EMPLOYEES

The conferees reject the budget request proposal to eliminate military leave for those members of the Reserve components who are Federal employees.

RESERVE MOBILIZATION INCOME INSURANCE PROGRAM

The conferees include language in section 8005 of the general provisions which provides the Department of Defense reprogramming authority to meet its financial obligations with respect to the termination of this program in the absence of a supplemental appropriation.

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Unit Readiness/Training	8,000		
Basic Allowance for Quarters	569		
Reserve Duty Drill Pay	20,400	20,400	20,400
Health Scholarship Stipend	−7,800	−7,800	−7,800
Personnel Understrength Savings			−5,000
Total, Reserve Personnel, Army	21,169	12,600	7,600

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	648		
Reserve Duty Drill Pay	8,500	8,500	8,500
Health Scholarship Stipend	−9,000	−9,000	−9,000
Magic Lantern Aircraft	1,700		1,700
Total, Reserve Personnel, Navy	1,848	−500	1,200

NAVY RESERVE FORCES

The conferees concur in the House direction regarding Navy Reserve Forces.

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Annual Training/School Tours	7,000		7,000
Basic Allowance for Quarters	183		
Reserve Duty Drill Pay	3,700	3,700	3,700
Total, Reserve Personnel, Marine Corps	10,883	3,700	10,700

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	266		
Reserve Duty Drill Pay	8,200	8,200	8,200
Health Scholarship Stipend	−8,800	−8,800	−8,800
WC-130 Weather Reconnaissance	170		170
C-130 Force Structure		1,409	1,409
Total, Reserve Personnel, Air Force	−164	809	979

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
School/Special Training	10,000	115,000	40,000
Basic Allowance for Quarters	1,520		
Reserve Duty Drill Pay	33,200	33,200	33,200
Annual Training		33,000	15,000
Inactive Duty Training		20,000	10,000
Initial Entry Training		35,000	30,000
Bonus/Transition Benefits		10,000	5,000
Total, National Guard Personnel, Army	44,720	246,200	133,200

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	705		
Reserve Duty Drill Pay	11,000	11,000	11,000
C-130 Force Structure		4,000	4,000
Total, National Guard Personnel, Air Force	11,705	15,000	15,000

TITLE II—OPERATION AND MAINTENANCE

A summary of the conference agreement on the items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
O&M. ARMY	17,049,484	17,078,218	16,913,473	16,754,306
TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
O&M. NAVY	21,508,130	21,779,365	21,576,419	21,617,766
TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
O&M. MARINE CORPS	2,301,345	2,598,032	2,328,535	2,372,635
O&M. AIR FORCE	18,817,785	18,740,167	18,592,385	18,492,883
TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
O&M. DEFENSEWIDE	10,390,938	10,053,956	10,399,638	10,639,740
O&M. ARMY RESERVE	1,192,891	1,207,891	1,212,891	1,207,891
O&M. NAVY RESERVE	834,711	924,711	834,211	921,711
O&M. MARINE CORPS RESERVE	110,366	119,266	110,366	116,366
O&M. AIR FORCE RESERVE	1,624,420	1,635,250	1,631,200	1,632,030

[In thousands of dollars]

	Budget	House	Senate	Conference
O&M. ARMY NATIONAL GUARD	2,258,932	2,313,632	2,449,932	2,419,632
O&M. AIR NATIONAL GUARD	2,991,219	2,995,719	3,010,282	3,013,282

[In thousands of dollars]

	Budget	House	Senate	Conference
OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	1,467,500	1,855,400	1,889,000	1,884,000
UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	6,952	6,952	6,952	6,952
ENVIRONMENTAL RESTORATION, ARMY	377,337	377,337	375,337	375,337
ENVIRONMENTAL RESTORATION, NAVY	277,500	277,500	275,500	275,500
ENVIRONMENTAL RESTORATION, AIR FORCE	378,900	378,900	376,900	376,900
ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	27,900	27,900	26,900	26,900
ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	202,300	202,300	242,300	242,300
OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	80,130	55,557	40,130	47,130
FORMER SOVIET UNION THREAT REDUCTION	382,200	284,700	382,200	382,200
QUALITY OF LIFE ENHANCEMENTS, DEFENSE	.....	.....	100,000	360,000
GRAND TOTAL, O&M	82,280,940	82,912,753	82,774,551	82,895,461

REAL PROPERTY MAINTENANCE

The conferees are concerned about the extensive backlog of real property maintenance in the Department of Defense and the effect this has on the morale of U.S. service personnel. Accordingly, the conferees agree to provide a total of $724,620,000, of which $360,000,000 is provided in the Quality of Life Enhancements, Defense account. The conferees also agree that, of the funds for real property maintenance provided within Operation and Maintenance, Army at $15,000,000 shall be used for demolition requirements previously identified by the Department of the Army. In the case of real property maintenance funding provided directly to the services' Operation and maintenance accounts, the conferees agree the Department of Defense should provide written notification to the congressional defense committees for transfers of greater than $15,000,000 to or from the total real property maintenance amount provided to each service.

OPERATION AND MAINTENANCE BUDGET EXECUTION DATA

The conferees support the position expressed in the House report accompanying the Defense Appropriations bill for fiscal year 1998 requiring the Department of Defense to provide the congressional defense committees with quarterly budget execution data. Such data should be provided not later than forty-five days past the close of each quarter of the fiscal year, and should provide data for each O–1 budget activity, activity group, and subactivity for each of the active, defense-wide, reserve and national guard components. These reports should also include: the budget request and actual obligations for each O–1 budget activity, activity group, and subactivity; the DoD distribution of any unallocated congressional adjustments to the budget request to each budget activity, activity group, and subactivity group; and, adjustments to each budget activity, activity group and subactivity group resulting from DoD reprogramming actions.

OPERATION AND MAINTENANCE REPROGRAMMING

The conferees agree that proposed transfers of funds between O–1 budget activities in excess of $15,000,000 are subject to normal, prior approval reprogramming procedures.

The Department should also follow prior approval reprogramming procedures for the cumulative value of transfers in excess of $15,000,000 into or out of the following O–1 subactivity groups.

Operation and Maintenance, Army

Depot maintenance.

Operation and maintenance, Navy

Aircraft depot maintenance, ship depot maintenance, and Intermediate maintenance.

Operation and maintenance, Marine Corps

Depot maintenance.

The conferees further direct the Secretary of the Air Force to identify in separate budget subactivities depot maintenance for budget activity one and budget activity two in the fiscal year 1999 budget request and subsequent budget requests. In addition, due to continuing concerns about force readiness and the apparent diversion of Operation and maintenance funds, the conferees agree that the Department should provide written notification of the congressional defense committees for the cumulative value of any and all transfers in excess of $15,000,000 from or into the following budget activities and subactivity group categories:

Operation and maintenance, Army

Land Forces: Divisions, Corps combat forces, Corps support forces, Echelon above corps forces, Land forces operations support; Land Forces Readiness: Land forces depot maintenance.

Operation and maintenance, Navy

Air Operations: Mission and other flight operations; Fleet air training, Aircraft depot maintenance; Ship Operations: Mission and other ship operations, Ship operational support and training, Intermediate maintenance, Ship depot maintenance.

Operation and maintenance, Marine Corps

Expeditionary Forces: Operational forces, depot maintenance.

Operation and maintenance, Air Force

Air Operations: Primary combat forces, Primary combat weapons, Air operations training; Mobility Operations: Airlift operations, payments to the transportation business area.

DEFENSE COMPUTER INVESTIGATIONS TRAINING PROGRAM

COMPUTER FORENSICS LAB

The conferees support the Department of Defense efforts to improve information security and investigative capabilities related to computer crimes. The conferees urge the Department of Defense to allocate $8,500,000 of the funds available in Operation and Maintenance, Navy and $2,700,000 available in Operation and Maintenance, Air Force to improve capabilities in this area. Further, the conferees direct that the Department of Defense fully fund these activities in the fiscal year 1999 budget request.

CHEMICAL-BIOLOGICAL DEFENSE FUNDING

The conferees recommend that the Department of Defense use existing facilities with explosives ranges capable of handling large blasts and existing instructional and research programs in response to blast, radiological, biological and chemical threats.

DISTANCE EDUCATION

The conferees recognize that in recent nationwide surveys, one out of three homeless men identifies himself as a military veteran. The conferees further recognize that a significant percentage of the thousands of men and women leaving the armed forces each year are doing so without having earned either an associates or bachelors degree. This lack of formal education credentials may be making it more difficult for veterans to secure good jobs following their military service. Therefore, the conferees encourage the Department to explore distance education initiatives that could assist active duty personnel and their family members, DoD civilian employees and veterans in pursuing college-level degrees. These distance education degree-granting initiatives must be portable so that they can be pursued regardless of changes of duty station.

ENVIRONMENTALLY SAFE FUEL STORAGE TANKS

The conferees support Department of Defense efforts to develop and install environmentally safe fuel storage tanks. Accordingly, the conferees direct that $2,000,000 of the funds in Operation and Maintenance, Marine Corps, and $2,000,000 of the funds made available in Operation and Maintenance, Air Force be used to support such efforts.

NORTHERN MARIANA ISLANDS

The conferees are aware of communications between the Government of the Northern Mariana Islands and the Department of Defense concerning future development of certain lands on the island of Tinian in the Commonwealth of the Northern Mariana Islands under lease to the United States. Accordingly, the conferees believe the Secretary of Defense should consider a development plan approved by the Government of the Commonwealth of the Northern Mariana Islands to be a "Permitted Use" within the meaning of Article 1, Subsection D of the Leaseback and Disposal Agreement between the Commonwealth of the Northern Mariana Islands and the United States of America dated August 4, 1994, provided that (1) such a plan has been approved by the Government of the Commonwealth of the Northern Mariana Islands, and (2) the plan does not preclude use of the land for urgent military purposes.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
100	OPERATION AND MAINTENANCE, ARMY				
150	BUDGET ACTIVITY 1: OPERATING FORCES				
200	LAND FORCES				
250	DIVISIONS	1,221,794	1,267,007	1,161,494	1,173,494
300	CORPS COMBAT FORCES	350,942	350,942	327,242	332,942
350	CORPS SUPPORT FORCES	323,190	323,190	323,190	323,190
400	ECHELON ABOVE CORPS FORCES	440,542	440,542	440,542	440,542
450	LAND FORCES OPERATIONS SUPPORT	658,067	658,067	658,067	658,067
500	LAND FORCES READINESS				
550	FORCE READINESS OPERATIONS SUPPORT	898,356	898,356	898,356	898,356
600	LAND FORCES SYSTEMS READINESS	346,651	346,651	346,651	346,651
650	LAND FORCES DEPOT MAINTENANCE	637,044	806,744	701,044	780,244
700	LAND FORCES READINESS SUPPORT				
750	BASE SUPPORT	2,417,712	2,441,712	2,417,712	2,440,712
800	MAINTENANCE OF REAL PROPERTY	693,328	693,328	743,328	693,328
850	MANAGEMENT AND OPERATIONAL HEADQUARTERS	130,012	130,012	131,212	131,212
900	UNIFIED COMMANDS	70,620	70,620	63,620	52,620
950	MISCELLANEOUS ACTIVITIES	179,864	185,264	179,864	179,864
955	CLASSIFIED PROGRAMS, UNDISTRIBUTED			1,800	
1045	TOTAL, BUDGET ACTIVITY 1	8,368,122	8,612,435	8,394,122	8,451,222
1050	BUDGET ACTIVITY 2: MOBILIZATION				
1100	MOBILITY OPERATIONS				
1200	STRATEGIC MOBILIZATION	317,241	317,241	317,241	317,241
1250	WAR RESERVE ACTIVITIES	171,100	171,100	171,100	171,100
1300	INDUSTRIAL PREPAREDNESS	78,103	59,099	78,103	59,099
1350	TOTAL, BUDGET ACTIVITY 2	566,444	547,440	566,444	547,440
1400	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1450	ACCESSING TRAINING				
1500	OFFICER ACQUISITION	63,992	62,592	63,992	62,592
1550	RECRUIT TRAINING	12,620	12,620	12,620	12,620
1600	ONE STATION UNIT TRAINING	14,723	14,723	14,723	14,723
1650	RESERVE OFFICER TRAINING CORPS (ROTC)	113,128	113,128	113,578	113,578
1700	BASE SUPPORT (ACADEMY ONLY)	72,470	72,470	72,470	72,470
1750	MAINTENANCE OF REAL PROPERTY (ACADEMY ONLY)	28,123	28,123	28,123	28,123
1800	BASIC SKILL/ADVANCE TRAINING				
1850	SPECIALIZED SKILL TRAINING	217,202	217,202	217,202	217,202
1900	FLIGHT TRAINING	213,906	213,906	227,906	224,906
1950	PROFESSIONAL DEVELOPMENT EDUCATION	69,594	69,594	69,594	69,594
2000	TRAINING SUPPORT	484,484	484,484	482,484	479,484
2050	BASE SUPPORT (OTHER TRAINING)	897,433	897,433	897,433	897,433
2100	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	321,089	321,089	350,089	321,089
2150	RECRUITING/OTHER TRAINING				
2200	RECRUITING AND ADVERTISING	222,718	229,718	241,718	235,718
2250	EXAMINING	75,922	75,922	75,922	75,922
2300	OFF-DUTY AND VOLUNTARY EDUCATION	94,364	94,364	94,364	94,364
2350	CIVILIAN EDUCATION AND TRAINING	81,481	78,629	81,481	81,481
2400	JUNIOR ROTC	73,439	74,189	73,439	74,189
2450	BASE SUPPORT (RECRUITING LEASES). 163,,010	163,010	163,010	163,010	163,010
2500	TOTAL, BUDGET ACTIVITY 3	3,219,698	3,223,196	3,280,148	3,238,498
2550	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2600	SECURITY PROGRAMS				
2650	SECURITY PROGRAMS	366,085	366,085	366,085	366,085
2700	LOGISTICS OPERATIONS				
2750	SERVICEWIDE TRANSPORTATION	531,326	531,326	531,326	531,326
2800	CENTRAL SUPPLY ACTIVITIES	405,371	405,371	405,371	405,371
2850	LOGISTIC SUPPORT ACTIVITIES	253,138	286,338	275,038	289,138
2900	AMMUNITION MANAGEMENT	369,407	369,407	369,407	369,407
2950	SERVICEWIDE SUPPORT				
3000	ADMINISTRATION	294,972	246,971	294,972	246,372
3050	SERVICEWIDE COMMUNICATIONS	620,825	620,825	632,925	626,825
3100	MANPOWER MANAGEMENT	152,437	152,437	152,437	152,437
3150	OTHER PERSONNEL SUPPORT	155,307	155,307	155,307	155,307
3200	OTHER SERVICE SUPPORT	593,446	595,446	529,485	531,485
3250	ARMY CLAIMS ACTIVITIES	151,092	151,092	151,092	151,092
3300	REAL ESTATE MANAGEMENT	63,526	63,526	63,526	63,526
3350	BASE SUPPORT	667,779	624,279	667,779	623,779
3400	MAINTENANCE OF REAL PROPERTY	131,528	131,528	145,028	135,028
3550	SUPPORT OF OTHER NATIONS				
3600	INTERNATIONAL MILITARY HEADQUARTERS	270,413	270,413	255,413	255,413
3650	MISC SUPPORT OF OTHER NATIONS	34,568	34,568	34,568	34,568
3700	TOTAL, BUDGET ACTIVITY 4	5,061,220	5,004,919	5,029,759	4,937,159
3710	CLASSIFIED PROGRAMS UNDISTRIBUTED		−6,895		−6,895
3715	CIVILIAN PERSONNEL UNDERSTRENGTH		−33,300	−131,000	−96,400
3720	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
3730	FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND	−116,000	−135,000	−135,000	−167,000
3770	INFORMATION RESOURCE MANAGEMENT		−25,000		−25,000
3785	REAL PROPERTY MAINTENANCE		232,000		98,812
3787	ECONOMIC ASSUMPTIONS			−41,000	−41,000
3790	TDY EXPENSES		−19,930		−22,930
3795	QDR CIVILIAN PERSONNEL REDUCTIONS		−140,347		−70,000
3800	CONTINGENCY OPERATIONS TRANSFER—SWA		−80,300		
3815	NON-BRAC CARETAKER STATUS		−51,000		−40,000
3835	MEMORIAL EVENTS				400
4100	TOTAL, OPERATION AND MAINTENANCE, ARMY	17,049,484	17,078,218	16,913,473	16,754,306
4150	TRANSFER	(50,000)	(50,000)	(50,000)	(50,000)
4200	TOTAL FUNDING AVAILABLE	(17,099,484)	(17,128,218)	(16,963,473)	(16,804,306)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
250 Readiness Training—NTC Rotation Shortfall	30,000
250 Parachute Maintenance and Repair	2,000
250 Contingency Operations Transfer	−80,300
300 Hunter UAV	12,000
300 Flying Hour Program	−30,000
650 Depot Maintenance—Other	143,200
750 Organizational Clothing and Equipment (Increment I)	20,000
750 Range Safe System	1,700
750 Ft. Irwin, George AFB Airhead	1,300
850 USARPAC Reserve Component Integration	1,200
900 JCS Exercises and Headquarters Reduction	−18,000
Budget Activity 2: Mobilization:	
1300 Industrial Preparedness-Nominal Growth	−19,004
Budget Activity 3: Training and Recruiting:	
1500 Service Academies-Foreign Students	−1,400
1650 Army Air Battle Captain Program	450
1900 Army Pilot Modernization Program	11,000
2000 Training Infrastructure Reduction	−5,000
2200 Recruiting-Enlisted Advertising	7,000
2200 Recruiter Support	3,500
2200 Recruiting-College Loan Repayment Program	2,500
Budget Activity 4: Administration and Servicewide Activities:	
2400 Indiana University Northwest JROTC Mentoring Program	750
2850 Army Logistics Automation	20,000
2850 Central Logistics—SSTS, Depot Maintenance, SDT	16,000
3000 Headquarters and Administrative Activity Reduction	−48,600
3050 SBIS	6,000
3200 Army Conservation and Ecosystem Management	3,000
3200 Eisenhower Center	2,000
3200 Pentagon Reservation Transfer	−66,961
3350 Laser-Leveling	1,000
3350 FEMP	−45,000
3400 Rock Island Arsenal Bridge	3,500
3600 International Military Headquarters	−15,000
Undistributed:	
3710 Classified Undistributed	−6,895
3715 Civilian Personnel Understrength	−96,400
3730 Foreign Currency Fluctuation	−51,000
3770 High Risk Automation Systems	−25,000
3785 Real Property Maintenance	98,812
3787 Revised Economic Assumptions	−41,000
3790 TDY Expenses	−22,930
3795 QDR—Civilian Personnel Reductions	−70,000
3815 Non-BRAC Caretaker Status	−40,000
3835 Capitol Memorial Events	400

DEPOT MAINTENANCE

The conferees recommend increasing the Army depot maintenance funding by $143,200,000 above the budget request. In addition, $16,000,000 is provided in budget activity 4, Administration and Service-wide support to provide for transportation and warehousing costs associated with the increase in the funded depot maintenance program. The conferees remain concerned about backlogs in the repair and maintenance of communications and electronic equipment. Accordingly, $43,500,000 of the total depot maintenance increase is allocated to the U.S. Army Communications-Electronics Command Battlefield Communications Review program, for performance at Army depots, of the following workloads: $21,000,000 for repair/maintenance of Mobile Subscriber Equipment shelters, prime movers, and accessories or support equipment; $15,800,000 for the repair/maintenance of Non-Integrated Communications Secure and Integrated Communications Secure SINCGARS radios and accessories or support equipment; and $6,700,000 for the repair, maintenance or modification of the AN/TS–85 and AN/TSC–93 Tactical Satellite Communications Terminals, associated antenna systems, accessories or support equipment.

In addition, the conferees are concerned about the increasing backlog of depot maintenance workload associated with inventory drawdowns in support of contingency operations. Accordingly, the conferees recommend that the Army apply $30,000,000 of the total increase to this workload.

ARMY LOGISTICS AUTOMATION

The House and Senate bills each addressed separate shortfalls totaling $46,900,0900 in Army Logistics Automation. The conferees agree to provide $20,000,000 in Operations and Maintenance, Army and $10,000,000 in Other Procurement, Army (LOGTECH) to support both these critical efforts.

AIR BATTLE CAPTAIN PROGRAM

The conferees concur with the funding provided for the continuation of the Air Battle Captain program, and direct that program continue to accept new students.

EISENHOWER CENTER

The conferees have provided $2,000,000 only for the Eisenhower Center for military history and education efforts focusing on combat leadership, motivation, endurance and including historical exhibits, equipment, and the collection, transcribing, and cataloging of oral histories and written memoirs of combat veterans

NORTH STAR BOROUGH LANDFILL

Of the funds provided in this account, the conferees direct the Department of the Army to provide $5,000,000 for developmental costs associated with the expansion of the North Star Borough landfill.

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
4250	OPERATION AND MAINTENANCE, NAVY				
4300	BUDGET ACTIVITY 1: OPERATING FORCES				
4350	AIR OPERATIONS				
4400	MISSION AND OTHER FLIGHT OPERATIONS	2,101,423	2,423,423	2,035,663	2,357,663
4450	FLEET AIR TRAINING	667,112	667,112	682,112	682,112
4500	INTERMEDIATE MAINTENANCE	58,087	58,087	58,087	58,087
4550	AIR OPERATIONS AND SAFETY SUPPORT	73,248	73,248	73,248	73,248
4600	AIRCRAFT DEPOT MAINTENANCE	716,300	865,300	1,012,094	782,094
4650	AIRCRAFT DEPOT OPERATIONS SUPPORT	21,575	21,575	21,575	21,575
4700	BASE SUPPORT	789,892	789,892	789,892	789,892
4750	MAINTENANCE OF REAL PROPERTY	262,452	262,452	262,452	262,452
4760	JCS EXERCISES & HEADQUARTERS REDUCTION			−7,500	−9,000
4800	SHIP OPERATIONS				
4850	MISSION AND OTHER SHIP OPERATIONS	2,130,636	2,130,636	2,117,112	2,117,112
4900	SHIP OPERATIONAL SUPPORT AND TRAINING	735,660	735,660	735,660	735,660
4950	INTERMEDIATE MAINTENANCE	511,125	511,125	511,125	511,125
5000	SHIP DEPOT MAINTENANCE	2,040,690	2,115,690	2,040,690	2,100,690
5050	SHIP DEPOT OPERATIONS SUPPORT	786,021	786,021	785,817	785,817
5100	BASE SUPPORT	840,646	840,646	840,646	840,646
5150	MAINTENANCE OF REAL PROPERTY	245,904	245,904	245,904	245,904
5160	JCS EXERCISES & HEADQUARTERS REDUCTION			−7,500	−9,000
5200	COMBAT OPERATION/SUPPORT				
5250	COMBAT COMMUNICATIONS	210,776	210,776	210,776	210,776
5300	ELECTRONIC WARFARE	7,763	7,763	7,763	7,763
5350	SPACE SYSTEMS AND SURVEILLANCE	136,869	136,869	136,869	136,869
5400	WARFARE TACTICS	125,892	125,892	125,892	125,892
5450	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	209,188	208,188	228,688	228,688
5500	COMBAT SUPPORT FORCES	383,830	383,830	383,815	383,815
5550	EQUIPMENT MAINTENANCE	177,708	178,208	176,906	177,406
5600	DEPOT OPERATIONS SUPPORT	908	908	908	908
5650	BASE SUPPORT	317,266	317,266	317,266	317,266
5700	MAINTENANCE OF REAL PROPERTY	42,864	42,864	46,864	46,864
5710	CLASSIFIED PROGRAMS UNDISTRIBUTED	—	—	5,500	—
5750	WEAPONS SUPPORT				
5800	CRUISE MISSILE	92,462	92,482	92,482	92,482
5850	FLEET BALLISTIC MISSILE	811,451	811,451	811,451	811,451
5900	IN-SERVICE WEAPONS SYSTEMS SUPPORT	54,927	54,927	54,927	54,927

[In thousands of dollars]

		Budget	House	Senate	Conference
5950	WEAPONS MAINTENANCE	400,817	422,717	400,817	414,817
6000	BASE SUPPORT	71,540	71,540	71,540	71,540
6050	MAINTENANCE OF REAL ESTATE PROPERTY	27,516	27,516	30,016	27,516
6200	TOTAL, BUDGET ACTIVITY 1	15,052,568	15,620,968	15,345,257	15,451,057
6250	BUDGET ACTIVITY 2: MOBILIZATION.				
6300	READY RESERVE AND PREPOSITIONING FORCES				
6350	SHIP PREPOSITIONING AND SURGE	455,030	455,030	454,948	454,948
6400	ACTIVATIONS/INACTIVATIONS				
6450	AIRCRAFT ACTIVATIONS/INACTIVATIONS	3,081	3,081	3,081	3,081
6500	SHIP ACTIVATIONS/INACTIVATIONS	701,583	701,583	701,583	701,583
6550	MOBILIZATION PREPAREDNESS.				
6600	FLEET HOSPITAL PROGRAM	19,814	19,814	19,814	19,814
6650	INDUSTRIAL READINESS	29,196	703	29,196	15,196
6700	COAST GUARD SUPPORT	18,363	18,363	18,363	18,363
6750	TOTAL, BUDGET ACTIVITY 2:	1,227,067	1,198,574	1,226,985	1,212,985
6800	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
6850	ACCESSION TRAINING				
6900	OFFICER ACQUISITIONS	69.274	67.874	69.274	67.874
6950	RECRUIT TRAINING	4,646	4,646	4,646	4,646
7000	RESERVE OFFICIERS TRAINING CORPS (ROTC)	67,795	67,795	67,695	67,795
7050	BASE SUPPORT	57,605	57,605	57,605	57,605
7100	MAINTENANCE OF REAL PROPERTY	74,215	42,715	74,215	74,215
7150	BASIC SKILLS AND ADVANCED TRAINING				
7200	SPECIALIZED SKILL TRAINING	236,487	236,487	218,487	216,987
7250	FLIGHT TRAINING	314,790	314,790	314,790	314,790
7300	PROFESSIONAL DEVELOPMENT EDUCATION	69,044	65,071	64,044	66,044
7350	TRAINING SUPPORT	135,051	137,051	122,051	122,551
7400	BASE SUPPORT	339,627	339,627	339,627	339,627
7450	MAINTENANCE OF REAL PROPERTY	95,601	95,601	104,101	95,601
7500	RECRUITING AND OTHER TRAINING AND EDUCATION				
7550	RECRUITING AND ADVERTISING	122,454	129,454	122,454	125,454
7600	OFF-DUTY AND VOLUNTARY EDUCATION	69,495	69,495	69,495	69,495
7650	CIVILIAN EDUCATION AND TRAINING	29,198	28,176	29,198	29,198
7700	JUNIOR ROTC	23,642	23,642	23,642	23,642
7750	BASE SUPPORT	445	445	445	445
7800	MAINTENANCE OF REAL PROPERTY	62	62	62	62
7850	TOTAL, BUDGET ACTIVITY 3	1,709,431	1,680,536	1,681,931	1,676,031
7900	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
7950	SERVICEWIDE SUPPORT				
8000	ADMINISTRATION	574,305	535,225	545,494	497,194
8050	EXTERNAL RELATIONS	24,141	24,141	24,141	24,141
8100	CIVILIAN MANPOWER AND PERSON MANAGEMENT	118,544	118,544	118,544	118,544
8150	MILITARY MANPOWER AND PERSON MANAGEMENT	124,403	124,403	124,403	124,403
8200	OTHER PERSONNEL SUPPORT	199,446	199,446	199,446	199,446
8250	SERVICEWIDE COMMUNICATIONS	260,056	260,056	259,749	259,749
8300	BASE SUPPORT	197,537	172,537	197,537	172,537
8400	MAINTENANCE OF REAL PROPERTY	39,623	39,623	42,923	39,623
8450	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
8500	SERVICEWIDE TRANSPORTATION	149,675	149,675	149,675	149,675
8550	PLANNING, ENGINEERING AND DESIGN	258,779	258,779	258,779	258,779
8600	ACQUISITION AND PROGRAM MANAGEMENT	491,003	495,003	491,003	493,003
8650	AIR SYSTEMS SUPPORT	271,149	271,149	271,149	271,149
8700	HULL, MECHANICAL AND ELECTRICAL SUPPORT	46,904	46,904	46,904	46,904
8750	COMBAT/WEAPONS SYSTEMS	41,547	41,547	41,547	41,547
8800	SPACE AND ELECTRONIC WARFARE SYSTEMS	70,344	70,344	70,344	70,344
8850	BASE SUPPORT	152,606	152,606	152,606	152,606
8900	MAINTENANCE OF REAL PROPERTY	20,470	20,470	20,470	20,470
8950	SECURITY PROGRAMS				
9000	SECURITY PROGRAMS	536,691	536,691	536,691	536,691
9050	BASE SUPPORT	6,886	6,886	6,886	6,886
9100	MAINTENANCE OF REAL PROPERTY	1,520	1,520	1,520	1,520
9150	SUPPORT OF OTHER NATIONS				
9200	INTERNATIONAL HEADQUARTERS AND AGENCIES	6,435	6,435	6,435	6,435
9350	TOTAL, BUDGET ACTIVITY 4	3,592,064	3,531,984	3,568,246	3,491,646
9360	CLASSIFIED PROGRAMS UNDISTRIBUTED		1,902		4,902
9365	INFORMATION RESOURCE MANAGEMENT		−19,000		−19,000
9370	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
9380	FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND	−23,000	−23,000	−21,000	−29,000
9390	CIVILIAN PERSONNEL UNDERSTRENGTH		−108,300	−113,000	−16,000
9415	ENVIRONMENTAL COMPLIANCE		5,500		3,300
9417	ECONOMIC ASSUMPTIONS			−62,000	−62,000
9420	OTHER CONTRACTS		−29,719		−29,719
9425	REAL PROPERTY MAINTENANCE		98,540		14,924
9430	TDY EXPENSES		−12,060		−15,060
9435	QDR CIVILIAN PERSONNEL REDUCTIONS		−34,960		−17,000
9440	ASBESTOS ERADICATION		2,000		
9445	CONTINGENCY OPERATIONS TRANSFER—SWA		−84,900		
9450	MAGIC LANTERN		1,300		1,300
9750	TOTAL, OPERATION AND MAINTENANCE, NAVY	21,508,130	21,779,365	21,576,419	21,617,766
9800	TRANSFER	(50,000)	(50,000)	(50,000)	(50,000)
9850	TOTAL FUNDING AVAILABLE	(21,558,130)	(21,829,365)	(21,626,419)	(21,667,766)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

4400 Flying Hour Program Shortfalls 322,000

4400 Contingency Operations Transfer ..... −65,760

4450 PMRF 15,000

4600 Depot Maintenance—Aviation Backlog 70,000

4600 Contingency Operations Transfer ..... −4,206

4760 JCS Exercises and Headquarters Reduction ..... −9,000

4850 Contingency Operations Transfer ..... −13,524

5000 Depot Maintenance—Unfunded Ship Availabilities 60,000

5050 Contingency Operations Transfer ..... −204

5160 JCS Exercises and Headquarters Reduction ..... −9,000

5450 Naval Meteorology and Oceanography Command 19,500

5500 Contingency Operations Transfer ..... −15

5550 Reverse Osmosis Desalinators—Refurbishment 500

5550 Contingency Operations Transfer	−802
5950 Gun Weapon Overhaul and Support, Louisville	12,000
5950 Ship Self Defense System (SSDS) Equipment—Wallops Island	2,000
Budget Activity 2: Mobilization:	
6350 Contingency Operations Transfer	−82
6650 Industrial Preparedness—Nominal Growth	−14,000
Budget Activity 3: Training and Recruiting:	
6900 Service Academies—Foreign Students	−1,400
7200 Training Infrastructure Reduction	−19,500
7300 Naval Postgraduate School—Laboratory Improvements	2,000
7300 Training Infrastructure Reduction	−5,000
7350 CNET—Distance Learning	2,000
7350 Training Infrastructure Reduction	−14,500
7550 Recruiting and Advertising	3,000
Budget Activity 4: Administration and Servicewide Activities:	
8000 Pentagon Reservation Transfer	−28,811
8000 Headquarters and Administrative Activity Reduction	−48,300
8250 Contingency Operations Transfer	−307
8300 FEMP	−25,000
8600 ATIS	2,000
Undistributed:	
9360 Classified Undistributed	4,902
9365 DoD Software Program Managers Network	6,000
9365 High Risk Automation Systems	−25,000
9380 Foreign Currency Fluctuation	−6,000
9390 Civilian Personnel Understrength	−16,600
9415 Electrotechnologies	3,300
9417 Revised Economic Assumptions	−62,000
9420 Other Contracts—Program Growth	−29,719
9425 Real Property Maintenance	14,924
9430 TDY Expenses	−15,060
9435 QDR—Civilian Personnel Reductions	−17,000
9450 Magic Lantern	1,300

SHIP DEPOT MAINTENANCE

The conferees agree to provide $2,100,690,000 for ship depot maintenance, and delete the language recommended by the Senate establishing a floor on ship depot maintenance funding. The conferees' recommendation will provide the fleet commanders flexibility in managing their operation and maintenance funds during the fiscal year, in recognition that emergencies can lead to funding shortfalls. However, the conferees strongly urge the Navy leadership to ensure that all funds provided for ship maintenance are used solely for that purpose except in the most unusual of circumstances.

The conferees understand that the Navy will initiate a pilot program beginning on October 1, 1997 to study whether combining fleet intermediate facilities with Navy shipyards might yield economies of scale and allow maintenance managers to better balance workloads in the Navy shipyards. The conferees believe it will take at least two years before the Navy can determine whether this new arrangement is in fact cost effective and should be made permanent or expanded to other locations. Therefore, the conferees direct that the pilot program shall not be expanded until six months after the Navy reports to the Committees on Appropriations on its findings, and that such report shall be made on or after April 1, 1999. Further, the conferees direct that the Navy shall not make any changes to the workforce in terms of total numbers of employees and shall not change the name of the Navy activity involved or make any permanent changes until this pilot study has been completed and evaluated by the Congress. The conferees are hopeful that the study will lead to significant improvements in Navy maintenance functions and look forward to approving permanent changes throughout the Navy beginning in fiscal year 2000.

1998 WORLD EXPOSITION

The conferees understand that the Navy has requested to participate as one of the United States Government sponsors of the U.S. exhibit focused on ocean research and technology at the 1998 World Exposition in Lisbon, Portugal. Should the Secretary of the Navy determine that Navy participation is beneficial to the interests of the service, the conferees agree that adequate funds should be made available from the Operation and Maintenance account to assist in the creation and operation of the U.S. national pavilion. Funds shall be used to exhibit defense capabilities in global oceanography and environmental security to include interaction among NOAA and the appropriate entities of the Department of Defense.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
9900	OPERATION AND MAINTENANCE, MARINE CORPS				
9950	BUDGET ACTIVITY 1: OPERATING FORCES				
10000	EXPEDITIONARY FORCES				
10050	OPERATIONAL FORCES	345,077	404,577	364,077	378,077
10100	FIELD LOGISTICS	183,660	183,660	183,660	183,660
10150	DEPOT MAINTENANCE	121,339	146,339	121,339	133,339
10200	BASE SUPPORT	639,495	674,895	639,495	653,995
10250	MAINTENANCE OF REAL PROPERTY	263,593	263,593	286,193	263,593
10255	JCS EXERCISES & HEADQUARTERS REDUCTION			−5,000	−8,000
10300	USMC PREPOSITIONING				
10350	MARITIME PREPOSITIONING	77,380	77,380	77,380	77,380
10400	NORWAY PREPOSITIONING	3,603	3,603	3,603	3,603
10450	TOTAL, BUDGET ACTIVITY 1	1,634,147	1,754,047	1,670,747	1,685,647

[In thousands of dollars]

		Budget	House	Senate	Conference
10500	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
10550	ACCESSION TRAINING				
10600	RECRUIT TRAINING	9,098	9,098	9,098	9,098
10650	OFFICER ACQUISITION	282	282	282	282
10700	BASE SUPPORT	51,266	61,266	51,266	58,766
10750	MAINTENANCE OF REAL PROPERTY	18,115	18,115	19,715	18,115
10800	BASIC SKILLS AND ADVANCED TRAINING				
10850	SPECIALIZED SKILLS TRAINING	28,647	28,647	33,147	28,647
10900	FLIGHT TRAINING	156	156	156	156
10950	PROFESSIONAL DEVELOPMENT EDUCATION	5,803	5,803	5,803	5,803
11000	TRAINING SUPPORT	78,749	78,749	77,649	75,649
11050	BASE SUPPORT	54,557	64,557	54,557	62,057
11100	MAINTENANCE OF REAL PROPERTY	25,051	25,051	27,251	25,051
11150	RECRUITING AND OTHER TRAINING EDUCATION				
11200	RECRUITING AND ADVERTISING	74,442	78,842	74,442	78,742
11250	OFF-DUTY AND VOLUNTARY EDUCATION	15,063	15,063	15,063	15,063
11300	JUNIOR ROTC	9,006	9,006	9,006	9,006
11350	BASE SUPPORT	8,100	8,100	8,100	8,100
11400	MAINTENANCE OF REAL PROPERTY	2,447	2,447	2,747	2,447
11450	TOTAL, BUDGET ACTIVITY 3	380,782	405,182	388,282	396,982

[In thousands of dollars]

		Budget	House	Senate	Conference
11500	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
11550	SERVICEWIDE SUPPORT				
11650	SPECIAL SUPPORT	219,312	219,312	207,102	207,102
11700	SERVICEWIDE TRANSPORTATION	30,617	30,617	30,617	30,617

[In thousands of dollars]

		Budget	House	Senate	Conference
11750	ADMINISTRATION	26,105	26,105	26,105	26,105
11800	BASE SUPPORT	12,370	12,370	12,370	9,870
11850	MAINTENANCE OF REAL PROPERTY	2,012	2,102	2,312	2,012
11900	TOTAL, BUDGET ACTIVITY 4	290,416	290,416	278,506	275,706
11915	FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND	−4,000	−4,000	−2,000	−4,000
11935	REAL PROPERTY MAINTENANCE		154,100		30,500
11937	ECONOMIC ASSUMPTIONS			−7,000	−7,000
11940	QDR CIVILIAN PERSONNEL REDUCTIONS		−1,713		−1,000
11960	CIVILIAN PERSONNEL UNDEREXECUTION				−1,200
11965	TDY EXPENSES				−3,000
12300	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	2,301,345	2,598,032	2,328,535	2,372,635

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

10050 Readiness Training—Operating Forces Training Support 25,000

10050 Initial Issue (Clothing/Body Armor/Bivouac gear) 8,000

10150 Depot Maintenance Backlog Reduction 12,000

10200 Base Support 7,500

10200 Personnel Support Equipment 7,000

10255 JCS Exercises and Headquarters Reduction ..... −8,000

Budget Activity 3: Training and Recruiting:

10700 Base Support 7,500

11000 Training Infrastructure Reduction ..... −3,100

11050 Base Support 7,500

11200 Recruiting and Advertising 4,300

Budget Activity 4: Administration and Servicewide Activities:

11650 Pentagon Reservation Transfer ..... −12,210

11800 Base Support 7,500

11800 FEMP ..... −10,000

Undistributed:

11935 Real Property Maintenance 30,500

11937 Revised Economic Assumptions ..... −7,000

11940 QDR—Civilian Personnel Reductions ..... −1,000

11960 Civilian Personnel Understrength ..... −1,200

11965 TDY Expenses ..... −3,000

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
12450	OPERATION AND MAINTENANCE, AIR FORCE				
12500	BUDGET ACTIVITY 1: OPERATING FORCES				
12550	AIR OPERATIONS:				
12600	PRIMARY COMBAT FORCES	2,719,301	3,020,301	2,571,801	2,572,801
12650	PRIMARY COMBAT WEAPONS	457,939	457,939	457,939	457,939
12700	COMBAT ENHANCEMENT FORCES	253,099	253,099	256,199	256,199
12750	AIR OPERATIONS TRAINING	617,828	617,828	617,828	617,828
12800	COMBAT COMMUNICATIONS	981,936	981,936	981,936	981,936
12850	BASE SUPPORT	1,758,461	1,786,261	1,758,461	1,770,561
12900	MAINTENANCE OF REAL PROPERTY	576,409	576,409	626,009	576,409
12905	JCS EXERCISES & HEADQUARTERS REDUCTION			−15,000	−18,000
12907	CLASSIFIED PROGRAMS UNDISTRIBUTED			800	
12950	COMBAT RELATED OPERATIONS:				
13000	5GLOBAL C3I AND EARLY WARNING	712,916	712,916	712,916	712,916
13050	NAVIGATION/WEATHER SUPPORT	131,608	131,608	131,608	131,608
13100	OTHER COMBAT OPS SUPPORT PROGRAMS	205,449	208,249	205,449	207,249
13150	JCS EXERCISES	45,306	45,306	45,306	45,306
13200	MANAGEMENT/OPERATIONAL HEADQUARTERS	113,400	113,400	113,400	113,400
13250	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	231,411	234,411	231,411	232,911
13300	SPACE OPERATIONS				
13350	LAUNCH FACILITIES	226,956	226,956	226,956	226,956
13400	LAUNCH VEHICLES	103,576	103,576	103,576	103,576
13450	SPACE CONTROL SYSTEMS	283,597	283,597	284,997	284,997
13500	SATELLITE SYSTEMS	42,235	42,235	42,235	42,235
13550	OTHER SPACE OPERATIONS	82,972	82,972	82,972	82,972
13600	BASE SUPPORT	310,370	310,370	310,370	310,370
13650	MAINT OF REAL PROPERTY	119,869	119,869	130,269	119,869
13700	TOTAL, BUDGET ACTIVITY 1	9,974,638	10,309,238	9,877,438	9,830,038
13750	BUDGET ACTIVITY 2: MOBILIZATION				
13800	MOBILITY OPERATIONS:				
13850	AIRLIFT OPERATIONS	1,793,506	1,848,106	1,853,506	1,908,106
13900	AIRLIFT OPERATIONS C31	16,267	16,267	16,267	16,267
13950	MOBILIZATION PREPAREDNESS	145,868	140,763	145,868	140,763
14000	PAYMENTS TO TRANSPORTATION BUSINESS AREA	514,000	514,000	514,000	514,000
14050	BASE SUPPORT	427,865	427,865	427,865	427,865
14100	MAINTENANCE OF REAL PROPERTY	151,842	151,842	165,842	151,842
14150	TOTAL, BUDGET ACTIVITY 2	3,049,348	3,098,843	3,122,848	3,158,843
14200	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
14250	ACCESSION TRAINING:				
14300	OFFICER ACQUISITION	51,605	50,205	51,605	50,205
14350	RECRUIT TRAINING	3,971	3,971	3,971	3,971
14400	RESERVE OFFICER TRAINING CORPS (ROTC)	47,611	47,611	47,611	47,611
14450	BASE SUPPORT (ACADEMIES ONLY)	57,262	57,262	57,262	57,262
14500	MAINTENANCE OF REAL PROPERTY (ACADEMIES ONLY)	50,662	50,662	50,662	50,662
14550	BASIC SKILLS AND ADVANCED TRAINING:				
14600	SPECIALIZED SKILL TRAINING	196,980	196,980	176,980	175,980
14650	FLIGHT TRAINING	394,075	394,075	394,075	394,075
14700	PROFESSIONAL DEVELOPMENT EDUCATION	88,682	68,216	76,682	75,682
14750	TRAINING SUPPORT	63,296	63,296	51,296	50,296
14800	BASE SUPPORT (OTHER TRAINING)	370,436	370,436	370,436	370,436
14850	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	87,072	87,072	96,372	87,072
14900	RECRUITING, AND OTHER TRAINING AND EDUCATION:				
14950	RECRUITING AND ADVERTISING	55,039	59,539	55,039	57,239
15000	EXAMINING	2,212	2,212	2,212	2,212
15050	OFF DUTY AND VOLUNTARY EDUCATION	85,609	85,609	85,609	85,609
15100	CIVILIAN EDUCATION AND TRAINING	67,183	64,832	67,183	67,183
15150	JUNIOR ROTC	26,052	26,052	26,052	26,052
15200	TOTAL, BUDGET ACTIVITY 3	1,647,747	1,628,030	1,613,047	1,601,547

[In thousands of dollars]

		Budget	House	Senate	Conference
15250	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15300	LOGISTICS OPERATIONS:				
15350	LOGISTICS OPERATIONS	788,680	788,680	788,680	788,680
15400	TECHNICAL SUPPORT ACTIVITIES	390,267	390,267	390,267	390,267
15450	SERVICEWIDE TRANSPORTATION	236,372	236,372	236,372	236,372
15500	BASE SUPPORT	753,449	720,449	753,449	720,449
15550	MAINTENANCE OF REAL PROPERTY	194,617	194,617	213,217	194,617
15600	SERVICEWIDE ACTIVITIES:				
15650	ADMINISTRATION	126,642	75,480	126,642	73,942
15700	SERVICEWIDE COMMUNICATIONS	297,316	297,316	300,016	297,316
15750	PERSONNEL PROGRAMS	100,343	100,343	100,343	100,343
15800	RESCURE AND RECOVERY SERVICES	55,881	55,881	55,881	55,881
15900	ARMS CONTROL	29,565	29,565	29,565	29,565
15950	OTHER SERVICEWIDE ACTIVITIES	524,545	525,045	494,945	495,445
16000	OTHER PERSONNEL SUPPORT	33,623	33,623	33,623	33,623
16050	CIVIL AIR PATROL CORPORATION	17,927	18,727	22,327	21,527
16100	BASE SUPPORT	155,791	155,791	155,791	155,791
16150	MAINTENANCE OF REAL PROPERTY	10,728	10,728	12,828	10,728
16200	SECURITY PROGRAMS:				
16250	SECURITY PROGRAMS	510,046	510,046	482,846	510,046
16300	SUPPORT TO OTHER NATIONS:				
16350	INTERNATIONAL SUPPORT	13,260	13,260	13,260	13,260
16400	TOTAL, BUDGET ACTIVITY 4	4,239,052	4,161,190	4,210,052	4,127,852
16410	CLASSIFIED PROGRAMS UNDISTRIBUTED		13,900		4,000
16415	CIVILIAN PERSONNEL UNDERSTRENGTH		−70,000	−82,000	−7,700
16420	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
16430	FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND	−43,000	−53,000	−53,000	−67,000
16475	INFORMATION RESOURCE MANAGEMENT		−16,000		−16,000
16487	ECONOMIC ASSUMPTIONS			−46,000	−46,000
16490	OTHER CONTRACTS		−93,981		−93,981
16495	CHEMICAL/BIOLOGICAL DEFENSE—PACOM		10,000		10,000
16500	CONTINGENCY OPERATION TRANSFER—SWA		−459,900		
16505	REAL PROPERTY MAINTENANCE		358,200		100,384
16510	TDY EXPENSES		−20,000		−23,000
16515	QDR—CIVILIAN PERSONNEL REDUCTIONS		−76,253		−36,000
16800	TOTAL, O&M, AIR FORCE	18,817,785	18,740,167	18,592,385	18,492,883
16850	TRANSFER	(50,000)	(50,000)	(50,000)	(50,000)
16900	TOTAL FUNDING AVAILABLE	(18,867,785)	(18,790,167)	(18,642,385)	(18,542,883)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
12600 Flying Hour Program Shortfalls (AVDLR Shortfall)	240,000
12600 B–52 Attrition Reserve	42,400
12600 SR–71	30,000
12600 Battle Labs	1,000
12600 Contingency Operations Transfer	−459,900
12700 NBC Defense Program	3,100
12850 Force Protection-Base Physical Security	12,100
12905 JCS Exercises and Headquarters Reduction	−18,000
13100 SIMVAL	1,800
13250 JFACC Situational Awareness System (JSAS)	1,500
13450 Spacetrack	1,400
Budget Activity 2: Mobilization:	
13850 Flying Hour Program Shortfalls (AVDLR Shortfall)	60,000
13850 Depot Maintenance–KC–135 DPEM	54,600
13950 Industrial Preparedness-Nominal Growth	−5,105
Budget Activity 3: Training and Recruiting:	
14300 Service Academies-Foreign Students	−1,400
14600 Training Infrastructure Reduction	−21,000
14700 Training Infrastructure Reduction	−13,000
14750 Training Infrastructure Reduction	−13,000
14950 Recruiting and Advertising	2,200
Budget Activity 4: Administration and Sevicewide Activities:	
15500 FEMP	−33,000
15650 HEADQUARTERS AND ADMINISTRATIVE ACTIVITY REDUCTION	−52,700
15950 CAMP	500
15950 Pentagon Reservation Transfer	−29,600
16050 Civil Air Patrol—Counterdrug Activities	2,800
16050 Civil Air Patrol Corporation	800
Undistributed:	
16410 Classified Undistributed	4,000
16415 Civilian Personnel Under Strength	−7,700
16430 Foreign Currency Fluctuation	−24,000
16475 REMIS	−8,900
16475 High Risk Automation Systems	−25,000
16487 Revised Economic Assumptions	−46,000
16490 Other Contracts—Program Growth	−93,981
16495 Chemical/Biological Defense—PACOM	10,000
16505 Real Property Maintenance	100,384
16510 TDY Expenses	−23,000
16515 QDR—Civilian Personnel Reductions	−36,000

B–52S

The conferees provide a total of $57,300,000 to fund attrition reserve B–52 aircraft:

Operation and maintenance	$42,400,000
Aircraft procurement; mods	10,400,000
Military personnel	4,500,000

The conferees direct that this funding be used to operate and maintain the current force structure of 94 B–52s and to continue standard maintenance and upgrades on the attrition reserve aircraft. For the purposes of this procurement funding, the conferees direct the Air Force to treat all 94 B–52s now in the force structure as planes to be retained for the six-year period beginning October 1, 1997.

WILLIAM LEHMAN AVIATION CENTER

The William Lehman Aviation Center at Florida Memorial College—a Historically Black College located in Miami, Florida—is well positioned to assist in the recruitment and training of minorities in military aviation. The conferees urge the Department of the Air Force to work closely with the College in fully utilizing and developing FMC's faculty, equipment, facilities and expertise.

ENVIRONMENTAL QUALITY RESPONSIBILITIES

The conferees are concerned of potentially duplicative activities undertaken by the Air Force Center for Environmental Excellence (AFCEE) and other Departmental environmental centers. The conferees direct that the Air Force review this situation and take prompt action to ensure that the mission and responsibilities of the AFCEE fully conform to the commitments made by the Air Force when this center was first established and that its activities are focused on the mission for which it was established.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
16950	OPERATION AND MAINTENANCE, DEFENSE-WIDE				

[In thousands of dollars]

		Budget	House	Senate	Conference
17000	BUDGET ACTIVITY 1: OPERATING FORCES				
17050	JOINT CHIEFS OF STAFF	541,169	491,169	454,007	452,007
17100	SPECIAL OPERATIONS COMMAND	1,085,927	1,129,027		1,119,327
17150	TOTAL, BUDGET ACTIVITY 1	1,627,096	1,620,196	454,007	1,571,334
17200	BUDGET ACTIVITY 2: MOBILIZATION				
17250	DEFENSE LOGISTICS AGENCY	27,260	27,260	27,260	27,260
17350	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
17400	DEFENSE ACQUISITION UNIVERSITY	99,964	96,064	94,964	94,964
17450	AMERICAN FORCES INFORMATION SERVICE	11,586	11,586	11,586	11,586
17500	DEFENSE HUMAN RESOURCES FIELD ACTIVITY	14,200	14,200	14,200	14,200
17550	DEFENSE SPECIAL WEAPONS AGENCY	475	475	475	475
17600	SPECIAL OPERATIONS COMMAND	37,930	37,930	37,930	37,930
17650	TOTAL, BUDGET ACTIVITY 3	164,155	160,255	159,155	159,155
17700	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
17750	AMERICAN FORCES INFORMATION SERVICE	94,956	94,956	94,956	94,956
17800	CLASSIFIED AND INTELLIGENCE	3,490,397	3,392,136	3,461,797	3,450,966
17900	DEFENSE CONTRACT AUDIT AGENCY	329,264	326,764	329,264	326,764
17950	DEFENSE FINANCE AND ACCOUNTING SERVICE	91,654		91,654	70,654
18000	DEFENSE HUMAN RESOURCES FIELD ACTIVITY	124,735	122,735	124,735	122,735
18050	DEFENSE INFORMATION SYSTEMS AGENCY	725,858	717,658	690,258	689,058
18100	DEFENSE INVESTIGATIVE SERVICE	186,661	186,661	186,661	186,661
18150	DEFENSE LEGAL SERVICES AGENCY	8,839	8,839	8,087	8,087
18200	DEFENSE LOGISTICS AGENCY	1,086,443	1,138,043	1,099,443	1,126,043
18300	DEFENSE POW/MIA OFFICE	14,195	14,195	14,195	14,195
18350	DEFENSE SPECIAL WEAPONS AGENCY	87,837	87,837	87,837	87,837
18400	DEFEBSE SUPPORT ACTIVITIES	69,270	69,270	69,270	69,270
18450	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,545	10,545	10,545	10,545
18500	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,321,196	1,325,196	1,321,496	1,332,496
18550	FEDERAL ENERGY MANAGEMENT PROGRAM		15,000		15,000
18600	JOINT CHIEFS OF STAFF	128,561	126,561	113,661	117,561
18650	OFFICE OF ECONOMIC ADJUSTMENT	40217	49,217	40,217	114,217
18700	OFFICE OF THE SECRETARY OF DEFENSE	406,894	343,127	399,056	316,489
18755	CIVIL-MILITARY PROGRAMS			72,000	72,000
18800	ON SITE INSPECTION AGENCY	109,226	98,026	95,626	95,626
18850	SPECIAL OPERATIONS COMMAND	45,532	45,532	45,532	45,532
18900	WASHINGTON HEADQUARTERS SERVICE	213,147	198,847	213,147	210,147
18905	CANADIAN CLEANUP			−10,400	
18920	REPAIRS TO FEDERALLY-FUNDED SCHOOLS			10,000	10,000
18950	TOTAL, BUDGET ACTIVITY 4	8,585,427	8,371,145	8,569,037	8,586,839
18951	BUDGET ACTIVITY 5: SPECIAL OPERATIONS				
18952	SPECIAL OPERATIONS COMMAND		1,123,527		
18960	LEGACY			10,000	10,000
18965	PENTAGON RENOVATION TRANSFERS			137,652	137,652
18970	CIVILIAN PERSONNEL UNDERSTRENGTH		−33,900	−42,000	−8,000
18975	FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND	−13,000	−13,000	−10,000	−16,000
18980	MPACT AID		35,000		
18982	ECONOMIC ASSUMPTIONS			−29,000	−29,000
19010	INFORMATION RESOURCE MANAGEMENT		−15,000		−15,000
19030	PENTAGON RENOVATION SWING SPACE		−9,500		−9,500
19045	DEFENSE AUTOMATED PRINTING SERVICE		−15,000		−8,000
19065	CENTER FOR THE STUDY OF THE CHINESE MILITARY		5,000		
19085	CONTINGENCY OPERATIONS TRANSFER—SWA		−9,500		
19090	QDR—6% REDUCTION		−72,000		−37,000
19095	QDR—RESTRUCTURING RESERVE		18,000		
19100	GENERAL REDUCTION		−15,000		
19350	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	10,390,938	10,053,956	10,399,638	10,369,740

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

17050 JCS Exercises ..... −50,000
17050 Partnership for Peace .... −44,162
17050 Exercise Northern Edge 5,000
17100 SOCOM—Readiness OPTEMPO 28,530
17100 SOCOM—CP/WMD 11,270
17100 SOCOM—GORTEX/NOMEX Flight Suits 3,300
17100 Contingency Operations Transfer—SOCOM/SWA ..... −3,200
17100 SOCOM—JCS Exercises .. −6,500

Budget Activity 3: Training and Recruiting:

17400 DAU—Continuing Acquisition Education ..... −5,000

Budget Activity 4: Administration and Servicewide Activities:

17800 Contingency Operations Transfer ..... −2,700
17800 Classified and Intelligence ..... −36,731
17900 DCAA—Within Grade Increases ..... −2,500
17950 DFAS—Executive and Professional Training ..... −4,500
17950 DFAS—Property Accountability System ..... −16,500
18000 DHRFA—Operations ..... −2,000
18050 DISA—White House Communications Agency ..... −8,200
18050 DISA—Contingency Operations Transfer ..... −28,600
18150 Defense Legal Services Agency ..... −752
18200 DLA—Security Locks 25,000
18200 DLA—Automated Document Conversion 20,000
18200 DLA—Procurement Technical Assist. Program 17,000
18200 DLA—DPSC Demolition 10,000
18200 DLA—Cargo Methods and Technologies 3,000
18200 DLA—Blankets ..... −2,400
18200 DLA—Housing Improvement Fund Management ..... −7,000
18200 DLA—DWCF Transfer .... −26,000
18500 DoDDS—Guam Schools .. 18,000
18500 DoDDS—Family Counseling and Crisis Services 3,000
18500 DoDDS—Math Teacher Leadership Development Project 300
18500 DoDDS—Unobligated Balances ..... −10,000
18550 Federal Energy Management Program 15,000
18600 JCS—Travel and Administrative Costs ..... −11,000
18650 Monterey Institute Counter-Proliferation Analysis 9,000
18650 Industrial Modernization 50,000
18650 Ford Ord Defense Conversion Center 7,500
18650 San Diego Conversion Center 7,500
18700 OSD—Partnership for Peace Transfer 44,162
18700 OSD—Military Personnel Information System 5,000
18700 OSD—First Responder Training 1,300
18700 OSD—C3I Mission and Analysis Fund ..... −5,000
18700 OSD—Funding Transfer −17,000
18700 OSD—Administrative Savings ..... −20,000
18700 OSD—Civil Military Programs Transfer ..... −40,000
18700 OSD—Civil Military Programs ..... −58,867
18755 Civil Military Programs 72,000
18800 OSIA—Treaty Requirements ..... −10,000
18800 OSIA—Transfer to Contingency Operations ..... −3,600
18900 WHS—TDY and Administrative Expenses ..... −3,000

18920 Repairs to Federally Funded Schools	10,000
Undistributed:	
18960 Legacy	10,000
18965 Pentagon Reservation Transfer	137,652
18970 Civilian Personnel Understrength	−8,000
18975 Foreign Currency Fluctuation	−3,000
18982 Revised Economic Assumptions	−29,000
19010 High Risk Automation Systems	−15,000
19030 Pentagon Renovation Fund—Swing Space Costs	−9,500
19045 Defense Automated Printing Service	−8,000
19090 QDR Defense Agency Reductions	−37,000

DEFENSE FINANCE AND ACCOUNTING SERVICE

The Department requested $91,654,000 for activities that the conferees believe are more properly funded through the Defense Working Capital Fund. The conferees therefore agree to a reduction of $21,000,000 and direct DFAS to budget for these activities within the Defense Working Capital Fund in future budget submissions.

DEFENSE HUMAN RESOURCES FIELD ACTIVITY

The conferees agree to provide $138,935,000 for the Defense Human Resources Field Activity, a reduction of $2,000,000 from the President's Budget. The conferees direct that none of this reduction be taken against the Department's very successful efforts with Operation Mongoose.

DEFENSE LOGISTICS AGENCY

The Defense Logistics Agency (DLA) budget included $42,900,000 for expenses that were in the Defense Working Capital Fund (DWCF). Of these the conferees believe that $36,000,000, as identified in House Report 105–206, should have stayed within the DWCF and directs DLA to budget for these expenses within the DWCF in the future.

NATIONAL IMAGERY AND MAPPING AGENCY

The conferees agree to delete House language, but expect the National Imagery and Mapping Agency (NIMA) to abide by its commitment and recent Policy Directive 8600R1 that a qualifications based selection (QBS) process for mapping, charting and geodesy service contracts will be used and that NIMA will seek a revision to the Federal Acquisition Regulations to this effect.

NEW PARENT SUPPORT PROGRAM

The conferees agree that the New Parent Support Program complements and works in concert with all programs associated with violence prevention, child development and family advocacy. In recent years, funds have been provided for expansion of this program within all the Services. The conferees encourage the Department to continue funding this program at current levels during fiscal year 1998, and to budget sufficient resources in future budget submissions.

INDUSTRIAL MODERNIZATION

The conference report includes $50,000,000 only for projects or programs to assist in the commercial reutilization and modernization of government industrial complexes no longer in service. The conferees direct that such funds be used to support no more than 10 percent of the total project cost, and be committed only for projects that are determined by the Secretary (1) to be financially self-sustaining over the long-term, and (2) to enhance the national defense. The conferees intend that these funds be used for grants for operational transition, planning, and training costs.

RESERVE PEACETIME SUPPORT TO ACTIVE DUTY AND CIVILIAN ACTIVITIES

The conferees agree to provide $10,000,000 for Reserve peacetime support to active duty and civilian activities. The conferees direct the Department of Defense to report to the Committees on Appropriations on how the fiscal year 1997 funding was allocated by theater, activities or exercises supported by this program, and the number of reservists by service who participated under this initiative. This report is to be provided not later than January 15, 1998.

CIVIL MILITARY PROGRAMS

The conferees recommend a total of $72,000,000 for civil/military programs for fiscal year 1998 as follows:

[In thousands of dollars]

Youth Challenge program	48,000
Innovative Readiness Training	20,000
Starbase youth program	4,000
Total	72,000

ON-SITE INSPECTION AGENCY

The conferees have agreed to reduce funding for the On-Site Inspection Agency. If additional funds prove necessary to meet emergent requirements stemming from valid treaty obligations, the conferees expect the Department of Defense to submit a reprogramming request subject to normal, prior approval reprogramming procedures.

TRAVEL REENGINEERING

The Department of Defense report on Travel Reengineering states that the Department spends approximately $3,000,000,000 annually on temporary duty travel. Of this amount, 15 to 30 percent is for management overhead costs. The Department believes that, through reengineering, they can reduce these costs by more than half, a savings of over $300,000,000 per year. The conferees are supportive of these goals, but remain concerned about how DoD will identify and capture these savings. The conferees therefore direct the Department to provide a detailed report, no later than January 1, 1998, of what savings it expects to result from implementing this program in Travel Region 6, where those savings will come from and how DoD intends to capture those savings in its future budget requests. The conferees also direct the Department to provide a similar report with respect to full implementation prior to expanding this program beyond Travel Region 6.

LEGACY

Of the funds appropriated for the Legacy program, the Committee directs that $100,000 be utilized to develop a management plan, in cooperation with the appropriate state and local entities, to preserve and protect the Revolutionary War gunboat that was recently discovered on the bottom of Lake Champlain.

JOB PLACEMENT PROGRAM

The Conferees direct the Department of Defense to provide at least $6,000,000 from within available funds for the implementation of a combined job placement and community outreach services program. This program should market and coordinate involvement of existing qualified service providers through the Job Training Partnership Act, facilitate municipal offering of community outreach services and provide data for the evaluation of federal job placement programs. This program should be implemented in communities where military bases have undergone downsizing.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
19500	OPERATION AND MAINTENANCE, ARMY RESERVE				
19550	BUDGET ACTIVITY 1: OPERATING FORCES				
19600	MISSION OPERATIONS				
19650	BASE SUPPORT	309,446	309,446	309,446	309,446
19700	MAINTENANCE OF REAL PROPERTY	85,255	90,255	85,255	90,255
19750	DEPOT MAINTENANCE	41,366	41,366	41,366	41,366
19850	TRAINING OPERATIONS	620,827	630,827	640,827	630,827
19900	TOTAL, BUDGET ACTIVITY 1	1,056,894	1,071,894	1,076,894	1,071,894
19950	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES.				
20000	ADMINISTRATION AND SERVICEWIDE ACTIVITIES.				
20050	INFORMATION MANAGEMENT	20,033	20,033	20,033	20,033
20100	PUBLIC AFFAIRS	489	489	489	489
20150	PERSONNEL ADMINISTRATION	50,196	50,196	50,196	50,196
20200	STAFF MANAGEMENT	27,405	27,405	27,405	27,405
20250	RECRUITING AND ADVERTISING	37,874	37,874	37,874	37,874
20300	TOTAL, BUDGET ACTIVITY 4	135,997	135,997	135,997	135,997
20700	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	1,192,891	1,207,891	1,212,891	1,207,891

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces: 19700 Maintenance of Real Property	5,000
19850 Training Operations/Ground OPTEMPO	10,000
Total adjustments	+15,000

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
20850	OPERATION AND MAINTENANCE, NAVY RESERVE				
20900	BUDGET ACTIVITY 1: OPERATING FORCES				
20950	RESERVE AIR OPERATIONS				
21000	MISSION AND OTHER FLIGHT OPERATIONS	302,531	302,531	302,531	319,531
21050	FLEET AIR TRAINING	200	200	200	200
21100	INTERMEDIATE MAINTENANCE	17,528	17,528	17,528	17,528
21150	AIR OPERATION AND SAFETY SUPPORT	2,574	3,074	2,574	3,074
21200	AIRCRAFT DEPOT MAINTENANCE	58,053	68,053	58,053	65,053
21250	AIRCRAFT DEPOT OPS SUPPORT	315	315	315	315
21300	BASE SUPPORT	99,563	99,563	99,563	99,563
21350	MAINTENANCE OF REAL PROPERTY	24,512	24,512	24,512	24,512
21400	RESERVE SHIP OPERATIONS				
21450	MISSION AND OTHER SHIP OPERATIONS	59,509	59,509	59,509	59,509
21500	SHIP OPERATIONAL SUPPORT AND TRAINING	638	638	638	638
21550	INTERMEDIATE MAINTENANCE	10,326	10,326	10,326	10,326
21600	SHIP DEPOT MAINTENANCE	68,324	68,324	68,324	68,324
21650	SHIP DEPOT OPERATIONS SUPPORT	1,487	1,487	1,487	1,487
21700	RESERVE COMBAT OPERATIONS SUPPORT				
21800	COMBAT SUPPORT FORCES	25,632	25,632	25,632	25,632
21850	BASE SUPPORT	38,503	38,503	38,503	38,503
21900	MAINTENANCE OF REAL PROPERTY	9,220	9,220	9,220	9,220
21950	RESERVE WEAPONS SUPPORT				
22000	WEAPONS MAINTENANCE	4,136	4,136	4,136	4,136
22050	TOTAL, BUDGET ACTIVITY 1	723,551	733,551	723,051	747,551
22100	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22150	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
22200	ADMINISTRATION	6,209	6,209	6,209	6,209
22250	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	2,012	2,012	2,012	2,012
22300	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	32,102	32,102	32,102	32,102
22400	SERVICEWIDE COMMUNICATIONS	33,155	33,155	33,155	33,155
22450	BASE SUPPORT	26,692	26,692	26,692	26,692
22500	MAINTENANCE OF REAL PROPERTY	5,051	5,051	5,051	5,051
22550	COMBAT/WEAPONS SYSTEMS	2,723	2,723	2,723	2,723
22600	GENERAL DEFENSE INTELLIGENCE PROGRAM	511	511	511	511
22605	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
22610	AIR SYSTEMS SUPPORT	2,705	2,705	2,705	2,705
22750	TOTAL, BUDGET ACTIVITY 4	111,160	111,160	111,160	111,160
22760	NSIPS		43,500		43,500
22765	CONTINGENCY OPERATIONS TRANSFER—SWA		−500		−500
22770	MAINTENANCE OF REAL PROPERTY		37,000		20,000
23150	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	834,711	924,711	834,211	921,711

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
21000 Mission and Other Flight Operations/Flying Hours	17,000
21200 Aircraft Depot Maintenance	7,000
Other Adjustments:	
22760 NSIPS	43,500
22765 Contingency Operations Transfer—SWA	−500
22770 Maintenance of Real Property	20,000
Total adjustments	+87,000

MILITARY PERSONNEL INFORMATION SYSTEMS

The conferees have agreed to provide $69,000,000 only for Military Personnel Information Systems and support the direction in House Report 105–206 on management control and use of these programs and funds by the Commander, Naval Reserve Forces. Of the funds identified in the House report, only $11,500,000 is specifically for the Navy Standard Integrated Personnel System (NSIPS) and $5,000,000 is for the Joint Requirements and Integration Office. These funds are in addition to those already budgeted for these programs. The remaining funds are for all the related activities described in the House report, such as continuing the Navy central design activity consolidation and providing initial outfitting equipment and infrastructure support for information system facilities. The conferees direct the Navy and DoD to ensure that no other military personnel information system initiatives duplicate NSIPS or the DoD objective personnel system, now known as the Defense Integrated Military Human Resources System (DIMHRS). The conferees also direct DoD and the services to identify and allocate acquisition certified personnel for the DIMHRS Joint Program Management Office no later than November 1, 1997 and to fully fund and budget for NSIPS and DIMHRS.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
23300	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
23350	BUDGET ACTIVITY 1: OPERATING FORCES.				
23400	MISSION FORCES				
23450	TRAINING	14,559	18,459	14,559	17,559
23500	OPERATING FORCES	30,174	35,174	30,174	33,174
23550	BASE SUPPORT	16,309	16,309	16,309	16,309
23600	MAINTENANCE OF REAL PROPERTY	6,898	6,898	6,898	6,898
23650	DEPOT MAINTENANCE	2,555	2,555	2,555	2,555
23700	TOTAL, BUDGET ACTIVITY 1	70,495	79,395	70,495	76,495
23750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
23800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
23850	RECRUITING AND ADVERTISING	7,726	7,726	7,726	7,726
23900	SPECIAL SUPPORT	11,199	11,199	11,199	11,199
23950	SERVICEWIDE TRANSPORTATION	5,161	5,161	5,161	5,161
24000	ADMINISTRATION	7,039	7,039	7,039	7,039

[In thousands of dollars]

		Budget	House	Senate	Conference
24050	BASE SUPPORT	8,746	8,746	8,746	8,746
24200	TOTAL, BUDGET ACTIVITY 4	39,871	39,871	39,871	39,871
24600	TOTAL, O&M, MARINE CORPS RESERVE	110,366	119,266	110,366	116,366

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

23450 Training/M1A1 Tank Training 3,000

23500 Operating Forces/Initial Issue 3,000

Total adjustments ..... +6,000

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
24750	OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
24800	BUDGET ACTIVITY 1: OPERATING FORCES				
24850	AIR OPERATIONS				
24900	AIRCRAFT OPERATIONS	1,227,609	1,227,609	1,234,389	1,234,389
24950	MISSION SUPPORT OPERATIONS	39,482	39,482	39,482	39,482
25000	BASE SUPPORT	216,573	216,573	216,573	216,573
25050	MAINTENANCE OF REAL PROPERTY	60,314	70,314	60,314	60,314
25150	TOTAL, BUDGET ACTIVITY 1	1,543,978	1,543,978	1,550,758	1,550,758
25200	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
25250	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
25300	ADMINISTRATION	46,363	46,363	46,363	46,363
25350	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,262	19,262	19,262	19,262
25400	RECRUITING AND ADVERTISING	7,966	7,966	7,966	7,966
25450	OTHER PERSONNEL SUPPORT	6,310	6,310	6,310	6,310
25500	AUDIOVISUAL	541	541	541	541
25510	WC–130 WEATHER RECONN	.....	830	.....	830
25550	TOTAL, BUDGET ACTIVITY 4	80,442	81,272	80,442	81,272
25950	TOTAL, O&M, AIR FORCE RESERVE	1,624,420	1,635,250	1,631,200	1,632,030

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

24900 Aircraft Operations/C–130 Force Structure 6,780

Budget Activity 4: Administration and Servicewide Activities:

25510 WC–130 Weather Reconnasissance 830

Total adjustments ..... +7,610

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
26100	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD				
26150	BUDGET ACTIVITY 1: OPERATING FORCES				
26200	MISSION OPERATIONS				
26250	TRAINING OPERATIONS	1,704,250	1,728,950	1,749,250	1,728,950
26350	MEDICAL SUPPORT	26,701	26,701	26,701	26,701
26400	DEPOT MAINTENANCE	53,824	58,824	63,824	61,324
26450	BASE SUPPORT	250,700	250,700	250,700	250,700
26500	MAINTENANCE OF REAL PROPERTY	50,618	60,618	150,618	135,618
26550	TOTAL, BUDGET ACTIVITY 1	2,086,093	2,125,793	2,241,093	2,203,293
26600	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
26650	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
26700	INFORMATION MANAGEMENT	32,376	32,376	53,376	53,376
26800	PERSONNEL ADMINISTRATION	62,082	62,082	62,082	62,082
26850	STAFF MANAGEMENT	45,190	45,190	45,190	45,190
26900	RECRUITING AND ADVERTISING	33,191	33,191	33,191	33,191
26910	CHEM/BIO MISSION STUDIES	.....	10,000	.....	10,000
26912	STOCK FUND SECONDARY ITEMS	.....	.....	15,000	7,500
26915	SOFTWARE ACQUISITION AND SECURITY TRAINING	.....	5,000	.....	5,000
26950	TOTAL, BUDGET ACTIVITY 4	172,839	187,839	208,839	216,339
27350	TOTAL, OPERATION AND MAINTENANCE, ARMY NAT. GUARD	2,258,932	2,313,632	2,449,932	2,419,632

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

26250 Training Operations/Ground Optempo 20,000

26250 Training Operations/Angel Gate Academy 4,200

26250 Training Operations/Laser Leveling 500

26400 Depot Maintenance 7,500

26500 Maintenance of Real Property 85,000

Budget Activity 4: Administration and Servicewide Activities:

26700 Information Management 21,000

26910 Chem/Bio Mission Studies 10,000

26912 Stock Fund Secondary Items 7,500

26915 Software Acquisition and Security Training 5,000

Total adjustments ..... +160,700

MAINTENANCE OF REAL PROPERTY

The conferees recommend $85,000,000 above the budget request for maintenance of real

property for Army National Guard facilities. The conferees direct that these funds be used to reduce the growing backlog within the 54 Army National Guard organizations, not for studies or other administrative functions.

CHEMICAL/BIOLOGICAL DEFENSE AND COUNTER TERRORISM MISSION PLANNING

The conferees recommend $10,000,000 only to support efforts to develop the National Guard's domestic chemical/biological counter terrorism mission. The conferees reiterate the directive in the House report and strongly endorse efforts to accelerate implementation of this important mission. The conferees expect the National Guard to develop a mission plan that is fully coordinated with all related plans and programs of the Office of the Secretary of Defense, the active forces, and all other Reserve Components so as to leverage existing capabilities to the maximum extent possible. A mechanism for review and input from all relevant organizations must be an integral part of this planning effort. The conferees also intend that a portion of these funds may be used to conduct joint, interagency training for federal, state, and local responders with respect to counter terrorism operations and the defense against weapons of mass destruction and for testing and evaluating equipment related to the support of the chemical/biological defense mission.

HOME STATION MOBILIZATION

The conferees support the expansion of Home Station Mobilization during fiscal year 1998, as a way to reduce mobilization costs and increase the availability of the Reserve Components. The conferees direct the Department of the Army to report to the congressional defense committees on how this program can be expanded in both the Army National Guard and the Army Reserve not later than January 15, 1998. The report should also provide a timetable to implement the results of this review during fiscal year 1998. It should address costs (both personnel and resources) associated with deploying from home station versus a mobilization station and recommendations regarding mission transfers to the Reserve Components.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
27500	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
27550	BUDGET ACTIVITY 1: OPERATING FORCES				
27600	AIR OPERATIONS				
27650	AIRCRAFT OPERATIONS	2,243,510	2,245,010	2,262,573	2,262,573
22770	MISSION SUPPORT OPERATIONS	334,314	334,314	334,314	334,314
27750	BASE SUPPORT	296,196	296,196	296,196	296,196
27800	MAINTENANCE OF REAL PROPERTY	77,879	77,879	77,879	77,879
27850	DEPOT MAINTENANCE	30,048	30,048	30,048	30,048
27900	TOTAL, BUDGET ACTIVITY 1	2,981,947	2,986,447	3,001,010	3,004,010
27950	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
28000	SERVICEWIDE ACTIVITIES				
28050	ADMINISTRATION	3,073	3,073	3,073	3,073
28100	RECRUITING AND ADVERTISING	6,199	6,199	6,199	6,199
28150	TOTAL, BUDGET ACTIVITY 4	9,272	9,272	9,272	9,272
28550	TOTAL, O&M, AIR NATIONAL GUARD	2,991,219	2,995,719	3,010,282	3,013,282

ADJUSTMENT TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
27650 Aircraft Operations/159th Fighter Group	1,500
527650 Aircraft Operations/C–130 Force Structure	13,063
27650 Aircraft Operations/C–130 Operations	4,500
27850 Depot Maintenance	3,000
Total adjustments	+22,063

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

The conferees agree to provide $1,884,000,000 for the Overseas Contingency Operations Transfer Fund. The conferees agree to realign funding for operations in Southwest Asia from the services' Operation and maintenance accounts into the Overseas Contingency Operations Transfer Fund. Accordingly, the conferees agree to transfer $416,500,000 into this account.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The conference agreement provides $6,952,000 for the United States Court of Appeals of the Armed Forces as requested in the budget.

ENVIRONMENTAL RESTORATION, ARMY

The conferees agree to provide $375,337,000 for Environmental Restoration, Army.

ENVIRONMENTAL RESTORATION, NAVY

The conferees agree to provide $275,500,000 for Environmental Restoration, Navy.

ENVIRONMENTAL RESTORATION, AIR FORCE

The conferees agree to provide $376,900,000 for Environmental Restoration, Air Force.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conferees agree to provide $26,900,000 for Environmental Restoration, Defense-Wide.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conferees agree to provide $242,300,000 for Environmental Restoration, Formerly Used Defense Sites.

NEWMARK

The conferees understand that both the Environmental Protection Agency (EPA) and the City of San Bernardino believe that the Newmark and Muscoy plume contamination in San Bernardino, CA is a direct result of industrial waste from a World War II depot and maintenance facility (Camp Ono). The report accompanying the fiscal year 1997 DoD Appropriations Act highlighted the urgency of this problem and requested prompt action by the Department of Defense. Because the Department has not adequately responded to last year's report language concerning this important issue, the conferees direct the DoD, within 90 days of enactment of this Act, to provide a report to the congressional defense committees which fully explains the Department's current and future plans relating to its role in the cleanup of the Newmark/Muscoy site.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conferees agree to provide $47,130,000 for Overseas Humanitarian, Disaster and Civic Aid. The conferees direct that none of the reduction should be taken against the Department's demining efforts. In addition, the conferees expect the Department of Defense to coordinate its efforts on the rehabilitation of land mine victims with other U.S. Government agencies performing similar activities, including any center devoted to these efforts within the Department of Education.

FORMER SOVIET UNION THREAT REDUCTION

The conferees agree to provide $382,200,000, for the Former Soviet Union Threat Reduction program.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

The conferees agree to provide a total of $360,000,000 for Quality of Life Enhancements, Defense. Given the substantial backlog of real property maintenance in the areas of barracks, dormitories and related facilities, the conferees direct that these funds be applied to workload for such projects. The conferees further direct the Secretaries of each of the Military Services to provide the congressional defense committees with a report on each additional project to be funded from funds available in this account prior to solicitation for these projects. This report shall include the location, estimated cost and projected commencement and completion dates for each project.

TITLE III—PROCUREMENT

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
SUMMARY				
ARMY:				
AIRCRAFT	1,029,459	1,541,217	1,356,959	1,346,317
TRANSFER	(133,000)			
MISSILES	1,178,151	771,942	1,173,081	762,409
WEAPONS, TRACKED COMBAT VEHICLES	1,065,707	1,332,907	1,156,506	1,298,707
AMMUNITION	890,902	1,062,802	1,042,602	1,037,202
OTHER	2,455,030	2,502,886	2,783,735	2,679,130
TOTAL, ARMY	6,619,249	7,211,754	7,512,883	7,123,765
NAVY:				
AIRCRAFT	5,951,965	6,753,465	6,312,937	6,535,444
TRANSFER	(134,000)			
WEAPONS	1,136,293	1,175,393	1,138,393	1,102,193
AMMUNITION	336,797	423,797	344,797	397,547
SHIPS	7,438,158	7,628,158	8,510,458	8,235,591
OTHER	2,825,500	3,084,485	2,832,800	3,144,205
MARINE CORPS	374,306	491,198	440,106	482,398
TOTAL, NAVY	18,063,019	19,556,496	19,579,491	19,897,378
AIR FORCE:				
AIRCRAFT	5,684,847	6,386,479	6,390,847	6,480,983
TRANSFER	(133,000)			
MISSILES	2,557,741	2,320,741	2,411,741	2,394,202
AMMUNITION	403,984	414,884	400,984	398,534
OTHER	6,561,253	6,588,939	6,653,053	6,592,909
TOTAL, AIR FORCE	15,207,825	15,711,043	15,856,625	15,866,628
DEFENSE-WIDE	1,695,085	2,186,669	1,753,285	2,106,444
NATIONAL GUARD AND RESERVE EQUIPMENT		850,000	653,000	653,000
TOTAL PROCUREMENT	41,585,178	45,515,962	45,355,284	45,647,215
TRANSFER	(400,000)			

AIRCRAFT PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, ARMY:					
C-XX (MEDIUM RANGE) AIRCRAFT			23,000		23,000
GUARDRAIL COMMON SENSOR (TIARA)	3,388	13,046	3,388		13,046
SHORT RANGE UAV		20,000			
UH-60 BLACKHAWK (MYP)	183,231	309,231	310,531	28	272,231
UH-1 MODS	4,679	4,679	2,679		2,679
UH-60 MODS	14,353	14,353	23,853		26,853
KIOWA WARRIOR	38,822	213,822	53,822		53,822
EH-60 QUICKFIX MODS	38,140	44,640	38,140		44,640
ASE MODS	4,578	19,078	12,678		19,078
AIRCRAFT SURVIVABILITY EQUIPMENT	905	15,705	905		8,305
TRAINING DEVICES		9,300	18,600		13,300
ECONOMIC ASSUMPTIONS			−8,000		−8,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
U-H60 Blackhawk (MYP)	183,231	309,231	310,531	272,231
Aircraft		+120,000	+127,300	+83,000
Q-kits for Active Army		+6,000		+6,000
(Note: Additional funds are to procure at least 10 additional aircraft. Procurement of the 28 new aircraft are to result in the fielding of 28 aircraft from the Army to the Army National Guard.)				
UH-60 MODS	14,353	14,353	23,853	26,853
Senate add			+9,500	+9,500
UH-60L Blackhawk Fire Hawk kits				+3,000
(Note: UH-60L Fire Hawk kits are to be transferred to the Army National Guard.)				
Kiowa Warrior	38,822	213,822	53,822	53,822
Aircraft		+157,177		0
Safety modifications		+23,300	+15,000	+15,000
ASE MODS	4,578	19,078	12,678	19,078
Laser detection sets		+7,000		+7,000
Advanced threat infrared countermeasures		+7,500	+8,100	+7,500
Aircraft Survivability Equipment	905	15,705	905	8,305
ASET IV		+14,800		+7,400
Common Ground Equipment	+0	+18,600	+9,300	+13,300
Geographic databases		+18,600	+9,300	+13,300

MISSILE PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
MISSILE PROCUREMENT, ARMY:					
PATRIOT SYSTEM SUMMARY (MYP)	349,109		349,109		
AVENGER SYSTEM SUMMARY			13,000		7,400

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
HELLFIRE SYS SUMMARY	279,687	228,287	268,987	1,200	248,987
MLRS ROCKET	2,863	14,863	19,863		19,863
MLRS LAUNCHER SYSTEMS	102,649	105,649	127,749	35	125,749
ARMY TACTICAL MSL SYS (ATACMS) (MYP)	97,814	97,814	87,044	153	97,814
BAT	85,208	45,208	45,208	40	
EFOG–M					13,300
PATRIOT MODS	20,825	30,825	20,825		8,000
ECONOMIC ASSUMPTIONS			−8,000		−8,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Patriot System Summary	349,109	0	349,109	0
Transfer to Procurement, Defense Wide		−349,109		−349,109
Avenger System Summary	0	0	13,000	7,400
Slew-to-cue			13,000	7,400
Hellfire System Summary	279,687	228,287	268,987	248,987
Unused prior year ECO funding		−5,400		0
Reduce Longbow Hellfire production ramp-up		−38,300		−20,000
Reduce Longbow ramp-up tooling		−7,700		0
Unobligated prior year funds			−10,700	−10,700
MLRS Rocket	2,863	14,863	19,863	19,863
MLRS–ER		12,000	17,000	17,000
MLRS Launcher System	102,649	105,649	127,749	125,749
Transfer to MLRS–ER rockets		−12,000		−12,000
Vehicular Intercommunication System (VIS) upgrades		15,000		10,000
Launcher upgrades			25,100	25,100
Army Tactical Missile System (ATACMS)	97,814	97,814	87,044	97,814
Contract savings			−10,770	0
EFOG–M				13,300
Transfer from research and development				13,300
Patriot Modifications	20,825	30,825	20,825	30,825
GEM +/−		10,000		8,000

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF W&TCV, ARMY..					
BRADLEY BASE SUSTAINMENT	125,591	240,591	187,991		220,591
FIELD ARTILLERY AMMUNITION SUPPORT VEH		40,000		36	40,000
CARRIER, MOD	20,244	28,644	40,244		40,244
HOWITZER, MED SP FT 155MM M109A6 (MOD)	18,706	74,706	18,706	36	74,706
IMPROVED RECOVERY VEHICLE (M88 MOD)	28,601	56,401	14,000	12	32,601
ARMOR MACHINE GUN, 7.62MM M240 SERIES		20,000			15,000
GRENADE LAUNCHER, AUTO, 40MM, MK19–3			13,000		8,000
MEDIUM MACHINE GUNS (MODS)			15,000		
ECONOMIC ASSUMPTIONS			−5,000		−5,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Bradley Base Sustainment	125,591	240,591	187,991	220,591
A0 to ODS variant for the National Guard		+115,000		+95,000
Bradley base upgrades			+62,400	+0
Carrier, mod	20,244	28,644	40,244	40,244
M113 night vision driver viewers		+8,400		+5,000
Carrier modifications			+20,000	+15,000
(Note: $15,000,000 is only for the competitive procurement of reactive armor)				
Improved Recovery Vehicle	28,601	56,401	14,000	32,601
IRV production		+27,800		0
Program slip			−14,601	0
Engineering change proposals				+4,000
(Note: Senate provided additional funds for ECP's in RDT&E, A).				

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, ARMY:					
CTG, 5.56MM, ALL TYPES	63,588	65,988	63,588		64,988
CTG, 7.62MM, ALL TYPES	1,136	7,136	1,136		4,136
CTG, .50 CAL. ALL TYPES	19,977	20,177	19,977		20,177
CTG, 40MM, ALL TYPES	26,203	26,203	33,203		31,203
CTG MORTAR 120MM FULL RANGE PRACTICE M931	24,432	34,432	24,432	59	32,432
CTG MORTAR 120MM HE M934 W/MO FUZE	29,908	38,908	44,908	32	38,908
CTG MORTAR 120MM ILLUM XM930 W/MTSQ FZ		3,000			3,000
CTG 120MM HEAT-MP-T M830A1		10,000			8,000
CTG TANK 120MM TPCSDS-T M865	111,653	124,453	124,353	184	119,353
CTG ARTY 105MM DPICM XM915		20,000	10,000		10,000
PROJ ARTY 155MM HE M795		55,000			36,000
FUZE MULTI OPTION		20,000	20,000		15,000
MINE AT/AP M87 (VOLCANO)			20,000		17,000
BUNKER DEFEATING MUNITION (BDM)		8,000			8,000
ROCKET, HYDRA 70, ALL TYPES	12,067	48,267	48,267		37,267

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
SIMULATORS, ALL TYPES	4,573	5,073	4,573		4,573
PROVISION OF INDUSTRIAL FACILITIES	45,857	24,857	45,857		24,857
CONVENTIONAL AMMO DEMILITARIZATION	106,118	96,118	93,118		93,118
ARMS INITIATIVE	5,000	5,000	45,000		25,000
ECONOMIC ASSUMPTIONS			−6,000		−6,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuze, multi option	0	20,000	20,000	15,000
Electronic timed M767 fuze		+20,000	+20,000	+15,000
Provision of Industrial Facilities	45,857	24,857	45,857	24,857
Excess funds		−21,000		−21,000
Large caliber deep drawn cartridge		(3,000)		(3,000)

KINETIC ENERGY TANK AMMUNITION

The conferees are concerned that there may be a break in production between the current 120mm kinetic energy round, the M829A2, and the follow-on round, the M829E3. The conferees direct the Army to maintain M829A2 future annual production at minimum sustaining levels and accelerate the development of the M829E3. The conferees direct the Army submit to the congressional defense committees their plan for funding M829A2 production and maintaining the capability to produce kinetic energy rounds no later than December 15, 1997.

OTHER PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, ARMY:					
TACTICAL TRAILERS/DOLLY SETS	8,053	8,053	18,053		13,053
SEMITRAILER FB BB/CONT TRANS 22½ T	9,361		9,361	350	2,000
SEMITRAILER, TANK, 5000G	7,581	3,000	7,581	74	3,000
SEMITRAILER, TANK, 7500G, BULKHAUL	10,408	2,000	10,408	231	3,000
HI MOB MULTI-PURP WHLD VEH (HMMWV) (MYP)	66,233	104,933	141,233	774	131,233
FAMILY OF MEDIUM TACTICAL VEH (MYP)	209,446	209,446	253,446	1,506	209,446
FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	9,071	87,071	137,071		114,071
ARMORED SECURITY VEHICLES (COMBAT SPT) TACTIC	9,470	10,970	9,470	25	10,970
DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPAC)	87,643	83,143	87,643		85,643
SAT TERM, EMUT (SPACE)	7,264	6,064	7,264	207	6,064
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	6,796	5,596	6,796	17	5,596
SCAMP (SPACE)	4,305	10,405	16,605		16,605
GLOBAL BRDCST SVC—GBS	4,967		4,967		4,967
ARMY DATA DISTRIBUTION SYSTEM (ADDS)	57,165	57,065	94,465		67,465
SINCGARS FAMILY	290,164	302,164	290,164		296,164
ACUS MOD PROGRAM (WIN–T/T)	82,391	82,391	115,391		105,391
COMBAT SURVIVOR EVADER LOCATOR (CSEL)	5,677		5,677		5,677
INFORMATION SYSTEM SECURITY PROGRAM—ISSP	10,208	10,208	10,208		13,708
INFORMATION SYSTEMS	20,498	20,498	51,498		51,498
GENERAL DEFENSE INTELL PROG (GDIP)	18,856	19,756	18,856		19,356
ITEMS LESS THAN $2.0M (INTEL SPT)—TIARA		2,800			2,800
ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	7,772	26,959	7,772		23,459
JTT/CIBS–M (TIARA)	11,438	11,438	6,438	56	11,438
SHORTSTOP		6,000			6,000
SENTINEL	41,014	51,014	61,214	12	61,214
NIGHT VISION DEVICES	85,312	99,712	121,312		111,712
LOGTECH	3,358	3,358	3,358		13,358
STANDARD INTEGRATED CMD POST SYSTEM	26,551	36,551	26,551		33,551
AUTOMATED DATA PROCESSING EQUIP	125,099	151,899	125,099		132,099
RESERVE COMPONENT AUTOMATION SYS (RCAS)	114,323	114,323	84,323		114,323
CALIBRATION SETS EQUIPMENT			25,000		15,000
INTEGRATED FAMILY OF TEST EQUIP (IFTE)		29,000			20,000
COMBAT SUPPORT MEDICAL	11,808	11,808	18,808		18,808
ITEMS LESS THAN $2.0 MILLION (MAINT EQ)	1,167	5,167	1,167		4,167
CRANE, WHEEL MTD, 25T, ¾ CU YD, RT	6,055	6,055	6,055	22	14,055
RAILWAY CAR, FLAT, 100 TON	17,755		17,755		
TRAINING DEVICES, NONSYSTEM	49,668	53,668	59,668		53,668
SIMNET/CLOSE COMBAT TACTICAL TRAINING	92,968		71,468		54,600
BASE LEVEL COM'L EQUIPMENT	4,283	4,283	17,283		4,283
DEPOT MAINTENANCE OF OTHER END ITEMS	24,819		24,819		
GUN LAYING POSITIONING SYSTEM		6,000			6,000
RADIO FREQUENCY TECHNOLOGY		2,900			1,200
LIGHTWEIGHT LASER DESIGNATOR/RANGE FINDER		2,800			
COMBAT SYNTHETIC TRAINING ASSESSMENT RANGE		5,400			
ARMY AIRBORNE COMMAND & CONTROL SYSTEM		11,100			
AVENGER SLEW TO CUE		7,400			
PALLETIZED LOADING SYSTEM ENHANCED		3,000			3,000
ECONOMIC ASSUMPTIONS			−18,000		−18,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Army Data Distribution System	57,165	57,065	94,465	67,465
EPLRS		+20,000	+37,400	+30,400
JTIDS—transfer to BMDO		−20,100		−20,100
Information Systems Security System	10,208	10,208	10,208	15,780
KY–100 device		0	0	+3,500
(Note: Earmarked in Senate bill for $5,500,000)				
All Source Analysis System	7,772	26,959	7,772	23,459
ASAS RWS		+13,500		+10,000
CHATS		+5,687		+5,687
Night Vision Devices	85,312	99,712	131,312	111,712
AN/PAS–13 thermal weapon sights		+11,400	+10,000	+6,900
Lightweight video system		+3,000		+2,000
Infrared Aiming Lights (AN/PEQ–2)			+8,000	+5,500
AN/PVS–70 systems			+17,000	+11,000
Bore lights			+1,000	+1,000
MELIOS				(5,000)

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
(Note: Funds are only to procure MELIOS for the Army National Guard)				
LOGTECH	3,358	3,358	3,358	13,358
Army Logistic Automation				+10,000
(Note: Funds transferred from Automated Data Processing Equipment)				
Automated Data Processing Equipment	125,099	151,899	125,099	132,099
SBIS		+13,000		+7,000
(Note: Funds transferred to O&M, Army)				
Army Logistics Automation		+13,800		0
(Note: Funds transferred to LOGTECH)				
Crane, Wheel Mtd, 25T,¾ CU YD, RT	6,055	6,055	6,055	14,055
All terrain cranes				+8,000
(Note: Funds are only to procure all all-terrain cranes for the Army Reserve)				
Radio Frequency Technology	0	2,900	0	1,200
(Note: $1,700,000 transferred to Research, Development, Test and Evaluation, Army)				
Lightweight designator/range finder	0	2,800	0	0
(Note: Funds transferred to Research, Development, Test and Evaluation, Army)				
Combat synthetic training assessment range	0	5,400	0	0
(Note: Funds transferred to Research, Development, Test and Evaluation, Army)				
Army Airborne Command & Control System	0	11,100	0	0
(Note: Funds transferred to Research, Development, Test and Evaluation, Army)				
Avenger Slew to Cue	0	7,400	0	0
(Note: Funds transferred to Missile Procurement, Army)				

FAMILY OF MEDIUM TACTICAL VEHICLES

The conferees strongly support the Army's Family of Medium Tactical Vehicle (FMTV) acquisition strategy. The conferees endorse the Army's plan to continue procuring FMTV's from the current producer while qualifying a second source in fiscal year 1998 and 1999. The conferees agree to provide the authority in Section 8008 to enter into a multiyear contract for the FMTV.

COMMANDER'S TACTICAL TERMINAL/JOINT TACTICAL TERMINAL

The conferees agree that the amounts appropriated in fiscal year 1998 and prior year funds be used to re-award the Joint Tactical Terminal (JTT) contract and to procure only urgently needed Commander's Tactical Terminals (CTT) in fiscal year 1998 until the production under a new contract progresses sufficiently to minimize the fielding gap between these two terminals.

DIRECT SUPPORT ELECTRICAL SYSTEMS TEST SETS (DSESTS)

The conferees encourage the Department of Defense to include DSESTS in the automatic test equipment family.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, NAVY:					
AV-8B (V/STOL) HARRIER	277,648	310,648	283,890	12	283,890
AV-8B (V/STOL) HARRIER (AP-CY)	18,914	18,914	17,900		17,900
V-22 (MEDIUM LIFT)	472,007	661,307	627,007	7	627,007
V-22 (MEDIUM LIFT) (AP-CY)	69,659	69,659	62,124		62,124
E-2C (EARLY WARNING) HAWKEYE	236,474	304,474	236,474	4	304,474
CH-60 HELICOPTER				2	30,400
CH-60 HELICOPTER (AP-CY)	31,837	31,837			
T-45TS (TRAINER) GOSHAWK	243,960	243,960	291,899	15	289,383
KS-130J		179,700		2	120,000
EA-6 SERIES	86,783	169,783	126,783		116,783
F-14 SERIES	290,500	290,500	275,200		287,200
F-18 SERIES	156,213	156,213	140,713		164,713
H-53 SERIES	35,704	35,704	45,704		45,704
H-1 SERIES	18,489	16,389	18,489		18,389
P-3 SERIES	164,907	293,907	226,307		238,207
E-2 SERIES	49,073	50,673	85,210		49,073
CARGO/TRANSPORT A/C SERIES	29,911	29,911	20,911		25,911
SPECIAL PROJECT AIRCRAFT	16,527	16,527	23,527		23,527
POWER PLANT CHANGES	13,972	13,972	15,572		15,572
COMMON AVIONICS CHANGES	131,599	130,599	117,439		130,399
COMMON GROUND EQUIPMENT	287,114	274,114	287,114		274,114
ECONOMIC ASSUMPTIONS			−44,000		−44,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
T-45	243,960	243,960	291,899	289,383
Additional aircraft			+96,600	+53,000
Multiyear procurement savings			−51,084	0
Peculiar training equipment			+10,000	0
Engineering change orders			−3,728	−3,728
Engine contract award savings			−3,849	−3,849
EA-6B Series	86,783	169,783	126,783	116,783
Center wing sections		+50,000	+25,000	+25,000
Late obligations			−10,000	−10,000
Engine turbine blade		+18,000	0	0
USQ-113 receiver		+15,000	0	+15,000
Support jamming upgrade		0	+25,000	0
F-14 Series	290,500	290,500	275,200	287,200
Critical systems mod			−3,300	−3,300
LANTIRN			−12,000	0
F-18 Series	156,213	156,213	140,713	164,713
Late obligations			−15,500	−15,500
Mods for Naval Reserve				+24,000
H-1 Series	18,489	16,389	18,489	18,389
Transfer to R&D		−5,600		−5,600
Internal rescue hoist		+3,500		+3,500
AN/AAQ-22				+2,000
P-3 Series	164,907	293,907	226,307	238,207
SRP		+35,100	+25,100	+25,000
AIP		+56,600	+17,300	+17,300
SEI		+18,500	0	+13,000
LESPA		+6,000	+11,000	+8,000
Replacement data storage system		+12,800	+8,000	+10,000
Common Avionics Changes	131,599	130,599	117,439	130,399
AAW-13		+9,000		+6,000
Authorization reduction		−10,000		0

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Late obligations			−10,000	−10,000
Ground proximity warning system				+4,000
Systems engineering growth			−1,200	−1,200

CH–60 HELICOPTERS

The conferees agree to provide $30,400,000 only to procure 2 CH–60 helicopters for the Naval Reserve.

AV–8B HARRIER ENGINES

The conferees recognize the need to replace engines in AV–8B Harrier trainer aircraft, and would welcome a reprogramming request from the Department of Defense should it elect to address this requirement in fiscal year 1998.

P–3

The conferees are disturbed by the Navy's approach to budgeting for the P–3 Sustained Readiness Program (SRP). The conferees direct the Navy to budget for the purchase of no less than 20 SRP kits and for the installation of 15 SRP kits in fiscal year 1999, in order to obtain best value for the Department of Defense in accordance with the Variation in Quantity contract signed by the Navy.

WEAPONS PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty.	Conference
WEAPONS PROCURMENT, NAVY					
TRIDENT II	292,248	292,248	227,248	5	227,248
TRIDENT II (AP–CY)	47,021	32,021	47,021	—	47,021
TOMAHAWK	51,820	51,820	71,820	65	51,820
ESSM	15,529	5,529	15,529	—	10,529
JSOC	58,665	68,665	58,665	113	63,665
STANDARD MISSILE	196,492	181,092	196,492	127	181,092
PENGUIN	—	—	15,000	—	7,500
AERIAL TARGETS	72,923	65,923	66,723	—	65,923
HELLFIRE	—	37,500	—	—	20,000
STANDARD MISSILES MODS	35,601	68,601	50,901	—	50,901
WEAPONS INDUSTRIAL FACILITIES	34,923	25,932	34,932	—	30,432
CIWS MODS	9,990	29,990	24,990	—	24,990
5/54 GUN MOUNT MODS	241	241	13,241	—	10,241
PIONEER	3,962	3,962	6,962	—	6,962
SPARES AND REPAIR PARTS	26,943	21,943	26,943	—	21,943
ECONOMIC ASSUMPTIONS	—	—	−8,000	—	−8,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousand of dollars]

	Budget	House	Senate	Conference
Trident II	292,248	292,248	227,248	227,248
Missile reduction			−65,000	−65,000
Trident II (AP–CY)	47,021	32,021	47,021	47,021
Excess long lead funding		−15,000		0
ESSM	15,529	5,529	15,529	10,526
Premature tooling		−10,000		−5,000
JSOW	58,665	68,665	58,665	63,665
Additonal weapons		10,000		5,000
Standard Missile	196,492	181,092	196,492	181,092
Transfer Navy Lower Tier to Procurement, DW		−15,400		−15,400
Aerial Targets	72,923	65,923	66,723	65,923
Reduced requirements		−7,000		−7,000
Reduction			−6,200	0
Standard Missile Mods	35,601	68,601	50,901	50,901
SM–2 Block IIIB		33,000	15,300	15,300
CIWS Mods	9,990	29,990	24,990	24,990
Surface mode IB		20,000		15,000
Block I upgrade			15,000	0
5/54 Gun Mount Mods	241	241	13,241	10,241
Ordalt kits			13,000	10,000
Pioneer	3,962	3,962	6,962	6,962
CARS			3,000	3,000
[Funds provided for logistics are intended to support all Common Automatic Recovery Systems (CARS) throughout DoD.]				
Spares and Repair Parts	26,943	21,943	26,943	21,943
Unobligated prior year funds		−5,000		−5,000

TOMAHAWK

The budget request includes $51,820,000 to procure 65 Block III Tomahawk missiles in fiscal year 1998. The Navy has recently informed the conferees that it is working on a proposal to develop and produce a new variant of this missile, to be known as the Tactical Tomahawk or the Block IV+. It would be the Navy intention to forgo the procurement of the 65 Block III Tomahawk's in fiscal year 1998 and use these funds, in part, for the accelerated development of the new Block IV+. While the conferees support a program to upgrade the capabilities of the Tomahawk missile and reducing the missile's unit cost, there remains many acquisition and funding issues to be resolved before favorable consideration of the proposed funding realignment can be granted. The conferees encourage the Navy to submit a reprogramming action once these issues are resolved.

5/54 GUN MOUNT MODIFICATIONS

The conferees agree to provide $13,241,000 for the procurement of gun safety, shock hardening, and fire support Ordalts kits for the 5 inch MK–45 and MK–75 gun mounts.

WEAPONS INDUSTRIAL FACILITIES

The conferees agree to provide $30,432,000 for capital rehabilitation projects at government-owned, contractor operated plants for Navy missile systems, a reduction of $4,500,000 from the budget request. The conferees direct that none of the reduction may be applied to the amounts requested in the budget for facilities restoration at the Allegheny Ballistics Laboratory.

PROCUERMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty.	Conference
PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS					
PRACTICE BOMBS	41,766	56,766	41,766		51,766
5 INCH/54 GUN AMMUNITION	27,669	60,169	27,669		50,169
20MM PGU–28		3,500			1,750
5.56 MM, ALL TYPES	33,000	36,000	33,000		36,000
7.62 MM, ALL TYPES	2,900	8,900	2,900		5,900

[In thousands of dollars]

	Budget	House	Senate	Qty.	Conference
LINEAR CHARGES, ALL TYPES	2,290	17,290	2,290		9,790
40 MM, ALL TYPES	5,701	10,701	5,701		7,201
FUZE, ET. XM762		7,000			3,500
ROCKETS, ALL TYPES	15,047	15,047	25,047		25,047
ECONOMIC ASSUMPTIONS			−2,000		−2,000

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty.	Conference
SHIPBUILDING & CONVERSION, NAVY					
ADVANCED PROCUREMENT/CONSTRUCTION CVN–77			345,000		50,000
CVN REFUELING OVERHAULS	1,615,003	1,628,403	1,615,003	1	1,615,003
CVN REFUELING OVERHAULS (AP–CY)	92,8553	46,855	92,855		46,855
DDG–51	2,665,767	2,695,367	3,385,767	4	3,411,200
LPD–17 (AP–CY)		185,000			100,000
OCEANOGRAPHIC SIPS (AP–CY)			73,000		16,000
LCAC LANDING CRAFT		24,000	73,300		20,000
OUTFITTING	28,140	21,140	24,140		21,140
POST DELIVERY	90,177	81,177	83,177		81,177
ECONOMIC ASSUMPTIONS			−72,000		−72,000

CVN REFUELING OVERHAULS

The conferees agree to provide $1,615,003,000 for complex overhaul of the U.S.S. Nimitz (CVN–68). Within that amount, $20,000,000 is only for installation of the ship self-defense system. The conferees do not agree to bill language proposed by the House concerning overhaul of CVN–69, which is no longer necessary since the Navy has committed to include ship self-defense and cooperative engagement capability as part of the overhaul of the ship.

DDG–51

The conferees agree to provide $3,411,200,000 for 4 ships. This includes: increases of $720,000,000 for another ship, $15,233,000 for acceleration of baseline 6 hardware and software for theater ballistic missile defense, and $14,000,000 only for installation of cooperative engagement capability on 1 ship; and a decrease of $3,800,000 resulting from saving due to foreign military sale of Aegis equipment. The conferees do not agree to bill language proposed by the House concerning theater ballistic missile defense, but direct the Navy to include cooperative engagement capability and theater ballistic missile defense capability on a significant number of the DDG–51 ships to be procured under a 14 ship multiyear contract.

CRUISER CONVERSION

The conferees agree to the House report language endorsing the Navy plan to complete conversion of its 27 Aegis cruisers. This direction does not supersede current Navy policy concerning homeport overhauls.

LCAC SERVICE LIFE EXTENSION

The conferees agree to provide $20,000,000 and concur with the House report language. Since this program will extend the original capital investment in these craft in lieu of replacement, the conferees direct the Navy to use Shipbuilding and Conversion for all elements of the service life extension program.

OTHER PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, NAVY					
LM–2500 GAS TURBINE	7,548	5,548	7,548		5,548
OTHER NAVIGATION EQUIPMENT	31,552	39,052	49,552		42,052
FIREFIGHTING EQUIPMENT	14,081	27,081	14,081		19,081
POLLUTION CONTROL EQUIPMENT	156,775	147,775	135,775		135,775
SUBMARINE BATTERIES	9,043	8,443	9,043		8,443
STRATEGIC PLATFORM SUPPORT EQUIP	6,435	21,435	6,435		21,435
REACTOR COMPONENTS	193,880	180,880	193,880		180,880
RADAR SUPPORT	1,708	23,708	10,708		23,708
AN/SQQ–89 SURF ASW COMBAT SYSTEM	16,628	16,228	16,628		16,228
SSN ACOUSTICS	77,953	46,453	85,953		85,953
SURFACE SONAR WINDOWS AND DOME		6,000			6,000
C–3 COUNTERMEASURES	6,891	6,591	6,891		6,591
COMBAT DF	10,473	5,873	10,473		5,873
BATTLE GROUP PASSIVE HORIZON EXTEN	50,221	47,421	50,221		47,421
NAVY TACTICAL DATA SYSTEM	14,335	24,335	26,335		25,335
COOPERATIVE ENGAGEMENT CAPABILITY		114,800			75,000
JMCIS AFLOAT	22,403	22,403	34,403		28,403
NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	49,710	49,710	92,910		80,710
ATDLS	16,991	15,391	16,991		15,391
SHALLOW WATER MCM			10,000		10,000
AUTOMATIC CARRIER LANDING SYSTEM	13,200	12,200	13,200		12,200
ID SYSTEMS	11,293	9,193	11,293		9,193
JMCIS TACTICAL/MOBILE	2,888	47,888	2,888		37,888
CALIBRATION STANDARDS	2,075	2,075	20,075		12,075
SHIP COMMUNICATIONS AUTOMATION	25,799	25,799	49,799		29,799
SUBMARINE COMMUNICATIONS EQUIPMENT	37,239	47,239	37,239		45,239
SATCOM SHIP TERMINALS (SPACE)	107,608	107,608	122,808		109,608
NSIPS		20,500			20,500
JEDMICS		5,000			5,000
NAVAL SHORE COMMUNICATIONS	72,465	72,465	96,465		101,465
INFO SYSTEMS SECURITY PROGRAM (ISSP)	31,667	31,667	39,667		34,667
AN/SSQ–36 (BT)	1,402	2,902	1,402		1,752
AN/SSQ–53 (DIFAR)	28,382	49,382	47,382		47,382
AN/SSQ–57		4,500			500
AN/SSQ–62 (DISCASS)	24,291	32,291	31,291		31,291
WEAPONS RANGE SUPPORT EQUIPMENT	4,858	14,358	4,858		10,858
AVIATION LIFE SUPPORT	15,345	12,645	15,345		12,645
AIRBORNE MINE COUNTERMEASURES	20,192	27,692	20,192		27,692
LAMPS MK III SHIPBOARD EQUIPMENT	5,805	4,560	5,805		4,560
NATO SEASPARROW	6,866	10,866	14,866		12,866
SHIP SELF DEFENSE SYSTEM	5,841	17,841	5,841		17,841
AEGIS SUPPORT EQUIPMENT	26,813	21,113	26,813		21,113
SURFACE TOMAHAWK SUPPORT EQUIPMENT	65,502	65,302	65,502		65,302
STRATEGIC MISSILE SYSTEMS EQUIP	231,528	228,728	61,528		228,728
ANTI-SHIP MISSILE DECOY SYSTEM	24,696	24,696	33,696		33,696
SURFACE TRAINING DEVICE MODS	4,829	13,329	4,829		8,829
CONSTRUCTION & MAINTENANCE EQUIP	3,700	5,200	3,700		5,200
AMPHIBIOUS EQUIPMENT	6,233	11,233	6,233		9,233

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
POLLUTION CONTROL EQUIPMENT	28,650	25,080	25,050		25,050
COMMAND SUPPORT EQUIPMENT	15,915	17,915	15,915		17,915
PORT SECURITY UNIT EQUIPMENT			13,500		13,500
INTELLIGENCE SUPPORT EQUIPMENT	22,449	22,749	22,449		22,449
ENVIRONMENTAL SUPPORT EQUIPMENT	15,678	15,678	21,678		21,678
ECONOMIC ASSUMPTIONS			−19,000		−19,000
UNDISTRIBUTED REDUCTION			−33,000		

[In thousands of dollars]

	Budget	House	Senate	Conference
Other Navigation Equipment	31,552	39,052	49,552	42,052
WSN–7		+9,000	+18,000	+12,000
Contract savings		-1,500		-1,500
Navy Tactical Data System	14,335	24,335	26,335	25,335
Emulators			+12,000	+6,000
UYQ–70/cruisers		+10,000		+5,000

PORT SECURITY UNIT EQUIPMENT

The conferees agree to provide $13,500,000 only for port security unit equipment for the Coast Guard.

JOINT U.S./U.K. SSTD PROGRAM

The conferees note that the Department of Defense has commissioned an independent study to review the Surface Ship Torpedo Defense (SSTD) program. The conferees note that a joint U.S./U.K. collaborative SSTD program has been under way since 1988 on a 50/50 cost share basis. Until the findings of the independent study are reported and acted upon, the conferees direct the Department of Defense to continue the joint U.S./U.K. collaborative program.

CHOKE POINT SURVEILLANCE SYSTEM

The conferees understand that the Choke Point Surveillance System (CPSS), in conjunction with forces ashore and land attack missile capable ships, can provide a real-time integrated surveillance and targeting system. The conferees direct the Navy to investigate the possible funding and incorporation of CPSS into future weapon system plans and to provide a report to the Appropriations Committees of the House and Senate prior to submission of the fiscal year 1999 budget on its recommendations regarding the CPSS program.

NAVY TACTICAL DATA SYSTEM

The conferees agree to provide $25,000,000 for the Navy Tactical Data System. Within that amount $5,000,000 is only to install AN/UYQ–70 full production workstations on Aegis cruisers for execution only by the navy's Tactical Embedded Computer Resources office.

IT–21

The Secretary of the Navy shall report to the Committees on Appropriations that funds allocated for IT–21 implementation will be spent in accordance with the letter and spirit of the Federal Acquisition Regulation and meet the requirements for security, scalability, network management, real time processing, and reliability as outlined in the Joint Technical Architecture.

JEDMICS

The Joint Engineering Data Management Information and Control System (JEDMICS) requires the incorporation of a security solution in order to prevent unauthorized access, as required by National Security Policy and federal regulations. To meet near term and future requirements the security system must be a Ratings and Maintenance Phase derivative of a product evaluated at the National Security Agency (NSA) B2 level for Information Security; meet NSA's Communications Security requirements for encryption of information from user desktop to JEDMICS servers; provide true multilevel security at the network level; and be a product of US origin. Therefore, the conferees provide $5,000,000 in Other Procurement, Navy to be used only to procure and integrate into JEDMICS a security system meeting the above requirements. Due to the critical nature of JEDMICS, the conferees expect the Department to execute a contract as soon as practicable.

PROCUREMENT, MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT, MARINE CORPS					
ITEMS UNDER $2.0 MILLION (TRKD VEH)	99	1,999	99		1,999
INTELLIGENCE SUPPORT EQUIPMENT	16,413	21,805	16,413		21,805
GENERAL PURPOSE MECHANICAL TMDE	2,179	2,179	22,179		17,179
NIGHT VISION EQUIPMENT			7,000		7,000
COMM & ELEC INFRASTRUCTURE SUPPORT	41,809	84,409	66,609		66,609
¾T TRUCK HMMWV (MYP)	696	40,696	696		30,696
FIELD MEDICAL EQUIPMENT	1,081	11,081	1,081		11,081
ECONOMIC ASSUMPTIONS			-3,000		-3,000

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, AIR FORCE					
B–2A	174,086	505,286	157,786		331,000
ADVANCED TACTICAL FIGHTER (AP–CY)	80,864	74,864			74,864
F–15A	159,000	159,000	259,800	5	226,300
F–16 C/D (MYP)		82,500		3	82,500
C–17 (MYP)	1,923,311	1,914,211	2,341,811	9	1,901,611
C–17 (MYP) (AP–CY)	278,200	265,600	278,200		278,200
EC–130J		49,900		1	49,900
C–130J	49,928	49,928	48,000		24,000
WC–130J			177,000	2	132,850
CIVIL AIR PATROL A/C	2,645	4,498	2,645	27	3,045
SMALL VCX (C–37)			6,000	1	6,000
LARGE VCX (C–32A)	190,116	190,116		2	190,116
E–8C	313,991	317,991	309,291	1	313,291
PREDATOR UAV	116,506	146,506	116,506	15	141,506
B–1B MODS	114,245	138,245	96,845		114,245
B–52 MODS	28,907	31,807	39,307		39,307
F–15 MODS	169,568	157,068	197,568		181,368
F–16 MODS	216,158	199,358	232,058		220,158
C–130 MODS	94,511	119,211	94,511		119,211
E–3 MODS	134,659	134,659	123,559		132,159
PASSENGER SAFETY MODIFICATIONS			75,000		50,000

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
DARP MODS	67,136	139,136	163,736		150,136
F–15 POST PROD SUPP	8,089	6,289	8,089		6,289
F–16 POST PROD SUPP	22,402	22,402	22,402		38,402
WAR CONSUMABLES	67,565	60,165	67,565		63,565
MISC PRODUCTION CHARGES	275,804	269,583	267,012		275,804
DARP	141,493	146,493	141,493		170,493
ECONOMIC ASSUMPTIONS			−37,000		−37,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
B–2A	174,086	505,286	157,786	331,000
Restart B–2 production		331,200		
Increased other Government costs			−10,100	
Engineering Change Order growth			−6,200	
Increase				156,914
F–22 Advanced Tactical Fighter (AP–CY)	80,864	74,864	0	74,864
Transfer OPP funds to RDTEAF		−6,000		−6,000
Delay F–22 production			−80,864	0
F–15A	159,000	159,000	259,800	226,300
Attrition reserve aircraft			100,800	67,300
F–16 C/D (MYP)	0	82,500	0	82,500
Attrition reserve aircraft		82,500		82,500
C–17 (MYP)	1,923,311	1,914,211	2,341,811	1,901,611
Expiring funds		−9,100		0
Additional aircraft			440,200	0
Late obligations and favorable contract negotiation			−21,700	−21,700
C–17 (MYP)(AP–CY)	278,200	265,600	278,200	278,200
Contract savings		−12,600		0
C–130J	49,928	49,928	48,000	24,000
One C–130J (shifted to NGRE account)			−49,928	−49,928
C–130J spares and logistics			48,000	24,000
WC–130J			177,000	132,850
Additional Aircraft			177,000	118,000
Spares/Support Equipment				14,850
Large VCX (C–32A)	190,116	190,116	0	190,116
Convert 2 aircraft purchase to lease			−190,116	0
E–8C	313,991	317,991	309,291	313,291
Rephased prior year requirements		16,000		16,000
Improved Data Modem		1,000		1,000
Excess Engineering Change Order funding		−13,000		−13,000
Systems engineering growth			−4,700	−4,700
PREDATOR UAV	116,506	146,506	116,506	141,506
Additional funding to purchase attrition vehicles and spare parts		30,000		25,000
B–1B Mods	114,245	138,245	96,845	114,245
Link 16		24,000		0
Block D modification concurrency			−17,400	0
B–52 Mods	28,907	31,807	39,307	39,307
Electro-optical viewing system		2,900		0
Increase			10,400	10,400
F–15 Mods	169,568	157,068	197,568	181,368
Terminated upgrades		−11,800		−5,000
APG–63 radar upgrade pricing		−13,500		0
[APG–63 radar funds provided without restriction or reporting requirements]				
Radar support equipment		−10,000		0
F–100–220E engine upgrade		22,800	22,800	12,800
MIDS fighter data link terminals			5,200	4,000
F–16 Mods	216,158	199,358	232,058	220,158
GPS		−13,000		−13,000
Block 40 night vision imaging system		−3,800		0
HARM targeting system upgrades			3,500	3,000
600 gallon fuel tanks			10,000	8,000
Late obligations			−12,600	−6,000
Digital Terrain System			15,000	12,000
OBOGS				(1,080)
C–130 Mods	94,511	119,211	94,511	119,211
EC–130 mod		24,700		24,700
E–3 Mods	134,659	134,659	123,559	132,159
Extend sentry computers and display concurrency			−8,600	0
Offensive counter air change orders			−2,500	−2,500
Passenger Safety Modifications	0	0	75,000	50,000
Navigation safety			75,000	32,500
GATM				17,500
[Conferees encourage use of COTS/NDI equipment to satisfy GATM requirements]				
H–1 Mods	2,778	3,578	3,578	3,578
Oil debris detection system		800	800	800
DARP MODS	67,136	139,136	163,736	150,136
MWIR Trf		20,000		5,600
RJ Sensors		0		35,000
RJ Reengining		52,000	52,600	27,400
RJ Heaters			6,000	6,000
SR–71 Mods			9,000	9,000
U–2 Senior Glass			24,000	0
U–2 SYERS			5,000	0
F–16 Post Production Supp	22,402	22,402	22,402	38,402
F–16 Improved Avionics Intermediate Shop for Air National Guard				16,000
F–15 Post Prod Supp	8,089	6,289	8,089	6,289
F–15 tooling disposition		−1,800		−1,800
War Consumables	67,565	60,165	67,565	63,565
Towed decoy engineering change orders		−7,400		−4,000
Misc Production Charges	275,804	269,583	267,012	275,804
Podded electro-optical camera systems		−6,221		0
Reduction			−8,792	0
DARP	141,493	146,493	141,493	170,493
U–2 Senior Glass				24,000
U–2 SYERS				5,000

B–2

The conferees provide $331,000,000 for B–2 procurement for long-lead activities related to the procurement of additional B–2s or for upgrades to the existing B–2 force to improve mission capabilities, deployability, and maintainability.

The conferees recognize that significant disagreement exists on the question of continued low-rate production of additional B-2 stealth bombers. The conferees believe the question over whether to continue with low-rate B-2 production is a critical national security matter which must be decided on the basis of future national security requirements, projected threats, and affordability. Therefore, the conferees have included a general provision (Section 8131) establishing a panel to review and make recommendations on this matter. The panel shall report to the President and Congress no later than March 1, 1998 its conclusions and recommendations, including whether additional funds for the B-2 should be used for continued low-rate production of the B-2 or for upgrades to improve deployability, survivability and maintainability.

F-22

The conferees agree with the House direction regarding F-22 Out Of Production Parts (OPPs). The conferees further agree that the authority provided in that direction applies only to the F-22. The conferees direct the military departments to seek the prior approval of the congressional defense committees to gain similar authority for other programs.

F-16 MODIFICATIONS

The conferees direct that all new production F-16 aircraft shall include On-Board Oxygen Generating Systems (OBOGS), including the six aircraft approved in fiscal year (FY) 1997. The conferees further direct that $1,080,000 within the F-16 Modifications line shall be available only to make the necessary production changes to incorporate OBOGS in new production F-16's.

The conferees support the Air Force's planned four-year OBOGS installation program for F-16's scheduled to start no later than fiscal year 2001, and the plan should include field installation.

AIR COMBAT TRAINING—RANGELESS (ACT-R)

KADENA INTERIM TRAINING SYSTEM (KITS)

The conferees are aware of a new air combat training capability recently delivered to Kadena Air Base, Okinawa. The Kadena Interim Training System (KITS) provides a new rangeless or untethered capability allowing it to be used on aircraft for air combat training anywhere there is available training airspace over land or sea. The conferees believe that systems like KITS can provide improvements to the readiness of our forward deployed forces. The conferees direct the Air Force to review and evaluate KITS as it applies to immediate air combat training requirements throughout the active and reserve component air forces and to submit a report to the Appropriations Committees on its procurement and fielding plans for this system.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty.	Conference
MISSILE PROCEDURE, AIR FORCE					
HAVE NAP			39,000		25,000
JOINT STANDOFF WEAPON	1,139	30,139	1,139		20,139
AMRAAM	117,768	107,168	76,668	173	107,168
AGM-130 POWERED GBU-15	1,539	42,539	1,539		25,000
CONVENTIONAL ALCM		15,300			
AGM-88A HARM			9,600		9,600
AGM-65 MAVERICK		11,000			8,000
GLOBAL POSITIONING (MYP) SPACE	163,837	122,137	163,837	3	163,837
TITAN SPACE BOOSTERS SPACE	555,304	473,304	455,304		464,304
MEDIUM LAUNCH VEHICLE SPACE	165,783	147,783	165,783	4	156,783
DEFENSE SUPPORT PROGRAM (MYP) SPACE	113,708	108,708	113,708		108,708
SPECIAL PROGRAMS	773,400	597,400	737,900		658,400
ECONOMIC ASSUMPTIONS			−18,000		−18,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
AMRAAM	117,768	107,168	76,668	107,168
Excess engineering change order funding		−10,600		−10,600
Contractor overcharging			−41,100	0

GLOBAL POSITIONING SYSTEM (GPS)

The conferees agree to provide $163,837,000 for the acquisition of three satellites in fiscal year 1998. The conferees agree that while the Air Force is procuring GPS satellites well in advance of their actual need, the total costs of modifying the present GPS multiyear contract are greater than the short term saving to be derived from deferring the acquisition of one GPS satellite. The conferees direct the Department of the Air Force to submit an acquisition plan to the Appropriations Committees for the next multiyear procurement of GPS satellites which more closely aligns the acquisition of satellites with actual launch need dates. The Air Force is also directed to submit a report which compares the total costs of procuring the next block of GPS satellites under the terms of a multiyear contract with the alternative of procuring the satellites under a base year contract with variable quantity options. These reports shall be submitted no later than March 31, 1998.

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, AIR FORCE:					
20MM PGU-28		3,500			1,750
GBU-29 HARD TARGET PENETRATOR		16,800			8,400
JOINT DIRECT ATTACK MUNITION	61,307	61,307	61,307	2,673	56,307
WIND CORRECTED MUNITIONS DISPENSER	19,871	10,471	19,871	280	12,271
ECONOMIC ASSUMPTIONS			−3,000		−3,000

OTHER PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, AIR FORCE:					
ITEMS LESS THAN $2,000,000	5,025	3,625	5,025	—	3,625
HMMWV, ARMORED	24,181	7,781	24,181	125	24,181
ITEMS LESS THAN $2,000,000	6,738	6,194	6,738	—	6,194
60K A/C LOADER	83,143	51,143	83,143	45	83,143
INTELLIGENCE DATA HANDLING SYS	20,739	24,339	20,739	—	24,339
WEATHER OBSERV/FORCAST	18,013	22,013	18,013	—	22,013
STRATEGIC COMMAND AND CONTROL	20,505	19,005	20,505	—	20,505
TAC SIGINT SUPPORT	4,114	9,114	4,114	—	6,114
MINIMUM ESSENTIAL EMERGENCY COMM NET	3,488	3,488	3,488	—	11,988
C3 COUNTERMEASURES	14,904	13,004	14,904	—	13,004
BASE LEVEL DATA AUTO PROGRAM	46,778	46,778	55,678	—	46,778
BASE INFORMATION INFRASTRUCTURE	88,945	136,945	88,945	—	112,945

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AF SATELLITE CONTROL NETWORK SPACE	32,197	23,097	32,197	—	23,097
TACTICAL C–E EQUIPMENT	16,968	16,968	54,968	—	34,968
RADIO EQUIPMENT	12,844	19,344	12,844	—	19,344
ITEMS LESS THAN $2,000,000	8,960	6,160	8,960	—	8,960
NIGHT VISION GOGGLES	2,371	13,271	2,371	—	2,371
FLOODLIGHTS SET TYPE NF2D	7,696	4,696	7,696	—	6,196
MEDICAL/DENTAL EQUIPMENT	13,295	8,095	13,295	—	10,695
PRODUCTIVITY INVESTMENTS	5,980	5,980	10,980	—	10,980
INTELLIGENCE PRODUCTION ACTIVITY	60,572	58,572	49,272	—	50,072
DARP RC135	12,778	47,778	12,778	—	12,778
SELECTED ACTIVITIES	5,003,960	4,994,490	5,080,160	—	5,016,060
ECONOMIC ASSUMPTIONS	—	—	−25,000	—	−25,000
CIVIL AIR PATROL	—	—	—	—	500

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
ITEMS LESS THAN $2,000,000	5,025	3,625	5,025	3,625
Minor replacement items		−1,400		−1,400
HMMWV, Armored	24,181	7,781	24,181	24,181
Duplicative force protection/anti-terrorist items		−16,400		0
Items less than $2,000,000	6,738	6,194	6,738	6,194
Contract savings and contingency funding		−544		−544
60K A/C Loader	83,143	51,143	83,143	83,143
Production ramp-up		−32,000		0
Intelligence Data Handling Sys	20,739	24,339	20,739	24,334
JSAS		3,600		3,600
Weather Observ/Forcast	18,013	22,013	18,013	22,013
ASOS		4,000		4,000
Strategic Command and Control	20,505	19,005	20,505	20,505
Improved Technical Data System		−10,000		0
DIRECT (transfer to MEECN)		8,500		0
Tac Sigint Support	4,114	9,114	4,114	6,114
Integrated Broadcast Service		5,000		2,000
MEECN	3,488	3,488	3,488	11,988
DIRECT (transfer from Strategic Command and Control)				8,500
C3 Countermeasures	14,904	13,004	14,904	13,004
Excess prior year funds		−1,900		−1,900
BASE LEVEL DATA AUTO PROGRAM	46,778	46,778	55,678	46,778
REMIS			8,900	
[Conferees agree to provide $8,900,000 in O&M,AF for this purpose.]				
Base Information Infrastructure	88,945	136,945	88,945	112,945
Security enhancements to base information systems		48,000		24,000
AF Satellite Control Network Space	32,197	23,097	32,197	23,097
Cancellation of Military Satellite Communications system		−9,100		−9,100
Tactical C–E Equipment	16,968	16,968	54,968	34,968
Theater deployable communications			38,000	18,000
Radio Equipment	12,844	19,344	12,844	19,344
Scope Command		6,500		6,500
ITEMS LESS THAN $2,000,000	8,960	6,160	8,960	8,960
Contract award delays		−2,800		0
Night Vision Goggles	2,371	13,271	2,371	2,371
Accelerate procurement		10,900		0
Floodlights Set Type NF2D	7,696	4,696	7,696	6,196
Contract award delays		−3,000		−1,500
Medical/Dental Equipment	13,295	8,095	13,295	10,695
Prior year program savings		−5,200		−2,600
Productivity Investments	5,980	5,980	10,980	10,980
Supply asset tracking systems			5,000	5,000
Civil Air Patrol				500
[Transfer from Aircraft Procurement, Air Force]				

PROCUREMENT, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT, DEFENSE-WIDE:					
MAJOR EQUIPMENT, OSD	104,601	114,601	104,601		114,601
DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	14,380	44,955	14,380		14,380
ITEMS LESS THAN $2.0 MILLION	7,461	14,661	14,461		14,661
AUTOMATIC DOCUMENT CONVERSION SYSTEM		10,000	20,000		20,000
MAJOR EQUIPMENT, DSPO	19,334	14,334	19,334		19,334
MAJOR EQUIPMENT, TJS	46,847	46,847	36,847		36,847
PATRIOT PAC–3		349,109		52	349,109
NAVY AREA TBDM PROGRAM		15,400			15,400
BMC3		20,100			20,100
SOF ROTARY WING UPGRADES	36,042	36,042	76,542		36,042
PC, CYCLONE CLASS		10,700			10,700
ADVANCED SEAL DELIVERY SYSTEM (ASDS)	38,800	38,800	38,800		4,500
ADVANCED SEAL DELIVERY SYSTEM (ASDS) (AP–CY)	2,465	2,465	2,465		365
REMOTE ACTIVATION MUNITION SYSTEM			2,000		1,000
SOF INTELLIGENCE SYSTEM	21,175	25,475	23,175		24,175
SOF SMALL ARMS & WEAPONS	10,269	10,269	12,669		11,269
SOLDIER ENHANCEMENT PROGRAM			2,300		2,300
CLASSIFIED PROGRAMS	108,339	112,539	108,339		112,539
CLASSIFIED PROTECTION	64,855	74,855	64,855		79,855
COLLECTIVE PROTECTION	17,316	37,316	17,316		27,316
CLASSIFIED PROGRAM	354,289	359,289	358,289		355,039
ECONOMIC ASSUMPTIONS			−12,000		−12,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Special Operations Command				
Other Procurement:				
SOF Intelligence Systems	21,175	25,475	23,175	24,175
ISP/MATTS		+1,800		+1,500
JTWS		+2,000	+2,000	+1,500
SOF Small Arms & Weapons	10,269	10,269	12,669	11,269
Night Firing Scopes for M4A1 Carbines			+2,400	+1,000
Chemical/Biological Defense:				
Individual Protection	64,855	74,855	64,855	79,855
JSLIST suits		+10,000		+5,000
JSLIST industrial production				+10,000
Collective Protection	17,316	37,316	17,316	27,316
Collective Protection Shortfalls in Korea		+20,000		+5,000
M17–LDS water sprayers				+2,000
7 HMVV medical shelters				+3,000

SECURE TERMINAL EQUIPMENT

The conferees direct that $17,000,000 of the funds appropriated for Procurement, Defense-wide be made available only for the procurement of the tactical Secure Terminal Equipment program.

SOCOM PROCUREMENT OF NAVAL SPECIAL WARFARE BOATS

The recent acquisition strategy initiated by the Special Operations Command (SOCOM) to procure new Naval Special Warfare 33 foot rib boat systems resulted in an initial procurement of boat systems that cost about $1,000,000 each, while other competitive designs being procured by other federal agencies were reportedly available for less than one-third that amount. The high initial cost for this procurement prompts the conferees to encourage SOCOM to conduct a fresh review of the field of competition on the next round of procurement for large (30 foot and above) rib boats. The conferees request that SOCOM keep the Congressional defense committees informed of its plans for future procurement of this type.

ADVANCED SEAL DELIVERY SYSTEM

In response to a request from the Special Operations Command, the conferees have reduced the Advanced Seal Delivery System (ASDS) Procurement lines by $36,400,000 and added the same amount to the Special Operations Tactical Systems Development project in Title IV to complete the final stage of ASDS development.

JSLIST PRODUCTION

The conferees recommend an increase of $10,000,000 to the Marine Corps, specifically to cover the nonrecurring facilitation and equipment costs incurred by the three National Industries for the Severely Handicapped (NISH) affiliated community rehabilitation centers currently under contract that form Department of Defense Joint Service Lightweight Integrated Suits (JSLIST) program industrial base. The Department may vest the title to the facilities and equipment with these three contractors.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty.	Conference
NATIONAL GUARD & RESERVE EQUIPMENT					
RESERVE EQUIPMENT					
ARMY RESERVE					
MISCELLANEOUS EQUIPMENT		20,000	65,000		75,000
CH–47 D CARGO (CHINOOK)		65,000			
NAVY RESERVE					
MISCELLANEOUS EQUIPMENT		5,000	40,000		80,000
C–9 REPLACEMENT AIRCRAFT			40,000		
F–14A MODS		34,000			
MAGIC LANTERN		7,500			
F/A–18 MODS		58,000			
MARINE CORPS RESERVE					
MISCELLANEOUS EQUIPMENT		25,000	40,000		65,000
CH–53 HELICOPTERS		64,000			
T–39 REPLACEMENT AIRCRAFT		10,000			10,000
AIR FORCE RESERVE					
MISCELLANEOUS EQUIPMENT		45,000	40,000		50,000
LOGISTIC SUPPORT FOR WC–130J			29,700		
C–5 SIMULATOR		27,000			
NATIONAL GUARD EQUIPMENT					
ARMY NATIONAL GUARD					
MISCELLANEOUS EQUIPMENT		43,000	140,00		70,000
VIBRATION MANAGEMENT ENHANCEMENT PROGRAM		3,000			
UH–60L		3,000			
LASER LEVELING		1,000			
ENGAGEMENT SKILLS TRAINERS		3,000			
MELIOS, AN–PVS–6		5,000			
AIR NATIONAL GUARD					
MISCELLANEOUS EQUIPMENT		5,000	40,000		25,000
C–130J		293,000	95,800	4	226,000
EC–130J			70,500		
KC–135R ENGINE KITS		100,000	52,000	2	52,000
F–16 IMPROVED AVIONICS INTERMEDIATE SHOP		32,000			
ULTIMATE BUILDING MACHINES		1,500			

MISCELLANEOUS EQUIPMENT

The conferees agree that each of the Chiefs of the Reserve and National Guard components should exercise control of modernization funds provided in this account including aircraft and aircraft modernization. The conferees further agree that separate submissions of a detailed assessment of its modernization priorities by each of the Guard and Reserve component commanders is required to be submitted to the defense committees. The conferees expect the component commanders to give priority consideration to the following items: CH–47D helicopters, F–14A modifications, magic lantern, F/A–18 modifications, C–9 replacement aircraft, CH–53 helicopters, C–5 simulators, vibration management enhancement program, UH–60L, laser leveling equipment, engagement skills trainers, MELIOS night vision devices, F–16 improved avionics intermediate shops, ultimate building machines, air defense alerting devices (ADAD), A–2 bradley upgrades, ALR–56 radar warning receiver, AN/TQM–41 MMS, avengers, theater deployable communication packages, dragon missile upgrades, multiple launch rocket system (MLRS), magic lantern spares, small arms simulators, senior scout modifications, field artillery ammunition support vehicles (FAASVs), KC–135R reengining, night vision devices and driver's night viewers, heavy equipment transport system (HETS), paladin, M–1A2 tanks, CH–47 FADEC, medium truck extended service programs (ESP), F–16 C/D onboard oxygen generating system field installation and evaluation by the Air National Guard, M–270 launcher mechanical systems (ILMS), high mobility multipurpose wheeled vehicles, LITENING targeting and navigation pods, all-terrain cranes, modular airborne fire fighting system units, CH–47 internal crash worthy fuel cells, back scatter truck inspection systems, night vision equipment, CH–47 ICH aircraft, commercial industrial equipment, high speed dirt compactors, AH–64 combat mission simulators, high mobility trailers for HMMWVs, palletized loading systems, heavy expanded mobility tactical truck wreckers, M109A6, automatic building

machines, air defense alerting device systems, interactive simulators, master cranes, deployable universal combat earth movers, HEMTT wreckers, and AN/VRC–102 Radios.

NATIONAL GUARD AND RESERVE AIRCRAFT

The conferees agree to provide $288,000,000 specifically for the acquisition and modernization of the following aircraft to support Reserve and National Guard missions:

T–39 replacement aircraft for the Marine Corps Reserves	$10,000,000
C–130J aircraft for the Air National Guard (4)	226,000,000
KC–135R engine kits for the Air National Guard	52,000,000

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RDTE, ARMY	4,510,843	4,686,427	4,984,083	5,156,507
RDTE, NAVY	7,611,022	7,907,837	7,532,846	8,115,686
RDTE, AIR FORCE	14,451,379	14,313,456	14,127,873	14,507,804
RDTE, DEFENSE-WIDE	9,069,680	9,509,337	9,608,689	9,821,760
DEVELOPMENTAL TEST AND EVALUATION	268,183	268,183	251,183	258,183
OPERATIONAL TEST AND EVALUATION	23,384	32,684	31,384	31,384
GRAND TOTAL, RDTE	35,934,491	36,717,924	36,536,058	37,891,324

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL ARMY:				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	15,113	14,113	15,113	14,113
DEFENSE RESEARCH SCIENCES	138,165	120,165	136,798	125,798
UNIVERSITY AND INDUSTRY RESEARCH CENTERS	45,576	45,576	52,876	46,576
MATERIALS TECHNOLOGY	9,811	9,811	13,811	12,811
SENSORS AND ELECTRONIC SURVIVABILITY	19,294	24,294	21,794	26,794
AVIATION TECHNOLOGY	27,282	22,282	25,982	22,982
EW TECHNOLOGY	16,528	16,528	19,528	19,528
MISSILE TECHNOLOGY	22,335	22,335	26,335	25,335
COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	33,112	40,112	58,112	62,112
BALLISTICS TECHNOLOGY	33,317	38,317	33,317	41,317
CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,739	2,739	4,739	3,739
JOINT SERVICE SMALL ARMS PROGRAM	4,786	9,286	7,786	9,286
WEAPONS AND MUNITIONS TECHNOLOGY	26,980	26,980	30,876	30,876
ELECTRONICS AND ELECTRONIC DEVICES	20,192	22,692	26,042	26,792
HUMAN FACTORS ENGINEERING TECHNOLOGY	14,256	18,256	19,356	17,256
ENVIRONMENTAL QUALITY TECHNOLOGY	17,519	42,219	58,419	61,919
MILITARY ENGINEERING TECHNOLOGY	36,422	43,922	47,422	58,422
LOGISTICS TECHNOLOGY	17,689	19,689	17,689	18,689
MEDICAL TECHNOLOGY	74,684	142,484	74,684	165,484
MEDICAL ADVANCED TECHNOLOGY	10,677	142,177	196,277	190,177
AVIATION ADVANCED TECHNOLOGY	31,330	53,830	34,330	92,330
WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	18,255	25,255	30,255	26,255
COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	32,685	35,685	35,285	42,242
COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	19,688	19,688	28,688	26,688
TRACTOR HIKE	14,350	.....	14,350	14,350
TRACTOR ROSE	9,204	9,204	11,204	11,204
MISSILE AND ROCKET ADVANCED TECHNOLOGY	117,139	59,439	120,139	93,839
LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	19,332	25,932	32,932	32,932
JOINT SERVICE SMALL ARMS PROGRAM	4,754	11,754	7,754	9,254
LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	13,000	.....	13,000	5,000
MILITARY ENGINEERING ADVANCED TECHNOLOGY	12,231	12,231	24,331	20,331
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	24,138	55,638	87,638	75,638
ARMAMENT ENHANCEMENT INITIATIVE	40,313	60,313	33,313	38,313
NATO RESEARCH AND DEVELOPMENT	13,168	.....	13,168	9,168
AVIATION—ADV DEV	7,132	15,132	12,132	14,132
ARTILLERY SYSTEMS—DEM/VAL	324,380	324,380	301,321	324,380
EW DEVELOPMENT	66,212	86,524	67,712	87,024
ALL SOURCE ANALYSIS SYSTEM	24,045	27,545	27,245	27,245
FAMILY OF HEAVY TACTICAL VEHICLES	.....	5,000	.....	5,000
ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	8,867	8,867	11,867	10,867
ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	56,196	56,196	50,196	52,196
COMBAT FEEDING, CLOTHING, AND EQUIPMENT	55,964	65,264	55,964	61,964
NON-SYSTEM TRAINING DEVICES—ENG DEV	76,749	76,749	81,749	80,249
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DE	18,350	18,350	22,350	22,350
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	2,582	11,582	2,582	8,582
BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	202,302	202,302	187,302	237,302
COMBINED ARMS TACTICAL TRAINER (CATT)	2,823	13,323	2,823	13,323
WEAPONS AND MUNITIONS—ENG DEV	3,577	3,577	5,077	5,077
LANDMINE WARFARE/BARRIER—ENG DEV	22,605	8,905	8,732	8,732
SENSE AND DESTROY ARMAMENT MISSILE—ENG DEV	22,372	5,494	22,372	11,494
THREAT SIMULATOR DEVELOPMENT	14,004	14,004	18,004	17,004
ARMY KWAJALEIN ATOLL	138,769	138,769	124,769	124,769
DOD HIGH ENERGY LASER TEST FACILITY	14,952	30,952	29,952	29,952
MATERIAL SYSTEMS ANALYSIS	29,707	14,707	29,707	29,707
SUPPORT OF OPERATIONAL TESTING	81,672	51,672	81,672	81,672
PROGRAMWIDE ACTIVITIES	86,208	66,208	82,208	82,208
INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT	1,581	1,581	—	—
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	6,317	9,317	6,317	11,417
ENVIRONMENTAL COMPLIANCE	51,378	56,378	58,378	58,378
MAINTENANCE AND REPAIR (RPM)—RDT&E	85,119	85,119	86,419	86,419
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	4,837	4,837	31,337	25,837
MLRS PRODUCT IMPROVEMENT PROGRAM	26,678	26,678	40,378	37,678
AEROSTAT JOINT PROJECT OFFICE	86,193	—	96,193	35,000
COMBAT VEHICLE IMPROVEMENT PROGRAMS	136,520	152,520	176,720	167,020
AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	2,609	22,609	32,609	22,609
DIGITIZATION	156,960	75,560	120,043	71,560
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	17,412	27,412	31,412	31,412
JOINT TACTICAL GROUND SYSTEM	3,195	6,195	3,195	5,195
SPECIAL ARMY PROGRAM	5,547	7,417	5,547	7,547
INFORMATION SYSTEMS SECURITY PROGRAM	9,647	12,147	9,647	12,147
SATCOM GROUND ENVIRONMENT (SPACE)	57,827	57,827	56,227	56,227
END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	44,326	54,326	57,326	66,326
FORCE XXI INITIATIVE	—	38,900	—	38,900
STRIKER	—	3,900	—	3,900
MORTAR FIRE CONTROL	—	10,000	—	10,000
ECONOMIC ASSUMPTIONS	—	—	−17,000	−17,000

[In thousands of dollars]

	Budget	House	Senate	Conference
COUNTER MRL—TSPO	—	5,000	—	2,000
RADIO FREQUENCY	—	—	—	1,700
LIGHTWEIGHT LASER DESIGNATOR/RANGE FINDER	—	—	—	2,800
COMBAT SYNTHETIC TRAINING ASSESSMENT RANGE	—	—	—	5,400
ARMY AIRBORNE COMMAND & CONTROL SYSTEM	—	—	—	11,000

EXPLANATION OR PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Research Sciences	138,165	120,165	136,798	125,798
Program growth		−18,000		−10,000
Defense Information Warfare Initiative		(1,000)	+3,500	+2,500
Scientific problems with military applications			−4,867	−4,867
University and Industry Research Centers	45,576	45,576	52,876	46,576
Federated Labs			+2,300	(2,300)
(Note: The conferees direct that within funds available, an additional $2,300,000 is to be used for the federated labs.)				
Hypervelocity physics project			+1,000	+1,000
Electric Rail Gun			+4,000	0
(Note: Transferred to Ballistics Technology.)				
Sensors and Electronic Survivability	19,294	24,294	21,794	26,794
PDCUE			+2,500	+2,500
Passive millimeter wave camera		+5,000		+5,000
Aviation Technology	27,282	22,282	25,982	22,982
FY 1997 Freeze		−5,000		−3,000
Budget correction			−1,300	−1,300
Combat vehicle and automotive technology	33,112	40,112	58,112	62,112
Voice Instructional Device		+3,000		+3,000
Tank and Vehicle Simulation Laboratory		+6,000		+6,000
National Automotive Center			+4,000	+4,000
Joint Robotics Development Program on Ground vehicle survivability			+6,000	+4,500
Air Defense Alerting Device integration—Bradley Stinger Vehicle			+5,000	+4,000
High-output diesel engine testing		(1,000)	+1,000	+1,000
HMMWV 6.2L engine rebuild program			+4,000	+4,000
Alternative vehicle propulsion systems			+5,000	+2,500
Program termination		−2,000		0
Ballistics technology	33,317	38,317	33,317	41,317
Liquid propellant		+5,000		+4,000
Electric Rail Gun	0	0	0	+4,000
(Note: Transferred from University & Research Centers.)				
Weapons and Munitions Technology	26,980	26,980	30,876	30,876
Budget correction			−1,104	−1,104
Plastic-cased ammunition			+5,000	+5,000
Electronics and electronic Devices	20,192	22,692	26,042	+26,792
Thermophotovoltaic generators		+2,500		+1,500
"AA" zinc battery			+1,500	+1,500
Low-cost reusable alkaline manganese zinc			+1,000	+1,000
Enzyme-based chemical & biological detection technology			+2,250	+1,500
Advanced nonmetallic rechargeable battery system			+600	+600
Rechargeable coin cells			+500	+500
Environmental Quality Technology	17,519	42,219	58,419	61,919
Gallo Center		+5,000		+4,000
Natural Gas boiler demonstration—CERL		+2,000		0
Commercialization of Technologies to Lower Defense Cost Init.		+5,000		+5,000
Bioremediation Education, Science, & Technology Center		+4,000	+4,000	+4,000
Plasma Energy Pyrolysis System		+8,700	+8,700	+6,000
Radford Environmental Development & Management Program			+6,000	+5,000
Environmental projects at the WETO facility			+8,800	+7,000
Small Business development program			+5,400	+5,400
Agriculturally based remediation in Pacific Island ecosystems			+4,000	+4,000
Resource Recovery Technology Center			+4,000	0
Computer based land management				+4,000
Military Engineering Technology	36,422	43,922	47,422	58,422
Cold Regions Research and Engineering Lab			+1,000	+1,000
Climate change fuel cells—U.S. Army		+7,500		+7,500
Center for Geosciences Atmospheric Research			+10,000	+7,500
Molten carbonate fuel cells technology				+6,000
Medical Technology	74,684	142,484	74,684	165,484
Neurotoxin Exposure Treatment research		+25,000		+25,000
Neurofibromatosis		+9,800		+9,800
Army nutrition research		+3,500		+3,500
Orthopedic implant research (Volumetrically controlled manufacturing)		+3,500		+2,500
LSTAT		+6,000		0
Ovarian cancer		+10,000		+10,000
Prostate cancer research		+10,000		+40,000
Medical Advanced Technology	10,677	142,177	196,277	190,177
Army-managed peer-reviewed breast cancer research		+100,000	+175,000	+135,000
MRE nutrition research			+3,600	0
Prostate cancer diagnostic imaging			+5,000	+5,000
National Medical Testbed		+8,000		+8,000
Intravenous membrane oxygenator tech			+1,000	0
Mustard gas research			+1,000	+1,000
Walter Reed Lab upgrades		+6,000		+6,000
Advanced cancer detection		+3,500		+3,500
Cooperative teleradiology		+3,000		+3,000
Advanced trauma care		+6,000		+3,000
Artificial lung research		+1,500		+1,500
Emergency telemedicine		+3,500		+2,500
Volume Angiocat (VAC)				+4,000
Periscopic minimally-invasive surgery				+3,000
Proton beam				+4,000
Aviation Advanced Technology	31,330	53,830	34,330	92,330
Short range UAV		+5,000		0
Integrated manned and unmanned aerial vehicle study		+2,500		+1,000
Stinger Universal launcher		+11,600		+11,600
Starstreak		+3,400	+3,000	+3,400
Outrider UAV				+45,000
Weapons and Munitions Advanced Tech	18,255	25,255	30,255	26,255
Trajectory correctable munition		+5,000	+8,000	+6,000
Precision guided mortar munition		+2,000	+4,000	+2,000
Combat Vehicle and Automotive Adv Tech	32,685	35,685	35,285	42,242
Composite armored vehicle technology transfer		+3,000		+2,000
Aluminum metal matrix composites			+9,000	+6,500
Commercial derivative engine for the palletized load system			+3,600	+3,600
Program adjustment			−10,000	−2,543

EXPLANATION OR PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Command, Control, Communications—Adv Tech	19,688	19,688	28,688	26,688
Wavenet technology			+4,000	+2,000
Field Laser Radar Demo (FLD) Data Analysis Center			+5,000	+5,000
Missile and Rocket Advanced Technology	117,139	59,439	120,139	93,839
EFOG–M		−57,700		−26,300
Future missile technology integration			+3,000	+3,000
Landmine Warfare and Barrier Adv. Tech.	19,332	25,932	32,932	32,932
Vehicular Mounted Mine Detection		+2,700	+2,700	+2,700
Stand off ground penetrating radar		+3,900	+3,900	+3,900
Airborne standoff minefield detection system			+7,000	+7,000
Joint Service Small Arms Program	4,754	11,754	7,754	9,254
OICW		+5,500	+3,000	+3,000
Adv. light antiarmor weapons system		+1,500		+1,500
Military Engineering Advanced Technology	12,231	12,231	24,331	20,331
Rapidly installed breakwater technology			+2,000	+2,000
Civil engineer assistance to forward deployed engineer forces			+2,000	+2,000
Combat engineering systems logistics over shore			+8,100	+4,100
Advanced light anti-armor weapons system			(4,500)	0
Army Missile Defense Systems Integration	24,138	55,638	87,638	75,638
Battlefield Integration Center			+22,000	+17,000
THEL		+31,500	+41,500	+34,500
Armament Enhancement Initiative	40,313	60,313	33,313	38,313
TERM-KE-seeker development, lethality testing, & associated-hardware		+20,000	+10,000	+15,000
Smart-top attack			−17,000	−17,000
(Note: The conferees expect the Army to submit a reprogramming for appropriate close out and termination costs.)				
Aviation Adv Dev	7,132	15,132	12,132	14,132
Integrated aircrew common helmet		+3,000		+2,000
Retinal display technologies-integrated crew helmet		+5,000	+5,000	+5,000
EW Development	66,212	86,524	67,712	87,024
Force XXI lessons learned (GBCS)		+20,312		+15,312
Suite of integrated countermeasures			−6,000	0
ATIRCM			+7,500	+5,500
Brilliant Anti-armor submunition	202,302	202,302	187,302	237,302
BAT P31			−15,000	0
Transfer from procurement				+35,000
DoD High Energy Laser Test Facility	14,952	30,952	29,952	29,952
THEL testing at HELSTF		+10,000	+10,000	+10,000
High energy solid state laser development		+6,000	+5,000	+5,000
Munitions Standardization, Effectiveness & Safety	6,317	9,317	6,317	11,417
Blast chamber—Blue Grass Army Depot		+3,000		+2,000
Blast chamber—Anniston Army Depot				+2,000
(Note: Added by Senate in RDT&E, Defense-wide).				
Explosive waste incinerator				+1,100
Environmental compliance	51,378	56,378	58,378	58,378
Climate Change Fuel Cell-CERL		+5,000	+5,000	+5,000
Natural gas boiler demonstration-CERL			+2,000	+2,000
MLRS Product Improvement Program	26,678	26,678	40,378	37,678
Guided MLRS			+8,100	+7,000
MLRS improved launcher mechanical system (ILMS)			+5,600	+4,000
Aerostate Joint Project Office	86,193	0	96,193	35,000
Program reduction		−86,193		−51,193
Aerostat development			+10,000	0
Combat Vehicle Improvement Programs	136,520	152,520	176,720	167,020
M1 flat panel displays		+12,000	+12,000	+12,000
AN/VVR–1 laser warming receiver		+4,000	+4,000	+4,000
Abrams SEP			+8,000	+6,500
ADAD for Bradley Stinger fighting vehicle			+4,000	+4,000
M–7 Bradley fire support team (BFIST) vehicle test program sets			+3,000	+2,000
Bradley A3 Test Program sets			+3,500	+2,000
Heavy recovery vehicle traction control system			+5,700	0
Digitization	156,960	75,560	120,043	71,560
Force XXI		−100,000	−36,917	−100,000
Tactical Personal Communications		+10,000		+6,000
Applique		+2,600		+2,600
Tactical Internet		+6,000		+6,000
(Note: The conferees do not agree with the House direction requiring the Army to establish a Battlefield Acquisition Program Office.)				
Missile/Air Defense Product Improvement	17,412	27,412	31,412	31,412
Patriot upgrade		+10,000	+10,000	+10,000
Stinger target acquisition sensor study and Stinger Blk II pre-EMD efforts			+4,000	+4,000
Joint Tactical Ground System	3,195	6,195	3,195	5,195
Phase II P31				
End Item Industrial Preparedness	44,326	54,326	57,326	66,326
M829E3 munitions development		+5,000		+5,000
Munitions manufacturing technology		+5,000		+3,000
Instrumented Factory for Gears (INFAC)			+4,000	+3,000
Total integration munitions engineering			+5,000	+8,000
Electronic Circuit Board Manufacturing Development Center			+4,000	+3,000
Radio Frequency	0	0	0	1,700
(Note: Funds have been transferred from Other Procurement, Army.)				
Lightweight laser designator range finder	0	0	0	2,800
(Note: Funds have been transferred from Other Procurement, Army.)				
Combat synthetic training assessment range	0	0	0	5,400
(Note: Funds have been transferred from Other Procurement, Army.)				
Army Airborne Command & Control	0	0	0	11,000
(Note: Funds have been transferred from Other Procurement, Army.)				

ARMY HIGH PERFORMANCE COMPUTING RESEARCH

The conferees urge the Army to provide within the defense research sciences program element, $750,000 to hook up four historically-black colleges with the Army High Performance Computing Center in Minneapolis and $500,000 for work stations at these colleges to optimize the use of the new computing facilities which were made available through the fiscal year 1997 defense appropriations act.

ENVIRONMENTAL QUALITY TECHNOLOGY

The conferees agree to provide $4,000,000 in the Army Environmental Quality Technology line only to develop computer-based land management modeling projects designed to help reduce time and costs associated with recovery of military training areas. The conferees expect the U.S. Army Construction Engineering Research Laboratory to prudently manage this additional funding to achieve maximum results.

MEDICAL TECHNOLOGY

VOLUMETRICALLY CONTROLLED MANUFACTURING

The conferees have provided $2,500,000 only for the development of a prototype artificial hip using multidimensional volumetrically controlled manufacturing of synthetic materials.

MEDICAL ADVANCED TECHNOLOGY

COLLABORATIVE EFFORTS IN TELEMEDICINE

The conferees recognize the need to continue establishment of collaborative efforts

for design of a telemedicine trauma/emergency medical services system to provide necessary diagnostic and treatment interventions and improve medical outcomes. This effort should include participation by appropriate DoD agencies and public/institutions.

PROSTATE DIAGNOSTIC IMAGING

The conferees are concerned about the quality and efficacy of prostate diagnostic imaging, and believe that prostate cancer detection and treatment would greatly benefit from more accurate and refined equipment and procedures. The conferees direct the Army to establish a public/private research project in coordination with appropriate Government agencies and private institutions to explore promising technologies for improvement of prostate diagnostic imaging. The conferees provide $5,000,000 only for this purpose in the Medical Advanced Technology line. The conferees expect funding management to be accomplished by Walter Reed Army Medical Center.

DIAGNOSTIC IMAGING TECHNOLOGY

The conferees recognize the excellent work being conducted at Walter Reed in diagnostic imaging technology and direct that a Diagnostic Imaging Technology Center of Excellence be established at Walter Reed Army Hospital and that the Army be the lead agent in this endeavor. All DoD efforts in this area should be coordinated with the center. In this vein, the conferees are extremely encouraged with the potential benefits of the Volume Angio CAT (VAC) and have provided an additional $4,000,000 to continue efforts on this promising imaging technology.

PERISCOPIC MINIMALLY-INVASIVE SURGERY

The conferees agree to provide $3,000,000 in the Army Medical Technology line only to pursue further development of minimally-invasive surgery techniques. The conferees believe greater understanding of this cutting-edge technology could result in significant benefits for US armed forces.

AVIATION ADVANCED TECHNOLOGY

OUTRIDER TUAV

The conferees agree to provide $45,000,000 to continue the development, testing and evaluation of the Outrider tactical unmanned aerial vehicle (TUAV). The conferees direct the Secretary of the Army submit an acquisition strategy to the Committees on Appropriations of the House and Senate after the user-testing and evaluation are completed.

MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY

The conferees are aware of the need to close and clean up the open pit burning ground currently being used to dispose of explosive waste at Picatinny Arsenal. The Army has concluded that additional funds are needed to complete the construction of the Explosive Waste Incinerator and the conferees agree to provide $1,100,000 only to finish this project.

MATTRACKS

The conferees urge the Army to begin development testing of the MATTRACKS track system within available research, development, test and evaluation funding. The MATTRACKS track system, which has been control tested by the Army and Marine Corps with excellent results, appears to have great value for military uses particularly mine clearing efforts.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL NAVY:				
IN-HOUSE INDEPENDENT LABORATORY RESEARCH	15,834	14,683	15,834	14,683
DEFENSE RESEARCH SCIENCES	366,283	336,463	366,283	334,463
SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	32,273	29,273	32,273	29,273
SURFACE SHIP TECHNOLOGY	46,859	53,859	52,859	50,359
AIRCRAFT TECHNOLOGY	23,590	25,390	23,590	25,390
COMMAND, CONTROL, AND COMMUNICATIONS TECHNOLOGY	65,566	59,566	56,566	56,566
READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	31,762	47,362	31,762	39,362
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	76,653	73,653	80,153	75,503
ELECTRONIC WARFARE TECHNOLOGY	22,810	21,810	22,810	21,810
UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	51,033	46,033	51,033	46,033
MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	42,737	42,737	21,600	42,737
OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	48,211	77,711	66,961	73,711
UNDERSEA WARFARE WEAPONRY TECHNOLOGY	35,736	31,736	43,736	37,736
AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	35,093	41,193	27,693	35,693
PRECISION STRIKE AND AIR DEFENSE	43,320	44,320	43,320	44,320
ADVANCED ELECTRONIC WARFARE TECHNOLOGY	18,144	17,144	18,144	17,144
SHIP PROPULSION SYSTEM	39,737	34,737	49,737	49,737
MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	34,178	63,478	51,178	61,678
MEDICAL DEVELOPMENT	18,332	72,732	19,632	70,232
MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	18,812	20,502	20,042	22,502
ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	18,249	18,999	28,249	26,249
UNDERSEA WARFARE ADVANCED TECHNOLOGY	54,785	46,385	46,385	49,385
SHALLOW WATER MCM DEMOS	41,602	38,352	41,602	38,352
ADVANCED TECHNOLOGY TRANSITION	87,285	75,052	72,285	76,285
C3 ADVANCED TECHNOLOGY	23,768	22,368	23,768	22,368
AVIATION SURVIVABILITY	7,859	16,959	7,859	16,959
ASW SYSTEMS DEVELOPMENT	22,869	26,669	22,869	24,869
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	58,231	71,131	76,431	73,631
ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	61,122	62,422	61,122	62,422
CARRIER SYSTEMS DEVELOPMENT	98,587	10,187	115,587	20,587
SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	19,194	22,694	19,194	22,694
ADVANCED SUBMARINE SYSTEM DEVELOPMENT	59,067	162,067	59,067	114,000
SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	38,682	38,682	63,682	53,682
ADVANCED SURFACE MACHINERY SYSTEMS	49,741	44,741	49,741	47,741
CONVENTIONAL MUNITIONS	34,190	38,190	34,190	38,390
ADVANCED WARHEAD DEVELOPMENT (MK-50)	2,012	.....	2,012	.....
MARINE CORPS ASSAULT VEHICLES	60,134	70,134	60,134	68,134
MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	36,464	40,064	36,464	40,064
COOPERATIVE ENGAGEMENT	139,229	223,229	149,229	213,229
ENVIRONMENTAL PROTECTION	52,401	56,401	54,401	58,401
FACILITIES IMPROVEMENT	1,720	6,720	1,720	6,720
RETRACT ELM	21,822	24,522	21,822	24,522
NATO RESEARCH AND DEVELOPMENT	13,330	.....	13,330	10,000
LAND ATTACK TECHNOLOGY	37,809	81,909	37,809	60,809
JOINT STRIKE FIGHTER (JSF)—DEM/VAL	448,855	448,855	476,855	463,855
SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	4,705	4,705	9,705	7,705
OTHER HELO DEVELOPMENT	73,354	85,354	113,304	130,191
STANDARDS DEVELOPMENT	36,297	40,297	38,297	38,297
S-3 WEAPON SYSTEM IMPROVEMENT	4,735	4,735	930	930
P-3 MODERNIZATION PROGRAM	3,191	3,191	15,191	13,191
TACTICAL COMMAND SYSTEM	31,518	41,518	31,518	36,518
H-1 UPGRADES	80,735	86,335	80,735	86,335
ACOUSTIC SEARCH SENSORS	16,947	20,947	16,947	18,947
AIR CREW SYSTEMS DEVELOPMENT	12,111	18,111	12,111	18,111
EW DEVELOPMENT	101,803	104,603	91,127	99,127
SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	87,934	142,134	122,934	148,134
ARSENAL SHIP	102,994	.....	75,994	35,000
LPD-17 CLASS SYSTEMS INTEGRATION	471	13,471	471	13,471
TRI-SERVICE STANDOFF ATTACK MISSILE	9,644	.....	5,456	5,456
VLA UPGRADE	.....	12,000	.....	9,000
AIRBORNE MCM	16,503	19,503	16,503	18,503
SSN-688 AND TRIDENT MODERNIZATION	42,294	52,294	67,294	57,294
SUBMARINE COMBAT SYSTEM	23,701	2,366	23,701	18,701
NEW DESIGN SSN	311,076	331,076	316,076	323,076
SSN-21 DEVELOPMENTS	49,542	12,332	49,542	49,542
SHIP CONTRACT DESIGN/LIVE FIRE T&E	75,713	64,713	100,713	92,713
NAVY TACTICAL COMPUTER RESOURCES	4,794	39,294	4,794	35,294

[In thousands of dollars]

	Budget	House	Senate	Conference
LIGHTWEIGHT TORPEDO DEVELOPMENT	17,290	19,302	17,290	19,302
NAVY ENERGY PROGRAM	2,088	2,088	4,588	2,088
JOINT STANDOFF WEAPON SYSTEMS	71,526	71,526	71,526	80,526
SHIP SELF DEFENSE—EMD	132,270	190,870	134,270	163,270
MEDICAL DEVELOPMENT	3,620	16,920	3,620	16,920
DISTRIBUTED SURVEILLANCE SYSTEM	33,048	43,448	23,048	43,448
TARGET SYSTEMS DEVELOPMENT	48,308	45,408	45,308	45,408
MAJOR T&E INVESTMENT	33,236	39,236	33,236	36,236
STUDIES AND ANALYSIS SUPPORT—NAVY	8,755	6,679	8,755	6,679
TECHNICAL INFORMATION SERVICES	8,763	763	8,763	3,263
RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	57,591	55,961	57,591	55,961
TEST AND EVALUATION SUPPORT	263,934	235,908	251,934	246,934
MARINE CORPS PROGRAM WIDE SUPPORT	8,207	12,707	8,207	12,707
F/A–18 SQUADRONS	316,976	207,776	290,976	293,976
TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	93,359	91,500	93,359	91,500
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	58,956	36,456	63,956	68,956
HARM IMPROVEMENT	6,169	41,169	6,169	41,169
AVIATION IMPROVEMENTS	60,025	51,025	60,025	51,025
NAVY SCIENCE ASSISTANCE PROGRAM	.....	.....	12,000	12,000
MARINE CORPS COMMUNICATIONS SYSTEMS	38,296	45,296	40,296	45,296
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	12,568	14,668	12,568	14,668
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	3,165	1,198	3,165	1,198
INDUSTRIAL PREPAREDNESS	.....	55,000	54,000	55,000
CLASSIFIED PROGRAM	488,489	531,489	188,489	494,989
ECONOMIC ASSUMPTIONS	.....	.....	−18,000	−18,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	FY 98 budget	House	Senate	Conference
DEFENSE RESEARCH SCIENCES	336,283	336,463	366,283	334,463
General reduction	.....	−39,820	.....	−39,820
Molecular Design Institute	.....	10,000	.....	8,000
SURFACE SHIP TECHNOLOGY	46,859	53,859	52,859	50,359
General reduction	.....	−5,000	.....	−5,000
Power electronic building blocks	.....	6,000	6,000	6,000
Power node control centers	.....	1,500	.....	1,500
Micromechanical systems/damage tolerant networks	.....	2,500	.....	0
Underwater vehicle derived control technology	.....	2,000	.....	1,000
READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECH	31,762	47,362	31,762	39,362
General reduction	.....	−3,000	.....	−3,000
JMLS ACTD for sea-state 3 lighterage	.....	16,000	.....	8,000
Smart aircrew integrated life support system	.....	2,600	.....	2,600
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	76,653	73,653	80,153	75,503
General reduction	.....	−7,000	.....	−10,000
Resin transfer molding/carbon fibers	.....	2,000	2,000	2,000
Composite storage capsule	.....	2,000	.....	2,000
Vacuum electronics	.....	.....	−4,000	−3,000
Photomagnetic research	.....	.....	350	350
Plasma quench technology	.....	.....	3,000	2,000
Advanced Material Intelligent Processing Center	.....	.....	2,500	2,500
Terfenol-D	.....	.....	.....	3,000
OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	48,211	77,711	66,961	73,711
Autonomous underwater vehicle/sensor development	.....	10,000	.....	10,000
Ocean partnerships	.....	16,000	16,000	12,000
Naval Surface Warfare Center South Florida Test Facility	.....	2,750	2,750	2,750
PM–10	.....	750	750	750
Arctic research	.....	(2,000)	.....	(2,000)
UNDERSEA WARFARE WEAPONRY TECHNOLOGY	35,736	31,736	43,736	37,736
General reduction	.....	−4,000	.....	−4,000
COTS airgun as an acoustic source	.....	(5,000)	.....	0
6.25" torpedo project	.....	.....	4,000	.....
Undersea warfare and weapons technology	.....	.....	4,000	3,000
AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	35,093	41,193	27,693	35,693
Maritime avionics subsystems and technology	.....	11,500	.....	7,000
Integrated high payoff rocket technology	.....	2,000	.....	1,000
General reduction	.....	−7,400	.....	−7,400
Integrated HP turbine engine technology	.....	.....	−7,400	.....
SHIP PROPULSION SYSTEM	39,737	34,737	49,737	49,737
Active control of machinery rafts	.....	5,000	.....	5,000
General reduction	.....	−10,000	.....	−5,000
Composite helicopter hanger	.....	.....	10,000	10,000
MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	34,178	63,478	51,178	61,678
Commandant's Warfighting Lab	.....	20,300	15,000	17,500
SMAW–CS product improvement program	.....	5,000	.....	5,000
2 KW proton exchange membrane fuel cell	.....	4,000	.....	3,000
CARS	.....	.....	2,000	2,000
Modeling/simulation	.....	.....	(2,450)	(2,450)
MEDICAL DEVELOPMENT	18,332	72,732	19,632	70,232
Bone marrow	.....	34,000	.....	34,000
National Biodynamics Lab	.....	2,600	.....	2,600
Biocide materials research	.....	5,500	.....	5,500
Freeze dried blood	.....	2,500	2,500	1,500
Dental research	.....	4,000	.....	2,000
Mobile medical monitor	.....	4,000	.....	2,000
Rural health	.....	3,000	.....	3,000
Natural gas cooling/desiccant demonstration	.....	.....	.....	2,500
Fleet health	.....	−1,200	−1,200	−1,200
MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	18,812	20,502	20,042	22,502
Virtual reality environment/training research	.....	3,690	1,230	3,690
Center for integrated Manufacturing Studies	.....	.....	.....	2,000
General reduction	.....	−2,000	.....	−2,000
ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECH	18,249	18,999	28,249	26,249
250KW proton exchange membrane fuel cell	.....	1,750	1,750	1,750
Visualization of technical information	.....	1,000	2,000	2,000
General reduction	.....	−2,000	.....	−2,000
Smart base	.....	.....	6,250	6,250
UNDERSEA WARFARE ADVANCED TECHNOLOGY	54,785	46,385	46,385	49,385
General reduction	.....	−8,400	.....	0
Shallow water surveillance technology	.....	.....	−3,000	−3,000
Beartrap advanced technology	.....	.....	−5,400	−5,400
COTS airgun as an acoustic source	.....	.....	.....	3,000
ADVANCED TECHNOLOGY TRANSITION	87,285	73,052	72,285	76,285

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	FY 98 budget	House	Senate	Conference
General reduction		−18,233	−20,000	−20,000
High frequency surface wave radar		4,000	(4,000)	4,000
SWATH technology development			5,000	5,000
Affordable array			(4,900)	(4,900)
ASW SYSTEMS DEVELOPMENT	22,869	26,669	22,869	24,869
Geopositioning for the air deployable low frequency projector		3,800		2,000
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	58,231	71,131	76,431	73,631
Remote minehunting system		7,900	7,900	7,900
Integrated combat weapon system		5,000	10,300	7,500
ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	61,122	62,422	61,122	62,422
Lightweight wide aperture advanced array, fiber optic		4,000		4,000
Savings identified by GAO		−2,700		−2,700
CARRIER SYSTEMS DEVELOPMENT	98,587	10,187	115,587	20,587
CVX		−88,400		−78,000
CVN–77			17,000	0
SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	19,194	22,694	19,194	22,694
Direct carbonate fuel cell powerplant/ship electric service		3,500	1,000	3,500
COOPERATIVE ENGAGEMENT	139,229	223,229	149,229	213,229
E–2/CEC integration		20,000		10,000
TBMD/CEC integration		15,000		15,000
Low cost common equipment set		15,000		15,000
Reduced schedule risk/logistics support		13,000		13,000
SSDE/CEC integration		5,000		5,000
Hawk/CEC integration		5,000		3,000
Design agent transfer		5,000		0
Fleet exercises		3,000		3,000
LAMPS data link		3,000		0
Space			10,000	10,000
ENVIRONMENTAL PROTECTION	52,401	56,401	54,401	58,401
Resource recovery technology center		4,000		4,000
Asbestos removal			2,000	2,000
Hospital desiccant demonstration			(1,500)	0
FACILITIES IMPROVEMENT	1,720	6,720	1,720	6,720
Engineered lumber development		5,000		5,000
(NOTE: Funds for engineered lumber develoopment are only to complete the ongoing effort already under contract by the Navy for cost-shared development and deployment of carbon fiber-reinforced, recycled thermoplastic engineered lumber which incorporates chemically treated waste-wood materials.)				
LAND ATTACK TECHNOLOGY	37,809	81,909	37,809	60,809
Extended range guided munition		15,100		8,000
MEMS guidance and control		5,000		2,000
Land attack Standard Missile		4,000		3,000
Navy ATACMS		20,000		10,000
JOINT STRIKE FIGHTER (JSF)—DEM/VAL	448,855	448,855	476,855	463,855
Eddy current sensor/eddy current array sensor		(6,000)		(6,000)
Engine turbine fan improvement		(1,000)		(1,000)
Alternative engine			28,000	15,000
(NOTE: Projects which are directed to be funded from within available funds may not be financed by decrements to DARPA programs.)				
OTHER HELO DEVELOPMENT	73,354	85,354	113,304	130,191
SH–60R block II		7,000	25,000	15,000
Air interoperability center		5,000	5,000	5,000
Parametric airborne dipping sonar			10,000	5,000
CH–60 development.				
(NOTE: CH–60 funds are transferred form Aircraft Procurement, Navy)				
STANDARDS DEVELOPMENT	36,297	40,297	38,297	38,297
Ground Proximity Warning System		4,000		0
ICAS			2,000	2,000
(NOTE: Funds for ground proximity warning system ar funded in Aircraft Procurement, Navy)				
S–3 WEAPON SYSTEM IMPROVEMENT	4,735	4,735	930	930
Common support aircraft			−3,805	−3,805
(NOTE: Reduction to common support aircraft is made without prejudice.)				
EW DEVELOPMENT	101,803	104,603	91,127	99,127
Precision targeting		2,800		2,000
Joint emitter targeting system			−2,000	−2,000
Common missile warning system			−6,000	0
ICAP III			−2,676	−2,676
SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	87,934	142,134	122,934	148,134
TBMD/UYQ–70 architecture		43,000		38,000
Program shortfalls		14,000		0
Postponed sea test		−2,800		−2,800
High power discriminator			35,000	25,000
NEW DESIGN SSN	311,076	331,076	316,076	323,076
ASTECS/integrated mast		17,000		8,000
Sonar domes		3,000	5,000	4,000
SHIP CONTRACT DESIGN/LIVE FIRE T&E	75,713	64,713	100,713	92,713
CVN–77		17,000		17,000
DD–21		−28,000	25,000	0
NAVY TACTICAL COMPUTER RESOURCES	4,794	39,294	4,794	35,294
UYQ–70 for submarines		17,500		17,500
Virtual prototyping of electronic circuits		10,000		6,000
UYQ–70 for USMC expeditionary force		7,000		7,000
NAVY ENERGY PROGRAM	2,088	2,088	4,588	2,088
Natural gas colling/desiccant demonstration			2,500	0
(NOTE: Funds for natural gas cooling/desiccant demonstration are provided in Medical Development)				
SHIP SELF DEFENSE—EMD	132,270	190,870	134,270	163,270
QRCC		19,000		10,000
Test ship		12,000		6,000
Wallps Island test operations		8,600		4,000
SPQ–9B		9,000		5,000
IRST		10,000		4,000
Nulka			2,000	2,000
DISTRIBUTED SURVEILLANCE SYSTEM	33,048	43,448	23,048	43,448
AODS integration into ADS		7,800		7,800
ADS algorithms		2,600		2,600
General reduction			−10,000	0
TARGET SYSTEMS DEVELOPMENT	48,308	45,408	45,308	45,408
Non-cooperative airborne vector scorer		−2,900		−2,900
General reduction			−3,000	0
TEST AND EVALUATION SUPPORT	263,934	235,908	251,934	246,934
General reduction		−30,026	−12,000	−18,000
Safety items		2,000		1,000
F/A–18 SQUADRONS	316,976	207,776	290,976	293,976
Management reserves		−114,200	−26,000	−26,000
TARPS		5,000		3,000
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	58,956	36,456	63,956	68,956
JTCTS		−27,500		0
BFTT		5,000		5,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	FY 98 budget	House	Senate	Conference
PMRF sensors			5,000	5,000
INDUSTRIAL PREPAREDNESS	0	55,000	54,000	55,000
General increase		55,000	50,000	
Center for Integrated Manufacturing Studies			4,000	0
(NOTE: Funds for the Center for Integrated Manufacturing Studies is provided in Manpower, Personnel, and Training Advanced Technology Development.)				

AIRCRAFT TECHNOLOGY

The conferees direct that the Navy Vectored Thrust Ducted Propeller (VTDP) compound helicopter program focus the current VTDP technology development program on utilization of the H–60 helicopter as the demonstration platform. The conferees further direct that from within available funds $200,000 is only for the Navy's H–60 program office (PMA–299) to manage the VTDP program and all current and prior year funds appropriated for this program.

MATERIALS, ELECTRONICS, AND COMPUTER TECHNOLOGY

The conferees agree to provide $3,000,000 for Terfenol-D, which is used in Navy sonar programs. The conferees direct that this amount shall be available only to allow the Navy to achieve further cost reductions in the application of a magnetostrictive, iron/terbium/dysprosium alloy for new high performance sonar systems. The conferees further direct that such effort shall be undertaken through a partnership between any entity which has made a financial commitment and has experience in the production of such an alloy and the National Center for Excellence in Metal Working Technology.

NAVY AIRCREW EJECTION SEATS

The conferees believe the Navy must place greater emphasis on aircrew protection and safety, a problem that is of growing concern with the introduction of lighter-weight crew members. In fiscal year 1997, the Congress appropriated an additional $5,000,000 to initiate Phase II of the Navy Aircrew Escape System (NACES) P3I program. The conferees are disappointed that this effort has not yet begun, particularly in light of technological advancements in propulsive stabilization and sensors that could substantially decrease the technical risk of resolving the safety shortcomings of the NACES. These same advances may also be applicable to making needed safety improvements in the GRU–7 seat flying in the EA–6B aircraft.

The conferees are aware of Navy plans to restructure the NACES P3I program. While voicing no objection at this time, the conferees expect that the restructured effort be conducted in a manner to include a flight demonstration of the life-saving benefits of these technologies to existing ejection seats, and that EMD planning for introduction to the fleet be completed. The conference agreement includes an additional $6,000,000 only to accelerate the NACES P3I program to include demonstrated propulsive stabilization solutions.

NON-MAGNETIC, STAINLESS STEEL ADVANCED DOUBLE HULL WARSHIP DESIGN

The conferees note the technical challenge that the Navy faces in the design and manufacture of very large and complex structural systems that have historically been made of traditional steel materials but are now incorporating the use of more advanced materials like non-magnetic steels. The joining of the advanced double hull concept with non-magnetic steel offers the potential to reduce acquisition and operation costs and to improve survivability. The conferees direct the Navy to study this design on the DD–21 and to explore the opportunities available with existing Centers of Excellence that have capability in non-magnetic, stainless steel advanced double hull warship design.

DISTRIBUTED SURVEILLANCE SYSTEM

The conferees agree to provide $43,448,000, of which $7,800,000 shall be for the testing and packaging of the all-optical deployable system into an advanced deployable system (ADS) and at least $7,000,000 shall be for the development of signal processing and detection algorithms for the ADS.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL AF				
DEFENSE RESEARCH SCIENCES	226,832	183,332	222,249	207,249
MATERIALS	70,224	73,224	71,224	73,224
ARMSTRONG LAB EXPLORATORY DEVELOPMENT	76,102	76,102	79,102	76,102
AEROSPACE PROPULSION	69,303	69,303	60,577	60,577
AEROSPACE AVIONICS	69,401	68,061	66,484	64,144
HYPERSONIC TECHNOLOGY PROGRAM	9,840	9,840	12,840	9,840
PHILLIPS LAB EXPLORATORY DEVELOPMENT	111,136	131,636	112,009	127,259
COMMAND CONTROL AND COMMUNICATIONS	86,067	89,067	86,067	88,567
ADVANCED MATERIALS FOR WEAPON SYSTEMS	20,596	26,596	30,096	28,096
AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	30,564	28,318	27,031	24,785
AEROSPACE STRUCTURES	15,032	10,423	15,032	10,423
AEROSPACE PROPULSION AND POWER TECHNOLOGY	37,014	37,014	35,183	35,183
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	17,204	26,204	17,204	26,204
FLIGHT VEHICLE TECHNOLOGY INTEGRATION	7,795	6,423	7,795	6,423
ELECTRONIC COMBAT TECHNOLOGY	25,621	30,871	24,121	34,371
SPACE AND MISSILE ROCKET PROPULSION	16,247	30,047	16,247	18,147
BALLISTIC MISSILE TECHNOLOGY		8,000		8,000
ADVANCED SPACECRAFT TECHNOLOGY	40,846	72,846	100,846	98,346
CONVENTIONAL WEAPONS TECHNOLOGY	26,227	28,227	23,187	24,687
ADVANCED WEAPONS TECHNOLOGY	41,238	56,238	59,238	55,238
C3 ADVANCED DEVELOPMENT	12,897	12,897	13,897	13,647
ADVANCED MILSATCOM (SPACE)	41,448	41,000	41,448	41,000
POLAR ADJUNCT (SPACE)	29,585		29,585	15,000
NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT.	51,504	26,504	51,504	34,004
SPACE BASED INFRARED ARCHITECTURE (SPACE)—DEM/VAL	222,401	217,401	222,401	217,401
NATO RESEARCH AND DEVELOPMENT	13,433		13,433	11,000
INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	32,837	49,337	32,837	49,337
GLOBAL BROADCAST SERVICE	56,977	46,977	56,977	56,977
VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT			8,000	6,000
INTEGRATED AVIONICS PLANNING AND DEVELOPMENT	16,494	12,994	16,494	16,494
B–1B	216,886	222,886	216,886	220,886
SPECIALIZED UNDERGRADUATE PILOT TRAINING	80,238	77,238	80,238	72,238
F–22 EMD	2,071,234	2,077,234	1,858,234	2,077,234
EW DEVELOPMENT	78,465	65,965	82,308	80,465
MUNITIONS DISPENSER DEVELOPMENT	18,076	15,900	18,076	19,676
JOINT DIRECT ATTACK MUNITION	19,553	15,353	19,553	24,553
LIFE SUPPORT SYSTEMS	3,726	5,726	3,726	4,726
COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	1,459	6,459	1,459	4,459
JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	203,321		107,021	128,000
JSLAM		63,000		43,021
THREAT SIMULATOR DEVELOPMENT	51,846	50,346	56,746	54,346
MAJOR T&E INVESTMENT	47,336	62,136	41,336	56,336
TEST AND EVALUATION SUPPORT	389,348	386,348	389,348	387,848
DEVELOPMENT PLANNING	6,049	6,049	4,549	4,549
POLLUTION PREVENTION	5,880	5,880	10,880	9,880
ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	8,013	33,013	8,013	28,013
MAINTENANCE AND REPAIR (RPM)—RDT&E	55,200	55,200	58,000	56,000
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	50,781	33,781	50,781	43,781
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	93,122	115,122	93,122	103,122
AGM–86C CONVENTIONAL AIR-LAUNCHED CRUISE MISSILE SYS		3,500	3,500	

[In thousands of dollars]

	Budget	House	Senate	Conference
AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	46,807	47,807	46,807	46,807
ADVANCED PROGRAM TECHNOLOGY	95,056	95,056	71,556	100,056
THEATER BATTLE MANAGEMENT (TBM) C4I	24,013	24,013	28,013	27,013
JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	119,189	123,189	124,189	126,189
ADVANCED PROGRAM EVALUATION	214,011	224,011	205,219	223,019
WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEMS	6,820	7,820	6,820	7,820
AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM	6,571	6,571	13,471	13,471
SECURITY AND INVESTIGATIVE ACTIVITIES	530	1,530	530	3,530
TITAN SPACE VEHICLES (SPACE)	82,384	67,384	82,384	74,884
DEFENSE AIRBORNE RECONNAISSANCE PROGRAM		14,990		14,990
SPACETRACK (SPACE)	28,573	28,573	36,073	43,073
C–17 AIRCRAFT	113,605	113,605	113,605	110,605
AIR CARGO MATERIAL HANDLING (463–L) (NON-IF)	7,947	3,447	7,947	5,947
PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN PRO	1,032	12,032	11,032	19,032
NATO JOINT STARS	36,061	18,061	23,061	26,061
COBRA BALL (FLD)			12,000	12,000
CLASSIFIED PROGRAM	4,684,348	4,633,315	4,640,248	4,648,415
ECONOMIC ASSUMPTIONS			−76,000	−76,000
GENERAL REDUCTION		−2,000		

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Research Sciences	226,832	183,332	222,249	207,249
Reduction		−48,500		−18,000
Center for Adaptive Optics		5,000		3,000
Sacramento Peak Observatory		(650)	(650)	(650)
Math and computer science			−2,755	−2,755
Electronics			−1,828	−1,828
Materials	70,224	73,224	71,224	73,224
Composite shelters		3,000		2,000
Inorganic/organic optical limiters			1,000	1,000
Aerospace Propulsion	69,303	69,303	60,577	60,577
Turbine engine technology			−6,861	−6,861
High thermal stability hydrocarbon fuel			−1,865	−1,865
Aerospace Avionics	69,401	68,061	66,484	64,144
Reduction		−1,340		−1,340
Photonic and A-to-D Technology			−2,701	−2,701
Intertial navigation unit components			−3,216	−3,216
Environmental laser mapping			3,000	2,000
Hypersonic Technology Program	9,840	9,840	12,840	9,840
Hypersonic wind tunnel design study			3,000	0
Phillips Lab Exploratory Development	111,136	131,636	112,009	127,259
Phase III terabit fiber optic technology		8,000		6,000
Mightysat		10,000		5,000
IHPRPT		7,500	2,000	4,750
Tactical missile propulsion			−3,127	−3,127
Coherent laser diode arrays			−3,000	−1,500
HAARP			5,000	5,000
Command Control and Communications	86,067	89,067	86,067	88,567
Protein memory		3,000		2,500
Advanced Materials for Weapon Systems	20,596	26,596	30,096	28,096
IR signature suppresion coatings		6,000	6,000	5,000
Electrochemical fatigue sensing with mechanical stimulation for turbines			3,500	2,500
Aerospace Propulsion Subsystems Integration	30,564	28,318	27,031	24,785
Reduction		−2,246		−2,246
Aircraft propulsion subsystem			−3,533	−3,533
Aerospace Structures	15,032	10,423	15,032	10,423
Reduction		−4,609		−4,609
Aerospace Propulsion and Power Technology	37,014	37,014	35,183	35,183
Advanced turbine engine gas generator			−1,831	−1,831
Crew Systems and Personnel Protection Technology	17,204	26,204	17,204	26,204
Ejection seat technology		5,000		5,000
Helmet display technology		3,000		3,000
Laser eye protection		1,000		1,000
Flight Vehicle Technology Integration	7,795	6,423	7,795	6,423
Reduction		−1,372		−1,372
Electronic Combat Technology	25,621	30,871	24,121	34,371
CLIRCM		5,250		3,750
Laser based IR countermeasures			−1,500	0
ALR–69 PLAID				5,000
Space and Missile Rocket Propulsion	16,247	30,047	16,247	18,847
IHPRPT		3,800		1,900
Scorpius		10,000		0
Ballistic Missile Technology	0	8,000	0	8,000
Radiation hardened electronics		8,000		3,200
Missile Technology Demonstration (MTD) flight testing				4,800
Advanced Spacecraft Technology	40,846	72,846	100,846	98,346
Military spaceplane		15,000		10,000
Solar thermionics orbital transfer vehicle		10,000	10,000	7,500
Miniature threat satellite reporting system		7,000		5,000
Clementine			50,000	30,000
Scorpius (transfer from Space and Missile Rocket Propulsion)				5,000
Conventional Weapons Technology	26,227	28,227	23,187	24,687
Optical correlator technology		2,000		1,500
Next generation air to air threats			−3,040	−3,040
Advanced Weaons Technology	41,238	56,238	59,238	55,238
Geo space object imaging		10,000	15,000	10,000
LIME		5,000		0
High energy laser technology			−3,000	−2,000
Field LADAR Demonstrator (FLD) upgrades			6,000	6,000
C3 Advanced Development	12,897	12,897	13,897	13,647
Survivable asynchronous transfer mode			1,000	750
Advanced MILSATCOM (SPACE)	41,448	41,000	41,448	41,000
Program management		−448		−448
National Polar-Orbiting Operational Environment	51,504	26,504	51,504	34,004
Schedule delays		−25,000		−17,500
Space and Missile Rocket Propulsion	222,401	217,401	222,401	217,401
Program management and FFRDC		−5,000		−5,000
NATO Research and Development	13,433	0	13,433	11,000
Reduction		−13,433		−2,433
Intercontinental Ballistic Missile—DEMVAL	32,837	49,337	32,837	49,337
Conventional ballistic missle		16,500		16,500
Global Broadcast Service	56,977	46,977	56,977	56,977

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Schedule delays		−10,000		0
Integrated Avionics Planning and Development	16,494	12,994	16,494	16,494
JHMCS EMD Award		−3,500		0
B–1B	216,886	222,886	216,886	220,886
ECOs		−7,000		−4,000
JSOW/JSLAM Integration		13,000		8,000
Specialized Undergraduate Pilot Training	80,238	77,238	80,238	72,238
T–38 schedule delays		−3,000		−3,000
JPATS GBTS contract savings				−5,000
F–22 EMD	2,071,234	2,077,234	1,858,234	2,077,234
Out of Production Parts (OPP) redesign		6,000		6,000
Termination liability			−213,000	0
EW Development	78,465	65,965	82,308	80,465
F–15 IDECM delay		−6,000		−3,000
F–15 CMWS		−6,500		−2,000
CMWS			−6,157	0
Advanced flares for the C–17 and B–1			10,000	7,000
Munitions Dispenser Development	18,076	15,900	18,076	19,676
WCMD Contract Savings		−1,300		−1,300
WCMD operational assets		−862		−862
Transfer savings from procurement account				3,762
Joint Direct Attack Munition	19,553	15,353	19,553	24,553
Excess funds		−4,200		0
Transfer from procurement				5,000
Life Support Systems	3,726	5,726	3,726	4,726
Ejection seats		2,000		1,000
Computer Resource Technology Transition (CRTT)	1,459	6,459	1,459	4,459
NPLACE/PLAS		5,000		3,000
Intercontinental Ballistic Missile—EMD	137,944	152,944	152,944	152,944
MK–21 Guidance Replacement Program		15,000	15,000	15,000
Joint Air-to-Surface Standoff Missile (JASSM)	203,321	0	107,021	128,000
Cancel program		−203,321		0
Weapon system development			−18,200	0
Test support			−49,400	0
Program office/mission support			−10,900	0
Aircraft integration costs			−17,800	0
Alternate engine source study			(5000)	1,000
Reduction pending AOA decision				−76,321
JSLAM	0	63,000	0	43,021
Threat Simulator Development	51,846	50,346	56,746	54,346
SADS-2b/f		−1,500		−1,500
Digital integrated air defense system			2,400	2,000
Digital IADS integration with ECIT			2,000	1,500
Airborne radar maintenance			500	500
Major T&E Investment	47,336	62,136	41,336	56,336
Modernization of Eglin range C4I capabilities		14,800		10,000
Reduction			−6,000	−3,000
Hypersonic wind tunnel design study (transfer from 0602269F)				2,000
Test and Evaluation Support	389,348	386,348	389,348	387,848
Unjustified aircraft support growth		−3,000		−1,000
Prior year unobligated funds		−8,000		−6,500
South Base Birk flight test facility		8,000		6,000
Development Planning	6,049	6,049	4,549	4,549
Reduction			−1,500	−1,500
Pollution Prevention	5,880	5,880	10,880	9,880
E–SMART			5,000	4,000
Maintenance and Repair (RPM)—RDT&E	55,200	55,200	58,000	56,000
Landing gear life extension			6,000	4,000
Infrastructure support			−3,200	−3,200
Advanced Medium Range Air-to-Air Missile (AMRAAM)	50,781	33,781	50,781	43,781
Rephased upgrade efforts		−14,000		−4,000
P3I Phase III		−3,000		−3,000
AGM–86C Conventional Air Launched Cruise Missile	0	3,500	3,500	0
Hard target penetrator variant		3,500	3,500	0
Airborne Warning and Control System (AWACS)	46,807	47,807	46,807	46,807
Extend Sentry		1,000		0
Theater Battle Management (TBM) C4I	24,013	24,013	28,013	27,013
Theater Battle Management Core Systems (TBMCS)			4,000	3,000
Joint Surveillance and Target Attack Radar System	119,189	123,189	124,189	126,189
Improved Data Modem		4,000		4,000
Cruise missile defense technology			5,000	3,000
World-Wide Military Command and Control Systems	6,820	7,820	6,820	7,820
Integration of JSAS into GCCS		1,000		1,000
Air Traffic Control, Approach, and Landing System	6,571	6,571	13,471	13,471
Air traffic control simulators			6,900	6,900
Security and Investigative Activities	530	1,530	530	3,530
AFOSI computer crime investigations program		1,000		1,000
Defensive Information Warfare and Critical Infrastructure Protection				2,000
SPACETRACK (SPACE)	28,573	28,573	36,073	43,073
AEOS development and integration with MSSS			7,500	7,500
Have Stare upgrade to support missile defense testing				7,000
Air Cargo Material Handling	7,947	3,447	7,947	5,947
Next Generation Small Loader test funding requirements		−4,500		−2,000
Industrial Preparedness	48,429	48,429	48,429	48,429
National Technology Transfer Center		(1000)		0
Productivity, Reliability, Availability, Maintainability Program	1,032	12,032	11,032	19,032
Aging aircraft improvements		11,000		10,000
Blade repair facility			10,000	8,000
NATO JSTARS	36,061	18,061	23,061	26,061
Lack of NATO decision		−18,000		0
Phase II proposal preparation			−3,000	−3,000
Interim logistics support long lead			−10,000	−7,000
COBRA BALL (FLD)	0	0	12,000	12,000
Advanced Airborne Sensor			12,000	12,000

ADVANCED SPACECRAFT TECHNOLOGY

The conferees recommend a Solar Thermionic Orbital Transfer Vehicle program that balances designing the flight demonstrator with further development of key technologies including thermionics, high temperature materials for power and propulsion, and direct gain propulsion utilizing lightweight inflatable collectors.

NATIONAL POLAR-ORBITING OPERATIONS ENVIRONMENTAL SATELLITE SYSTEM

(NPOESS)

The conferees agree to provide $34,004,000 for the National Polar-Orbiting Operational Environmental Satellite System (NPOESS),

a decrease of $17,500,000. The conferees direct the Deputy Under Secretary of Defense for Space (DUSD (Space)) to conduct an architectural review of the defense space-based meteorological mission area as part of the fiscal year 1998 program plan. DUSD (Space) is further directed to submit to the conferees a report detailing its plans to conduct the review no later than January 1, 1998.

SPACE BASED INFRARED SYSTEM (SBIRS)

The conferees are concerned that the Air Force has retained the present developer of the SBIRS high component as the overall system of systems engineer for the entire program. The conferees believe that the potential exists for conflict of interest since the SBIRS high component developer will compete for the SBIRS low component of the program.

While the Air Force has taken certain measures to attempt to ensure the fairness of the SBIRS low competition, the conferees believe that it would be appropriate for the Under Secretary of Defense for Acquisition and Technology to review any Air Force implementation plan formulated to avoid conflicts of interest in the SBIRS low component competition. The conferees therefore, direct the USD (A&T) to certify to the congressional defense committees that tha Air Force's "SBIRS Organizational Conflict of Interest Mitigation Plan for the SBIR Low Component Program" adequately safeguards the objectivity of the competition for the SBIR Low program. If it is determined that the Air Force's risk mitigation plan does not ensure a fair competition, the congressional defense committees shall be notified and provided such recommendations as the USD (A&T) determines are necessary to ensure a fair competition, protect proprietary data, and mitigate potential SBIR high component program developer bias. The certification shall be provided no later than March 31, 1998.

The conferees further direct that the Deputy Under Secretary of Defense for Space, DUSD (Space), review any final allocation of requirements between the SBIRS high and low component to determine whether such allocations are justified on the basis of cost and performance. The conferees direct that the results of this review be provided to the congressional defense committees.

EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV)

The conferees note that the Evolved Expendable Launch Vehicle (EELV) program is an important step in reducing the Department of Defense's space launch costs, and that two industry teams are now competing for a contract to develop an EELV. The conferees believe that the Air Force should require that a successful bidder share in the development cost of the EELV, system. In addition the conferees expect that the Air Force will recognize the commercial requirements of the EELV and allow industry to develop system solutions to meet these needs. Therefore, the conferees agree to the House language which directs the Air Force to include as significant factors in the EELV acquisition the degree to which the competitive proposals include the commercial needs of the U.S. launch vehicle industry as well as government compensation and cost recoupment offers from the EELV competitors. The Under Secretary of Defense for Acquisition and Technology is also directed to provide the congressional defense committees not later than June 1, 1998, a revised EELV Single Acquisition and Management Plan (SAMP) that addresses these concerns.

JOINT AIR-TO-SURFACE STANDOFF MISSILE

JOINT STANDOFF LAND ATTACK MISSILE

The conferees have provided a total of $171,021,000 for the Joint Air-to-Surface Standoff Missile (JASSM)/Joint Standoff Land Attack Missile (JSLAM) program. Within the JASSM program element, the conferees direct that the first priority for the available funds shall be to maintain competition on the program and to avoid an early decision to select a single contractor. The funds within this program element are provided to continue the JASSM program through completion of the Analysis of Alternatives (AOA).

The conferees have also provided $43,021,000 in a JSLAM program element. The conferees direct that none of the JSLAM funds may be obligated until the Secretary of Defense notifies the congressional defense committees regarding the acquisition strategy the Defense Department chooses to pursue based on the results of the JASSM AOA. The conferees direct that the JSLAM program element funds shall be available for the option recommended by the Secretary of Defense.

CRUISE MISSILE DEFENSE

The conferees are concerned about the growing threat posed by advanced air-launched and surface-launched cruise missiles and urge the Department to pursue an enhanced capability on the AWACS to detect, track, and identify cruise missiles. The conferees direct the Air Force to provide a report on their specific schedule and funding plans for continued development of this needed capability.

NATO JSTARS

The conferees agree that none of the funds can be reprogrammed out of the NATO JOINT STARS program element without the prior approval of the congressional defense committees. The conferees agree to place no further restrictions on these funds.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,169		2,169	1,569
DEFENSE RESEARCH SCIENCES	76,009	70,000	76,009	70,000
UNIVERSITY RESEARCH INITIATIVES	237,788	215,212	251,788	230,788
GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIV RESEARCH	14,713		9,713	7,713
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	25,190	28,690	25,190	27,190
NEXT GENERATION INTERNET	40,000	50,000	10,000	42,000
SUPPORT TECHNOLOGIES—APPLIED RESEARCH	101,932	141,932	115,932	113,932
LINCOLN LABORATORY RESEARCH PROGRAM	20,474	13,730	20,474	18,474
COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	341,752	325,057	344,252	327,557
BIOLOGICAL WARFARE DEFENSE	61,600	61,600	55,100	59,600
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	60,023	75,323	66,023	73,023
TACTICAL TECHNOLOGY	157,329	126,244	158,329	151,329
INTEGRATED COMMAND AND CONTROL TECHOLOGY	37,000	39,000	55,000	49,000
MATERIALS AND ELECTRONICS TECHNOLOGY	192,192	208,192	224,692	237,692
DEFENSE SPECIAL WEAPONS AGENCY	211,971	200,593	226,971	212,593
DEMINING	7,663	7,663	18,063	16,663
COUNTERROR TECHNICAL SUPPORT	34,863	34,863	40,863	40,863
COUNTERPROLIFERATION SUPPORT—ADV DEV	58,264	67,264	61,264	68,264
SUPPORT TECHNOLOGIES—ADVANCED TECHNOLOGY DEVELOPMENT	147,557	147,557	351,957	311,557
JOINT DOD-DOE MUNITION TECHNOLOGY DEVELOPMENT	16,141	16,141	17,700	17,700
AUTOMATIC TARGET RECOGNITION	4,789	5,989	4,789	6,789
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEV	41,223	50,773	41,233	41,223
SPECIAL TECHNICAL SUPPORT	11,750	9,750	14,750	11,750
VERIFICATION TECHNOLOGY DEMONSTRATION	83,370	69,070	73,370	84,370
GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	17,267	23,867	24,867	22,267
STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	54,874	61,874	57,874	61,874
JOINT WARFIGHTING PROGRAM	14,172	14,172	9,172	9,172
AGILE PORT DEMONSTRATION			10,000	5,000
ADVANCED ELECTRONICS TECHNOLOGIES	277,044	285,044	295,044	299,044
ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	121,076	61,076	101,076	81,076
COMMERCIAL TECHNOLOGY INSERTION PROGRAM	47,889		20,000	20,000
ELECTRONIC COMMERCE RESOURCE CENTERS	14,972	47,972	14,972	47,972
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	126,211	124,880	151,211	149,880
COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	163,800	163,800	153,800	157,800
SENSOR AND GUIDANCE TECHNOLOGY	166,855	154,855	162,855	169,555
LAND WARFARE TECHNOLOGY	82,580	89,180	81,980	82,980
DUAL USE APPLICATIONS PROGRAMS	225,000	100,000	125,000	125,000
JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	71,338	59,968	66,338	64,338
PHYSICAL SECURITY EQUIPMENT	31,553	18,676	31,553	18,676
JOINT ROBOTICS PROGRAM	23,196	23,196	32,196	28,196
ADVANCED SENSOR APPLICATIONS PROGRAM	15,379	15,379	18,379	18,379
CALS INITIATIVE	1,916	5,916	5,916	9,916
NATO RESEARCH AND DEVELOPMENT	13,584		13,584	8,584
ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	15,164	15,164	20,164	15,164
THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—DEM/	294,647	238,647	353,427	406,127
NAVY THEATER WIDE MISSILE DEFENSE—DEM/VAL	194,898	444,898	274,898	409,898
BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQUISIT	12,885		17,885	16,385

[In thousands of dollars]

	Budget	House	Senate	Conference
JOINT THEATER MISSILE DEFENSE—DEM/VAL	542,619	542,619	612,619	605,419
ASAT			50,000	37,500
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	120,535	138,535	120,535	130,535
THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—EMD	261,480	261,480		
NAVY AREA THEATER MISSILE DEFENSE—EMD	267,822	289,822	267,822	289,822
TECHNICAL STUDIES, SUPPORT AND ANALYSIS	38,376	31,248	30,376	30,376
JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	23,100	23,100	12,900	16,100
CLASSIFIED PROGRAM USD(P)	5,979	5,979	5,979	9,079
DEFENSE SUPPORT ACTIVITIES	5,992	7,492	8,992	8,992
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	39,193	34,469	39,193	36,193
INFORMATION SYSTEMS SECURITY PROGRAM	258,593	258,593	258,593	253,593
DEFENSE IMAGERY AND MAPPING PROGRAM	109,430	134,430	109,430	119,430
DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	49,403	41,003	57,403	52,503
TACTICAL UAVS	122,004	60,007	34,507	54,507
ENDURANCE UAVS	216,712	192,812	216,712	192,722
AIRBORNE RECONNAISSANCE SYSTEMS	212,961	193,961	201,790	196,961
MANNED RECONNAISSANCE SYSTEMS	27,784	51,784	27,784	27,784
DARP MANAGEMENT SUPPORT	21,543	7,543	21,543	7,543
COUNTERDRUG INTELLIGENCE SUPPORT		2,500		
MANAGEMENT HEADQUARTERS (AUXILIARY FORCES)	1,926	1,926	7,626	1,926
PARTNERSHIP FOR PEACE ACTIVITIES	1,993	1,993		
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	8,009	9,009	8,009	9,009
SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	73,073	73,073	75,773	109,473
SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	4,914	13,914	8,914	10,914
SOF OPERATIONAL ENHANCEMENTS	26,357	32,937	17,757	23,937
CERP		12,000		10,000
CLASSIFIED PROGRAM	995,689	1,054,970	1,036,689	1,068,589
ECONOMIC ASSUMPTIONS			−49,000	−49,000

EXPLANATION PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
University Research Initiatives	237,788	215,212	251,788	230,788
DEPSCOR		+10,000	+10,000	+10,000
Program reduction		−32,576	—	−20,000
Southern Observatory for Astronomical Research		—	+4,000	+3,000
CARE		(3,000)	—	(3,000)
Chemical and Biological Defense Program	25,190	28,690	25,190	27,190
Non-antibiotic therapies		+1,500	—	—
Novel agent research		+2,000	—	+2,000
Support Technologies—Applied Research	101,932	141,932	115,932	113,932
AIT		+30,000	—	—
Wide bandgap electronics		+10,000	+14,000	+12,000
Computing Systems and Communications Technology	341,752	325,057	344,252	327,557
Program reduction		−16,695	—	−16,695
Reuse Technology Adoption Program (RTAP)		(7,500)	+2,500	+2,500
Chemical and Biological Defense Program	60,023	75,323	66,023	+73,023
Medical Biological Research		+9,500	—	—
SAFEGUARD		+5,800	+6,000	+3,000
Joint Service Chem/Bio Point Detection Sensor		—	(1,500)	(1,500)
Chemical agent sensor technology		—	—	+10,000
Tactical Technology	157,329	126,244	158,329	151,329
Simulation based design (Gulf Coast Region Maritime Ctr)		+3,000	—	+3,000
Program reduction		−34,085	—	−10,000
Compact lasers		—	−3,000	−3,000
Chemically specific detection		—	−3,000	−3,000
Center of Excellence for Researching in Ocean Sciences		—	+7,000	+7,000
Facial recognition technology		—	(3,000)	(3,000)
Integrated Command and Control Technology	37,000	39,000	55,000	49,000
High definition camera		+2,000	—	—
High definition display systems		(4,000)	—	(4,000)
Flat Panel Display		—	+18,000	+12,000
High-definition optoelectric digital camera		—	(2,000)	(2,000)
Materials and Electronics Technology	192,192	208,192	224,692	237,692
Defense Microelectronics Activity		+10,000	—	+10,000
Nanofabrication Laboratory		+6,000	—	+6,000
Seamless high-off chip connectivity		—	+7,500	+6,000
Hard carbon based coatings		—	+1,000	+1,000
Multitechnology integration in mixed mode electronics		—	+9,000	+7,500
Life support trauma and transport		—	+4,000	+4,000
3-D multi-chip module electronics		—	+5,000	+5,000
Cryogenic electronics		—	+6,000	+6,000
Defense Special Weapons Agency	211,971	200,593	226,971	212,593
Bioenvironmental research		+5,000		+5,000
Program reduction		−16,378		−16,378
Nuclear weapons effects core competencies			+15,000	+12,000
Explosive Demilitarization	12,259	12,259	12,259	12,259
Cryogenic washout program		(2,000)		(2,000)
Demining	7,663	7,663	18,063	16,663
Humanitarian demining technologies			+10,400	+9,000
Mechanical clearance support			(1,000)	(1,000)
Remote area disassembly vehicle			(3,000)	(2,000)
Counterterror Technical Support	34,863	34,863	40,863	40,863
PFNA			+3,000	+3,000
Antibiological device (ABD)			+3,000	+3,000
Counterproliferation Support	58,264	67,264	61,264	68,264
Countrproliferation Analysis and Planning Systems (CAPS)		+9,000		+7,000
HAARP			+3,000	+3,000
Support Technologies—Advanced Technology Development	147,557	147,557	341,957	311,557
Advanced intercept technology			+40,000	+30,000
Space-based laser			+118,000	+98,000
Midcourse space experiment			+6,400	+5,000
APEX Program			+10,000	+8,000
Russian-American observational satellites (RAMOS)			+15,000	+13,000
Photo conduction on active pixel sensor technology			+5,000	+5,000
Scorpius			+10,000	+5,000
Automatic Target Recognition	4,789	5,989	4,789	6,789
Optical correlators		+1,200		
Hyperspectral IPT				+2,000
Chemical and Biological Defense Program	41,223	50,773	41,223	41,223
Medical biological programs		+6,700		
Joint Service Integrated Suit (JSLIST)		+2,850		
Special Technical Support	11,750	9,750	14,750	+11,750
Program reduction		−2,000		−2,000

EXPLANATION PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Evaluate maritime combatant craft			+3,000	+2,000
Verification Technology	83,370	69,070	73,370	84,370
Industry-based program to accelerate nuclear detection		+5,000		+5,000
Enhanced segregated-surface solid state detectors		+3,000		+3,000
Russian monitoring technologies		+3,000		+3,000
Program reduction		−25,300		−10,000
Nuclear monitoring technologies (explosion seismology)		(7,100)		(7,100)
Hydroacoustics		(700)		(700)
Program reduction			−10,000	
Caribbean radiation early warning system (CREWS)			(3,000)	
Strategic Environmental Research Program	54,874	61,874	57,874	61,874
Environmental clean-up workers health and safety program		+2,000		+2,000
Risk-based toxic chemicals research		+2,000		+2,000
Green energetics		+3,000	+3,000	+3,000
Advanced Electronics Technologies	277,044	285,044	295,044	299,044
Center for Advanced Microstructures Devices (CAMD)		+3,000		
Cryoelectronics		+5,000		
Flat Panel Displays		(18,000)		
Lithographic & Alternative Semiconductor Processing (LAST)			+23,000	+18,000
Point Source x-ray lithography			+3,000	+3,000
MT–06 program reduction			−3,000	
Defense Techlink rural technology transfer			+1,000	+1,000
Center for Advanced Microstructures Devices (CAMD)			+4,000	+4,000
MAFET			−10,000	−4,000
Institute for Advanced Flexible Manufacturing			(4,000)	(4,000)
Laser plasma x-ray source technology				(5,000)
High Performance Computing Modernization Program	126,211	124,880	151,211	149,880
Program reduction		−1,331		−1,331
Operation, maintenance, and upgrade of supercomputers purchased with DoD RDT&E funds			+25,000	+25,000
Sensor and Guidance Technology	166,855	154,855	162,855	169,555
GEOSAR		+13,000		+10,700
GPS Guidance Package		(6,000)		(6,000)
Program reduction		−25,000		−5,000
Large Millimeter Wave Telescope			+3,000	+3,000
Tactical Radar Program			−7,000	−6,000
Marine Technology	69,143	21,943	21,943	21,943
Arsenal Ship		−47,200	−47,200	−47,200
Smart anti-submarine warfare and sonar STAP		(6,000)		(4,000)
Land Warfare Technology	82,580	89,180	81,980	82,980
Active structural control		+6,600	+4,400	+5,400
Small unit operations			−5,000	−5,000
CALS Initiative	1,916	5,916	5,916	9,916
Integrated Data Environment (IDE)		+4,000	+4,000	+4,000
RAMP				+4,000
Joint Theater Missile Defense—Dem/Val	542,619	542,619	612,619	605,419
Extended air defense testbed			+9,600	+7,800
Advanced Research Center (ARC)			+7,000	+7,000
ARROW			+15,000	+12,000
Kauai test facility			+5,000	+5,000
Upgrades for theater missile defense (PMRF)			+33,400	+31,000
Chemical and Biological Defense Program—EMD	120,535	138,535	120,535	130,535
Joint vaccine program		+8,000		+5,000
Decontamination technology		+10,000		+5,000
Defense Imagery and Mapping Program	109,430	134,430	109,430	119,430
SAR imagery		+25,000		+5,000
USIGS Improv				+5,000
Defense Reconnaissance Support Activities (Space)	49,403	41,003	57,403	52,503
Program reduction		−8,400		−4,900
Pacific Disaster Center			+8,000	+8,000
Tactical UAVS	122,004	60,007	34,507	54,507
Outrider		−87,497	−87,497	−87,497
TCS for the Predator		+11,500		+8,000
MSAG		+4,000		+4,000
Vertical takeoff and landing		+10,000		+8,000
Endurance UAVS	216,712	192,812	216,712	192,722
Predator transfer		−14,900		−14,900
HAE Ground Support		−9,000		−9,000
Airborne Reconnaissance Systems	212,961	193,961	201,790	196,961
JMTE Advanced Technology		+8,000		
E-O Framing technology		+15,000		+7,000
ABIT System Test and Evaluation		+3,000		+1,000
JASA Standards		−3,000		−3,000
HFE Development		−3,000		−3,000
Global Hawk SIGINT		−16,200	−16,200	−16,200
JSAF high band subsystem		−25,800	+5,000	−1,800
High Data Rate Lasercom Sys		+3,000		
Special Operations Tactical Systems Development	73,073	73,073	75,773	109,473
Remote act munitions			+1,000	
Helmet			+1,700	
Advanced Seal Delivery System				+36,400
Special Operations Intelligence Systems Development	4,914	13,914	8,914	10,914
Enhancements for Special Ops Intelligence Vehicle		+5,000		+3,000
Joint Threat Warning System (JTWS)		+4,000	+4,000	+3,000
SOF Operational Enhancements	26,357	32,937	17,757	23,937
Special Tech Assault Craft		+5,800		+5,800
Classified		+780		+780
.50 calibre ball ammo			+400	
Program reduction			−9,000	−9,000

MISSILE FEASIBILITY ASSESSMENTS

The conferees note the past success achieved by the Countermeasures Hands-On Program (CHOP) and Hands-On Threat Demonstration (HTD) programs in assessing the feasibility of countermeasures to ballistic missile defense programs and cruise missile threats to the United States. The conferees believe a similar program to assess the feasibility of the development of long-range ballistic missile capabilities by rogue or other states will be useful in assessing potential missile threats to the United States. Accordingly, the conferees provide $2,400,000 to the CHOP program from the amount provided for National Missile Defense for the initiation of an effort to demonstrate the feasibility of building and testing a long-range ballistic missile using open source literature and materials likely to be available to potential rogue nations. The effort shall be conducted using the same approach employed by the CHOP and HTD programs.

Furthermore, of the amount provided for National Missile Defense Demonstration and Validation (Program Element 0603871C), not less than $150,000 shall be provided to the HTD Program for completion of cruise missile flight testing.

ELECTRONIC COMMERCE RESOURCE CENTERS (ECRC'S)

The conferees direct that the establishment of additional ECRC sites shall be based on a Department of Defense analysis of regional needs, with priority given to States not currently having such a facility already established.

ECRC PERFORMANCE MEASURES

The conferees believe that significant cost saving benefits will be derived from the government adopting and using electronic commerce (EC) and electronic data interchange (EDI) in its business functions. The conferees view Electronic Commerce Resource Centers as a key element in advancing the Department's process of transferring its business process from a paper to electronic medium, especially as this process is implemented with small and medium size businesses. The conferees are aware that it has proven difficult to assess how effective the ECRC concept has been given the many variables that affect the pace and efficiency at which DoD and the rest of the federal government convert from paper-based management functions to EC/EDI. Nevertheless, the conferees believe better program performance measures must be established for the ECRC program to help implement a policy of making the ECRC's essentially self-sustaining over a five-year period to measure their comparative value to DoD, and to evaluate methods to improve EC outreach, education and training, and technical support to both government and industry. The Department is directed to work with the ECRC integrators to develop a set of performance indicators (metrics) for the ECRCs that (1) focus on their ability to become self-sustaining, (2) prove their value in the market place, (3) encourage them to support and aid the government effort to develop FACENET or other forms of electronic commerce, (4) measure their value to DoD relative to one another, (5) keep their operating costs low, (6) track the number of instances in which a customer adopts or expands use of EC/EDI, and (7) measure customer satisfaction.

ATMOSPHERIC RESEARCH

The conferees understand that the Ballistic Missile Defense Organization has expressed interest in the development of a panoceanic environmental and atmospheric research laboratory. The conferees would encourage the Defense Department to allocate funding within BMDO to initiate this program during fiscal year 1998. The conferees expect to address additional funding for this program in fiscal year 1999.

MATERIALS AND ELECTRONICS TECHNOLOGY

The conferees have provided $5,000,000 to be used only for 3-D multi-chip module (MCM) electronics. These funds will be used to develop and demonstrate key technologies behind a packaging concept that uses a stacked MCM approach to reduce interconnect length and increase physical connectivity between layers of electronics.

SUPPORT TECHNOLOGIES—BMDO

The conferees direct that the $13,000,000 provided for the Russian-American Observational Satellites (RAMOS) program shall be available only for the RAMOS program.

VTOL UAV TECHNOLOGY

The conferees agree to provide $8,000,000 to continue the development of a Vertical Takeoff and Landing (VTOL) unmanned aerial vehicle (UAV) and to initiate a demonstration program of future VTOL UAV technology, which should include demonstrating a stopped rotor, high speed, and reaction driven concept. The development and acquisition strategy for this demonstration program should be coordinated with the Navy Science and Technology Requirements Office.

ENDURANCE UAVS

The conferees agree to a $9,000,000 reduction for HAE support. This reduction shall not be applied against the development and testing for the two HAE common ground segments.

UNIVERSITY AFFILIATED RESEARCH CENTERS (UARCS)

The conferees believe that a UARC should be defined as a university receiving more than $10,000,000 in sole source non-competitive contracts.

INSTITUTE FOR DEFENSE ANALYSES

The conferees do not agree to place restrictions on funds for the Institute for Defense Analyses proposed by the House, since the Defense Department has recently indicated its willingness to provide classified tactical aircraft IDA studies to the Appropriations Committees.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
DEVELOPMENTAL TEST & EVAL. DEFENSE:				
CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CT)	131,353	131,353	116,353	123,353
ECONOMIC ASSUMPTIONS			−2,000	−2,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
DEVELOPMENTAL TEST AND EVALUATION, DEFENSE:				
CENTRAL TEST AND EVALUATION INVESTMENT	131,353	131,353	116,353	123,353
PROGRAM REDUCTION			−15,000	−8,000
ECONOMIC ASSUMPTIONS			−2,000	−2,000

NATIONAL ASSESSMENT GROUP (NAG)

The conferees recognize the critical requirement for this activity and its mission as outlined in its charter, and direct that, at the beginning of fiscal year 1998, $4,654,973 in Defense, Test and Evaluation Program Element 0605804D be transferred to Assessment and Evaluation Program Element 0604942D. This transfer is required to establish the National Assessment Group as a fully operational and autonomous organization. It is directed that outyear funding for NAG be included in PE 0604942D.

OPERATIONAL TEST AND EVALUATION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATIONAL TEST & EVALUATION, DEFENSE:				
OPERATIONAL TEST AND EVALUATION	13,187	13,187	21,187	17,187
LIVE FIRE TESTING	10,197	19,497	10,197	14,197

[In thousands of dollars]

	Budget	House	Senate	Conference
Operational Test and Evaluation	13,187	13,187	21,187	17,187
Operational field testing			+8,000	+4,000
Live fire testing	10,197	19,497	10,197	14,197
Simulation and modeling		+9,300		+4,000

OPERATIONAL TEST AND EVALUATION

The conferees agree to provide $4,000,000 for operational field assessments. However, the conferees are concerned about the widely differing views within the Department of Defense on this issue. To clarify this situation, the conferees direct the Joint Staff Director for Force Structure, Resources and Assessment (J-8) to conduct a thorough review of all aspects of operational field assessments. The review should assess past and current efforts, potential duplication of existing assessment capabilities, users of the assessment program, and the roles of possible participants, to include OT&E, the Services, NRO, DIA, and others as appropriate.

The report is to be provided to the Committees on Appropriations by March 30, 1998.

The conferees direct that the funds provided for operational field assessments shall not be obligated until the required report is provided to Congress.

TITLE V—REVOLVING AND MANAGEMENT FUNDS

The conferees agree to the following amounts for Revolving and Management Funds programs:

	Budget	House	Senate	Conference
Defense Working Capital Funds	33,400	971,942	871,952	971,952
Military Commissary Fund, Defense	938,552			
National Defense Sealift Fund	1,191,426	1,199,926	516,126	1,074,948
Total, Revolving and Management Funds	2,163,378	2,171,878	1,388,078	2,046,900

DEFENSE WORKING CAPITAL FUNDS

The conferees agree to provide $971,952,000 for the Defense Working Capital Fund. The conferees agree to merge funding for operations of the Defense Commissary Agency into the Defense working capital fund rather than including such funding in a separate account.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $1,074,948,000. This includes reductions of $131,000,000 for cost adjustments on previous LMSR conversion ships which can be deferred until fiscal year 1999 and $478,000 of excess advance procurement funds for new LMSR construction. The agreement also includes $15,000,000 only for procurement of lighterage.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Health	10,301,650	10,309,750	10,317,675	10,369,075
Chemical Agents and Munitions Destruction, Defense	620,700	595,700	609,700	600,700
Drug Interdiction and Counter-Drug Activities, Defense	652,582	713,082	691,482	712,882
Office of the Inspector General	138,380	142,980	135,380	138,380
Total, Other Department of Defense Programs	11,713,312	11,761,512	11,754,237	11,821,037

DEFENSE HEALTH PROGRAM

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Medical Programs, O&M		+8,100	+16,025	+67,425
Breast Cancer (military programs)		+25,000		+25,000
Head Injury		+1,000		+1,000
Air Force Neuroscience		+4,900		+4,900
Diabetes Research		+4,000		+4,000
Epidermolysis Bullosa		+1,000		+1,000
Medical Imaging		+4,700		+3,500
Tissue Engineering		+4,700		+3,500
HIV		+15,000		+15,000
Minimally Invasive Research		+13,000		+13,000
Lab Upgrades		+8,000		+8,000
Nervous System Studies		+4,500		+4,500
Gulf War Illness		+4,500		+4,500
PACMEDNET		+10,000		+10,000
High risk automation systems		−20,000		−20,000
HPSP Tax Liability		−70,800	−70,800	−70,800
Economic adjustment		−1,400		
Hepatitis A Vaccine			+25,000	+17,000
Military Health Information Services			+10,000	+7,000
USUHS			+13,000	+13,000
Pacific Island Health Care Program			+5,000	+5,000
Brown Tree Snakes			+1,000	+1,000
Cancer Control Program			+8,925	+8,925
Army Research Institute			+5,400	+5,400
Committee Increase			+1,500	
Military Nursing Research			+5,000	+5,000
Disaster Management Training			+5,000	+5,000
Holloman Air Force Base			+7,000	+5,000
Restoration of Army O&M (VAC)				+8,000
Economic Adjustment				−20,000

BREAST CANCER

The conferees have provided a total of $160,000,000 only for breast cancer research and related treatment. Of that amount $135,000,000 is for the Army's peer-reviewed research program. The conferees are very encouraged with the administration of this program and with the composition of, and strategy developed by the program's peer review panel and believe this should be maintained. The remaining $25,000,000 is to be used to improve access to care for military members and their families.

TELEMEDICINE

The conferees agree that pursuant to the GAO report "Telemedicine: Federal Strategy is Needed to Guide Investments", DoD Health Affairs should contract with an outside organization, which has previously demonstrated the ability to assess and plan strategic telehealth initiatives, to enumerate current telehealth efforts and recommend coordination activities among the tri-services to prevent duplication and enhance "dual use" telecommunications for health care delivery, education and related public sector applications. This assessment should also include the worldwide computer-based patient record as a necessary component of telehealth. The resulting report and recommendations shall be provided to the congressional defense committees by April 1, 1998.

NATIONAL REHABILITATION HOSPITAL

The conferees are pleased with the success of the cooperative effort between the Department of the Army and the National Rehabilitation Hospital at the Assistive Technology Research Center. Through its efforts, individuals with disabilities are benefiting from technology advances previously limited to the military. The conferees urge that this effort be continued.

MILITARY RETIREE HEALTH CARE

The conferees are encouraged by the recent decision to implement the Medicare subvention demonstration, to provide health care for Medicare-eligible military retirees who are not currently covered under TRICARE. The conferees believe a properly tailored subvention demonstration, coupled with continued assessment of the TRICARE program, is essential to develop the data needed to evaluate the success, and adequacy, of military managed care programs. The conferees understand the Department is focusing its efforts in the first phase of the Medicare subvention demonstration on rapid implementation. However, this emphasis may not provide a true picture of the relative merits of the subvention program, as it may preclude analysis of a representative

sampling of beneficiary populations (such as those in rural areas, or in regions with a high density retiree population).

The conferees believe the Department should rapidly move towards a second phase Medicare subvention demonstration, which takes into account such factors and will give the Department a more diverse sampling of data and one more representative of the actual challenges facing the military health care delivery system. The Department is directed to submit a report to the congressional defense committees not later than March 1, 1998, on its plans for phase one of the Medicare subvention demonstration as well as its plans regarding subsequent demonstration phases.

While encouraged by the advent of the subvention effort, the conferees note that alternative options, such as providing the Federal Employees Health Benefits Plan (FEHBP) to Medicare-eligible military retirees, exist and could serve to further ameliorate the problems caused by TRICARE "lock-out." In response to a directive in last year's Defense Appropriations Act to assess the FEHBP option, the Department indicated there may be some merit in conducting a limited FEHBP demonstration program. The conferees believe such an effort, if analyzed in conjunction with TRICARE and the Medicare subvention options, would provide the Department of Defense, other affected Federal agencies, and Congress with a more complete picture of the potentially available means for providing health care for the over-65 military beneficiary population. Therefore, the conferees direct the Secretary of Defense, in consultation with the Director of the Office of Personnel management, to submit a legislative proposal for Congressional consideration next year to implement a limited FEHBP demonstration program. The program plan should cover only Medicare-eligible beneficiaries and include cost estimates that are based on current beneficiary participation data.

DNA DATA BANK

The conferees strongly support Department of Defense policies that protect information in its "DNA Data Bank" for soldiers, as outlined in its April 2, 1996 policy memorandum. Because this pool of genetic data is one of the largest in the country, the conferees are concerned about the possibility for health, life, and disability insurers to use this data for inappropriate and discriminator purposes. The conferees direct the Department of Defense to continue to promote policies that provide the utmost protection of the genetic information in the "Armed Forces Repository of Specimen Samples for the Identification of Remains."

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
CHEM AGENTS & MUNITION DESTRUCTION, DEF.					
CHEM DEMILITARIZATION—O&M	472,200	472,200	467,200		462,200
CHEM DEMILITARIZATION—PROC.	82,200	67,200	77,200		72,200
CHEM DEMILITARIZATION— RDTE	66,300	56,300	70,300		66,300
ECONOMIC ASSUMPTIONS			−5,000		

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement is as follows:

[In thousand of dollars]

	Budget	House	Senate	Conference
Dismantling Cartels	54,306			54,306
Source Nation Support	166,763			174,963
National Imagery & Mapping Agency	8,374	7,574	8,374	7,574
LEA Support (1004)	3,585	18,585	3,585	3,585
Riverine Interdiction Initiative			4,200	9,000
Detection and Monitoring	124,686			124,686
Law Enforcement Agency Support	223,589			275,189
Gulf States Counterdrug Initiative	3,366	16,166	10,066	16,166
Multi-Jurisdictional Task Force	2,047	6,047	2,047	6,047
Southwest Border Information System		5,000		4,000
Civil Air Patrol	1,175	3,975	1,175	1,175
National Interagency Counter-drug Institute		3,000		
Southwest Border Fence		7,000		4,000
Optionally Piloted Air Vehicle		2,500		
HIDTA Crack House Demolition		2,300		2,300
C-26 Aircraft Photo Reconnaissance Upgrade		11,000		4,500
Non-Intrusive Inspection Systems RDT&E	16,013	11,413	16,013	16,013
National Guard	132,358	132,358	157,358	149,358
Regional Police Information System			3,000	3,000
Demand Reduction	83,238			83,738
Young Marines Program	500	1,000	500	1,000
Total	652,582	713,082	691,482	712,882

GULF STATES INITIATIVE

The conferees agree with the direction contained in House report 105-206 and provide $16,166,000 for the Gulf States Initiative (GSI). The conferees have funded this program in the Drug Interdiction account, but direct that management of this program, with the exception of the Regional Counterdrug Training Academy, be transferred to the Joint Military Intelligence Program (JMIP). The conferees direct the Coordinator for Drug Enforcement Policy and Support to provide $13,135,000 to the JMIP to manage and operate the GSI in fiscal year 1998.

CIVIL AIR PATROL

The conferees agree to provide $2,800,000 above the budget request for the Civil Air Patrol, but have provided those funds in the Operation and Maintenance Title.

HIDTA CRACK HOUSE DEMOLITION

The conferees agree to provide $2,300,000 as recommended by the House for Crack House Demolition and related missions. The conferees are concerned about the physical protection of National Guard personnel during demolition missions and expect the Guard and local law enforcement agencies to arrange for protection prior to the execution of these missions. The conferees are also concerned about the status of the properties to be demolished. The conferees understand that the National Guard intends to require legal certification from the lead public agency that titles to the structures to be demolished are controlled by the public agency, that hazardous materials are not present and that the appropriate law enforcement agency has certified the sites as drug distribution centers.

OFFICE OF THE INSPECTOR GENERAL

The conferees agree to provide $138,380,000 for the Office of the Inspector General. Of this amount, $136,580,000 shall be for operation and maintenance activities and $1,800,000 shall be for procurement.

TITLE VII—RELATED AGENCIES

The conferees agree to the following amounts for Related Agencies:

[In Thousands of dollars]

	Request	House	Senate	Conference
Intelligence Community Management Account	122,580	125,580	122,580	121,080
National Security Education Trust Fund	2,000	2,000	2,000	2,000
Central Intelligence Agency Retirement and Disability System Fund	196,900	196,900	196,900	196,900
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	10,000	10,000	10,000	35,000

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

Details of the adjustments to this account are addressed in the classified annex accompanying this report.

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporates general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees included a general provision (Section 8005) which amends Senate language concerning transfer authority and which provides $65,000,000 for termination costs of the Reserve Mobilization Income Insurance Program.

The conferees included a general provision (Section 8008) providing multiyear procurement authority for certain programs.

The conferees included a general provision (Section 8024) which amends Senate language earmarking funds for Indian Financing Act Incentives and extends eligibility to contractors participating in the test program established by Section 854 of Public Law 101-89.

The conferees included a general provision (Section 8034) earmarking funds for the Civil Air Patrol.

The conferees included a general provision (Section 8035) governing the activities of defense federally funded research and development centers (FFRDCs).

The conferees included a general provision (Section 8043) which amends a Senate provision offsetting funds provided to meet flying hour shortfalls. The conference agreement contains significant increases over the budget request to meet shortfalls in flying hour and spare parts funding, depot maintenance, and other readiness requirements of both the Active and Reserve components. Section 8043 provides offsets for these critical readiness programs through reductions, on a pro-rata basis, to each activity funded in titles III and IV of the conference agreement.

The conferees included a new general provision (Section 8048) which offsets funding provided for National Missile Defense (NMD). In title IV, the conference agreement includes an additional $474,000,000 over the President's request for NMD, responding to a request from the Secretary of Defense after significant shortfalls were discovered in programmed funding. Section 8048 offsets the additional funds provided in the conference agreement for NMD by a like reduction, on a pro-rata basis, to each activity funded in title IV.

The conferees included a general provision (Section 8056) which amends Senate language regarding the mitigation of environmental impact of DoD activities on Indian lands.

The conferees included a general provision (Section 8061) which amends House language concerning the increase or transfer of DoD personnel assigned to headquarters activities and field operating agencies.

The conferees included a general provision (Section 8062) which amends Senate language authorizing intelligence activities.

The conferees included a general provision (Section 8064) which amends House and Senate language recommending rescissions.

	House	Senate	Conference
FISCAL YEAR 1996			
SHIPBUILDING AND CONVERSION, NAVY:			
AFS Ship	−35,600,000	0	−35,600,000
Subtotal	−35,600,000	0	−35,600,000
OTHER PROCUREMENT, NAVY:			
SHINCOM	−3,300,000		−3,300,000
Subtotal	−3,300,000	0	−3,300,000
Total fiscal year 1996	−38,900,000	0	−38,900,000
FISCAL YEAR 1997			
AIRCRAFT PROCUREMENT, ARMY:			
Blackhawk Advance Procurement	−5,000,000	0	−5,000,000
Subtotal	−5,000,000	0	−5,000,000
PROCUREMENT OF AMMUNITION, ARMY:			
Armament Retooling and Manufacturing Support	−5,000,000	0	−5,000,000
Subtotal	−5,000,000	0	−5,000,000
OTHER PROCUREMENT, ARMY:			
Maneuver Control System	−6,000,000	0	−6,000,000
Subtotal	−6,000,000	0	−6,000,000
AIRCRAFT PROCUREMENT, NAVY:			
F/A-18E/F (Fighter) Hornet (AP-CY)	−24,000,000	0	−24,000,000
Subtotal	−24,000,000	0	−24,000,000
OTHER PROCUREMENT, NAVY:			
SHINCOM	−2,200,000	0	−2,200,000
Subtotal	−2,200,000	0	−2,200,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY:			
Armored System Modernization-Adv Development	0	0	−6,000,000
Subtotal	0	0	−6,000,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY:			
Classified programs	0	0	−40,000,000
Subtotal	0	0	−40,000,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE:			
Classified programs	0	−25,000,000	−25,000,000
Subtotal	0	−25,000,000	−25,000,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE:			
Tactical UAV Outrider	0	−20,000,000	−20,000,000
Follow-on-TMD Airborne sensors for ballistic missile tracking	0	−9,700,000	−4,000,000
Subtotal	0	−29,700,000	−24,000,000
Total fiscal year 1997	−2,200,000	−54,700,000	−137,200,000
Grand total	−81,000,000	−54,700,000	−176,100,000

The conferees have rescinded a portion of the fiscal year 1997 funds provided for the Airborne Sensors for Ballistic Missile Tracking project. The conferees direct that the first priority for the remaining funds shall

be to accomplish any valid technology transfer to Airborne Laser (ABL) program.

The conferees included a general provision (Section 8086) which amends Senate language making funds available for Reserve peacetime support to active duty and civilian activities.

The conferees included a general provision (Section 8090) which amends House language for ship cost adjustments requested by the Navy and program adjustments for the F–22. It also includes transfer of funds formerly for prior year ship construction projects to the RDT&E appropriation. The conferees direct that $9,500,000 within the Research, Development, Test and Evaluation, Navy appropriation be used only in the Advanced Transition Technology program for the integration of advanced propulsion technology within a composite structure and mission capable communications to be used for multi-mission patrol craft.

The conferees included a new general provision (Section 8097) to provide funding for the refurbishment of the USS Intrepid.

The conferees included a general provision (Section 8105) which amends House language reducing funding provided to the Operation and Maintenance accounts of the Army, Navy, and Air Force to compensate for excess inventory.

The conferees included a general provision (Section 8106) which amends House language concerning savings from changes to law proposed by the House National Security Committee and the Senate Armed Services Committees on warranties in contracts for the acquisition of defense weapon systems. The conferees agree to a reduction of $75,000,000 rather than $50,000,000 as proposed by the House.

The conferees included a general provision (Section 8109) which amends Senate language concerning a pilot project within the Maritime Technology Program to make technical corrections.

The conferees included a general provision (Section 8114) which amends House language restricting the use of Research and Development funding for the procurement of end-items.

The conferees included a general provision (Section 8117) which prohibits the Department from entering into or renewing a contract with an entity unless the contractor has submitted an annual report to the Department of Labor concerning the employment of veterans. The conferees express their understanding that under current regulations, the annual report for 1997 must be submitted not later than September 30, 1998.

The conferees included a general provision (Section 8121) which amends Senate language earmarking funds to demonstrate expanded use of multi-technology automated reader cards.

The conferees included a general provision (Section 8122) which amends Senate language requiring a report on all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to NATO.

The conferees included a general provision (Section 8123) which amends Senate language concerning reciprocal trade agreements and the conditions under which the Secretary of Defense may issue waivers to the Buy America Act.

The conferees included a new general provision (Section 8127) which rescinds $100,000,000 from funds appropriated in previous Defense Department Appropriations Acts which are expected to expire at the end of fiscal year 1998.

The conferees included a new general provision (Section 8128) which allows the Secretary of Defense to provide funds for operational costs associated with the Lexington Bluegrass facility.

The conferees included a new general provision (Section 8129) to facilitate contractor teaming for construction of submarines. It is required by the Navy in order to implement the President's budget request and appropriation in this Act for funding for the New Attack Submarine.

The conferees included a new general provision (Section 8130) establishing the National Security Strategy Study Group.

The conferees included a new general provision (Section 8131) establishing a panel to review the need for continued production of the B–2 bomber.

The conferees included a general provision (Section 8132) which amends House language restricting the use of funds for the U.S. military deployment in Bosnia after June 30, 1998. The amended provision denies the use of funds in the Defense Appropriations Act, 1998, for the deployment of U.S. armed forces in the Republic of Bosnia and Herzegovina after June 30, 1998, unless the President, after consultation with the bipartisan leadership of the Senate and House of Representatives, transmits to the Congress not later than May 15, 1998 a certification that the continued presence of United States armed forces is required in order to meet the national security interests of the United States. Any such certification shall specify the following aspects of any deployment beyond June 30, 1998:

(1) The reasons why such deployment is in the national interest;

(2) The number of United States military personnel to be deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia;

(3) The expected duration of any such deployment;

(4) The mission and objectives of United States military forces deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia; and

(5) The exit strategy for United States forces engaged in such deployment;

(6) The costs associated with any deployment beyond June 30, 1998; and

(7) The impact of such deployment on the morale, retention, and effectiveness of U.S. forces:

Pursuant to Section 8132, concurrent with the submission of any such certification, the President shall submit to the Congress a fiscal year 1998 supplemental appropriations request for such amounts as are necessary for any continued deployment beyond June 30, 1998.

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	$242,389,726,000
Budget estimates of new (obligational) authority, fiscal year 1998	243,923,541,000
House bill, fiscal year 1998	248,335,303,000
Senate bill, fiscal year 1998	247,184,859,000
Conference agreement, fiscal year 1998	247,708,522,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	+5,318,796,000
Budget estimates of new (obligational) authority, fiscal year 1998	+3,784,981,000
House bill, fiscal year 1998	−626,781,000
Senate bill, fiscal year 1998	+523,663,000

BILL YOUNG,
JOSEPH M. MCDADE,
JERRY LEWIS,
JOE SKEEN,
DAVID L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
ERNEST ISTOOK,
RANDY "DUKE" CUNNINGHAM,
BOB LIVINGSTON,
JOHN P. MURTHA,
NORM DICKS,
(Except on amendment dealing with the B–2 bomber),
W.G. BILL HEFNER,
MARTIN OLAV SABO,
JULIAN C. DIXON,
PETER J. VISCLOSKY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
ROBERT BYRD,
PATRICK J. LEAHY,
DALE BUMPERS,
FRANK R. LAUTENBERG,
BYRON L. DORGAN,
Managers of the Part of the Senate.

REGARDING CANADIAN BORDER BOAT LANDING PERMITS

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2027.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2027.

The question was taken.

Mr. CONDIT. 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 Chair announces that this will be followed by a series of 5-minute votes.

The vote was taken by electronic device, and there were—yeas 412, nays 5, not voting 16, as follows:

[Roll No. 419]

YEAS—412

Abercrombie	Allen	Armey
Ackerman	Andrews	Bachus
Aderholt	Archer	Baesler

Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
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
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
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.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
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
Sensenbrenner
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
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—5

Becerra
Carson
Scott
Waters
Watt (NC)

NOT VOTING—16

Bilbray
Bonilla
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Johnson, Sam
Lowey
Reyes
Rodriguez
Schiff
Serrano
Thompson
Torres
Yates

□ 2125

Ms. WATERS changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDERS REGISTRATION IMPROVEMENTS ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1683, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1683, as amended.

The question was taken.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 2, answered "present" 1, not voting 15, as follows:

[Roll No. 420]

AYES—415

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
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)

Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
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
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—2

Scott
Watt (NC)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—15

Bonilla
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Lowey
Reyes
Rodriguez
Schaffer, Bob
Schiff
Serrano
Thompson
Torres
Yates

□ 2133

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CARL B. STOKES UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 643.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 643.

The question was taken.

RECORDED VOTE

Mr. CONDIT. 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 420, noes 0, not voting 13, as follows:

[Roll No. 421]

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
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
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
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
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
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
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Bonilla
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
John
Lowey
Schiff
Serrano
Thompson
Waters
Yates

□ 2141

The Clerk announced the following pairs:

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was placed on the table.

HOWARD T. MARKEY NATIONAL COURTS BUILDING

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 824.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 824.

The question was taken.

RECORDED VOTE

Mr. CONDIT. 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 420, noes 0, not voting 13, as follows:

[Roll No. 422]

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
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
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.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
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
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
Young (AK)
Young (FL)

NOT VOTING—13

Bonilla
Coburn
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Johnson, Sam
Lowey
Portman
Schiff
Serrano
Yates

□ 2150

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROBERT J. DOLE UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 1000.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 1000.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RONALD H. BROWN FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 29.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 29.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S.871, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 871, as amended.

The question was taken.

RECORDED VOTE

Mr. CONDIT. 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 414, noes 7, not voting 12, as follows:

[Roll No. 423]

AYES—414

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
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
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
Young (AK)
Young (FL)

NOES—7

Campbell
Chenoweth
McIntosh
Paul
Rogan
Sanford
Sensenbrenner

NOT VOTING—12

Bonilla
Coburn
Emerson
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Lowey
Schiff
Serrano
Yates

□ 2159

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

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and concurring in the Senate amendments to the bill, H.R. 1420.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1420.

The question was taken.

RECORDED VOTE

Mr. CONDIT. 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 419, noes 1, not voting 13, as follows:

[Roll No. 424]

AYES—419

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
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
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
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
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
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—13

Bonilla
Coburn
Emerson
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Lowey
Scarborough
Schiff
Serrano
Yates

□ 2208

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOOD BAY LAND EXCHANGE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1948, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1948, as amended.

The question was taken.

RECORDED VOTE

Mr. CONDIT. 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 420, noes 0, not voting 13, as follows:

[Roll No. 425]

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
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
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
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
Young (AK)
Young (FL)

NOT VOTING—13

Bonilla
Coburn
Emerson
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Lewis (GA)
Lowey
Schiff
Serrano
Yates

□ 2215

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PARLIAMENTARY INQUIRY

Mr. SCARBOROUGH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman will state his parliamentary inquiry.

Mr. SCARBOROUGH. Mr. Speaker, I understand that earlier this evening this House voice voted an agreement to acquiesce to funding for the NEA, to the Senate's position on NEA.

Is there any method that Members that do not want to acquiesce to the Senate's funding levels of NEA could bring up another vote to have a recorded vote before this House?

The SPEAKER pro tempore. The Chair would inform the gentleman from Florida that the motion to reconsider was laid upon the table.

There may be other options available to the gentleman from Florida at some later point, but the motion to reconsider was laid upon the table.

Mr. SCARBOROUGH. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SCARBOROUGH. Mr. Speaker, I understand also that there was a voice vote designating the Ronald H. Brown Federal Building earlier this evening, also by voice vote.

Is there a possibility that Members that want a recorded vote on the Ronald H. Brown Federal Building also would have the opportunity to vote on that issue?

The SPEAKER pro tempore. Again, the Chair would state to the gentleman from Florida the motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained during rollcalls 416, 417, and 418 earlier today because of a mechanical failure of my airplane from San Francisco to Washington, DC. Had I been present, I would have voted "aye" on each of these bills.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I was also, unfortunately, on the 8 a.m. flight on United from San Francisco to Washington that never did take off. So I was unavoidably detained. I also missed rollcalls 416, 417, and 418. Had I been present, I would have voted "aye" on each of these bills.

PERSONAL EXPLANATION

Mrs. EMERSON. Mr. Speaker, on rollcall Nos. 423, 424, and 425, I was unable to vote because I was called home to attend to a sick daughter. Had I been present, I would have voted "aye" on each vote.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). 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.

INHUMANE INCARCERATION OF JENNIFER DAVIS IN PERU

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

Mr. EWING. Mr. Speaker, I have requested this special order time to alert my colleagues and the country to the plight of a 20-year-old young lady from my district who has been incarcerated in inhumane conditions in Peru for one year this Thursday. One year after her arrest on September 25, 1996, Jennifer Davis has been denied due process of law, including a trial and sentencing, and she still has no idea when to expect a trial.

Jennifer was arrested 1 year ago when she foolishly agreed to serve as a "mule" in an increasingly common practice in Latin America in which gullible Americans are used to transport drugs into the United States in exchange for a free vacation and payment. In Jennifer's case, she was offered a free trip to Peru and $5,000 in exchange for carrying 3.3 kilograms of cocaine.

I want to say at the outset that in no way do I condone or apologize for what Jennifer Davis did. As a Member of Congress, I have repeatedly stressed my belief that the abuse of drugs is one of the most pressing issues facing our country and it is one of the biggest problems facing young people of our country.

What Jennifer did was inexcusable and she must be punished for her acts. Jennifer was 19 when she was arrested. She had never been in trouble with the law before and I believe her mistake was one of youthful indiscretion and poor judgment. She is not a professional drug runner but a teenage kid who made a big mistake.

I have met with her parents and they are good, Christian people who have no tolerance for drugs or breaking the law. Jennifer immediately admitted her guilt to the police at the time of her arrest and offered to atone for her mistake by cooperating fully with the authorities. She has repeatedly admitted that she is guilty and has turned in several professional drug traffickers from Peru who arranged for this crime. At every opportunity over the past year, Jennifer has fully cooperated and has helped to lock up professional drug runners.

Her willingness to cooperate and admit her guilt has gotten Jennifer nowhere. A year after her arrest, she sits in a jail with no trial or sentence. In fact, Jennifer has been punished because of her cooperation. Her trial has been repeatedly delayed because under the strange legal system in Peru her case is tied to the provisional drug runners who she turned in. They have repeatedly delayed Jennifer's trial. And if any of them appeal their sentence under this strange system, Jennifer's case will go through appeal, too, this despite her willingness to admit her guilt.

The Government of Peru offers weak and unconvincing excuses for this delay. We have repeatedly found out that the officer who arrested Jennifer was later arrested himself for drug trafficking. He has already had a trial, has been sentenced, served 6 months, and is already out on the streets, all this while Jennifer sits in jail awaiting a sentence. It is clear to me that someone in high places in Peru wants inaction. One year without a sentence is completely inexcusable.

I again call on the Government of Peru to move forward with this case. It is time that people in high places in Peru give action to this young lady. The conditions which Jennifer is being held in is inexcusable. The prison was built to hold 300 but has 700 women in it. There is no running water, inadequate nourishment, including no fruits or vegetables, disease is rampant and health care inadequate. Sick animals, roaches, and rats abound in the prison.

Jennifer has lost over 20 pounds during the years she has been held. The prison conditions violate dozens of internationally recognized standards for the treatment of prisoners, standards to which the government of Peru has agreed to comply.

I have tried to convey my concerns with the Peruvian ambassador to the United States, Mr. Luna. He has refused to meet with me and other Members of Congress to discuss the case. I am inserting in the RECORD a copy of a letter I received from the ambassador in which he refused our request to meet with him.

□ 2230

This issue has attracted attention in this Congress, but unfortunately the Government of Peru does not seem to care one iota about due process of law. Both the House and the Senate have passed sense of Congress resolutions calling for the Government of Peru to respect due process of law. The House Appropriations Committee has adopted language raising concerns about the matter, and the full Senate has adopted an amendment cutting foreign aid to Peru. The American people are beginning to question why this country should continue to send about $100 million in aid to Peru every year when the country has no respect for our laws. I will continue to raise a question in Congress and remind my colleagues that Ambassador Luna could not care less about the U.S. Congress.

Mr. Speaker, on this 1-year anniversary of Jennifer Davis's arrest, I call on the Government of Peru to start treating prisoners like humans and start respecting the right to due process of law. I call on the United States Secretary of State to personally bring

this important matter to the highest officials in Peru.

EMBASSY OF PERU,
Washington, DC, June 17, 1997.

Mr. THOMAS W. EWING,
Member of Congress, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN EWING: I refer to your letter requesting a meeting for June 19th in order to discuss the cases of Ms. Jennifer Davis and Ms. Krista Barnes, two American citizens who were detained in Peru with 6.4 Kgrs. of cocaine.

Although I appreciate your kind invitation, I must remind you that this is an internal domestic matter that involves the Peruvian Judicial branch which is separate and independent from the Executive branch. Therefore, as the representative of the Head of State, and the Executive in particular, I am not authorized to discuss the issue with foreign authorities. All information I have about these cases has been provided to you and some of your colleagues in a letter dated June 9th.

Finally, I understand that on May 1st, you and the Congressional Caucus on Human Rights organized an informal conversation about prison conditions and the judicial system in Peru. This Embassy attended the meeting and presented an informal paper on the issue.

Sincerely yours,

RICHARDO V. LUNA,
Ambassador.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 1997.

Ambassador RICARDO LUNA,
Embassy of Peru,
Washington, DC.

DEAR MR. AMBASSADOR: We are writing to respectfully request a meeting with you so that we may personally discuss the matter of two Americans being held at the Santa Monica de Chorillos women's prison in Peru, Ms. Jennifer Davis and Ms. Krista Barnes.

We have arranged our schedules to accommodate a meeting with you at 3:15 p.m. on Thursday, June 19 in the office of Rep. Ewing, 2417 Rayburn Building. We hope this time is convenient for you. Please let us know as soon as possible whether you will be able to participate in this meeting by contacting Eric Nicoll in the office of Rep. Ewing at 225-2371.

Other members of Congress have expressed an interest in this case and may participate in this meeting. We will provide you with a list of attendees prior to the meeting. Thank you very much for your continued attention to this matter and we look forward to meeting with you.

Sincerely,

THOMAS W. EWING,
Member of Congress.
RICHARD DURBIN,
U.S. Senator.
HENRY J. HYDE,
Member of Congress.

HOUSTON NEEDS NONSTOP SERVICE TO TOKYO

The SPEAKER pro tempore (Mr. WHITFIELD). Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

Mr. GREEN. Mr. Speaker, the United States is currently negotiating a new bilateral aviation agreement with Japan. It is vitally important that the United States press for the broadest possible agreement that would open up nonstop service to Tokyo from Houston, TX. Priority must be given first to providing service to those major U.S. cities, including Houston, that have no nonstop service to Tokyo at all currently.

There is ample traffic to support daily nonstop service between Houston and Tokyo. In addition, more competition is needed between new United States gateways and Japan rather than additional increased service from existing United States -Japan service points.

Why does Houston deserve nonstop service? Houston is the fourth largest city in the Nation and is a huge market which is currently unserved by nonstop service to Japan. The addition of nonstop air service will result in substantial economic benefit to Houston as it would increase annual output by over $800 million, provide over 5,600 new jobs, and increase incomes in Houston by $170 million.

Here are more facts to back up this argument. Houston is the largest city in the United States without nonstop service to Tokyo. Houston is also the second largest United States metropolitan area in terms of Asian population that does not have single plane service to Asia. Houston is the second largest international traffic gateway without single plane service to Asia.

Two hundred seventy-three Houston firms currently trade goods and services with Japan. Nearly 540 other Houston companies do business with East Asia as a whole, including Japan. Japanese companies have almost 90 subsidiaries in Houston as well as the largest concentration of Japanese specialty chemical companies outside of Japan. That is also in Houston. Houston is the Nation's second leading city for international business.

I am proud to have joined the gentleman from Texas [Mr. ARCHER], the chairman, and my other Houston colleagues in a letter to the President earlier this year on this issue. As negotiations continue with Japan, consideration should be given to the fact that new service between unserved United States cities and Japan is more competitive and more preferable than additional service from cities that already have service to Japan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Texas, particularly for his effort. I simply want to join in his remarks and acknowledge as a representative for the downtown business community one of the strains on expanding business and expanding trade is a lack of a direct route from Houston to Tokyo. I would encourage the negotiators to seriously look at the importance of the fourth largest city in the Nation having a direct route from Houston to Tokyo, and particularly with respect to Continental Airlines and other airlines that are looking at that issue.

Mr. GREEN. In reclaiming my time, Mr. Speaker, and I know it is a bipartisan effort by both Republicans and Democrats, because I am honored to represent the Intercontinental Airport now that the Federal court saw fit last year to give it to me from district 18, having lived there for many years. It is important to the whole business community and all of Houston because of the port and the trade we already do with Japan to have that nonstop service. I hope those negotiators understand that.

MONTANA MINING DISPUTE

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, I rise this evening to tell a story to my colleagues about a place called Cooke City, MT. Cooke City, MT, is an isolated community in south central Montana. It is located about 3 miles northeast of Yellowstone Park. It is surrounded by a historical mining district where there has been active mining for well over 100 years. It also happens to be the home of a place called the New World Mine.

Some of my colleagues might recognize the name the New World Mine. On October 12, 1996, a little over a year ago, President Clinton announced that he had entered into an agreement with a foreign mining company and an environmental community to stop the process of proceeding with the development of a new gold mine at the site of the New World Mine. He did so based upon concerns that had been raised by members of the environmental community that mining at that site might pose some risk to Yellowstone Park. However, in the process of interrupting the process of the mine, the President also interrupted the environmental impact statement that would have given us for certain an understanding of what the real risks would have been. So in secret the President, a foreign mining company and an environmental community agreed to give away 65 million dollars' worth of public land in Montana in exchange for this mine.

Mr. Speaker, that created outrage in Montana. Sportsmens' groups and environmentalists expressed outrage because Montanans feel great attachment to the public land. They hunt, they fish, they hike, they pick berries, they camp. Mr. Speaker, many of them actually make their living on public lands.

Sensing that outrage, the President changed his mind, and he decided instead of 65 million dollars' worth of public land, he would take $100 million out of the Conservation Reserve Program from Montana and give that to this mining company instead. That created outrage, Mr. Speaker. Farmers, environmentalists and sportsmen, all of whom believe greatly in the Conservation Reserve Program, expressed their outrage.

So then the President said no, he wanted $65 million from the Congress. And Congress said, whoa, wait a minute.

There are three big problems, Mr. Speaker, with the President's plan. First, the White House forgot about Montana. The General Accounting Office just issued a report that said that Montana is going to lose 466 jobs, $45 million in revenues. In fact, local Park County will lose $1.2 million in revenues in the first 5 years.

The second problem is that we have discovered the mine was not an asset, but rather a liability. There are serious water quality problems arising out of previous mining activities, and the President has proposed that the taxpayers assume those liabilities.

But, Mr. Speaker, the really big problem with this deal was that we found out that the mining company did not own the ore. There is a lady by the name of Margaret Reeb, who lives in Livingston, MT, whose mother was the first woman in the Cooke City mining camp, who over the years has acquired those mining claims, and she owns the ore. The problem was she was not consulted, she was not asked, she never signed. Margaret owns the asset.

Mr. Speaker, when the White House was asked about this, what will happen if Margaret Reeb does not want to sell her ore, which she said she does not, the White House said, "Well, there's more than one way to skin a cat." Mr. Speaker, we do not call it cat skinning in Montana, we call it claim jumping. It is wrong in Washington, and it is wrong in Montana.

Now the President has said that if we do not give him a blank check in the Interior appropriations bill, he is going to veto the Interior appropriations bill. What do we do? Some people say we should just walk away from this deal. Others say that we should just give the President the $65 million and forget about it.

I think both of those options are wrong. I think that we have an obligation, Mr. Speaker, to pay a mining company for what its real interest and the real value of its assets are. I think we have an obligation, Mr. Speaker, to protect Margaret Reeb and her private property rights. I think we have an obligation, Mr. Speaker, to make whole the State of Montana by replacing the minerals that will be withdrawn with other minerals that might be developed. And so I have offered a fair proposal, a proposal that will protect those property rights, that will reimburse the State of Montana, and will help that local community that is isolated and needs those jobs and that economic impact.

I would hope that my colleagues will help me in trying to convince the President that there is a fairer plan than stealing Margaret Reeb's property rights. There is a fairer plan than denying Montana the jobs and the economic opportunities.

THE DEFICIT AND THE DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for half the time until midnight, 40 minutes, as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about the good news that we can bring from Washington, D.C., for a change and how much things have changed from the past to where we stand today.

I think to start this discussion, it would make sense that we talk about the difference between debt and deficit, much like folks in their own home understand the difference between a checkbook and borrowing a mortgage on a home. When we talk about the deficit in this Nation, what we are talking about is the amount of money that our Federal Government borrows each year more than what it takes in. That is how much it spends out of its checkbook each year more than what it takes in. That is the deficit. So the amount they overdraw their checkbook, it is not a lot different than in our own home. If you overdraw your checkbook, that is called a deficit.

What our Government does each year after they overdraw their checkbook is they go out and borrow money to make their checks good. When they borrow money, of course, each year, that amount that they have borrowed keeps adding up and up and up.

This chart I have brought with me tonight shows how the debt has been growing facing this Nation. As a matter of fact, in 1995 when I took office for the first time, the debt had reached this point.

One can see the especially steep climb that has been going on from, oh, really the middle to late 1970's, right straight on through 1995. It is leading us to a huge problem in this great Nation that we live in. The total amount of debt that we as a Nation face today, the total amount that they have borrowed cumulative then over the last 30 years, the last time we had a balanced budget was 1969, the total amount they have borrowed since that date is $5.3 trillion. $5.3 trillion they have spent more than they have taken in in this community by the year 1995.

Let me translate that into English so my colleagues and anyone else viewing this tonight can understand if you divide the total debt by the number of people in the United States of America, our Government has borrowed literally $20,000 for every man, woman and child in the United States of America. For a family of five like mine, that is $100,000 total that our family is in debt on behalf of this Government, because, after all, we are the Government. The interest alone for that family of five on this debt is $7,000 a year, or roughly $580 per month. That is the interest alone on the Federal debt for a family of five is $580 a month.

A lot of people say, "Well, I don't pay that much in taxes." But the fact is every time you walk in the store and do something as simple as buy a loaf of bread, the store owner makes a small profit on that loaf of bread, and part of that profit gets sent to Washington, D.C., to pay the interest on the Federal debt.

Mr. Speaker, I yield to the gentleman from Florida [Mr. FOLEY] who has joined me this evening.

Mr. FOLEY. How much is the annual cost to the taxpayers aggregate for the interest on the debt alone?

Mr. NEUMANN. It is roughly 7 percent of this number, so the Federal Government is spending about $330 billion every year. Roughly $1 out of every 6 that the United States Government spends is to pay nothing but interest on this Federal debt.

We should remember a good part of this debt is held by people in foreign countries, which means we are really collecting tax dollars out of working families' paychecks out here in Washington, and then we are paying that interest out to foreign entities who hold a good portion of this debt.

Mr. FOLEY. What the gentleman is saying tonight is that $330 billion that is paying the interest on the debt does not reduce the $5.3 trillion in debt?

Mr. NEUMANN. That is exactly right. That does nothing but pay the interest on the Federal debt. So even after we get to a balanced budget, this debt is still out there hanging over our heads. If we do not do anything about it, of course, this debt will be the legacy that we leave for the next generation.

Mr. FOLEY. To put it in simple terms, a family, if they borrowed against their home on a 30-year mortgage and paid a mortgage payment every month for 30 years, but it was strictly interest, would still then owe the full principal as they started 30 years prior?

Mr. NEUMANN. That is exactly right, and that is exactly what we are doing out here with one slight difference. Out here we are adding to that amount every year. Since 1969, this number has gotten bigger and bigger and bigger. So if we put this in perspective for the families out there who own

a home, it is not only like they are just making the interest payment and not making any principal payment on that mortgage, it is like they are paying the interest but adding to the mortgage amount every year. So if you bought a house and you borrowed $80,000 to buy that house, it is like we are paying the interest on the $80,000, but we are adding $4,000 to it next year; so you are at $84,000 at the end of the first year, and $88,000 after that, and so on. Up and up it goes.

□ 2245

That is how we got to that $5.3 trillion in debt. As a matter of fact, I brought another chart here to kind of show how we got to this point, and this chart shows not only how we got here but how different things really are between the past and since 1995 when you and I were both elected. For the first time Republicans have controlled the House of Representatives in a long time. This shows what Gramm-Rudman-Hollings promised to do. What they promised to do is stop overdrawing their checkbook. This is the deficit line or the amount they were going to overdraw their checkbook that they promised back in the late 1980's and early 1990's, and we can see that they planned to balance the budget for the first time; that is, not spend any more money than what they had in their checkbook. They planned to do that in 1993. The red line shows what they actually did. That is to say, the red line shows that they kept overspending their checkbook year after year after year after year, and of course the debt just keeps going up and up and up. That is how we got to this $5.3 trillion in debt. These are the broken promises of the past that the American people got so upset with that led them to making the change in this House of Representatives in 1994, elected you, elected myself and elected 70-some others just like us because they were very frustrated that they had been given this promise and the promise was broken.

But I think it is also important that we understand how much things have changed since the American people did send a new group out here in 1995, yourself and myself included. This blue line shows what we promised the American people when we came in 1995, and notice the red line in a very different spot. We are not only on track to balancing the budget in the 7-year plan that we laid out, we are significantly ahead of schedule. As a matter of fact, it would now appear that the budget will be balanced for the first time since 1969 next year. That is in 1998, 4 years ahead of schedule, we will have had the first balanced budget in 30 years because of the efforts of this Congress and the changes that have been made.

There is another way of looking at this, and I think it is important that we understand that if we had come out here and done absolutely nothing, this would not have happened. When we were elected in 1995, this red line shows where the deficits were headed. The yellow line shows how much progress we made.

To my friend from Florida, my colleague from Florida, does he remember what the first hundred days out here were like in that first year? Does he remember the hassles and the fights we went through during that first year? What we were going through is bringing this red line, deficit line, down to here, and in the meantime we laid this plan into place, how we were going to get to a balanced budget by 2002. But the reality is we are outperforming our projections, and I am happy to bring to the American people the good news that the budget will in fact be balanced. We are not only on track but ahead of schedule, very different than the Congress that was here before, on track and ahead of schedule, and we will have a balanced budget in 1998 for the first time in 30 years.

I have one more chart here that I think is really important. I have been out with my constituents across the State of Wisconsin, and you know when I tell them these things they say, "Well, you guys are lucky the economy is performing so well that you have got all this extra revenue coming in and because the revenue is coming in, you have got a balanced budget, and you all are trying to look good because of it." Well, I first point out that we have had good economies in the past, since 1969, and when we had good economies in the past my good friend from Florida might recall what the Congresses that were here before us did. When the economies were good and extra revenue came in it does not take Einstein to figure out what Washington did. Washington spent the money, and that is very different in this Congress. While the revenues were coming in strong because the economy was good, not only did we not spend the money, at the same time we slowed the growth of Washington spending. So at the same time extra revenues were coming in this Congress slowed the growth of Washington spending. Before we got here this red column shows it was growing by 5.2 percent a year. Since we have been here it has only grown by 3.2 percent a year, still faster than some would like, like myself. I would like to see this even smaller yet, but it is very significant to note that the growth of Washington spending has been slowed by 40 percent in the first 2 years that we have been in office.

So it is not only a strong economy; certainly that is part of it, but in addition to the strong economy we also have slowed the growth of Washington spending, and the 2 things put together have put us in this position where we are going to balance the budget for the first time in 30 years next year, 4 years ahead of the promises we made to the American people.

But as my good friend from Florida has been talking to his constituents about, I know even after we get to a balanced budget we still have that $5 trillion debt hanging over our heads.

Mr. FOLEY. Mr. Speaker, if the gentleman would yield, that is something I want to emphasize.

You know, it is great to boast about progress we are making, and I think we have turned this place light years around from where we were. But none of us have actually talked enough about that looming $5.3 trillion debt that will remain even with the balanced budget. Some estimates suggest that that number may climb to $6 trillion by the year 2001, 2002.

So I think we have to underscore right now that we are talking about a significant amount of debt that remains after the balanced budget.

Mr. NEUMANN. Well, I think that it is important to look at how far we have come, and we should applaud the fact that we are going to have the first balanced budget since 1969, and, you know, before we go forward we should also mention that 1993, that same year they broke the promise that they were supposed to have a balanced budget, that is a very famous year for another reason. Without a single Republican vote in the House of Representatives they passed the largest tax increase in American history, and to my colleagues that have forgotten what this was like before we were here, in 1993 we were talking about raising the marginal income tax rate, we talked about a 4.3 cent per gallon gasoline tax increase, and the money did not even get spent on building roads to provide a better infrastructure. They extended a 2.5 cent per gallon gasoline tax increase, they raised the taxes on Social Security. Before 1993 we were faced not only with the broken promises of a balanced budget but with the discussion about how high to raise taxes and which taxes should be raised first. That has changed too. In 1997 we passed the first tax cut in 16 years, and I know we want to talk about where else we are going here on paying off the debt, but I think we should look at the fact that we have a balanced budget for the first time in 30 years, lower taxes for the first time in 16 years, and also restored Medicare in a very different way than they did in 1993.

Mr. FOLEY. If the gentleman will yield again, I think we also have to underscore the tax increase that seniors suffered in 1993, which included taking away some of their interest earnings in income and taxing their Social Security in order to balance the budget. People who had retired, who had worked all their life for this country, now were being taxed under a new plan in order to balance the budget, but we

did not really balance it because we kept spending more and more and more.

Mr. NEUMANN. And therein lies the key. Reclaiming my time, therein lies the key. When we got here we realized that it was important that we curtailed or slowed the growth of Washington spending, and that is why this other chart we had here is so important. When we got here we did slow the growth of Washington spending.

I brought a line chart that kind of shows the same thing. This red line shows how fast spending was going up again before 1995, and after 1995 we can see the red lines going up at a slower rate. Well, if the red line is going up at the slower rate, the blue line shows how fast revenue is growing up. Well, if revenue and spending was going up at the same rate, the deficit remained. But we now have a good economy, so the blue line starts going up a little faster. At the same time the red line is going up slower. Spending is going up slower. Revenue is going up faster. That gets us to a balanced budget ahead of schedule, and that is exactly what has happened. But not only is the budget balanced at this point, we can see what is going to happen next: With the spending going up at a slower rate than the rate of revenue growth, we are going to start running a surplus.

And I know my good friend from Florida has been working on this because a surplus is important to the seniors in his district, and I would be happy to yield to hear what his seniors have to say about the idea of paying off some of the debt so we can restore the Social Security trust fund.

Mr. FOLEY. Well, let me suggest that I spent this past weekend back in Florida in my district, and I will also suggest that my district, when I first got elected, was the No. 1 of all the freshmen in the 104th Congress with the most Medicare recipients. I am number 7 in the Nation of every Member of Congress with the most seniors in my district. So they are concerned about the future of this country, they are concerned about Medicare and Social Security, but they are also smart enough, many who have lived through the Depression, that they understand what it means to save a buck.

You know I use an analogy about my grandmother. My grandmother, if she would receive an unexpected refund check from the IRS, not that that happens that frequently, but if she got $50 back unexpected, she would put it in a savings account. My generation would get $50 unexpected, go out a buy a $100 stereo and convince themselves it really only costs $50 for the stereo because the $50 was found money.

What we have to do and what I was telling them about this weekend which met with great response from Democrat, Republican and Independent voters in my district, from all age brackets and all economic strata, we laid out the plan that you carefully authored, the Debt Repayment Act of 1997, which will only allow the Federal Government once we hit a surplus to spend 99 cents of every dollar of revenues; 1 percent has to be earmarked for replacement of the funds that this Congress has borrowed out of Social Security. Again we talk about a trust fund. There is no trust there. It has been borrowed and raided for years and decades. We replace money into the trust fund. We also replace money into the highway trust fund and use some of the dollars to pay down that deficit that looms, as well as additional tax cuts. One percent, thanks to your great creative work on this bill, will be earmarked for those 3 categories.

And when I describe it to the seniors, they say that is so common sense. We in our family save 5 to 10 percent of every paycheck whenever possible. It is not always possible, families run into struggles, different unexpected demands on their paycheck, but most families as a rule save 2, 5, 10 percent of weekly paychecks so that they can put it in toward retirement, toward a family vacation, toward the Christmas club account, toward what have you for safety and security.

Mr. NEUMANN. Just to expand on that a little bit, exactly how this would work, what we do is after we balance the budget we cap the growth of Washington spending at a rate 1 percent under the rate of revenue growth, at least 1 percent, it might be even more.

In English let me translate that into a picture here. If spending is going up, that is the red line, at a slower rate than the revenue is going up, we have capped the growth of spending at a slower rate than the growth of revenue. That creates this surplus in here. The surplus is used two-thirds to pay back that Federal debt. Now part of that Federal debt is that money you are talking about that is supposed to be in the Social Security trust fund. Every year the government is taking in more money for Social Security than what it is paying back out to our seniors in benefits. That extra money is supposed to be set aside in a savings account so when there is not enough money coming in for the seniors we go to the savings account, get the money and make good on the Social Security checks. Unfortunately all of that money has been spent, and that trust fund, that savings account, is now all part of that $5.3 trillion debt.

Now, as we put this plan into place and the surplus develops, what happens is we start paying that debt down, and as we are paying the debt down the money is put back into the Social Security trust fund, making Social Security once again solvent for our senior citizens. But I would add there are a couple of other outcomes of this bill. One-third of this surplus is dedicated to further tax reductions. We have made a good start here in 1997. We have reduced taxes for the first time in 16 years. But what happens under this plan is we developed a surplus, one-third of the surplus is dedicated to additional tax cuts, two-thirds to paying down the debt, and of course as we pay down the debt, the Social Security trust fund is restored.

But the most important thing of all and the thing that means something to me and, I think, to all generations, future generations of Americans, by the year 2026 the entire Federal debt would be repaid and we could pass this Nation on to our children and our grandchildren absolutely debt-free. We would leave our children the legacy of a debt-free Nation instead of the legacy of a $5.3 trillion debt.

Mr. NADLER. Would the gentleman yield for a question?

I was just listening fascinated. I must say I am here for the next special order but I was listening to your presentation. The question struck me. You say that we have been borrowing from the Social Security trust fund.

Mr. NEUMANN. I would personally call it theft, but I would.

Mr. NADLER. Call it what you will. We have been taking the money out of the Social Security trust fund and using it to fund the deficit. And what you are proposing——

Mr. NEUMANN. Well, actually we have been using it on other wasteful Washington programs.

Mr. NADLER. Using it for other purposes. And under your plan you say we would use a certain amount of the surplus to repay the trust fund.

Mr. NEUMANN. That is correct.

Mr. NADLER. Okay. My question is what would you do with—my understanding of the trust fund has always been that since 1935, when Social Security was enacted, the law has always provided that all money that comes into Social Security that is not paid out must be put into government securities.

Mr. NEUMANN. That is correct.

Mr. NADLER. Which is considered the safest investment, aside from putting it under the mattress or investing it in private stocks or bonds which are less safe; you must buy government bonds, and that is what has been done with it. What would you do with this money if you are not buying government bonds, which you then characterize as whatever you characterize it as, theft, where would you put the money in the trust fund when you are repaying it?

Mr. NEUMANN. That is an excellent question. I would be happy to respond to the gentleman.

First off we need to understand that the government bonds that it is currently held in are called nonnegotiable government bonds. Definition of nonnegotiable means they cannot be sold,

which also means when we reach a shortfall in the Social Security trust fund these nonnegotiable bonds, called by USA Today IOUs, called by the Library of Congress IOUs, these IOUs out there are nonnegotiable; that is, they are nonmarketable, they cannot be sold.

My suggestion would be that we simply put negotiable Treasury bonds into the Social Security trust fund so when the money is needed to make good on the Social Security checks for our senior citizens, we simply cash the negotiable or sell the negotiable instrument that is in there. A negotiable Treasury bond is something you or your parents or my parents could go into the bank and buy themselves in the local community.

□ 2300

Mr. NADLER. So in effect you would still have a bond. It would not be a negotiable bond.

Mr. NEUMANN. Let us make this very clear, though, that we have changed from a nonnegotiable bond; that is, a bond that cannot be liquidated, sold, in the marketplace, when the money is needed to make good on the Social Security checks, we have changed from that entity, an IOU, nothing but an IOU, we have changed from that entity to a marketable instrument.

Let me go one step further. As this plan is put into place, I think it is very significant that we recognize that we will stop using the Social Security trust fund money to mask the true size of the deficit. When we say the budget is balanced, we are still dipping into the Social Security trust fund, taking out $100 billion, putting it in our checkbook and calling our checkbook balanced. Under this plan, that practice would stop as well. I think it is very important we have also introduced the Social Security Preservation Act, which would stop that practice immediately.

Mr. FOLEY. I will tell you what I am hearing in my community from younger generations, baby boomers. They are suggesting maybe some day we should experiment with privatization of Social Security. We are not certainly calling for that under this act. We do not even talk about privatizing Social Security. But some of our future generations may decide instead of buying these nonnegotiable Treasury bills, they would rather have a chance to have some investments in mutual funds. So maybe the government no longer is the arbiter of what is the best investment for families. Maybe we are able to turn away from the government and say let the private sector determine, and yet preserve some security.

I wanted to be very careful and state carefully for seniors that are listening tonight, we are not talking about privatizing your Social Security system. We are talking about preserving and protecting. What we are talking about is 30 years from now when we pay off the huge debt that this Congress has run up for the past 40 years, we are talking about making for the first time meaningful financial reform of our government so that we expect from our government the same we expect from our families. I will tell you and I will claim as I have done in my district, if a family bounces checks the way we bounced our budget, they would be arrested and charged with theft and a crime.

Mr. NEUMANN. Would the gentleman yield? I would add one more step. If there is any business owner in America today that set up a pension fund for his employees or her employees and then did not put the money in the pension fund, put in nonnegotiable instruments owned by the company, or IOU's, as USA Today calls it, as well as several others, that business owner would be locked up in jail. Also it would be illegal. What is being done in the trust fund and private sector would not be permitted.

That is why it is so important to get the National Debt Repayment Act and Social Security Preservation Act put into place to preserve Social Security for our seniors. When you talk about privatizing or the thought of young people doing something different on that, let me be clear where I stand on that.

Before we begin that discussion, as far as I am concerned, I want to make sure the money that is supposed to be in the trust fund to preserve Social Security for our seniors today is put back into that trust fund.

That leads us back to this bill. We capped the growth of Government spending at a rate slower than the rate of revenue growth, and it is very clear on this chart what happens. When spending is going up slower than the revenue growth, we create this surplus. That is where we get the money to put back into the Social Security that has been taken out and spent on other government programs for the last 15 or 20 years before we got here to stop this thing. I think one of the important directives we have gotten from the American people when they changed control of the House of Representatives in 1994 was to balance the budget, restore the Social Security trust fund, and let us start lowering taxes. All of those things are beginning to come together.

Mr. FOLEY. So that suggests that the young gentleman here who was helping turn charts for you, who is a page in this Congress, whose parents from California have sent him here proudly to be a part of this government, watch it in action, he may inherit a Nation and be a leader of this Nation, one which has a surplus in its budget.

Mr. NEUMANN. Let me go a step further. What I think is really significant on that, when I think of my children in the same spot that we were a few years back where our kids are growing up and have a family, are married, have got 3 kids in their household, just think what it would mean if we could leave $580 a month in that household, instead of Washington confiscating that money out of their paychecks, bringing it out here to Washington, and dispensing it to whoever gets the interest on all of these notes. Make sure we understand, there are people getting the interest back on these notes. Would it not be great if a generation from now a family of 5 was not required to pay that $580 a month out here to Washington. What a great gift we would be giving to the next generation of Americans.

Mr. FOLEY. Let me get this straight and let us reiterate, because this sounds so simple that it may not actually work in Washington, because they will not get it.

We are going to spend less than we take in, we are going to use some of the surplus to repay moneys we borrowed from trust funds, we are going to give additional tax relief, and we are going to improve our Nation's highways in the process and restore fiscal accountability. Is that correct?

Mr. NEUMANN. That is exactly right. For the senior citizens in our Nation under this bill, the Social Security trust fund would be repaired in its entirety and Social Security would once again be solvent for our senior citizens. For the workers out there today, all the workers in the work force today, under this bill one-third of the surpluses are dedicated to additional tax cuts. That means they can keep more of their money in their own homes with their own families and send less out here to Washington. Most important of all for the children and grandchildren in this great Nation of ours, they inherit a debt-free Nation instead of the legacy of a $5.3 trillion debt.

Mr. FOLEY. Something else I thought of. We may not have to pass supermajorities to raise taxes. We may not ever have to confront a tax increase again in our Nation's history if we abide by your plan.

Mr. NEUMANN. I am glad you brought that up. I see my good friend from New York has joined us as well. One of the complaints I have gotten, there is static that we have changed the course from the 1993 tax increases. They are happy with the $500 per child and happy with the college tuition credit and capital gains reduction and they like the idea they do not owe tax when they sell their homes any more. They love all of that, but think it is extremely complicated. I know the gentleman from New York has an idea that I am certainly a strong supporter of.

Mr. PAXON. I appreciate the gentleman from Wisconsin and the gentleman from Florida's comments tonight. I am sitting here reflecting on your opening comments. You said up front that there is good news, and listening this evening, you cannot help but be enthused.

We said in 1994, when you arrived, the two gentlemen arrived here in 1994, and you said something that was rather audacious at that time: We are going to say by 2002 the budget will be balanced.

Nobody within the Washington Beltway thought that was possible. Everybody, from the President, to the then, up until then, majority in this Congress, said we are not going to even talk about it. That is Fantasyland.

It is not anymore. Because of your persistence and the will of the American people, the budget is now being balanced. Hopefully by this time next year or shortly thereafter, for the first time in a generation or longer the budget will be balanced.

Then I hear you talk this evening about probably one of the most important proposals I have seen come forward, that not just talks about paying down the debt to the point that when my little year-and-a-half daughter is just a few years out into the work force, she is going to inherit a country that is debt-free, and in addition to that, ensure the fact that Social Security is protected for seniors today and in the future.

These are exciting times. The gentleman mentioned a proposal that I put forward that is being supported by many in this chamber, we just announced last week on this very floor H.R. 2043, which seeks to address another problem that, of course, they said could not be solved, and that is the problem of the abuses in the Internal Revenue system that has gotten out of control, 5.5 million words.

The solution, to be honest with you, came from your enthusiasm and your persistence in balancing the Nation's budget. We set a date, based on the election of Republican Congress in 1994, that the budget would be balanced by 2002. We set the end of the game; now, let us figure out how the debate will structure to get us there.

I think we should do exactly the same thing in terms of the Tax Code. H.R. 2483 simply says that by December 31, 2000, the Tax Code ceases to exist. Ninety-six of 99 chapters are gone. We will, therefore, begin the debate, just like we did with the balanced budget, on what will replace it, how we will get there.

There are many great ideas in this chamber, the flat income tax, a national sales tax and others. But our goal is let us start that debate, let us pass that bill. And I want to make one caveat, just as we talked about Social Security, our legislation exempts Social Security. It does not touch the parts of the Tax Code that deal with Social Security or Medicare.

We want to make sure every senior in America and every American knows, we are not talking about the funding for Social Security and Medicare. Simply let us stop the abuses of the Income Tax Code, 5.5 words, 113,000 IRS bureaucrats, and let us bring the American people into a dialogue on what we can do to replace it that is better.

Mr. FOLEY. If the gentleman would yield, is the gentleman suggesting actually sunsetting a law that was created here in our Nation's Capital?

Mr. PAXON. That is right. Absolutely correct. More so, a law that began in the first years of this century, that we will have end, if this Congress has the courage to do it, will end only the last day of this century, so we begin the next millennium with a fairer Tax Code, that treats Americans as honest citizens, not guilty until proven innocent.

Mr. NEUMANN. If the gentleman would yield, would it be safe to say that if the Tax Code were simpler and fairer and the people understood it better, that it would be near impossible to raise taxes?

Mr. PAXON. You have gone to one of the most important points of this legislation. Right now, with 5.5 million words interpreted by 113,000 IRS folks and by all the Members of Congress, no one ever knows whether or not their tax burden is too much or too little compared to their neighbor, their friend, the person down the street. That is why half of Americans today have to rely on professional help to fill out their tax forms.

Mr. NEUMANN. Did you know that the entire Bible that we were given to tell us all the important things that are in the Bible that are so important to so many of us is only 800,000 words, compared to the 5.5 million words in the IRS code?

Mr. PAXON. Absolutely correct.

Mr. NEUMANN. Would you yield for one other question? Did you know the IRS sends out 8 billion pages every year to keep people up to speed on the IRS? From an environmental point of view, do you have any idea how many trees have to be cut down to supply eight billion pages?

Mr. PAXON. The gentleman is absolutely correct. Of course, I am not taking sides in the debate on what should replace it. I think we should involve the American people in that debate. Let us do something right, let us make the decision we are going to end the Tax Code on December 31, 2000, and then every one of us go home and listen to our constituents, as the gentleman did in his state, as I know the gentleman from Wisconsin does every week go home, and maybe we will come up with a flat rate income tax that you can fill out on a postcard this big, you will not need the IRS system, or maybe we will come up with a national sales tax and you will not need anybody at the IRS.

Mr. NEUMANN. Could I just add that that would save 290,000 trees in the United States of America if we were able to do that? It takes 293,000 trees to provide the paper necessary to send out those eight billion pages. It is staggering the amount.

Mr. FOLEY. We had 200 people in Port St. Lucie, 100 at Fort Pierce, about 125 in Hobe Sound, Florida, this weekend. In every meeting, in every town hall meeting I had over the weekend, someone asked about the IRS. Somebody asked about the gentleman from New York's bill and the reform efforts. Someone would ask about Mr. ARMEY's attempts to have a flat tax, some would ask about Mr. ARCHER's National Sales Tax.

But it was interesting, each and every person had their own analogy or story about what they went through with the IRS. I guess the most telling is when my own CPA and others have told me they have to seek professional help themselves to figure out their own taxes, so they do not make an error, on their own taxes. So a CPA has to do a CPA's taxes and have them proofread by another person in order to make certain that they comply with the law we have created, so complex, so convoluted. That should frighten the average person.

Again, I think it is extraordinary that we are at a point in time we can talk about two significant changes in the Federal program: One, a surplus in Federal revenues over expenditures, and, two, actually revisiting and looking at the complexity of the code, making it simpler and fairer for every American.

Mr. PAXON. If the gentleman would yield, I would say the gentleman has hit the nail on the head. Every week we go home and hear from constituents that say it is time to change the system, we are tired of abuses. I would just mention for those few, there may be two or three Americans that do not believe there needs to be change in the Tax Code, significant sweeping reform, they should get a transcript of "60 Minutes," the CBS show from Sunday night, that detailed I think the severe problems there are with the current tax system and the way it is enforced by the IRS.

In addition, for those that do not have a chance to get that transcript, they should tune in. C–SPAN has been running tremendous coverage, as well as the other networks, of what has been going on in the Senate hearings that Senator ROTH and the Senate Finance Committee is conducting, again underscoring the abuses of this system.

I am particularly pleased this week H.R. 2483 has picked up two important endorsements. The National Federation of Independent Business, I think

the most important grassroots business organization representing 600,000 American small businesses, has endorsed our effort under H.R. 2483 to sunset the Tax Code; and Americans for Hope, Growth, and Opportunity this week, which is an important national advocacy organization, praised this legislation to sunset the Tax Code.

I really believe that we would not have a chance to talk about ending the IRS as we know it and replacing it with some other system if it was not for the work of the gentleman from Wisconsin and the gentleman from Florida, who have pushed first and foremost to get our Nation's budget balanced and are now focusing on the important efforts of eliminating that debt that burdens every child in this country, and, in so doing, ensuring the solvency of our Social Security system.

Mr. FOLEY. I want to make one point as well. When we talk about the IRS, I want to be abundantly clear, as I know the gentleman from New York is. We are not upset with the workers that work for IRS. These are great family people who are doing a job. It is the complexity of the code they have to deal with that was passed by Members of Congress for the last 40, 50, and 60 years.

Once in a while when I go out to town hall meetings, it seems we are agitated against the IRS, and they look at the person that works at the IRS as the culprit. It is not the average worker at IRS we are talking about tonight. We are talking about the system, the unfairness of the system that does render you guilty until proven innocent, and about the complexity of a Tax Code that is impossible to understand by an average lay person.

After all, government is of the people, by the people and for the people, and if you cannot explain it in a very short sound bite or very short span of time, then it is too much for all individuals to assume.

□ 2315

Mr. NEUMANN. Is this not an exciting conversation? Where we have been tonight, we have talked about the past before the change in this Congress in 1995, before the people changed America with the 1994 elections and we took office; the past of the broken promises where we could not get to a balanced budget in this city because they could not control spending, and the past where they talked about higher taxes and which taxes should go up and how high should they go; and then we have talked about the present, 1995 to today and how different things are; how, instead of talking about broken promises and budgets that cannot be balanced because spending is out of control, we have controlled the growth of Washington spending. It has been slowed by 40 percent in the first 2 years. In fact, we will have our first balanced budget since 1969 next year, an amazing accomplishment in and of itself, but coupled with that, instead of those tax increases of 1993, we did not do it that way.

Coupled with the first balanced budget is a tax cut, a tax cut where the American people get to keep more of their own money instead of sending it out here to Washington, DC; Medicare restored and not by raising taxes on the people, but by reforming the system to provide better services in a more efficient manner to our senior citizens. The present is a balanced budget, the first time since 1969; lower taxes, the first time in 16 years; and Medicare restored for our senior citizens.

Then it gets really exciting because we talk about where we are going to next. After the budget is balanced, we start paying down that awful debt; we pay it off by the year 2026, and by doing so, we also lower taxes on people using one-third of the surpluses for tax cuts, two-thirds to pay down that debt, and in paying back the debt we are restoring the Social Security trust fund so Social Security is safe for our senior citizens.

Forgive me if I get excited talking about this. This is exciting. It is good news coming from Washington, DC, and the most important thing of all in that future plan: We pay the entire Federal debt off so that our children and our grandchildren can inherit a debt-free nation.

The other exciting news coming out of Washington in the last couple of weeks: Reforming the Tax Code. Some people said it cannot be done. They said we could not balance the budget, too, and that is done. That is done 3 years ahead of schedule. We did it.

They said we could not balance the budget and lower taxes, but that is done, too. They said we could not restore Medicare without hurting senior citizens and without raising taxes, and that is done, too.

We can reform the Tax Code. We can take these 20,000 pages that make up the IRS Code and regulations today and reform it with something that is simpler, fairer, and easier for our people to understand. We can do that. It cannot be any harder than balancing the budget 4 years ahead of schedule. We can pay down the Federal debt. It is not any more complicated or harder than what we have done in the past.

With that, I would conclude tonight by saying it is an exciting time to talk about paying off the debt so we can give our children this Nation debt-free.

Mr. FOLEY. Mr. Speaker, if the gentleman would yield 1 additional second, because it reminds me of watching TV at home and the ominous voice of the announcer comes on and says, have you overextended your credit? Have you spent more than you have in your account? It is time for credit counseling. You need to see a professional to get yourself out of debt.

What we are doing here tonight does exactly what we caution all Americans to do: Get out of debt, get equity, build a future for yourselves and your family. Finally, finally, the Federal Government is going to set and lead by example, rather than setting an example that I think has been devastating to the Nation, because they feel if politicians in Washington and bureaucrats can spend more than they bring in, then it must be all right for me.

IMPORTANT CONCERNS ABOUT THE CASSINI SPACE MISSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. NADLER] is recognized for the remaining time, until midnight, as the designee of the minority leader.

Mr. NADLER. Mr. Speaker, I rise today to urge the Members of this House and this Congress and this country to take a close look at the facts surrounding the planned launching by NASA of the Cassini space probe to Saturn next month. Then we must do a very simple thing: We must reconsider that launch.

I support space exploration, Mr. Speaker. I deeply believe that discovering more about our solar system, as the Cassini probe is designed to do, has the potential to yield crucial data about our universe and to enrich the lives of all of us here on Earth. But we have to ask, at what cost, at what risk?

We must look at the Cassini probe objectively and responsibly, considering all the facts available to us. We must look at the danger. We must think about that danger realistically and critically. We must, with open eyes, take the responsibility of ensuring that lives are not put needlessly at risk.

The Cassini space probe will carry 72.3 pounds of plutonium-238 as fuel to power the probe's instruments. Plutonium-238 is 280 times more radioactive than plutonium-239, the material used in atomic bombs and nuclear reactors. This plutonium will be stored in three radioactive thermoelectric generators, or RTG's.

Now, it is well-known that plutonium is one of the most toxic, most carcinogenic, most deadly substances known. So if we intend to launch this into space, it is incumbent upon us to ask, what are the risks? What happens if the rocket containing the Cassini probe with all this plutonium, all of this toxic carcinogenic material, explodes? What happens if it crashes? Will the plutonium escape into the atmosphere? Will it cause potentially millions of cancer cases and fatalities?

NASA claims this cannot happen. NASA says the plutonium pellets and the RTG's are heavily shielded and will

survive any explosion, will not be dispersed into the atmosphere; the shielding will hold them. But Dr. Horst Poehler, for 22 years a scientist for NASA contractors at the Kennedy Space Center, provides a different analysis. He points out that the so-called heavy shielding consists of an iridium shell, 3/128 of an inch think, two one-quarter-inch graphite shells, some insulating foil, and a one-sixteenth of an inch aluminum housing. As Dr. Polar says, the shielding around the plutonium is really fingernail thin, hardly what one would call heavily shielded.

Alan Kohn, who for 30 years was a NASA emergency preparedness operations officer for NASA, puts it this way: "They call the RTG's indestructible, just like the Titanic was unsinkable."

Common sense would seem to suggest that these plutonium casings are not impervious to damage. But we do not have to rely on common sense, Mr. Speaker. We can look at NASA's own reports.

In the final environmental impact statement for the Cassini mission, NASA acknowledges that there are three main contingencies in which plutonium could be released. First, it could be released in an explosion during launch, if the capsules, RTG capsules, then impact on a hard surface.

Second, NASA says, plutonium could be released during the subsequent flight up to orbit, if an accident occurs while the probe is flying over Africa and the capsules then impact on rock surfaces below.

Third, plutonium could be released in 1999 when Cassini returns to Earth after flying to Venus for a fast and low fly-by of the Earth. In what NASA calls a slingshot maneuver, Cassini is designed to use Earth's gravity to increase its velocity so that it can reach Saturn by buzzing by, buzzing past the Earth, less than 500 miles up, at 42,000 miles per hour.

If there is a slight miscalculation, or a slight defect in the rocket burn in outer space for the midcourse correction, and Cassini comes in too low, it could burn up in the Earth's atmosphere, and its plutonium payload would be dispersed to the winds.

These are the scenarios which NASA itself cites as ways in which an accident could take place. Now, we must ask, what would be the result of such an accident? NASA has some ideas about this, too. If the plutonium comes down on natural vegetation, NASA speaks of decontamination methods. What are the decontamination methods NASA recommends? If it comes down on natural vegetation, NASA says, remove and dispose of the topsoil, relocate animals. In other words, eliminate the farms.

If it comes down on an agricultural area, its proposal is to ban future agricultural land use. Eliminate the farms. And if plutonium rains down on a populated area, on an urban area, NASA says, "Demolish some or all structures, relocate affected population permanently."

Mr. Speaker, as a representative of part of New York City, I, for one, do not consider tearing down some or all structures and relocating the population permanently to be acceptable solutions.

What if the probe breaks up in the atmosphere on its 1999 fly-by? NASA thinks that much of the plutonium fuel would disperse as "vapor or respirable particles," the form in which lethal lung cancer doses of plutonium could be breathed in by thousands or millions of people. NASA goes on, "Approximately 5 billion of the estimated 7 billion to 8 billion world population," that is billion, not million, "approximately 5 billion of the estimated 7 billion to 8 billion world population, could receive 99 percent or more of the radiation exposure." In other words, most of the world's population would be exposed to radiation in that eventuality.

NASA thinks the cancer death toll from such an accident would be only 2,300 people; only 2,300 extra people would die of cancer if an accident happens to Cassini. Independent scientists cite figures closer to 20,000, or even 200,000, and some say millions.

These are the dangers posed by the Cassini mission. These are the dangers NASA itself admits are within the realm of possibility. So why is the mission going forward? Why are there only weeks left before Cassini is scheduled to be launched? Why are we taking this risk? Is this risk justified? How do we justify putting at risk the lives of thousands or millions of people to gather information about outer space and about Saturn? Because NASA said that although any of these accidents would be devastating, they are very unlikely. But we have to look at the odds and see how unlikely they are and see not just what we want to see, but what the facts are. We have made that mistake before. NASA has made that mistake before.

Before 1986, NASA put the odds of a catastrophic space shuttle accident at 1 in 100,000. Then the Challenger blew up. Not surprisingly, after the Challenger disaster, even with all of the improvements, all the safety improvements made to the space shuttles as a result of the investigation into the Challenger disaster, the odds of a space shuttle, of a catastrophic space shuttle accident are now stated to be not 1 in 100,000, but 1 in 76.

This time NASA says the odds of something going terribly wrong are 1 in a million. Mr. Speaker, very few events which can be affected by human error are 1 in a million. Which is more likely, that an unnamed engineer might completely by accident put a gasket in backwards, or that any of us will walk outside later tonight and immediately be struck by lightning?

There are other reasons to doubt the 1 in a million estimate. Cassini is scheduled to be launched by a Titan IV rocket. In the past, Titan IV rockets have exploded during launch about 1 time out of 20. That is 5 percent of the time; 1 time out of 20, not 1 time out of a million.

As for the possible success of the 1999 fly-by, in science one can only know the odds through empiricism, through tests and experiments and experience. There have been only two similar Earth fly-bys involving U.S. space devices. Can we be confident of any odds advanced with such limited data?

In response to these objections, NASA said a great deal about the time and money already invested in this mission. But those arguments are not a defense. They boil down to we have gone to so much trouble, so let us close our eyes and hope everything goes OK. Let us play Russian roulette with thousands of people because we have already gone to a lot of trouble. That is not enough of a justification to take the sort of risks that have made 30-year veterans of NASA stand up and object.

Opposition to the Cassini mission is not a case of Chicken Little saying, the sky is falling. In fact, I would say right now that the sky is not about to fall immediately, in all likelihood. Cassini may very well be launched in October, and everything may go fine. The odds are it will go fine, but the odds are not big enough: Five percent of Titan IV launches, that it will explode, that when we are talking about the possibility of a disaster that could kill thousands or millions of people, 5 percent odds of a disaster are pretty high odds.

The Cassini mission is like a game of Russian roulette. You put a gun to your head and pull the trigger. The chamber might be empty, you might live, but then again, you might not, especially if you do this over and over again. And Cassini is just one in a continuing series, the biggest so far, the most plutonium, if we are going to do this again and again and again, and when we have 20 such launches and 30 and 40, eventually the chamber is going to be loaded, and there is going to be a catastrophe.

□ 2330

That is not a risk we ought to be willing to take. It does not take a rocket scientist to realize that very real scientific questions have been raised and they must be answered before we permit this and other missions like it to go forward.

That is why I have invited my fellow Members of Congress to join in signing a letter to President Clinton asking him to delay the launch of Cassini, not cancel it but delay it, until a detailed, realistic, real, not propaganda, threat assessment has been conducted.

The time to reconsider this mission is now. As elected officials, we must have the courage to do so. I only pray that the President will have the courage to say, "Stop this game of Russian roulette and let us take a hard, hard look," before we have a *Challenger* disaster that does not put 7 lives at risk, but 7,000, or 700,000, or 7 million.

Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I thank my colleague for having this special order and starting this conversation on the House floor about the Cassini mission.

Mr. Speaker, I am a strong supporter of space exploration and a strong supporter of NASA. NASA has made many exciting and valuable discoveries over the years, discoveries that have been important to all of us in one way or another, worldwide. The motto for NASA, which is supposed to be better, faster, cheaper, not risky, hazardous, and expensive, actually is not what we had hoped to have in this country. We want the better, faster, cheaper. We do not want the risky, hazardous, and expensive. The Cassini mission does not live up to this better, faster, cheaper motto, and NASA should delay and redesign the Cassini project.

Mr. Speaker, the Cassini spacecraft, which is scheduled to launch from Cape Canaveral next month, carries an unprecedented amount of plutonium, 72.3 pounds of plutonium. That poses a danger to all of us. An accident at launch or in space during a swing-by around the Earth could send the craft and its plutonium-powered batteries crashing down upon us.

If an accident occurs during launch, it is possible that individuals may be exposed to radiation. If an accident occurs during the swing-by, the spacecraft may burn up during reentry, scattering over 70 pounds of plutonium throughout our atmosphere.

Some argue that the chances of such an accident are slim, as my colleague said, and that even if one did occur, the health impact from exposure would be small. Prominent scientists and safety experts have questioned both of these assumptions, however. The *Challenger* disaster proved that NASA can still suffer catastrophic failures. In fact, 3 of the 24 U.S. space missions and 6 of the 29 Russian missions using nuclear power met with accidents.

Given this track record, Mr. Speaker, it is understandable that notable scientists and even a former NASA safety expert, Alan Kohn, believe that risks in this mission are simply too high. Several scientists have also stated that the health impact from exposure to plutonium following an accident would be much higher than what NASA has claimed. Since plutonium is one of the most toxic substances we know of, these assertions deserve further scrutiny. We do not want to find out after an accident that these critics were right.

Moreover, Mr. Speaker, alternatives do exist. An advanced solar-powered craft, while not available now, could be ready within a few years. Other alternatives are viable right now. NASA's discovery program has shown that the United States can launch a planetary probe without relying on vast amounts of plutonium, and they do not rely on it as part of their primary power source.

For example, Mr. Speaker, instead of sending one large plutonium-powered spacecraft to Mars, NASA launched the Mars Pathfinder using a fraction of the plutonium Cassini is planning to carry. Over the next 10 years, NASA is planning to send six additional spacecraft to study the red planet using electrical energy obtained through solar panel technology. Not only are these planetary probes safer, they are also much cheaper.

Considering that most discovery projects cost less than $200 million, NASA could launch several planetary probes to Saturn without using large amounts of plutonium. Even the old Voyager and Pioneer programs used much less plutonium for their deep space travel. It is just bad policy for the United States to rely on such large quantities when NASA can design missions at a lower risk and cost to the public.

I would also note that in such controversial missions, public concern must play an important role. We must also note that experts have given us disasters like Three Mile Island and Chernobyl, so possibly they are making a mistake with Cassini, too.

However, NASA's predisposition to the use of plutonium as a power source has led the agency to simply reaffirm their position, rather than consider the concerns of the public. That is why I support the establishment of a neutral review panel, to provide a voice for both the public and scientific dissenters.

Finally, we cannot ignore a tear in Cassini's heat insulation that has now delayed the launch. As a result, the window of opportunity for a successful launch is now much smaller. Quite frankly, NASA does not have the luxury of running into any new problems, because the agency is now scrambling to launch Cassini in time. Because of that, this rush could create additional safety risks.

If NASA does not succeed in launching before November 4, this delay could cost taxpayers over $100 million, and the spacecraft will be required to travel 2 years longer than originally planned. In other words, for a lot more money, we will get much less data.

In a little more than 2 years another launch window will open for a mission to Saturn. NASA should postpone the planned Cassini launch in October and use the time wisely to redesign the mission so it carries a safer power source. Even if it takes longer than 2 years to make this project safer, Saturn and its Moons will still be there, waiting for exploration. They have been there a long time, Mr. Speaker. A few more years for the safety of our Nation and our world and our planet will make very little difference in the long run.

Space exploration is vitally important, not only to the practical and theoretical sciences, but to humankind's very destiny. It is too important to squander the public's trust on a risky mission. Americans will support a NASA that instills hope for the future, but not fear of tragedy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. ARMEY), for today and the balance of the week, on account of family illness.

Mr. GONZALEZ (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Ms. WOOLSEY (at the request of Mr. GEPHARDT), for today before 7:30 p.m., on account of airline delay.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

(The following Members (at the request of Mr. EWING) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. EWING, for 5 minutes, today and on September 24 and 25.

Mr. SHIMKUS, for 5 minutes, on September 26.

Mr. HILL, 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. MCNULTY) and to include extraneous matter:)

Mr. CLEMENT.

Mr. SERRANO.

Mr. PASCRELL.

Mr. STARK.

Mr. BOUCHER.

Mr. KENNEDY of Rhode Island.
Mr. HOYER.
Mrs. KENNELLY of Connecticut.
Ms. KAPTUR.
Mr. OBERSTAR.
Mr. VISCLOSKY.

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

Mr. SMITH of Oregon.
Mr. GILMAN, in three instances.
Mr. GINGRICH.
Mr. LEWIS of California.
Mr. EVERETT.
Mr. BLUNT.
Ms. ROS-LEHTINEN.
Mr. COLLINS.
Mrs. MORELLA.
Mrs. ROUKEMA.
Mr. ARMEY.
Mr. FOX.

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

Mr. KIND.
Mr. GRAHAM.
Mr. SKAGGS.
Mr. BECERRA.
Mr. GUTIERREZ.
Mr. NEAL of Massachusetts.
Mr. PACKARD.
Mr. FARR of California.
Mr. RIGGS.
Mr. JOHNSON of Wisconsin.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 680. An act 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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 24, 1997, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives during the second quarter of 1995 in connection with official foreign travel, pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Maxine Waters	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	6/2	Zimbabwe		701.00						701.00
Committee total					1,890.00						1,890.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman, Sept. 5, 1997

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Deborah Bodlander	3/21	3/24	Saudia Arabia		300.00						300.00
	3/24	3/25	Bahrain		180.00						180.00
	3/26	3/28	Kuwait		742.00						742.00
	3/28	3/30	Oman		582.00						582.00
	3/30	4/1	UAE		507.00						507.00
	4/1	4/4	Yemen		783.00						783.00
Commercial airfare							7,088.15				7,088.15
Parker Brent	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	6/2	Zimbabwe		[3] 701.00						701.00
Peter Brookes	3/29	3/30	Hong Kong		[3] 369.00						369.00
	3/30	4/2	Vietnam		[3] 807.00						807.00
	4/2	4/3	Laos		[3] 25.00						25.00
	4/3	4/6	Cambodia		[3] 642.00						642.00
	4/6	4/7	Thailand		[3] 192.00						192.00
Commercial airfare							4,530.95				4,530.95
Hon. Tom Campbell	5/24	5/24	England		[3] 50.00						50.00
	5/25	5/28	Angola		[3] 500.00						500.00
	5/28	5/29	Kenya		[3] 100.00						100.00
	5/29	5/30	Rwanda		[3] 100.00						100.00
Commercial airfare							3,537.15				3,537.15
CODEL Campbell delegation expenses	5/25	5/28	Angola				7,163.00		477.50		7,640.50
Jodi Christiansen	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	6/2	Zimbabwe		[3] 701.00						701.00
Theodore Dagne	5/24	5/24	England		321.00						321.00
	5/25	5/28	Angola		1,032.00						1,032.00
	5/28	5/29	Kenya		235.00						235.00
	5/29	5/30	Rwanda		469.00						469.00
	5/30	5/31	Kenya		0						0
	6/1	6/2	Eritrea		272.00						272.00
	6/2	6/3	England		321.00						321.00
Commercial airfare								6,181.25			6,181.25
Michael Ennis	3/29	3/30	Hong Kong		[3] 356.00						356.00
	3/30	4/2	Vietnam		[3] 682.00						682.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/2	4/3	Laos		125.00						125.00
	4/3	4/6	Cambodia		[3] 567.00						567.00
	4/6	4/7	Thailand		217.00						217.00
Commercial airfare								4,530.95			4,530.95
Hon. Eni F.H. Faleomavaega	6/7	6/11	Marshall Islands		900.00						900.00
Commercial airfare							2,279.29				2,279.29
Martin Gage	3/25	3/28	Estonia		[3] 512.00						512.00
	3/28	3/29	Latvia		[3] 210.00						210.00
	3/29	4/1	Poland		[3] 752.00						752.00
	4/2	4/3	Czech Republic		[3] 247.00						247.00
Commercial airfare							1,488.95				1,488.95
	5/23	5/27	Slovenia		[3] 524.00						524.00
	5/27	5/28	Macedonia		[3] 106.00						106.00
	5/28	5/29	Luxembourg		[3] 213.00						213.00
Hon. Lee Hamilton	5/27	5/29	Canada		[3] 284.93						284.93
Commercial airfare							543.05				543.05
Hon. Alcee Hastings	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	6/2	Zimbabwe		[3] 701.00						701.00
Richard Kessler	3/29	3/30	Hong Kong		394.00						394.00
	3/30	4/2	Vietnam		[3] 682.00						682.00
	4/2	4/3	Laos		125.00						125.00
	4/3	4/6	Cambodia		[3] 642.00						642.00
	4/6	4/7	Thailand		217.00						217.00
Commercial airfare							4,530.95				4,530.95
Christopher Kojm	3/21	3/24	Saudia Arabia		300.00						300.00
	3/24	3/25	Bahrain		180.00						180.00
	3/26	3/28	Kuwait			742.00					742.00
	3/28	3/30	Oman	582.00							582.00
	3/30	4/1	UAE		507.00						507.00
	4/1	4/4	Yemen		783.00						783.00
Commercial airfare							7,088.15				7,088.15
Clifford Kupchan	5/24	5/24	England		321.00						321.00
	5/25	5/28	Angola		[3] 860.00						860.00
	5/28	5/29	Kenya		235.00						235.00
	5/29	5/30	Rwanda		324.00						324.00
Commercial airfare							6,429.15				6,429.15
John Mackey	5/23	5/24	Panama		179.00						179.00
	5/24	5/27	Colombia		636.00						636.00
	5/27	2/20	Bolivia		298.00						298.00
Commercial airfare							1,663.65				1,663.65
Denis McDonough	6/13	6/16	Haiti		[3] 450.00						450.00
Commercial airfare							678.95				678.95
Hon. Cynthia McKinney	5/8	5/9	Zimbabwe		195.00						195.00
	5/9	5/12	Zaire		552.00						552.00
Commercial airfare							7,485.95				7,485.95
Hon. Robert Menendez	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		[3] 410.00						410.00
	5/30	6/2	Zimbabwe		[3] 701.00						701.00
Lester Munson	5/24	5/24	England		321.00						321.00
	5/25	5/28	Angola		[3] 895.00						895.00
	5/28	5/29	Kenya		235.00						235.00
	5/29	5/30	Rwanda		324.00						324.00
Commercial airfare							6,414.15				6,414.15
Kenneth Nelson	5/17	5/29	Canada		[3] 314.00						314.00
Commercial airfare							543.05				543.05
Roger Noriega	6/13	6/16	Haiti		[3] 400.00						400.00
Commercial airfare							678.00				678.00
Hon. Donald Payne	5/24	5/24	England		321.00						321.00
	5/25	5/28	Angola		1,020.00						1,020.00
	5/28	5/29	Kenya		235.00						235.00
	5/29	5/30	Rwanda		324.00						324.00
Commercial airfare							7,468.25				7,468.25
Walker Roberts	3/21	3/24	Saudia Arabia		300.00						300.00
	3/24	3/25	Bahrain		180.00						180.00
	3/26	3/28	Kuwait		[3] 589.00						589.00
	3/28	3/30	Oman		582.00				182.76		764.76
	3/30	4/1	UAE		507.00						507.00
	4/1	4/4	Yemen		783.00						783.00
Commercial airfare							7,088.15				7,088.15
Hon. Edward Royce	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		[3] 410.00						410.00
	5/30	6/2	Zimbabwe		[3] 701.00						701.00
CODEL Royce delegation expenses	5/28	5/30	Angola				11,770.00		1,812.00		13,582.00
Thomas Sheehy	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	6/2	Zimbabwe		[3] 701.00						701.00
Gregory Simpkins	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	6/2	Zimbabwe		[3] 701.00						701.00
Committee total					43,432.93		99,182.09		2,472.26		145,087.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Sept. 16, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard Pombo	6/15	6/22	Zimbabwe		1,193.00		6,804.55				7,997.55
Hon. George Miller	6/13	6/21	Zimbabwe		1,550.00		6,731.35				8,281.35
Bonnie Bruce	6/13	6/21	Zimbabwe		1,550.00		6,870.75				8,420.75

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Karen Steuer	6/8	6/21	Zimbabwe		2,500.00		6,711.35				9,211.35
John Lawrence	6/13	6/21	Zimbabwe		1,550.00		6,731.35				8,281.35
Michael Hardiman	6/13	6/22	Zimbabwe		1,750.00		6,737.35				8,487.35
Christopher Mann	6/8	6/13	Mexico		965.00		972.27				1,937.27
Committee total					11,058.00		41,558.97				52,616.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, July 31, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]0	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bud Shuster	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Hon. Jim Oberstar	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Hon. Sherwood Boehlert	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Hon. Bob Borski	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Hon. Stephen Horn	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Hon. Steve LaTourette	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Hon. Jack Metcalf	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Hon. Juanita Millender-McDonald	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	5/8	Hong Kong		1,182.00		[3]				1,182.00
Michael Strachn	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
David Heymsfeld	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Carol Wood	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Jeff Nelligan	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Jimmy Miller	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Kathy Guilfoy	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Darrell Wilson	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
David Schaffer	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Mary Walsh	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
John Cullather	4/1	4/3	Japan		608.00		[3]				608.00
	4/3	4/5	China		519.00		[3]				519.00
	4/5	4/8	Hong Kong		1,182.00		[3]				1,182.00
Committee total					41,562.00						41,562.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BUD SHUSTER, Chairman, July 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, OSCE PARLIAMENTARY ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 8, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Henry Hyde	7/5	7/8	Poland		834.00		[3]				834.00
Hon. Steny Hoyer	7/5	7/8	Poland		834.00		[3]				834.00
Hon. Pat Danner	7/5	7/8	Poland		834.00		[3]				834.00
Hon. Peter King	7/5	7/8	Poland		834.00		[3]				779.00
Hon. Alcee Hastings	7/5	7/8	Poland		834.00		[3]				834.00
Hon. John Dingell	7/5	7/8	Poland		834.00		[3]				834.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, OSCE PARLIAMENTARY ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 8, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Maurice Hinchey	7/5	7/8	Poland		834.00		(3)				834.00
Hon. Bob Clement	7/5	7/8	Poland		834.00		(3)				834.00
Hon. Jesse L. Jackson	7/5	7/8	Poland		834.00		(3)				834.00
Hon. Louise McIntosh Slaughter	7/5	7/8	Poland		834.00		(3)				834.00
Hon. Judy Wolverton	7/5	7/8	Poland		834.00		(3)				634.00
Hon. Marlene Kaufmann	7/5	7/8	Poland		1,112.00		(3)				1,112.00
Hon. Erika Schlager	7/5	7/8	Poland		834.00		(3)				708.51
Hon. Ron McNamara	7/5	7/8	Poland		834.00		(3)				789.00
Hon. Mark Gage	7/5	7/8	Poland		834.00		(3)				691.50
Hon. Caroline Cooper	7/5	7/8	Poland		834.00		(3)				622.00
Hon. Cliff Kupchan	7/5	7/8	Poland		834.00		(3)				624.00
Committee total					14,456.00						13,466.01

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Aug. 6, 1997.

EXECUTIVE COMMUNICATIONS, ETC.

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

5155. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5156. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in August 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5157. A letter from the Executive Director, National Capital Planning Commission, transmitting a report of activities under the Freedom of Information Act for the calendar years 1992–1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5158. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018–AE14) received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5159. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–51] received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5160. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Partner's Distributive Share [Revenue Ruling 97–38] received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 2429. A bill to reauthorize the Small Business Technology Transfer Program through fiscal year 2000; with an amendment (Rept. 105–259 Pt. 1). Ordered to be printed.

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision totals for fiscal year 1998 (Rept. 105–260). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1948. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; with an amendment (Rept. 105–261). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 131. Resolution expressing the sense of Congress regarding the ocean; with amendments (Rept. 105–262). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 238. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–263). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 239. Resolution providing for consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–264). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 2266. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–265). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1787. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants; with an amendment (Rept. 105–266 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

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

H.R. 1787. Referral to the Committee on International Relations extended for a period ending not later than October 6, 1997.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ARCHER (for himself, Mr. HULSHOF, Mr. RANGEL, Mr. THOMAS, Mr. HOUGHTON, Mr. NUSSLE, Ms. DUNN of Washington, and Mr. LEVIN):

H.R. 2513. A bill to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. TORRES:

H.R. 2514. A bill to authorize the President to award a congressional gold medal to the family of the late Raul Julia, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. COMBEST, Mr. BISHOP, Mr. CALLAHAN, Mrs. EMERSON, and Mr. PETERSON of Pennsylvania):

H.R. 2515. A bill to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL):

H.R. 2516. A bill to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998; to the Committee on Transportation and Infrastructure.

By Mr. RILEY (for himself, Mr. ADERHOLT, Mr. GRAHAM, Mr. HAYWORTH, Mr. SCARBOROUGH, Mr. HILL, Mr. WATTS of Oklahoma, Mr. SOUDER, Mr. TIAHRT, Mr. LARGENT, Mr. SHIMKUS, Mr. SALMON, Mr. SESSIONS, Mr. FOX of Pennsylvania, Mr. CUNNINGHAM, Mr. COOKSEY, Mr. BRADY, Mr. THUNE, Mr. SOLOMON, Mr. WAMP, and Mr. CHRISTENSEN):

H.R. 2517. A bill to eliminate automatic pay adjustments for Members of Congress; 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. BOEHNER (for himself, Mr. GORDON, Mr. MCINTOSH, Mr. HERGER, Mr. HAYWORTH, and Mr. HUTCHINSON):

H.R. 2518. A bill to amend the Higher Education Act of 1965 to increase student options for the consolidation of their student loan obligations, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DEGETTE:

H.R. 2519. A bill to increase the legal age of smoking from 18 to 21; to the Committee on Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 2520. A bill to suspend the duty on halofenozide until January 1, 2001; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2521. A bill to suspend the duty on modified secondary and modified secondary-tertiary amine phenol/formaldehyde copolymers until January 1, 2001; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2522. A bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of sex in programs receiving Federal financial assistance; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. WELDON of Pennsylvania, Mr. ANDREWS, Mr. BOEHLERT, Mr. VISCLOSKY, Mr. HINCHEY, Mr. SESSIONS, Mr. CUMMINGS, Mrs. MINK of Hawaii, Mr. BALDACCI, Mr. FROST, Mr. FORBES, Mr. DAVIS of Virginia, Mr. NEY, Mr. EVANS, and Mr. HALL of Texas):

H.R. 2523. A bill to amend the Internal Revenue Code of 1986 to expand the types of equipment which may be acquired with tax-exempt financing by volunteer fire departments and to provide a comparable treatment for emergency medical service organizations; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut (for herself, Mr. RANGEL, Mr. NEAL of Massachusetts, and Ms. RIVERS):

H.R. 2524. A bill to amend the Internal Revenue Code of 1986 to allow the nonrefundable personal credits, the standard deduction, and the deduction for personal exemptions in determining alternative minimum tax liability; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. PELOSI, Ms. NORTON, Mrs. MALONEY of New York, Ms. WATERS, Ms. WOOLSEY, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Ms. RIVERS, Ms. HARMAN, and Ms. SLAUGHTER):

H.R. 2525. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, 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 Mrs. MORELLA (for herself, Mr. DAVIS of Virginia, Mr. HOYER, and Mr. MORAN of Virginia):

H.R. 2526. A bill to amend title 5, United States Code, to make the percentage limitations on individual contributions to the Thrift Savings Plan more consistent with the dollar amount limitation on elective deferrals, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. NEAL of Massachusetts (for himself, Mr. RANGEL, Mr. MATSUI, Mrs. KENNELLY of Connecticut, Mr. COYNE, Mrs. THURMAN, and Mr. LEWIS of Georgia):

H.R. 2527. A bill to repeal the provision in the Taxpayer Relief Act of 1997 relating to the termination of certain exceptions from rules relating to exempt organizations which provide commercial-type insurance; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. SHAYS, and Ms. SLAUGHTER):

H.R. 2528. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device; to the Committee on House Oversight.

By Mr. PETRI:

H.R. 2529. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, 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. 2530. 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. SMITH of New Jersey:

H.R. 2531. A bill to provide for increased international broadcasting activities to China; to the Committee on International Relations.

By Mr. STARK:

H.R. 2532. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and the Employee Retirement Income Security Act of 1974 to expand access to health insurance coverage without pre-existing condition exclusions in the group and individual health insurance markets; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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. ENGLISH of Pennsylvania (for himself, Mr. DAVIS of Virginia, and Mr. FROST):

H. Con. Res. 155. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of U.S. Masters Swimming, Inc.; to the Committee on Government Reform and Oversight.

By Mrs. MALONEY of New York (for herself, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. MARKEY, Ms. MILLENDER-MCDONALD, Ms. VELAZQUEZ, Mrs. KELLY, Ms. ESHOO, Mrs. MINK of Hawaii, Mr. LANTOS, Ms. DELAURO, Mr. WATTS of Oklahoma, Mr. GEJDENSON, Mr. BLAGOJEVICH, Mr. KENNEDY of Massachusetts, Mr. MCNULTY, Mrs. THURMAN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. CAPPS, Mr. UNDERWOOD, Mr. SOLOMON, Mrs. LOWEY, Mr. FARR of California, Mrs. MORELLA, and Mr. BERMAN):

H. Con. Res. 156. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country; to the Committee on International Relations.

By Mr. MCINNIS:

H. Res. 238. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes; House Calendar No. 94. House Report No. 105-263.

By Mr. DREIER:

H. Res. 239. Resolution providing for consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; House Calendar No. 95. House Report No. 105-264.

By Mr. PASTOR:

H. Res. 240. Resolution recognizing Hispanic culture in the United States; to the Committee on Education and the Workforce.

By Mrs. TAUSCHER (for herself, Mr. LEACH, Ms. FURSE, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BLUMENAUER, Mr. BONIOR, Mr. BORSKI, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CAPPS, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DOOLEY of California, Mr. EDWARDS, Mr. EHLERS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KIND of Wisconsin, Mr. KUCINICH, Mr. LAFALCE, Mr. LAMPSON, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEHAN,

Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mr. MINGE, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. POMEROY, Mr. PORTER, Mr. POSHARD, Mr. PRICE of North Carolina, Ms. RIVERS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SKAGGS, Ms. SLAUGHTER, Ms. STABENOW, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Mr. UNDERWOOD, Mr. VENTO, Mr. WATT of North Carolina, Mr. WEXLER, Ms. WOOLSEY, and Mr. YATES):

H. Res. 241. A resolution expressing the sense of the House of Representatives that the Senate should act swiftly and expeditiously to give its advice and consent to ratification of the Comprehensive Test Ban Treaty; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 15: Mr. MASCARA.

H.R. 58: Mr. LARGENT.

H.R. 176: Mr. SESSIONS.

H.R. 224: Mr. BONO.

H.R. 225: Mr. PETRI.

H.R. 253: Mrs. LOWEY and Mr. FILNER.

H.R. 399: Mr. HOLDEN.

H.R. 590: Mr. GUTIERREZ.

H.R. 632: Mr. ADERHOLT and Mr. KIM.

H.R. 678: Mr. DAVIS of Illinois, Mr. FORBES, Ms. LOFGREN, Mr. BASS, Mr. LAFALCE, Ms. PELOSI, Mr. CAMPBELL, and Mr. ENGLISH of Pennsylvania.

H.R. 714: Mr. PITTS, Mr. PETERSON of Pennsylvania, Mr. GOODLING, and Mr. KANJORSKI.

H.R. 754: Mr. BROWN of California and Ms. SANCHEZ.

H.R. 778: Ms. SLAUGHTER.

H.R. 779: Ms. SLAUGHTER.

H.R. 780: Ms. SLAUGHTER.

H.R. 789: Mr. BUNNING of Kentucky and Mr. PASTOR.

H.R. 925: Mr. ROTHMAN.

H.R. 972: Mr. ROTHMAN.

H.R. 977: Mr. SOLOMON.

H.R. 991: Ms. NORTON, Mr. KILDEE, Mr. SMITH of New Jersey, Mr. CAPPS, Mr. ALLEN, and Mr. BALDACCI.

H.R. 1039: Mr. MINGE.

H.R. 1059: Mr. DREIER and Mr. BARR of Georgia.

H.R. 1072: Mr. STARK, Mr. MCGOVERN, and Mr. FROST.

H.R. 1100: Ms. RIVERS and Mr. GEKAS.

H.R. 1114: Mr. DELLUMS.

H.R. 1176: Mr. WEXLER, Mr. WHITFIELD, and Mr. BLUMENAUER.

H.R. 1231: Mr. WEXLER and Mr. GILMAN.

H.R. 1260: Mr. KANJORSKI.

H.R. 1319: Mr. PITTS.

H.R. 1330: Mr. RAHALL, Mr. RUSH, Mr. FROST, Mr. FATTAH, and Mr. FILNER.

H.R. 1353: Mr. SHAYS.

H.R. 1371: Mr. CAPPS.

H.R. 1373: Mr. MARTINEZ and Ms. WOOLSEY.

H.R. 1426: Mr. ANDREWS.

H.R. 1438: Ms. CARSON and Mr. ROTHMAN.

H.R. 1440: Mr. KUCINICH and Mr. WEXLER.

H.R. 1531: Mr. FOLEY and Mr. HORN.

H.R. 1534: Mr. ARMEY, Mr. SCARBOROUGH, Mrs. TAUSCHER, Mr. BUYER, Mr. MANZULLO, Mr. DELAY, Mr. WELDON of Florida, Mr. NEY, Mr. JOHN, Mr. HORN, Mr. WOLF, Mr. DAN SCHAEFER of Colorado, Mr. LUCAS of Oklahoma, Mr. COBURN, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILBRAY, Mr. YOUNG of Florida, Mr. WHITFIELD, Mr. ARCHER, Mr. MORAN of Kansas, Mr. LINDER, Mr. PAUL, Mr. BLUNT, Mr. NORWOOD, Mr. SKELTON, Mr. REDMOND, Mr. THOMPSON, Mr. HOYER, Mrs. EMERSON, and Mr. DAVIS of Virginia.

H.R. 1539: Mr. SCARBOROUGH.

H.R. 1689: Mr. BUNNING of Kentucky, Mr. MCHALE, Mr. GOODLING, Mr. PITTS, Mr. GREENWOOD, Mr. CONDIT, Mr. BARR of Georgia, and Mr. GEKAS.

H.R. 1704: Mr. TAUZIN, Mr. SAXTON, Mr. LAZIO of New York, Mr. ARCHER, Mr. HASTERT, Mr. LAHOOD, Mr. DUNCAN, Mr. BEREUTER, Mrs. ROUKEMA, and Mr. HORN.

H.R. 1737: Mr. ACKERMAN, Mr. STEARNS, and Mr. CAPPS.

H.R. 1735: Mr. BISHOP, Mr. KUCINICH, Mr. KLECZKA, Mr. WEYGAND, Mr. BLILEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. FOLEY, Mr. UNDERWOOD, Mr. MARTINEZ, Mr. HINOJOSA, Mr. GREEN, Mr. WHITFIELD, Mr. FROST, Mr. REYES, Mr. BALDACCI, Mr. SOUDER, and Mr. BARCIA of Michigan.

H.R. 1788: Mrs. THURMAN, Mr. MCDERMOTT, and Mr. CAPPS.

H.R. 1797: Mr. WICKER, Mr. WELDON of Florida, Mr. BURTON of Indiana, Mr. SAM JOHNSON, Mr. MILLER of Florida, Mr. GREENWOOD, Mr. ROGAN, Mr. COX of California, and Mr. WELLER.

H.R. 1816: Mr. HOSTETTLER.

H.R. 1839: Mr. LATHAM.

H.R. 1842: Mr. THORNBERRY, Mr. CALVERT, and Mr. KIM.

H.R. 1891: Mr. MARKEY, Mr. BLUNT, Mr. SUNUNU, Mrs. NORTHUP, Mr. PAUL, Mr. SCARBOROUGH, Mr. WELLER, Mr. DICKEY, Mr. EHLERS, Mr. WATKINS, Mr. MORAN of Virginia, Mr. ANDREWS, and Mr. LEWIS of Georgia.

H.R. 1967: Mr. FRANK of Massachusetts.

H.R. 1984: Mr. TAUZIN, Mr. KIM, Mr. WICKER, Mr. SPENCE, Mr. BATEMAN, and Mr. WELDON of Florida.

H.R. 2021: Mr. DOOLEY of California.

H.R. 2023: Mr. STARK and Mr. ENGEL.

H.R. 2069: Mr. BONIOR and Mr. DELLUMS.

H.R. 2072: Mr. SAM JOHNSON, Mr. DELAY, Mr. SESSIONS, Mr. STENHOLM, and Mr. HALL of Texas.

H.R. 2103: Ms. GRANGER and Ms. PRYCE of Ohio.

H.R. 2121: Ms. SLAUGHTER.

H.R. 2131: Ms. STABENOW, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, MR. MCGOVERN, Mr. FILNER, and Mr. KENNEDY of Rhode Island.

H.R. 2140: Mr. TRAFICANT and Mr. REYES.

H.R. 2198: Mr. WATT of North Carolina.

H.R. 2206: Mrs. CHENOWETH.

H.R. 2220: Mr. SAXTON and Mr. ANDREWS.

H.R. 2221: Mr. TORRES, Mr. LATHAM, and Mr. ROHRABACHER.

H.R. 2223: Mr. RIGGS and Mr. HANSEN.

H.R. 2302: Mrs. JOHNSON of Connecticut, Mr. MCGOVERN, Mr. DAVIS of Virginia, Ms. ROYBAL-ALLARD, Ms. NORTON, Mrs. MINK of Hawaii, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. BONIOR, Mr. MOAKLEY, Mr. DELAHUNT, Mr. SERRANO, Mr. WEXLER, Mr. ACKERMAN, Mrs. MORELLA, Mr. REYES, Mrs. MCCARTHY of New York, Mr. OLVER, and Ms. LOFGREN.

H.R. 2317: Mr. DAVIS of Illinois and Mr. SHERMAN.

H.R. 2332: Mr. CAPPS.

H.R. 2382: Mr. BORSKI, Mr. BONIOR, Mr. FRANK of Massachusetts, Mr. DEFAZIO, and Mr. BROWN of Ohio.

H.R. 2387: Mr. MARTINEZ, Mr. BROWN of Ohio, Mr. EVANS, and Mrs. JOHNSON of Connecticut.

H.R. 2436: Mr. MANTON, Mr. ENGEL, Mrs. MALONEY of New York, Mr. NADLER, Ms. SLAUGHTER, Mr. QUINN, Mrs. KELLY, Mr. MCNULTY, Mr. KING of New York, Mr. BOEHLERT, Mr. WALSH, Mr. HOUGHTON, Mrs. LOWEY, Mr. FLAKE, Mrs. MCCARTHY of New York, Ms. VELÁZQUEZ, Mr. MCHUGH, Mr. FORBES, and Mr. SCHUMER.

H.R. 2437: Mr. MANTON, Mr. ENGEL, Mrs. MALONEY of New York, Mr. NADLER, Mr. QUINN, Mrs. KELLY, Mr. MCNULTY, Mr. KING of New York, Mr. BOEHLERT, Mr. WALSH, Mr. HOUGHTON, Mrs. LOWEY, Mr. FLAKE, Mrs. MCCARTHY of New York, Ms. VELAZQUEZ, Mr. MCHUGH, Mr. FORBES, and Mr. SCHUMER.

H.R. 2450: Mr. CLEMENT.

H.R. 2454: Mr. WELDON of Pennsylvania, Mr. LOBIONDO, Mr. BARRETT of Wisconsin, Mr. HINCHEY, Mrs. MYRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CLEMENT.

H.R. 2456: Mr. GREENWOOD.

H.R. 2457: Mr. LOBIONDO, Mr. HINCHEY, Mr. MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. ENGLISH of Pennsylvania.

H.R. 2460: Mr. GEKAS.

H.R. 2464: Mr. POMEROY, Mr. NADLER, and Mrs. NORTHUP.

H.R. 2483: Mr. FOX of Pennsylvania, Mr. ENGLISH of Pennsylvania, Mr. SCARBOROUGH, Mr. METCALF, Mr. NEUMANN, Mr. SMITH of Michigan, Mr. PACKARD, Mr. BLUNT, Mr. SENSENBRENNER, Mr. GIBBONS, and Mr. MORAN of Kansas.

H.R. 2492: Mr. LEWIS of Kentucky.

H.R. 2495: Mr. RANGEL and Mr. KUCINICH.

H.R. 2500: Ms. PRYCE of Ohio.

H.R. 2509: Mrs. JOHNSON of Connecticut.

H. Con. Res. 6: Mr. INGLIS of South Carolina.

H. Con. Res. 52: Ms. FURSE, Mr. WALSH, Mr. DEFAZIO, and Mr. BOYD.

H. Con. Res. 65: Ms. STABENOW.

H. Con. Res. 80: Mr. SANDLIN and Mr. CONYERS.

H. Con. Res. 112: Mr. LAMPSON, Mr. MCGOVERN, Mr. FILNER, Mr. DELAHUNT, Mr. POSHARD, and Mr. RANGEL.

H. Con. Res. 116: Mr. DOYLE and Ms. CHRISTIAN-GREEN.

H. Con. Res. 127: Ms. DANNER, Mr. PACKARD, and Mr. BISHOP.

H. Con. Res. 141: Mr. SHERMAN.

H. Con. Res. 144: Mr. ACKERMAN, Mr. HASTINGS of Washington, Mr. SNOWBARGER, Mr. MARKEY, Mrs. EMERSON, Mr. BARRETT of Wisconsin, Mr. CAPPS, and Mr. HINCHEY.

H. Con. Res. 152: Mr. MENENDEZ.

H. Con. Res. 153: Mr. SERRANO.

H. Res. 139: Mr. BURR of North Carolina and Mr. SALMON.

H. Res. 172: Mr. FROST, Mr. BORSKI, Mr. BONIOR, and Mr. FILNER.

H. Res. 212: Mr. GINGRICH, Mr. BAKER, Mr. BISHOP, and Mr. WAXMAN.

H. Res. 235: Mr. EVANS, Mr. FOLEY, Mrs. NORTHUP, Mr. PETRI, Mr. TORRES, Mr. DELAHUNT, Mr. CAPPS, Mr. FORBES, Ms. CARSON, Mr. RANGEL, Mr. LATOURETTE, Mr. BARTLETT of Maryland, Mr. SHAW, Mr. CLEMENT, and Mr. WELDON of Florida.

AMENDMENTS

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

H.R. 2267

OFFERED BY: MR. FORBES

AMENDMENT NO. 46: Page 117, after line 2, insert the following:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be made available for projects in Gaza or the West Bank.

H.R. 2267

OFFERED BY: MR. FORBES

AMENDMENT NO. 47: Page 117, after line 2, insert the following:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be made available for the Gaza Waste Water Project.

H.R. 2267

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 48: Page 50, line 13, after the dollar amount insert "(increased by $4,900,000)".

Page 50, line 23, after the dollar amount insert "(increased by $4,900,000)".

Page 51, line 11, after the second dollar amount insert "(increased by $4,900,000)".

Page 51, line 13, after the dollar amount insert "(increased by $4,900,000)".

Page 51, line 18, after the dollar amount insert "(increased by $4,900,000)".

Page 107, line 16, after the dollar amount insert "(reduced by $4,900,000)".

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 49: Page 31, line 16, after the dollar amount, insert "(decreased by $5,000,000)".

Page 31, line 18, after the semicolon, insert the following: "of which $5,000,000 shall be for programs authorized under subtitle H of title III of the 1994 Act;".

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 50: Page 67, after line 19, insert the following:

DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

For expenses necessary for the designation of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248); and the amount otherwise provided in this title for "DEPARTMENT OF STATE—Administration of Foreign Affairs—Salaries and Expenses" is hereby reduced by $7,270,260.

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 51: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. (a) None of the funds provided under this Act may be used to provide assistance to any State for the National Sexual Offender Registry.

(b) The limitation established in subsection (a) shall apply to any State that has in effect throughout the State a law which requires that a person register in accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 solely on the basis of a conviction for consensual sodomy between adults.

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 52: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. (a) None of the funds provided under this Act may be used to provide assistance to any State under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 in an amount that exceeds 90 percent of the amount to be provided to such State under such part.

(b) The limitation established in subsection (a) shall apply to any State that has in effect throughout the State a law which requires that a person register in accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 solely on the basis of a conviction for consensual sodomy between adults.

H.R. 2267

OFFERED BY: MR. SCOTT

AMENDMENT NO. 53: Page 29, line 10, insert after the amount "(reduced by $258,750,000)" and insert as follows: page 28, line 17, after the amount insert "(increased by $80,000,000)"; page 29, line 20, after the amount insert "(increased by $13,000,000)" and on line 22, after the amount insert "(increased by $8,000,000)" and on line 25 after the amount insert "(increased by $40,000,000)"; page 31, line 1, after the amount insert "(increased by $37,000,000)" and on line 21 after the amount insert '(increased by $76,750,000)" and on line 13 after the amount insert "(increase by $4,000,000)".

H.R. 2267

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 54: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay the salary or expenses of any official or employee of the Department of State to make or carry out any contract authorizing any private entity to assess a charge or fee upon United States citizens for information about United States passports.

H.R. 2267

OFFERED BY: MS. WATERS

AMENDMENT NO. 55: Page 29, line 10, after the dollar amount, insert "(decreased by $30,000,000)".

Page 31, line 12, after the dollar amount, insert "(increased by $30,000,000)".

H.R. 2267

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 56: Page 20, line 21, strike "March 1" and insert "September 30".

EXTENSIONS OF REMARKS

THE POSITIVE IMPACT OF SCHOOL CHOICE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD two articles highlighting the positive impact of giving parents the ability to choose their children's school.

[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 1955, 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 use the vouchers.

Those who applied, but ultimately remained in public school, cited transportation financial consideration 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 the 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, Chelesa, 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 of 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 of 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 satsified" 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 satisfication 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 the 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 justly 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 admissions 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 innercity, they should approve the voucher legislation for Washington now before them.

PEOPLE HAVE TROUBLE SEEING DOCTORS BECAUSE THEY DON'T HAVE ENOUGH MONEY—NOT BECAUSE MEDICARE PAYS DOCTORS TOO LITTLE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. STARK. Mr. Speaker, the just-enacted Balanced Budget Act includes a provision that allows doctors not to participate in Medicare for 2 years at a time, but instead to private contract with patients so that they can charge these patients much more than the Medicare fee schedule.

There is now a move underway to strike the 2-year requirement and let doctors do wallet biopsies—decide on a patient-by-patient basis whether they are going to ask patients to give up their Medicare rights and insurance and pay the extra in an individual private contract.

I can think of nothing that will encourage patients to move into HMO's faster, so that they are protected against the fear of this type of doctor extortion. The American Medical Association supports the proposal, but it is an idea that must have been deviously planted in their association by a mole from the HMO lobby—the American Association of Health Plans.

The proposal is pure greed wrapped in the flag of freedom.

Before the Congress is drowned in the rhetoric of this issue, we should note the facts. To the extent that Medicare beneficiaries have trouble seeing doctors, it is almost totally due to the fact that the cost is too much for the beneficiaries—not that Medicare doesn't pay the doctor enough to allow the doctor to see patients.

The latest data from the independent congressional advisory panel—the Physician Payment Assessment Commission—shows that only 4 percent of all Medicare beneficiaries reported having trouble getting health care in the last year. About 11 percent had a medical problem, but failed to see a physician, while 12 percent did not have a physician's office as a usual source of care. Roughly 10 percent of Medicare beneficiaries delayed care due to cost. Considering all four access measures, about 26 percent of Medicare beneficiaries cited experiencing at least one of these problems.

PhysPRC reports that from their surveys of those who failed to see a physician for their serious medical problem, 43 cited cost as the reason. About 8 percent of those who failed to see a physician could not get an appointment or find an available physician. For another 8 percent, transportation was the problem, 13 percent felt there was nothing a doctor could do, and 11 percent were afraid of finding out what was wrong.

In another words, Congress is preparing to let doctors charge patients infinitely higher fees because less than 1 percent of all Medicare beneficiaries had trouble finding a doctor—perhaps they lived in a rural area, etc. Yet over 5 percent of Medicare's nearly 40 million beneficiaries could not get to a doctor because they didn't have enough money—and Congress is silent.

Mr. Speaker, a humane Congress, a compassionate Congress, a logical, rational Congress would put five times as much effort into addressing the problem of doctors costing too much as it would in addressing what may be a 1-percent problem of a few doctors wanting to get paid more.

Where are our priorities, Mr. Speaker? A vote to let doctors, the richest 1-percent income group in our Nation, charge the sky's the limit, while ignoring the needs nearly 2 million seniors who find doctors already too expensive is a shameful vote.

TRIBUTE TO HOLY FAMILY PARISH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Holy Family Parish for its 100 years of providing spiritual guidance, counseling, and education to the south Bronx community.

On September 20, the parish celebrated its 100th anniversary in my south Bronx congressional district. On this joyful occasion, Archbishop John Cardinal O'Connor officiated at a Thanksgiving Mass. Parishioners joined together in prayer to thank the Lord for the parish's 100 years of fruitful service.

Holy Family Parish has a long and inspiring history of perseverance and commitment to making a difference in the south Bronx. Through the years, the church has served a vibrant community of people from many ethnic backgrounds.

In the late 1890's, Rev. Joseph S. Mechler saw the need to serve an emerging community in the Bronx. In the fall of 1897, the cornerstone for the new church was laid, and by Christmas of that same year the congregation celebrated their first mass in the new building.

Archbishop Michael Corrigan dedicated the church in 1898. He lived in the basement of the parish and served his community until his final years.

Since 1903, eight pastors have faithfully served the parish. Among them was Father Urban Nageleisen, who served the church for 37 years, until his death in 1949. He was a friend and spiritual adviser to the growing German immigrant community of the time. Under his pastorate, the church also established a school for children with the help of the Sisters of St. Agnes.

During the difficult years of the Depression, the church continued serving the faithful and the congregation actually grew in numbers.

With the passing away of Father Nageleisen, Father John Mechler assumed the leadership of the church. During those years, the church and the convent that housed the Sisters of St. Agnes were both very deteriorated. Pastor Mechler proposed and raised the funding to build a new convent and a new church in the south Bronx. The new parish kept the original cornerstone.

Throughout its history, the Holy Family Parish has been responsive to the changing needs of its community. In 1981, the parish celebrated their first mass in Spanish in recognition of the growing Hispanic community, which had become an integral part of the church. In addition, the lower part of the church has been transformed into a meeting place for senior citizens, where hot lunches, recreational activities, and medical services are provided.

Today, Father James D. Flanagan leads the church. After 100 years, the church continues to be a catalyst of positive change in our community. Over 700 children are currently enrolled in the school, which educates students from kindergarten to eighth grade. In addition, hundreds of members of the community have grown in their faith.

Mr. Speaker, I ask my colleagues to join me in recognizing Holy Family Parish for its 100 years of history at the service of the south Bronx community.

AUTHORIZING USE OF CAPITOL ROTUNDA TO ALLOW MEMBERS OF CONGRESS TO RECEIVE HIS ALL HOLINESS PATRIARCH BARTHOLOMEW

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, I submit this statement in support of House Concurrent Resolution 134 authorizing the use of the Capitol rotunda for a ceremony for His All Holiness Ecumenical Patriarch Bartholomew, the 270th Archbishop of Constantinople and new Rome on October 21, 1997, from 11 a.m. to 12 noon.

The Ecumenical Patriarch occupies the foremost position among the National Autocephalos Orthodox Churches worldwide and has the responsibility to coordinate the affairs of the Russian, Eastern Europe, Middle, and Far Eastern churches. Worldwide, the Patriarch is the spiritual leader of 300 million Orthodox Christians of which 5 million reside in the United States.

Therefore, it is important that Members of Congress, as leaders of a nation that was built on religious freedom and tolerance, have an opportunity to receive and honor one of the world's preeminent religious leaders. Ecumenical Patriarch Bartholomew not only promotes peace and religious understanding throughout the world, but he is also profoundly committed to preserving and protecting the environment. Today, as the 270th successor to Apostle Andrew, His All Holiness continues efforts on behalf of religious freedom and human rights.

In closing support, is an expression of appreciation to the members of the Hellenic Caucus for their advocacy of this resolution as well as H.R. 2248, the recommendation to award the Patriarch with a Congressional Gold Medal, of which I am a proud cosponsor. H.R. 134 as introduced by BILIRAKIS from Florida, is a measure which provide the occasion to receive such an individual of high character and moral standing as His All Holiness in a manner befiting their rank and title.

A TRIBUTE TO THE JERRY L. PETTIS MEMORIAL VETERANS AFFAIRS MEDICAL CENTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the Jerry L. Pettis Memorial Veterans Affairs Medical Center in Loma Linda, CA. As the chairman of the House Appropriations Subcommittee that provides funding for veterans programs, including veterans medical care, I am especially proud of this facility at this historic moment. On Thursday, September 25, this fine facility will celebrate 20 years of service to veterans who live and work in southern California. My dear friend and predecessor in Congress, Shirley Pettis Roberson, will address those attending this very special ceremony at the medical center.

In June 1974, a large crowd gathered for the ground breaking to begin construction of this facility. The first patient was admitted in December 1977, realizing a dream and long-term goal of former Congressman Jerry Pettis. Jerry Pettis was a good man and a close personal friend. Today, his legacy lives on through the commitment and fine work of the men and women who strive to serve our veterans with great care and respect. Jerry Pettis would certainly be proud of this fine institution and the many worthy people it serves.

The Pettis VA Medical Center has 125 acute care beds and 106 nursing home beds. With a budget of approximately $109 million, over 600 volunteers, and over 1,200 employees, the facility last year alone, had over 6,500 admissions and over 230,000 outpatient visits. Working closely with Loma Linda University in many areas of clinical research and study, the medical center continues to conduct critical work in a variety of scientific disciplines.

In addition, the Pettis VA Medical Center has vigorously explored ways of providing the best possible service to the more than 290,000 veterans in Riverside County and San Bernardino County. The recently opened Victorville outpatient clinic, for example, has greatly improved access to primary care for thousands of veterans in California's high desert region.

Mr. Speaker, I ask that you join me and our colleagues in paying special tribute to the Jerry L. Pettis Memorial VA Medical Center on its 20th anniversary. All of us owe a tremendous debt of gratitude to our veterans, and we also owe a special thanks to the memory of our good friend and former colleague, for whom this facility is named. To both Jerry Pettis, and our veterans, Congress thanks you—and salutes you—on this historic day.

IN HONOR OF KEITH AND ANNE MEDEIROS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. STARK. Mr. Speaker, today I rise to commend Keith and Anne Medeiros for their distinguished careers of service to the community of Fremont, California. For 42 years, Keith and Anne lived in the Fremont area. In that time, they consistently worked to make our community a better place. Both have been dedicated to the field of education as elementary school teachers. Keith Medeiros also served as school principal, and as a member of the Alameda County Board of Education. Anne Medeiros taught English as a second language.

Their service to the community has been diverse. Keith Medeiros worked as an Indian Guide Dad, a Pathfinder Toastmaster, a Chamber of Commerce activist, a Fremont Rotarian, an on and off stage actor and toastmaster, and a Washington Township Men's Club member. Anne Medeiros served the community as a representative for Congressman Don Edwards, and as a board member for the Serra Center and the Committee to Restore the Mission. They shared their talents as members of the Fremont Gourmet Club, the Fremont Dance Club, and the Fremont Kite Flyers. They have been world-wide travelers, goodwill ambassadors, and advocates for historic Mission San José.

Keith and Anne Medeiros set a new standard as innkeepers for those whose travels took them to the Bay Area. Their hospitality was a welcome respite for travelers.

On September 22, 1997 the friends and colleagues of Keith and Anne Medeiros will honor their many years of community service. I join my neighbors as they extend a thank you to Keith and Anne for all they have done for Fremont.

TRIBUTE TO ST. RAYMOND NONNATUS PARISH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. SERRANO. Mr. Speaker, it is an honor for me to pay tribute to the Parish of St. Raymond Nonnatus, which yesterday celebrated 100 years of serving the community in my South Bronx congressional district.

The parish was named after a 13th century Spanish mercedarian and cardinal. It is located at 1759 Castle Hill Avenue, in the Bronx.

A mass of Thanksgiving offered by Archbishop John Cardinal O'Connor opened the ceremonies of the parish's 100th anniversary. The church belongs to the family of parishes that were established in the late 1890's in New York City; among them is Holy Family Parish, which this year also celebrates its 100th anniversary.

The origins of St. Raymond Nonnatus Parish date back to 1843. A small church was erected under the leadership of Bishop John Hughes. In the 1890's Father Edward McKenna saw the church in poor condition and decided to erect a new building. The church was built in 1897 in a beautiful Byzantine style, with wonderful stained-glass windows.

Since its beginnings, the church has served a multiethnic community. In the early 1900's Catholics from all over Europe were members of the congregation. More recently, African-Americans and members of the Hispanic and Asian communities have joined the parish.

In 1908, under the pastorate of Father McKenna, a school was established to educate the children of the community. In the 1950's, Father Thaddeus Tierney oversaw the construction of a new school to accommodate the growing number of students. Even today, it remains one of the best equipped elementary schools in the Nation.

In addition, two other schools were established, the Boy's High School in 1958, and St. Raymond's Academy for Girls in 1960. A convent, a rectory and a cemetery are also integral parts of the parish.

Since the 1970's a social ministry was expanded to better serve the needs of the community. Monsignor Henry J. Vier added a Spanish mass to the Sunday schedule. He also established the Bronx Association for Special Education, the Archdiocesan Drug Addiction Program and the East Bronx Hunger Program.

Through the years, the church has been renovated several times. It now houses a magnificent marble alter, a great canopy, and an organ.

Today Father Charles Kavanagh leads the church. He is the 16th pastor of St. Raymond Nonnatus Parish. The parish now provides the community with various social services, including the Family Outreach and Youth Program, St. Raymond's Head Start, an expanded East Bronx Hunger Program, the After School Program, and the senior center.

Mr. Speaker, I ask my colleagues to join me in recognizing the Parish of St. Raymond Nonnatus for its glorious history and service to our South Bronx community.

WHAT IS JUST ABOUT ENVIRONMENTAL JUSTICE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. GINGRICH. Mr. Speaker, I would like to insert into the RECORD and encourage Members to read the following editorial by Henry Payne which appeared in the Wall Street Journal on Tuesday, September 16, 1997.

'ENVIRONMENTAL JUSTICE' KILLS JOBS FOR THE POOR

(By Henry Payne)

Last Wednesday the Environmental Protection Agency delayed its approval of a proposed plastics plant in the predominantly black southern Louisiana town of Convent. It was the EPA's first ruling based on the idea of "environmental injustice" or "environmental racism"—the claim that polluting industries locate in minority areas because their residents are politically powerless to stop them. "It is essential that minority and low-income communities not be disproportionately subjected to environmental hazards," EPA Administrator Carol Browner wrote in her decision obstructing Shintech Inc.'s plans for a $700 million manufacturing facility.

But if Ms. Browner had bothered asking the residents of Convent what they think, it would have been clear that the injustice is being perpetrated not by industry but by environmental elitists and their political allies, who falsely claim to represent local citizens while promoting their own ideological agenda. "None of these people are speaking for our community," says Carol Gaudin, a black resident of Convent and the organizer of a local pro-Shintech group, the St. James Citizen Coalition. "These environmental groups never came here and asked me if I wanted the plant. They can't just come in here and take it from us."

Gladys Maddie, a black mother who lives within a mile of the plant's proposed location, agrees. "We have witnessed groups such as Greenpeace descend on [Convent] like a plague of locusts," she wrote to the local newspaper. 'We find the exploitative use of the color of our skin and our socio-economic condition sickening and insulting."

A recent poll by the local NAACP chapter found that 73% of the people in the black communities near the proposed plant favor it. But the Clinton administration is listening instead to the radical environmental group Greenpeace, which has waged a long war against the plastics industry. Greenpeace has offered its political and organizational muscle to the small group of mostly middle-class Convent residents who oppose the plant.

Louisiana's Department of Environmental Quality—charged by the EPA to regulate state industry—found in May that Shintech's plans satisfied the state's demanding emissions standards. But Greenpeace and its allies, determined to stop the plant, invoked President Clinton's 1994 executive order on environmental injustice, which compels federal agencies to consider whether minorities bear an unfair burden in the location of industrial facilities.

In Convent, the charge of environmental racism is laughable. Louisiana has actually practiced economic affirmative action by declaring the area a state enterprise zone. The state encouraged Shintech to locate in Convent, offering it tax breaks in return for hiring 35% of its work force from the surrounding population. Shintech operates a similar plant in Freeport, Texas, a prosperous, mostly white Gulf Coast city south of Houston. When Convent residents, including Ms. Maddie and Ms. Gaudlin, visited Freeport earlier this year, they saw a standard of living they'd like to bring home.

Ms. Maddie's brother Roosevelt Teroud does backbreaking seasonal labor in Convent's sugarcane fields for $6 an hour. To him, Shintech's more stable $12- to $15-an-hour jobs look like an opportunity, not an injustice. And the cultivation of sugarcane entails environmental hazards of its own: fields sprayed with insecticides and the resulting runoff that pollutes local water. Convent residents understand that industrial development entails environmental trade-offs, but they also think industry is their key to a better future. "The big plants up the river came in and gave those communities opportunities," says Nanette Jolivette, a lawyer representing Convent resident, "My clients want the same opportunity."

Forty-five miles away, the taxpayer-subsidized Tulane University Environmental Law Clinic represents plant opponents before the EPA. I asked Tulane lawyer Lisa Lavie what the citizens of Convent can do about economic development if her side wins. Her reply: "That area has some beautiful old plantations. They could build a cultural tourism industry."

"That's horrible!" Carol Gaudin gasps. "My ancestors were slaves on those plantations. These white opponents don't understand—we don't want to remember our past. We want a future."

Aligned against media-savvy, full-time environmentalists and their Washington allies, Convent residents know they have an uphill battle. They're not getting much help from the national black leadership. Lobbied by Greenpeace, both the Rev. Jesse Jackson and the Rev. Joseph Lowry of the Southern Christian Leadership Conference spoke out against the plant this summer.

"They blatantly ignored the opinions of all the local elected African-American officials," says an outraged Ms. Jolivette, noting that neither Mr. Jackson nor Mr. Lowry contacted Convent's local councilmen, all of whom voted in favor of the plant.

The EPA didn't give environmentalists everything they wanted. They had hoped for a firm definition of environmental racism that would set a plant-killing precedent for other such cases. The EPA only called for more study; it did not kill the Shintech plant outright. But the opponents' strategy seems to follow a common pattern: Throw up enough bureaucratic roadblocks and Shintech will eventually give up.

Sadly, this strategy works. In Claiborne Parish, La., where the federal Atomic Energy Board held up construction of a $850 million nuclear fuel enrichment facility this May on grounds of environmental injustice, one investor—Northern States Power—has announced that it will pull out after a seven-year (and counting) regulatory process. "At some point these companies just throw up their hands in frustration," sighs Mary Boyd, a spokeswoman for the Claiborne facility.

For the residents of Convent, eager for the 165 jobs and $5.6 million in school revenue that the Shintech plant will bring, the EPA's obstruction is unconscionable. "Why do these people want to take away our jobs?" asks Gladys Maddie. "If we run Shintech away, we're finished."

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 415, I was unavoidably detained on official business. Had I been present, I would have voted "aye."

TRIBUTE TO THE 125TH ANNIVERSARY OF THE NORTH JERSEY HERALD AND NEWS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 125th anniversary of New Jersey's North Jersey Herald and News.

The Herald and News had its beginning in 1872. Debuting as a weekly newspaper, the Herald and News has a storied and remarkable history which has impacted the people of northern New Jersey. For more than 125 years, the Herald and News has stood as a symbol of the character of its loyal readers. The commitment and dedication shown by its founders and its ability to adapt to a changing world have made the newspaper an important part of Passaic County's history.

The Herald and News has always maintained a respected, balanced, and detailed coverage of the people and events which have been brought to life on the pages each day. The Herald and News is more than just a

newspaper—it is an institution in the everyday life of northern New Jersey. It has a heritage unique in the annals of American journalism and American history. The men and women who make the newspaper today are proud of its glorious traditions and continue to build on this impressive legacy.

Mr. Speaker, I would like for you to join me, our colleagues, the men and women of the Herald and News, and the people of northern New Jersey in recognizing the North Jersey Herald and News' 125th anniversary. As we celebrate the 125 years of its service to the community, it is only proper that we extend our heartfelt congratulations on a remarkable tradition and best wishes for continued success and prosperity well into the new century.

ALABAMA TEACHER IN BOSNIA AND HERZEGOVINA HELPS DEVELOP SUPPORT FOR DEMOCRACY AND FREE ELECTIONS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. EVERETT. Mr. Speaker, I am proud to recognize Joan Byington Stough of my congressional district, who participated in CIVITAS@Bosnia and Herzegovina, an intensive program from August 1–17, 1997, designed to train teachers from throughout Bosnia and Herzegovina with materials and methods developed to educate for democracy. Joan Byington Stough is a counselor-teacher at Dalraida Elementary School in the Montgomery County School System, Montgomery, AL.

Ms. Stough was part of a team of 20 American educators who were assigned to 16 locations throughout Bosnia and Herzegovina, including the Republika of Srpska. The Americans teamed with 18 teachers from the Council of Europe in nine of these sites. This education for program reached 550 teachers from both entities of Bosnia and Herzegovnia.

The summer training program was developed by the Center for Civic Education, which supplied me with this information, as part of a major civic education initiative in Bosnia and Herzegovnia supported by the U.S. Information Agency and the United States Department of Education. It built on a program which began in 1996. I am told that the U.S. Information Service in Sarajevo provided valuable assistance to the program. The goals of the program are to provide teachers with the tools necessary to help prepare students and their communities for competent and responsible citizenship, including participation in elections and other opportunities to take part in the political life of their communities. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance and support for democracy and human rights in this war torn area.

Mr. Speaker, I wish to commend Joan Byington Stough for her dedication and commitment during the summer training program. Her work is helping to achieve the overall objective of building democracy in Bosnia and Herzegovina.

TRIBUTE TO HUNTS POINT MULTI-SERVICE CENTER, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Hunts Point Multi-Service Center, Inc., for 30 years of service to the South Bronx community. The anniversary was celebrated on September 14 at 630 Jackson Avenue, in my South Bronx congressional district.

Ramon S. Velez, the center's founder and president, understood the need to establish a center that could provide South Bronx residents with a wide variety of services right in the community. The Center started as a Federal demonstration project, established with the collaboration of Federal, State, and local governments.

Throughout its 30 years of service, the center has been a model of excellence in providing our community with quality health care, counseling, substance abuse services, education, training, child care, and housing services.

With the collaboration of a qualified staff, the center expanded its network to include additional services in conjunction with other local organizations and medical centers. Among these are: the South Bronx Mental Health Council, the Lincoln Medical and Mental Health Center, United Bronx Parents, the Bronx Perinatal Consortium, the New York State Division of Parole, the Osborne Association, Argus Community, and the Bronx-Lebanon Hospital Center.

Highlights of the 30th anniversary celebration were the inauguration of a new health center and dedications for a new Head Start Center and the South Bronx School of Technology. It also featured a community parade, an ethnic festival, and performances by many artists, including Tito Puente.

The achievements of the Hunts Point Multi-Service Center are measured by the people it has served. Thousands of residents have been employed and benefited from the center's education and training programs. And hundreds of thousands of people, from children to senior citizens, have received quality health care.

Mr. Speaker, it is a privilege for me to honor the family and friends of the Hunts Point Multi-Service Center, Inc. for their 30 years of success and dedication serving the South Bronx community.

IN 1995, MEDICARE PAID 393 DOCTORS MORE THAN $1 MILLION FOR SERVICES; 3,152 DOCTORS RECEIVED BETWEEN $500,000 AND $1,000,000. NOW A GREEDY FEW WANT MORE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. STARK. Mr. Speaker, the Medicare agency tells me that in 1995, Medicare paid 393 doctors more than $1 million for services; 3,152 doctors received between $500,000 and $1,000,000. Now a Greedy Few want more.

Despite the ability of doctors to make a fortune from Medicare by providing lots of services to beneficiaries, a few doctors are pushing an amendment by Senator KYL to let doctors privately contract with Medicare benefits.

Strip away the rhetoric, and a private contract is a contract between a doctor who holds his life in your hands in which he demands that you give up your Medicare benefits and that you promise not to file a claim with Medicare. Instead, you agree to let him charge you anything he wants—because you are desperate for your health. We like to think of contracts between equals, negotiated fairly. There is no equality, there is no fairness in these contracts.

Want an example of a private contract? Look at today's Washington Post, page B–3, where a doctor in Manassas, VA is being investigated for charging a Medicare-eligible patient $12,000 for the injection of a massive dose of aloe vera into the stomach in order to combat lung cancer. The investigation is due to the fact the man died in the doctor's office after the injection. Medicare does not cover quackery. It does not pay $12,000 for an injection. But this man and this doctor had a private contract. There will be a lot more of this murderous nonsense if the Kyl amendment succeeds.

[From the Washington Post, Sept. 23, 1997]

VA. DOCTOR'S TREATMENT OF MAN WHO DIED IS SCRUTINIZED

(By Leef Smith)

A Texas man who had lung cancer died in the spring in the office of a Manassas physician to whom he had gone for a costly intravenous treatment that is not officially sanctioned but that he hoped would save his life, according to Virginia State Police.

The man, Clarence Holland Lander, 83, became "violently ill" shortly after the $12,000 treatment was administered, and he died May 17, according to records in Prince William County Circuit Court.

The physician, Donald L. MacNay, an orthopedic surgeon, is under investigation in connection with Lander's death and with the treatment allegedly employed—intravenous administration of "a concentrated form of aloe vera and other substances," police said. Aloe vera, a cactus-like member of the lily family, is known to have some healing properties.

Police said that their investigation is continuing and that MacNay has not been charged with any offense. MacNay, who investigators said still is licensed to practice medicine, did not return phone calls to his Manassas office yesterday.

An assistant to MacNay, Ronald Ragan Sheetz, 41, of Manassas, was arrested Thursday and charged with nursing without a license. According to an affidavit that accompanied the request for the arrest warrant, MacNay ordered Sheetz to give Lander the aloe vera injection.

"This procedure was carried out by the subject believed to be Ronald Sheetz who has no medical license of file, under Dr. MacNay's direction and presence," the warrant states. State Police spokeswoman Lucy Caldwell said MacNay also is under investigation in connection with Sheetz's action.

"We're looking into questionable medical practices, drug transactions and suspicious

cancer treatments of this doctor's office," Caldwell said. "At this time we're trying to determine how wide-reaching the practice here may be. It's still too early to say."

A spokeswoman for the U.S. Food and Drug Administration said that the intravenous aloe vera treatment has not been approved by the agency and that officials with the National Cancer Institute said they are not studying aloe in connection with cancer treatment.

At the same time, the healing properties of aloe are being studied by researchers exploring alternative medicines to treat diseases, and papers and advertisements about oral aloe-based concentrates are found easily on the Internet. Experts say that as many as 50 percent of the cancer patients in the United States try some kind of therapy that is not officially sanctioned.

Such treatments include special diets, vitamins, mental imagery, wearing magnets, coffee enemas and consuming cartilage and oil from sharks.

Lander's son, James Lander, said that his father was in excellent health before the terminal cancer was diagnosed and that he jumped at the chance to beat the disease. He said his father learned about the aloe treatment from reading an article and found MacNay through word-of-mouth referrals.

"The treatment gave him hope," James Lander said. "He completely brightened up. You could just see it. I'm sure he thought it would cure him or he wouldn't have gone to Virginia" from his home in Waco, Tex.

In a search warrant affidavit filed Friday in Circuit Court, investigators said they were seeking "patient files and other records related to appointments and [the] treatment of other patients who have received this treatment and have both lived and died."

An affidavit was filed yesterday in Fairfax County Circuit Court to obtain a search warrant for an office in Annandale that police said MacNay opened in July.

Sheetz was released from jail on personal recognizance. If convicted of the felony charge, he could be sentenced to up to five years in prison.

THE RESPONSIBLE BORROWER PROTECTION BANKRUPTCY ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. BOUCHER. Mr. Speaker, I am pleased to join with my friend, BILL MCCOLLUM, in introducing the Responsible Borrower Protection Bankruptcy Act. This legislation is intended to ensure that our personal bankruptcy laws operate fairly, efficiently, and free of abuse.

Today's consumer bankruptcy system is fundamentally flawed. The Bankruptcy Code makes virtually no attempt to calibrate the level of bankruptcy protection to the level of each debtor's need. Rather, it allows a debtor to discharge debts even if the debtor can repay those debts. Currently, about 70 percent of bankruptcy filers use chapter 7, which has no provision for debt repayment even if the filer can repay. Only 30 percent use chapter 13, which sets up repayment plans. At present, individuals with significant income and the ability to repay some of their debts can obtain the same full discharge of debts as individuals with little or no income and assets.

Our legislation addresses this problem by requiring that a debtor demonstrate that he or she actually needs bankruptcy relief and, if so, provides only the amount of relief that is needed. This needs-based system would create a simple formula, based on a debtor's income and obligations, to determine exactly how much relief the debtor needs. Individuals with no means to repay their debts could file for bankruptcy under chapter 7, thereby obtaining complete debt relief and a fresh start. Individuals who can repay a portion of their debts would file under chapter 13 and begin a repayment plan based on what they can afford. Recognizing that an individual's circumstances can change, the legislation also requires a periodic review of a debtor's financial situation so the repayment can be adjusted if necessary.

The legislation also imposes a number of procedural reforms to improve the bankruptcy process. It streamlines bankruptcy proceedings so that they are more efficient for all parties involved. It requires that debtors receive information about alternatives to bankruptcy, including credit counseling. Educating consumers about their options should help to spare many consumers from the bankruptcy process, since many creditors are willing to create alternative repayment programs with people in financial distress.

With this change in the Bankruptcy Code, the bankruptcy system would protect consumers in financial difficulty without unfairly imposing inappropriate additional costs and burdens on consumers who continue to pay their debts. The Responsible Borrower Protection Bankruptcy Act recognizes that individuals who file for bankruptcy should receive the amount of debt relief they truly need—no more and no less.

All consumers should benefit from this legislation—every consumer pays higher prices for goods and services and higher interest rates as a result of bankruptcy losses. Enactment of the Responsible Borrower Protection Bankruptcy Act will reduce the level of those bankruptcy losses, thereby reducing the cost of credit for all consumers.

Also benefiting from this reform will be borrowers who pose some risk for lenders. The ease of filing for chapter 7 relief today discourages the making of loans to these creditworthy but somewhat marginal borrowers. Honest, well-intentioned low-income consumers will find greater opportunities to obtain credit when our legislation is enacted.

I am pleased to be an original cosponsor of this legislation and will work closely with my colleague, Mr. MCCOLLUM, to ensure its passage.

INTRODUCTION OF THE FOREST RECOVERY AND PROTECTION ACT OF 1997

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. SMITH of Oregon. Mr. Speaker, today, I am introducing the Forest Recovery and Protection Act of 1997 to address the grave forest health problems that exist, not only in my home State of Oregon, but across the United States.

I am delighted to be joined by Representative CHARLIE STENHOLM, ranking Democrat on the Agriculture Committee, Representative LARRY COMBEST, who chairs the Subcommittee on Forests, Resource Conservation and Research, as well as Representatives BISHOP, CALLAHAN, EMERSON, and PETERSON (PA), who are original cosponsors of the bill. A companion to this bill will also be introduced in the Senate by Senator GORDON SMITH of Oregon.

That this bill enjoys bipartisan support in the House, and equally substantial support in the Senate, indicates both the significance of our growing forest health crisis and the commitment of Members in both Chambers of Congress and on both sides of the aisle to address the issue in a productive and cooperative way.

This bill is the result of six Agriculture Committee hearings on the health of America's forest, in which the committee listened to and learned from the administration, scientists, academics, lawmakers, State foresters, land managers, environmentalists, and the forest products industry.

It establishes a nationwide, scientific, organized, efficient, and timely strategy for addressing forest health concerns in all regions of the country. This legislation is desperately needed, because, as our hearing record attests:

The long-term health of America's forest is threatened by wildfire, disease, insect infestations, and the loss of habitat.

Each region of the country has significant and unique forest health problems requiring individualized and carefully tailored remedies.

A tremendous body of scientific knowledge exists that both documents declining forest conditions, and promotes strategies for land managers to restore and recover vulnerable forest resources.

Delayed or passive management of our forests will certainly result in long-term resource damage. The most effective way to reverse this grave trend is through active, scientific, timely management.

The Chief of the Forest Service has testified that 40 million acres of national forest are at imminent risk of being lost to catastrophic wildfire. Yet, we are investing just $50 million per year in on-the-ground wildfire prevention, while spending as much as $1 billion per year fighting wildfire.

This is backward. Unless we invest more in prevention, wildfires will continue to increase in frequency and intensity, destroying human life and property and degrading habitat, watershed values, and the quality of our air and water.

The Forest Recovery and Protection Act sets forth a strategy that will assist the Forest Service in rolling up its shirt sleeves and tackling chronic forest conditions in an organized and timely way and within the parameters of all existing environmental laws and forest plans.

This legislation creates a national, 5-year program to restore forest health by directing the Forest Service to systematically identify and prioritize forest recovery areas at greatest

risk of loss to wildfire, insect infestations and disease, and conduct recovery projects in these areas.

To assist the agency in identifying and ranking the areas at greatest risk, a new scientific panel is established in an advisory capacity. Because adequate monitoring of management activities is so important, this panel is also charged with providing recommendations on a monitoring plan for the national program.

Prior to implementation of the 5-year program, the bill directs the agency to implement advance forest recovery projects. These projects will proceed in areas where the risk of destruction to human life and property or of serious resource degradation is obvious and imminent and where extensive scientific assessments have already been completed, and treatments can be designed and implemented quickly.

The bill also provides a new source of funding to assist the Forest Service in implementing advance recovery projects and administering the national program. In order to maximize agency accountability for the use of this new funding, the bill requires that the fund's availability be tied to timely decision-making and reporting by the agency. This will create an incentive for the agency to act in a time-sensitive and responsible manner.

The bill sets a standard of accountability for the agency consistent with the requirements of the Government Performance and Results Act. The Forest Service is required to report both to Congress and the American public on the results achieved by the projects conducted under this act. In addition, the USDA Inspector General and the General Accounting Office are required to conduct a comprehensive audit of the national program to aid Congress in its determination of whether to continue the program in the long term.

Finally, the bill requires more frequent and standardized inventories of forest lands through an existing Forest Service program called Forest Inventory and Analysis. This provision will assist private, Federal, and other public land managers in planning and management decisions through the availability of the best and more current scientific data.

I look forward to receiving thoughtful and constructive comment on this bill as it moves through the committee process. I am confident that, with a bipartisan effort in the Agriculture Committee and the cooperation of the administration, we will produce a finished plan of action for improving and protecting our country's forest resources both in the short term and for generations to come

TRIBUTE TO SOUTHWEST MISSOURI STATE UNIVERSITY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. BLUNT. Mr. Speaker, I am pleased to rise today to recognize an institution in southwest Missouri for promoting and laying the foundation upon which character is built. The institution I speak of is Southwest Missouri State University [SMSU] where I had the privilege to earn my master's in history. The award is the "Templeton Foundation Honor Roll for Character Building Colleges." Some 135 institutions were selected out of 2,208 eligible universities and colleges. More impressive is that of the 6 percent of universities that were privileged to receive this award, only eight were public institutions and SMSU was the only public institution in Missouri to receive this award.

In 1995, SMSU began a statewide mission in public affairs that focuses on developing traits within students that help them to become responsible citizens. That is why it is no surprise that SMSU would meet the standards needed to be recognized as a character building institution. Those standards considered as determinants of the award are the extent to which students are inspired to develop and strengthen their moral reasoning skills, the encouragement of spiritual growth and moral values, community building experiences, a drug-free lifestyle and whether the institution conducts critical assessments of its character-building programs and activities.

SMSU begins to establish each of these values when students start their first year through forums where nationally known role models emphasize personal responsibility and character. Freshmen also attend a mandatory class that focuses on responsible citizenship in a learning community. This class teaches that drug and alcohol abuse will not be tolerated but also demonstrates alternatives that encourage physical, social, and spiritual well-being. Frequent roundtable discussions focus on incorporating principle values that help a learning institution like SMSU flourish. More than 20 religious organizations on campus are very active and play an influential role in student life. The city of Springfield has benefited from the community involvement of SMSU where just last year students, faculty, and staff contributed more than 69,500 hours of community service. SMSU students also are responsible for coordinating the nationwide "Into the Streets" program for the city of Springfield. SMSU surveys alumni and faculty to assess the civic involvement and also studies other universities to learn their assessment techniques.

While I know that students, faculty, and staff of SMSU will celebrate this award, the community of Springfield and every parent whose child is attending SMSU should as well. Employees can know that when they hire someone with a degree from SMSU they can trust them to be faithful employees of character and good citizenship. Parents can be confident that when they send their children to SMSU they will learn not only book knowledge but also the values needed to produce good character.

Finally may I add that we remember the words of Herbert Spencer when he said "Education has for its object the formation of character." Thank you SMSU for making that your object as well.

TRIBUTE TO "ORQUESTA ARAGÓN"

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. SERRANO. Mr. Speaker, I would like to submit the following tribute for publication in the CONGRESSIONAL RECORD. It was presented on September 13, 1997, at a special event in my South Bronx congressional district.

Mr. Speaker, I rise to pay tribute to one of the most famous orchestras of Cuban music of all times—the "Orquesta Aragón," from Cuba. "Orquesta Aragón" will perform on September 13 at a special event at Hostos Community College in my South Bronx congressional district.

Thousands of people are expected to attend and enjoy the music of this world famous orchestra. At this event, Andy Montañez, one of Cuba's most talented composers and singers, will join the orchestra. The success of this event is a symbol of the close relationship that exists between the people of that Caribbean Island, the South Bronx community and beyond.

"Orquesta Aragón" was founded in 1939 by bass player Orestes Aragón. In 1945, violin player Rafael Lay became the director of the orchestra at the age of 19. During the 1940's and 1950's, it became the best orchestra of "son", "mambo", "danzón", and "cha-cha-chá" in Cuba.

As a publication in Cuba simply described it: "Charanga bands were divided into two groups; in one was Aragón and, in the other, were all the rest."

That was the time when all radio stations in Havana carried Aragón music. This fact, and the signing of a recording contract with RCA-Victor, assured the orchestra tremendous international success.

The orchestra went on tour and gained the hearts of fans in Europe, the Far East and the Americas. It has performed on famous stages worldwide, including the Tchaikovsky Conservatory in Moscow and the Lincoln Center's Avery Fisher Hall.

One of the compositions created by Richard Egües, "El Bodeguero", was soon recorded by Nat King Cole and other famous musicians.

With the passing away of Rafael Lay, the orchestra's baton was passed on to Richard Egües, and most recently to Lay's son, Rafael Lay, Jr.

Throughout its 58 years of playing great Afro-Cuban music, "Orquesta Aragón" has recorded over 700 tunes and recorded dozens of LP's and CD's. It has also received numerous honors, including the Egrem's Grand Prize for breaking record sales with its golden anniversary recording, "50 Años de Oro."

The orchestra continues to be acclaimed internationally. In 1992, it enjoyed great success at the Carnival in Barranquilla, Colombia.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in recognizing the exceptional talent of the "Orquesta Aragón" and in wishing its members continued success.

HONORING THE HEROIC ACTS OF KIRK FISTICK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. HOYER. Mr. Speaker, I rise today to recognize the heroic acts of a young man from my district. Kirk Fistick set aside his own fears of disease and infection to save another life. What sets this courageous act apart is that it took place in Russia. By crossing both language and cultural barriers with this remarkable act, Kirk became an Ambassador for the United States. Kirk's heroic acts led the Boy Scouts of America to award him the Honor Medal, an honor only given to 36 people in 1993.

Kirk was one of 40 students selected by the National Freedom Support Act Scholarship to represent our country as a foreign exchange student in Russia. One day during his stay in Russia, he came across a man on the side of the road who had stopped breathing. Kirk risked his own life to perform CPR three times before the ambulance arrived and was able to keep him alive until he could receive medical care. Kirk reminds us all, Russian and American, that the Good Samaritan still exists today.

Kirk Fistick is the son of Robert and Patricia Fistick who reside in Charlotte Hall, MD. Kirk has an exceptional list of accomplishments. In addition to recently being awarded the Honor Medal, Kirk is an Eagle Scout and was awarded a National Certificate of Merit by the Boy Scouts of America for his help at the site of an automobile accident.

Kirk's life has not been all fun and games. He had to endure a 2-year bout with Lyme disease which he contracted during the summer of 1993. At times during these 2 years he was so critically ill he could not walk or sit up straight and required hospitalization or home care, but Kirk is a fighter. Throughout his illness, he managed to achieve honor roll status and played ice hockey as part of his physical therapy.

Mr. Speaker and colleagues, please join with me in honoring this outstanding young man for his many accomplishments and congratulate him on being awarded the Honor Medal.

THE NUCLEAR WASTE POLICY ACT OF 1997

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. GRAHAM. Mr. Speaker, I would like to congratulate Chairman BILEY and the Commerce Committee for passing out of committee H.R. 1270, The Nuclear Waste Policy Act of 1997.

Fifteen years ago the Department of Energy, under the Nuclear Waste Policy Act, was given the responsibility of determining the best location for a centralized nuclear storage facility and for readying it to receive irradiated fuel by January 1998.

The rate payers, our constituents, have financed this operation at a cost of $13 billion. We have built and tested shipping containers and found them to be reliable and safe. Our European counterparts regularly ship similar canisters both domestically and internationally. With the passage of H.R. 1270, we can consolidate our spent nuclear fuel in a centralized facility.

So why the holdup? The problem is not money or safety, but politics.

As we wait for passage of H.R. 1270, the price tag to our constituents grows. Continued delays could force nuclear powerplants to build additional storage space at the rate payers' expense. Furthermore, because Congress fails to use the funds accumulated in the nuclear waste fund, other nonrelated projects siphon money from this depleting account.

It is time that money collected for the nuclear waste fund be spent for its intended purpose and that the administration keeps their promise to the American people. Let's stop wasting our citizen's money and finish the job: Support H.R. 1270.

ON BILL REGARDING SALLIE MAE REFINANCING

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. SKAGGS. Mr. Speaker, on September 18, when I introduced H.R. 2511, a bill to correct an unfair practice occurring as a result of the privatization of Sallie Mae, the bill's effective date was in error. I am introducing the same legislation, but with an effective date of today to correct the problem.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. KIND. Mr. Speaker, 3 weeks have now passed since the August congressional recess, and still no campaign finance reform. The frustration among Members is growing over the inability of this House to take action on this issue.

There is no issue that is demanding more attention this fall, yet we have not found the time to consider any bill in the Government Reform and Oversight Committee or on the floor of the House. On today's calendar we are considering 15 pieces of legislation, including a bill to study the feasibility of changing the U.S. quarter-dollar coin to commemorate all 50 states. While this idea may have some merit, it clearly is not as pressing an issue as campaign finance reform. The trend in this Congress, the last several months, has been to investigate rather than legislate. Today, unfortunately, we have decided to commemorate rather than legislate.

Mr. Speaker, I and my constituents are tired of hearing no as an answer. It is time to schedule campaignn finance reform for a vote.

TRIBUTE TO THE CATHOLIC HOSPICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to applaud the efforts of the Catholic Hospice, a nonprofit organization located in my congressional district, and the commitment and efforts of all of their volunteers. The Catholic Hospice is an organization established in 1988 by the Catholic Archdiocese of Miami, SSI Mercy Health System, and St. Francis Medical Health Care Services, whose mission it is to serve the physical and emotional needs of terminally ill patients and their families of all faiths in Dade and Monroe Counties.

Among some of the projects Catholic Hospice offers are Camp Hope, a 3-day intensive therapy session that is offered to children who have lost a parent or very close caregiver within the last 12 months; bereavement support groups, which are counseling sessions offered to adults to assist them to deal with grief and loss; and a volunteer program, where volunteers offer their services free of charge to patients and families who need basic support through a very critical time.

In recognition of the dedication of their volunteers, the Catholic Hospice will be having its annual volunteer luncheon this September 27, where their most valuable volunteers will be recognized. It is volunteers such as Claire Salichs, Tish O'Neil, Lois Newmark, and Berta Friedman, among many others, who have selflessly given their time and energy to assist patients as well as their families during these difficult periods. It is these same individuals who have been indispensable in making the Catholic Hospice a success and whose efforts I commend.

I congratulate the Catholic Hospice for serving so many of south Florida's patients and families and I applaud the efforts of all its volunteers for their dedication to all of those who are sickly or bereaving the loss of a loved one. Death is an experience that is hard to bear for everyone and it is the support of the volunteers at Catholic Hospice that allow those who have lost a loved one to heal more rapidly and enjoy the memories of those who have passed away.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. BECERRA. Mr. Speaker, on September 16, 1997, I was unavoidably detained during two rollcall votes: No. 398, on agreeing to the Goodling amendment and No. 399, on agreeing to the Hoekstra amendment. Had I been present for the votes, I would have voted "yes" on No. 398 and "no" on No. 399.

GAO'S OUTSTANDING RESULTS ACT WORK

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. ARMEY. Mr. Speaker, the Government Performance Results Act, popularly known as the Results Act, holds the promise of achieving a smaller, smarter, commonsense Federal Government. It provides the tools we need to comprehensively evaluate Federal programs and agencies in order to determine what's working, what's wasted, what needs to be improved, and what needs to be rethought. It will help us ferret out fraud, waste, error, and redundancy in current programs.

For these reasons, effective implementation of the Results Act is a high priority for the Congress. Indeed, we have already devoted much attention to ensuring that the act achieves its full potential. We recently completed extensive congressional consultations on draft agency strategic plans through a coordinated effort that involved virtually all House committees and featured outstanding teamwork across jurisdictional and party lines. Our September 4 interim report, entitled "The Results Act: It Matters Now," provides an overall assessment of the agency draft plans based on our consultations.

Our evaluations and feedback on agency draft plans drew heavily on analyses done for us by the General Accounting Office. I want to take this opportunity to commend the GAO and its many dedicated employees for their superb work on this project.

At our request, GAO conducted comprehensive reviews of draft strategic plans for 28 departments and agencies. In order to meet the need to complete congressional consultations promptly, GAO reported to us within 30 days following receipt of each agency's draft plan. The reports were uniformly thorough and insightful. Their detailed analyses and constructive criticisms provided invaluable assistance to us, to our committee teams, and to the agencies. In addition to issuing written products, the GAO staff responsible for each report provided oral briefings to our committee teams.

GAO's ability to produce so much outstanding work in such a short time period is a tribute to the breadth of knowledge, expertise, and commitment of its outstanding staff. Each of the individuals involved in this project can rightly be proud of his or her accomplishment. This project reflects the highest standards of GAO's service to the Congress and to the American taxpayers.

Mr. Speaker, I wish to insert in the RECORD letters of commendation that we sent to Jim Hinchman, the Acting Comptroller General, and to Chris Mihm, who coordinated the entire GAO project. I would also like to insert in the RECORD the names of all the other fine GAO employees who made major contributions to this project. A special commendation is in order for Henry Wray, who is a detailee to the Congress from GAO who is a tireless, professional optimist who has given of this time and talents on behalf of Government reforms in which he believes.

My hearty thanks to all those with GAO who have provided such a solid support for the Congressional effort to get to a smaller, smarter, more commonsense government using all the tools, laws, and resources available to us.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 22, 1997.

Mr. J. CHRISTOPHER MIHM,
Acting Associate Director, General Government Division, U.S. General Accounting Office, Washington, DC.

DEAR CHRIS: On behalf of ourselves and many others in the Congress, we wish to commend you for your superb contributions to effective implementation of the Government Performance and Results Act.

For the past several years, you have spearheaded a number of excellent GAO efforts in support of the Results Act. They include the following products, among many others: *Executive Guide: Effectively Implementing the Government Performance and Results Act*, GAO/GGD-96-118 (June 1996); *Agencies' Strategic Plans Under GPRA: Key Questions to Facilitate Congressional Review*, GAO/GGD-10.1.16 (May 1997); and *The Government Performance and Results Act: 1997 Governmentwide Implementation Will Be Uneven*, GAO/GGD-97-109 (June 1997).

Most recently, you played a key role in producing the 28 reports on agency draft strategic plans that GAO provided to us, each of which was done within a 30-day deadline. The reports were uniformly thorough and insightful. Their detailed analyses and constructive criticisms of each plan provided invaluable assistance to us and to our Results Act consultation teams. You coordinated GAO's overall effort to produce these reports and personally reviewed and contributed to the substance of many of them. On September 4, we issued an Interim Report on implementation of the Act, entitled "The Results Act: It Matters Now," which provides an overall assessment of agency draft strategic plans and draws heavily on the GAO analyses.

In addition to these efforts, you have been a constant and invaluable source of informal assistance on Results Act issues to many members of Congress and Congressional staff in both the House and the Senate and on both sides of the aisle. You have demonstrated outstanding expertise on the Results Act and government management issues in general, remarkable energy and enthusiasm, and an unfailing spirit of cooperation. You should take great pride in all of these efforts. They reflect the highest standards of public service.

Once again, thank you for all of your outstanding support of Results Act implementation. As you know, we view effective implementation of the Act as a high priority. We look forward to continuing to work with you to ensure that this vitally important law achieves its full promise.

Sincerely,

DICK ARMEY,
House Majority Leader.

DAN BURTON,
Chairman, House Government Reform and Oversight Committee.

JOHN KASICH,
Chairman, House Budget Committee.

BOB LIVINGSTON,
Chairman, House Appropriations Committee.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 22, 1997.

Mr. JAMES F. HINCHMAN,
Acting Comptroller General of the United States, U.S. General Accounting Office, Washington, DC.

DEAR MR. HINCHMAN: On September 4, we issued an Interim Report on implementation of the Government Performance and Results Act. The report, entitled "The Results Act: It Matters Now," provides an overall assessment of agency draft strategic plans based on Congressional consultations on those plans as mandated by the Act. The report draws heavily from the analyses of agency draft plans done for us by the General Accounting Office as part of our consultations. We wish to take this opportunity to commend the GAO and its many dedicated employees for this superb work.

By letter dated June 12, 1997, we requested that the GAO assist us and our Results Act consultation teams by conducting comprehensive evaluations of agency draft strategic plans. Our request included all of the 24 departments and major independent agencies covered by the Chief Financial Officers (CFO) Act, as well as several other agencies. Given the need to complete Congressional consultations promptly, we further requested that GAO report to us within 30 days following receipt of each agency's draft plan.

In response to our request, GAO submitted a total of 28 reports on agency strategic plans. All of these reports were issued within the 30-day deadline. We understand that this project as a whole involved staff from all of GAO's program divisions and virtually all of its issue areas. The reports were uniformly thorough and insightful. Their detailed analyses and constructive criticisms provided invaluable assistance to us and to our teams. In addition to issuing written products, the GAO staff responsible for each report provided oral briefings to our consultation teams.

GAO's ability to produce so much outstanding work in such a short time period is a tribute to the breadth of knowledge, expertise, and commitment of its outstanding staff. You can rightly take great pride in this effort. It reflects the highest standards of GAO's service to the Congress and to the American taxpayers.

In addition to incorporating much of GAO's analysis in our feedback to the agencies, we shared the GAO reports with the agencies and OMB. We hope and expect that the GAO reports, along with other Congressional input, will lead to much improved final strategic plans by September 30. The development of strategic plans is the first major phase of the Results Act's implementation. The success of the Act's upcoming phases will, in large part, turn on the viability and quality of agency strategic plans. We intend to ask GAO to follow up on its excellent work for us by analyzing the final plans.

We also wish to commend GAO and express our full support for all of the many other excellent projects it has undertaken to support the Results Act. As you know, we view effective implementation of the Results Act as a high priority. We look forward to continuing to work with you to ensure that this vitally important law achieves its full promise.

Sincerely,

DICK ARMEY,
House Majority Leader.

DAN BURTON,
Chairman, House Government Reform and Oversight Committee.

JOHN KASICH,
Chairman, House Budget Committee.
BOB LIVINGSTON,
Chairman, House Appropriations Committee.

MAJOR CONTRIBUTORS

The following individuals were major contributors to GAO's reviews, reports, and briefings on agency draft strategic plans under the Results Act:

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INTRODUCTION OF LEGISLATION TO RESTORE THE TAX EXEMPT STATUS OF TIAA–CREF

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, recently, Senators MOYNIHAN, D'AMATO, and GRAHAM introduced legislation to repeal the provision in the Taxpayer Relief Act of 1997 which terminated the tax exempt status of TIAA–CREF, the Teacher's Insurance Annuity Association College Retirement Equities Fund. Today, along with Representatives RANGEL, MATSUI, KENNELLY, COYNE, LEWIS of Georgia, and THURMAN, I am introducing companion legislation.

This legislation would simply strike section 1042 of the Taxpayer Relief Act of 1997 which repeals the tax exempt status of TIAA–CREF and Mutual of America. This legislation would restore the tax exemption that TIAA–CREF has had since its establishment in 1918 by the Carnegie Foundation. TIAA–CREF provides retirement benefits exclusively for employees of U.S. colleges, universities, independent schools and other nonprofit educational and research organizations. TIAA–CREF serves nearly 2 million current and retired employees at over 6,000 institutions. This repeal also would restore the tax exemption for Mutual of America, which has served as pension administrator for welfare organizations for over 50 years and is modeled after TIAA–CREF.

The repeal of TIAA–CREF's 79-year old tax exemption might cost the average retiree who receives a $12,000 annual pension about $600 in income and this is a 5-percent reduction in pension benefits. Future retirees currently paying into the system could face reductions as large as 10 to 15 percent. Many of these retirees are not wealthy and they include librarians, assistant professors, and teachers at community colleges.

TIAA–CREF was established to insure that the Nation's college professors had adequate retirement. TIAA–CREF serves as a model for multiemployer pension plans. The creation of TIAA–CREF enabled teachers to save for retirement even if they moved from school to school. TIAA–CREF has always been well managed and sought to shield unsophisticated investors from too many choices and risks. Throughout its history, TIAA–CREF has maintained a well run pension fund with large reserves. The management of TIAA–CREF has focused on counseling and education. We should be awarding such plans, not punishing them by removing their tax-exempt status. I urge you to join me as an original cosponsor of this legislation.

CONGRATULATING FORT BENNING FOR BEING AWARDED PRESIDENTIAL AWARD FOR QUALITY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. COLLINS. Mr. Speaker, it is with great pride that I rise today to recognize Fort Benning, GA—the home of the infantry and the Army's premier installation—for being the sole nominee and winner of the 1997 Presidential Award for Quality, recognizing the best Federal agency in the Federal Government.

On July 10, Fort Benning was honored with the award, having already received the Army Community of Excellence Commander-in-Chief's Award for being the best Army installation in the world three times in the last 4 years and the Army Community of Excellence Army Chief of Staff Award for being the best Army installation in the continental United States in each of the last 5 years.

These awards are indicative of both the ability and professionalism of the tens of thousands of soldiers that pass through Fort Benning's gate every year and of the successful partnership that has developed over the years between Fort Benning and the greater Columbus area. No military facility can be fully effective without developing a positive relationship with the local community. Fort Benning has accomplished this and has developed a military/civilian team that is unmatched in its efficiency and effectiveness.

In spite of the fact that the military population of Fort Benning is in a continuous state of transition, the installation has been able to maintain its high standards of quality. This is, in large part, thanks to the nearly 7,000 civilians who work behind the scenes to advance Bennings' mission. These are individuals like Sarah McLaney, Fort Benning's ACOE coordinator, who has seen the facility receive the Commander-in-Chief Award under three different commanding generals. Dedicated workers like Sarah have been instrumental not only in achieving Fort Benning's military mission, but also in the development of the strong ties that bind Fort Benning to the Columbus community.

General Ernst and his able staff have further reinforced Fort Benning's longstanding commitment to military quality. Focusing on the watchwords "First in Training, First in Readiness, and First in Quality of Life," Fort Benning soldiers constitute a cornerstone of our Nation's Armed Forces.

Since 1918, Fort Benning has operated the world's foremost military institutional training center. As the home of the infantry, Fort Benning's mission is to produce the world's finest combat-ready infantrymen, to provide the Nation with a power projection platform capable of rapid deployment, and to continue to be the Army's premier installation and home for soldiers, families, civilian employees, and military retirees. This mission is achieved with distinction on a daily basis.

While the Infantry remains the central focus of activity at Fort Benning, a number of other types of units have been added over the years, enhancing the ability of the installation to accomplish its mission. In addition to being home of the infantry, Fort Benning now houses the Airborne School, the Army Ranger School, the 29th Infantry Regiment—training unit for the Bradley fighting vehicle—the 36th Engineer Group, and the U.S. Army School of the Americas. Each of these units works tirelessly to defend our national interests around the world and to serve our communities at home.

To the military and civilian personnel of Fort Benning, I am once again honored to offer my sincere thanks and congratulations for a job well done.

IN RECOGNITION OF THE FOOD BANK OF NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mrs. ROUKEMA. Mr. Speaker, I had a most remarkable and heartwarming experience yesterday. I visited the Community Food Bank of New Jersey, in Hillside. The Food Bank of New Jersey is a sterling example of how private citizens, church groups, and business volunteers can come together and work hard to improve the lives of the less-fortunate in their community. I want to give my thanks and appreciation to Kathleen DiChiara, executive director of the Community Food Bank of New Jersey, and Sister Christine Vladimiroff, president of Second Harvest, the National Food Bank Network. But most importantly, I want to thank the thousands of volunteers whose hard work and extraordinary dedication make the Food Bank's success possible.

The Food Bank is an amazingly effective organization, distributing as much as 12 dollars' worth of food for each $1 of its budget. Acting as a sort of wholesale-level savior for the hungry, it distributes an incredible 10 to 14 million pounds of food and other groceries each year to the places where hungry people turn for help—food pantries, shelters for the homeless, soup kitchens child care centers, battered women's shelters, and senior nutrition programs. In all, it serves more than 1,500 organizations in 18 New Jersey counties from its headquarters in Hillside and its Southern Branch in Egg Harbor Township. The Food Bank also operates the extra helping program, the first prepared food rescue program in the state, distributing 30,000 meals a year including kosher meals.

The facilities are impressive: a fully equipped, 280,000-square-foot warehouse, 15,000 square feet of freezer and cooler space, a fleet of trucks on the road daily, including refrigerated trucks, and an experienced, professional staff.

None of this would be possible without volunteers, More than 6,000 people contribute 50,000 hours a year of their time. Many community organizations are involved—the Center for Food Action in Mahwah, the Church of the Presentation in Saddle River, Little Sisters of the Poor in Totowa, the NORWESCAP Food Bank in Phillipsburg, Ridgewood United Methodist Church, and the Salvation Army, to name just a few. The Food Bank is also supported by a number of national organizations such as Bread for the World and Second Harvest, of which it is a member.

Businesses play a huge role in the operation of the Food Bank, with more than 250 companies making large-scale donations of food. The companies that work with the Food Bank are among New Jersey's most outstanding corporate citizens clearly showing their concern for the most basic of human needs.

On the day of my visit, more than 200 volunteers were on hand who had been allowed to take the day away from their regular jobs at KPMG Peat Marwick's Montvale and Short Hills offices in order to help sort food for distribution. Their presence was part of KPMG Peat Marwick's "World of Spirit Day," on which 20,000 employees in 130 offices across the country were given the day off with pay in order to volunteer at schools, hospitals, nursing homes, parks, youth centers, and other locations. This is a wonderful innovation on the part of KPMG Peat Marwick and shows the sincere commitment of this corporation to the communities where it does business. I am fully committed to urging other businesses to establish policies following this outstanding example. KPMG Peat Marwick's effort yesterday, in fact, was part of activities being undertaken by 300 companies across the country to fulfill pledges made 6 months ago at the Summit for America's Future. These companies are answering President Clinton and Congress' call for a nation of volunteers by providing free childhood immunizations, donating computer software to public libraries, and providing free books for schools, among other actions.

The Summit for America's Future has sparked a wave of volunteerism, including 150 State and local minisummits that are spreading the word. We must work, however, to ensure that this is not a one-time occurrence and to show that corporate volunteerism is not a fad. Corporate volunteerism is the right thing to do. It is also good business—consumers will see which companies care about the communities around them.

The need for volunteers—and organizations such as the Food Bank—is great. Between 20 and 30 million Americans suffer from hunger, including 1 of every 12 pre-teen children, according to studies by the Congressional Hunger Center and the Food Research and Action Center. Nearly 26 million Americans rely on food banks for emergency food assistance every year. In my own State of New Jersey, more than 500,000 people depend on food stamps to get by each month. Eleven percent of New Jersey children live below the poverty level and almost 300,000 under the age 12 are hungry or at the risk of hunger. Neither the government nor private organizations can help these people without the assistance of volunteers.

Not all of these hungry children and adults are homeless people on the streets or in other obviously distraught situations. Sometimes they are a single mother, earning minimum wage, who has to decide between getting her car repaired so she can keep her job or buying food to feed her children. A middle-aged homeowner laid off in a corporate downsizing may have exhausted his savings and unemployment benefits. A grandmother living on Social Security might get by on tea and toast in order to pay the rent.

These tragic circumstances in this the most wealthy country in the world must be addressed and eliminated and tragedies such as these are why I am a sponsor of the Hunger Has A Cure Act. The Hunger Has A Cure Act is supported by a large coalition of some of the Nation's largest hunger organizations, including: Bread for the World; the Campaign To End Childhood Hunger; the Center on Hunger, Poverty and Nutrition Policy; Foodchain; the Food Research and Action Center; Results: Second Harvest; Share Our Strength; and World Hunger Year. This bill is essential if we are to protect the safety net for those in need and ensure that the climate of budget cutting in Washington doesn't take the food out of the mouths of hungry babies. As I pledged to the volunteers and directors of the Food Bank yesterday, "I'll be there for you." Just as we saved WIC funding and protected food stamp eligibility this year, I will continue to work to ensure that nutrition programs are protected.

I spent only a short time at the Food Bank but I was inspired to work even harder to complement their work, hard work, energy and dedication, and end hunger in our time. To see the large number of individuals who give freely of their time in order to see that others do not go hungry is heartwarming and inspiring. We have made great progress in caring for the poor and hungry in our Nation but we must do more. We need more organizations like the Food Bank and more individuals like its volunteers. We must all do our part, whether it be by making donations, volunteering time, or helping pass legislation. We cannot stop because the battle will never be won as long as there is one hungry child or adult left in America.

INTRODUCTION OF THE FEDERAL EMPLOYEE THRIFT SAVINGS PLAN ENHANCEMENT ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation, the Federal Employee Thrift Savings Plan Enhancement Act of 1997, to allow Federal employees to increase their retirement savings. This legislation would bolster a critical component of Federal employee's retirement benefits—the Thrift Savings Plan—at no cost to taxpayers.

The Thrift Savings Plan [TSP] is a retirement savings and investment plan for Federal

and postal employees. It offers the same type of savings and tax benefits that many private corporations offer their employees under 401(k) plans. The TSP is critical for all Federal employees, but it is particularly important for those employees hired in the last decade who, under the Federal Employees Retirement System, receive smaller civil service benefits and need to invest more to enhance their retirement income.

Last year, the Congress passed legislation I introduced that added two new funds to the Thrift Savings Plan. Before my bill was enacted, Federal employees were limited to three investment funds: The Government Securities Investment (G) Fund, the Common Stock Index Investment (C) Fund, and the Fixed Income Investment (F) Fund, where 82 percent of the largest corporations offer four or more investment options in their defined contribution plans, and 50 percent offer five or more options. This legislation, however, gave Federal workers two new investment options under the Thrift Savings Plan: a Small Capitalization Stock Index Investment Fund and International Stock Index Fund. These funds offer a long-term investment strategy comparable to private pension plans.

The Congress did not pass, however, the most important component of the bill: a provision to allow Federal employees to invest more of their own money in the TSP. The bill I am introducing today would allow employees to invest up to the IRS limit, $9,500, to the TSP without changing the Government contribution. Currently, FERS employees can put in up to 10 percent of their salary with a Government match up to 5 percent, and CSRS employees can invest up to 5 percent of their salary. America has one of the lowest saving rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. Even though Americans recognize that they should be saving more, half of all family heads in their late fifties possess less than $10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress is beginning to consider how we can encourage Americans to save more. This legislation is a sensible way to encourage Federal employees to increase their savings for retirement.

This legislation would also allow employees entering the Federal Government to "roll-in" money from a private sector 401(k) to the TSP, and it would allow those employees entering Federal Service to begin contributing to the TSP immediately, instead of waiting anywhere from 6 to 12 months to begin to save for their retirement. As under current law, the Government's contribution would not begin until the second open season.

Federal employees face uncertainty caused by Federal downsizing, and they are increasingly insecure about their retirement. Please join me in supporting this legislation to enable Federal employees to bolster their retirement benefits.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. GUTIERREZ. Mr. Speaker, in the afternoon of Wednesday, September 18, 1997, I was unavoidably delayed from reaching this Chamber and therefore missed rollcall vote No. 402, the vote for final passage on the bill making appropriations for the Departments of Labor, Health and Human Services and Education, and related agencies for fiscal year 1998. I want the record to show that if I had been able to be present in this Chamber when this vote was cast, I would have voted "yea."

TRIBUTE TO REPRESENTATIVE JASON HU

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. SMITH of Oregon. Mr. Speaker, I rise today to join my colleagues in paying tribute to Representative Jason Hu on his promotion to the esteemed post of Taiwan's foreign minister.

Representative Hu's promotion requires his return to Taipei and we will miss him a great deal. Representative Hu has been a tireless diplomat for Taiwan and has represented his country's interests well.

Representative Hu is constantly seeking to improve the relations between Taiwan and the United States. He is a true advocate of his country's causes. I commend President Lee for his choice of Representative Hu as Taiwan's top diplomat.

I will miss Representative Hu's presence in Washington but I know for sure that we will have a friend in Taipei who truly understands us and the United States. I urge my colleagues to join me in congratulating Representative Hu and in giving him a fond farewell.