SENATE—*Wednesday, September 24, 1997*

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

PRAYER

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

Thank You, dear God, for the anchor of hope in You that we have for the storms of life. When we lower our anchor, we know it will hold solid in the bedrock of Your faithfulness in spite of the billows of adversity and blasts of conflict. We are able to ride out the storms of difficulty and discouragement because we know You will sustain us. We share the psalmist's confidence, "I wait for the Lord, my soul waits, and in His word I do hope."—Psalm 130:5.

Our hope is not in the supposed reliability of people, the presumed predictability of circumstances, nor the imagined security of human power. Our hope is in Your grace and truth. We know You will never leave us nor forsake us.

Keep us anchored today so we won't drift from our commitment to serving You. We claim Your destiny for our life. And throughout this day, may we feel the tug of the anchor and know that we are indeed secure. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. JEFFORDS. Thank you, Mr. President.

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate is resuming consideration of S. 830, the FDA reform legislation. Under the consent agreement, there will be 4 hours of debate prior to a vote on final passage of the bill. Some of that debate time may be yielded back. Therefore, Senators can expect a rollcall vote on passage of S. 830 between 3:45 and 4 o'clock this afternoon.

Following that vote, the Senate may begin consideration of the D.C. appropriations bill. Additional rollcall votes may occur throughout the day as the Senate considers the last of the appropriations bills. The Senate may also consider any of the available appropriations conference reports.

I thank my colleagues for their attention.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

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

The 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.

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate to be equally divided between the chairman and the ranking member.

Mr. JEFFORDS. Mr. President, this is, hopefully, the final moments of debate on the FDA reform bill. There is no Senator who has been of more help and assistance, not only to the committee but to her constituents, than the Senator from Maryland. Thus, I am pleased that the one who will be opening the debate today is that Senator. So I yield her such time as she may consume; and may she consume a lot of time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, thank you.

Mr. President, in a few hours we will be voting on the final passage of the FDA Modernization and Accountability Act.

I am so pleased that this day has finally arrived. I thank the chairman of the Labor Committee, Mr. JEFFORDS, for all of his incredible patience, persistence, dedication, and attention to really lead the mission to move FDA into the 21st century. I thank him for his heartfelt devotion to accomplishing this mission and for never giving up. I also want to thank his staff for their hard work and for the bipartisan, nonpartisan way in which they worked.

Let me also acknowledge the tremendous contribution of the ranking member, Senator KENNEDY. There is no doubt that this is a better bill and FDA will be in better shape because of his efforts.

Mr. President, I have worked on FDA reform for a number of years. When I was a Member of the House of Representatives, we embarked, on a bipartisan basis, to ensure consumer protection, to prevent dumping of drugs that did not meet our standards into Third World countries.

Then coming to the Senate, I joined with my colleague from Massachusetts, Senator KENNEDY, and with the Senator from Utah, Mr. HATCH, in fashioning something called the Prescription Drug User Fee Act, otherwise nicknamed PDUFA. What PDUFA did is provide, through a user fee mechanism, the ability to hire 600 more people at FDA to analyze the safety and efficacy of pharmaceuticals to move them to the marketplace.

Because of PDUFA and the great legislative idea of Kennedy-Hatch, FDA was able to hire more people to examine products that were being presented for evaluation and get them to clinical practice more quickly.

The leadership of Kennedy-Hatch on PDUFA has not only stood the test of time, but it has shown that we can expedite the drug approval process while maintaining safety and efficacy.

But while PDUFA made a huge difference, it became clear that PDUFA was not enough. More staff operating in an outdated regulatory framework without a clear legislative framework was deficient.

That is when we began to consult with experts in the field of public health, particularly those involved in drugs and biologics on where we needed to go. While we were considering this, the world of science was changing. We were experiencing a tremendous revolution in biology. We went from basic discoveries in science, particularly in the field of chemistry and physics, to a whole new explosion in biology and genetics and biologic materials. We also went from a smokestack economy to a cyberspace economy in which the very tools of information technology could enable us to improve our productivity.

It became clear that we needed an FDA with a new legislative framework and a new culture and a continued commitment to the traditional values of safety and efficacy. This is when we began to put together what we called the sensible center on FDA reform. One often hears about partisan bickering. One often hears about prickly relationships between the two parties. But I tell you, thanks to the leadership of Senator Kassebaum, who initially chaired this initiative, we, Republicans and Democrats, worked together because we never wanted to play politics with the lives of the American people. What we wanted to do is to make sure the American medical community and the world medical community had the best clinical tools at their disposal to help save lives.

We saw the reform of FDA accomplishing two important policy goals—

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

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saving lives and at the same time generating jobs in our own American economy in the fields of pharmaceuticals, biologics, and medical devices.

Senator Kassebaum took important steps forward. Senator JEFFORDS assumed that mantle and brought us to this point today.

What will this bill do? Why is it so important? It gives, first of all, a clear statement on what is the mission and purpose of FDA—to save lives with pharmaceutical and biologic products and to maintain the safety of our food supply. This bill does not deal with the food safety issue, but it sure does focus on those things that normally would take place in clinical practice.

Why is it so important? It streamlines the regulatory process, it reauthorizes that very highly successful PDUFA, to make sure we have adequate staff, and it creates an FDA that rewards significant science while protecting public health.

It means that new lifesaving drugs and devices will get into clinical practice more quickly. It will enable us to produce products that we can sell around the world saving lives and generating jobs.

What is so great about pharmaceuticals, biologics, and medical devices is that they are translingual, they are transcultural. When you need a new drug and it is approved by FDA, whether you live in Baltimore or whether you live in London or whether you live in Bangladesh, you need it. If you then use a medical device, you know if it is safe in Maryland, it will be safe in Moscow or Malaysia. This is why this will offer us a whole new opportunity in exports.

I am really proud of FDA. I am proud of all the people who work at FDA, and under very Spartan resources. Why? Because it is known as the gold standard around the world for product approval. We want to maintain that high standard, and at the same time we want to make sure that the FDA is ready to enter the 21st century.

This legislation will be the bridge to the future, maintaining the evaluation of safety and efficacy with the new tools to be able to participate in a 21st century science environment and a 21st century economy. This bill sets up a new legislative and regulatory framework which reflects the latest scientific advancements. That framework continues the FDA's strong mission to public health and safety, but it sets a new goal for FDA—enhancing public health by not impeding innovation or product liability through unnecessary red tape that only delays approval.

There is an urgency about reauthorizing PDUFA. Its authority expires at the end of this month. PDUFA has enabled FDA to hire 600 new reviewers, and to cut review times from 29 to 17 months over the last 5 years. If we fail to act now, it means the people who have been working on behalf of the American people and the world will get RIF notices. We cannot let them down, because we do not want them to let the American people or the world down. We risk losing talented employees and slowing down the approval process.

Delay will hurt dedicated employees, but more importantly it will hurt patients. Patients benefit the most from this legislation. Safe and effective new medical tools will be helping patients live longer lives or get better quicker.

We are not just extending PDUFA. We are improving it. Currently, PDUFA only addresses something called the review phase of the approval process. Our bill extends PDUFA to streamline the early drug development phase as well.

What does this mean? New innovations. We are going to be able to allow for electronic submissions. We want to improve productivity. Instead of carloads of paper, stacks and stacks of material not being able to be utilized in an efficient way being deposited at FDA, companies will be able to make those electronic submissions. This reduces not only paperwork but actually provides a more agile way for scientific reviewers to get through the data in a way that improves efficiency while they are analyzing efficacy.

Updating the approval process for biotechnology is another critical component of this bill. Biotechnology is one of the fastest growing industries in our country. In my own State of Maryland, there are 143 of these companies. They are working on everything from AIDS to Alzheimer's to Parkinson's disease, to breast and ovarian cancer, as well as new immunizations for children.

These are absolutely vital areas of endeavor. We want to be able to help them develop these new areas, go through a submission at FDA to make sure they are safe, and get new products out there doing their job of improving people's health.

The job of FDA is to make sure that safe and effective products get to our patients. Our job, as Members of Congress, is to fund scientific research through NIH and other Federal laboratories and extramural research at great institutions like the University of Maryland and Johns Hopkins and at the same time to provide FDA the regulatory and legislative framework to evaluate new products to make them available to doctors and to patients.

That is why I am fighting for this. There have been many issues raised in this debate. Some have been very robust. Some have even been prickly. But I tell you, I want to absolutely say that I am on the side of FDA. I am absolutely on the side of safety. I am absolutely on the side of efficacy. I believe this is what this bill does.

This legislation should not be a battle of wills, it should not be a battle over this line item or that line item. It should be really a battle over what is the best way to make sure the American people have from their physicians and other clinical practitioners the best devices and products to be able to save their lives.

Mr. President, my dear father died of Alzheimer's. He was in the final stages when I became a U.S. Senator. He was so ill that he could not come to that marvelous night in my life when I won the general election and knew I would be the first Democratic woman ever elected in her own right. I spoke to my father that election night, via TV because he could not be there, to thank him for what he did for me and my sisters. With Alzheimer's, I watched my father die one brain cell at a time. It did not matter that I was a U.S. Senator, it did not matter that I was helping fund research at NIH, my father was dying.

My father was a modest man. He didn't want a fancy tombstone or a lot of other things, but I vowed, I promised, in my heart of hearts I would do all I could to find a cure for Alzheimer's. I would do all I could for those people who have Alzheimer's or other forms of dementia or other mind diseases. While I did that, I promised also that I would do all I could to make sure those tools moved to the clinical practice as fast as they could.

Every one of us has faced some type of tragedy in our lives where we look to the American medical, pharmaceutical, biological, and device communities to help us. I have done that so many times. I am grateful to the medical communities in the United States of America.

When my own mother had one of her last horrible heart attacks that was rapidly leading to a stroke there was a new drug that was so sophisticated that if it was administered quickly could help her avoid having a stroke. It required informed consent, because even though it was approved it was so dramatic in the way it thins the blood, almost to a hemophilia level, that you needed consent on the scene.

I heard all of the medical pros and cons of that. I was advised by a great clinician at Mercy Hospital and I gave that approval because my mother was not conscious and not able to do that. And guess what? That new drug approved by FDA, developed in San Francisco, got my mother through her critical medical crisis with the hands-on care of the Sisters of Mercy at Mercy Hospital. My mother did not have a stroke because we avoided the clotting with the help of this new dramatic drug.

I give praise and thanksgiving to God for that and the ingenuity of the American medical community that enabled my mother to stay with us 100 more days so she could be back at home, have conversations with us, her grandchildren, and so she could, even in her

final days, continue a telephone ministry that she had. She was a member of a parish group called the Cheer Up Club where other shut-ins called each other. Let me tell you, the best "Cheer Up Club" I can belong to is right here in the U.S. Senate when we pass FDA reform to make sure that when a physician works with a patient or a family they are cheered because they have these new tools.

Mr. President, I thank you for the time given to me to speak today. If I seem a little emotional, you bet. I love my family, as so many of us do, and this is why I so rely upon the American medical community and FDA to make sure that the best pharmaceutical, biological, and medical devices are available to the American people and also to the people of the world.

I look forward to voting for final passage and having a conference report to bring back.

Mr. JEFFORDS. I thank the Senator from Maryland for a most eloquent and moving personalized statement, as well as her efforts that have gone on to improve the FDA for all of us.

Mr. KENNEDY. Mr. President, I also join in expressing great appreciation to the Senator from Maryland in terms of the FDA reform.

She speaks very eloquently, passionately, and emotionally about the family's personal experience with the breakthroughs of modern medicine and what it can mean to those afflicted by the scourge of so many of these diseases.

I must say I join with Senator JEFFORDS in saying that no one on the committee has been as tireless in pursuit of FDA reform as the Senator from Maryland. As a tireless advocate for FDA, she has brought great knowledge and understanding to achieve the goals that she has outlined here and I think all of us pay tribute to her.

I want to thank her, as well, for commenting positively on the work of the people at the agency. There are many individuals at FDA who could, at the drop of a hat, go to the private sector and other areas and be better off financially. But who, because of their commitment to the public, are trying to do a job they believe in and are willing to serve the public.

Ms. MIKULSKI. I thank the Senators from Massachusetts and Vermont for their very kind comments.

I also thank you for the cooperation of your staff, and wish to acknowledge the roles of Lynne Lawrence and Roberta Haeberle.

But let's get FDA the right staff that they need.

Mr. JEFFORDS. Mr. President, before yielding to the Senator from New Hampshire I would like to say he has spent as much or more time than anyone on this legislation and has had the very difficult chore of working in this very controversial area of uniformity. It is so essential that this Nation have uniformity so that when they buy a product they can know with the assurance of the FDA that the product they are getting is one that will be safe and helpful. Many, many hours the Senator has spent working on this issue, as well as the bill generally. I praise and thank him.

Mr. GREGG. I thank the chairman of the committee.

Mr. JEFFORDS. I yield such time as the Senator from New Hampshire desires.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from New Hampshire.

Mr. GREGG. I wish to join with others in stating my admiration for the chairman's efforts here in getting this bill forward. He understates his role if he thinks somebody has worked harder than he. He is clearly the person who has put the most time in this and developed an excellent bill.

That is the point. The bill reported out of the committee came out of the committee with a huge vote, 14–4, a very definitive statement by the committee which has a fair number of experts—one of whom you just heard, Senator MIKULSKI from Maryland, on various parts of this bill—a fair number of experts who understand the importance of bringing the FDA into the 21st century.

Why is it important? I think the statement has been made over and over again here in the last few days, but I think it needs to be made again. The fact is this involves people's lives. We have spent a lot of time on this bill and we have had a lot of votes on this bill. We had an 89–5 cloture vote on September 5; a 94–4 cloture vote on September 17; and yesterday, a 98–2 vote in favor of the bill. At some point, people should be willing to say enough is enough. It was inappropriate to delay this bill as much as it has been delayed.

This is about people's lives. The capacity to get these drugs out, to get these devices out, to give people the ability to use these various pharmaceutical treatments and various device treatments which are in many instances going to save lives and in almost all instances going to improve lives, is critical.

I have a situation in New Hampshire. An attorney named John Hanson wrote to me about a friend of his who, regrettably, has ALS, or Lou Gehrig's disease. This is a horrible disease. It is a disease that eats away at your capacity as an individual to function. Although your mind stays sharp, the rest of your body fails. Every day that goes by is a critical day to this individual, every day that goes by.

Now, the FDA had a product before it called myotropin which is waiting for approval. The people who have ALS are very interested in getting this drug, but they can't get it because the FDA has taken the position that it is not yet available on the market.

Why is that? It is because of this long lead time of bureaucratic activity that is the wrap-up period for the approval of drugs. Regrettably, as a result of that long lead time, which can be years and years and years, many people are unable to get these drugs which are so important to them. In a case like ALS, of course, it really is the individual who should have some option in being able to choose whether or not to use a drug. That individual has a pretty stark choice before them—die as a result of the disease you have; or maybe have a chance of surviving as a result of taking a drug which maybe has not had years of review but has only had a few years of review.

So the issue is how do we get the FDA to approve these drugs, approve these devices in a prompter manner, in a manner which doesn't give up any of the need for making sure that the drugs are safe and that they work, making sure that the devices are safe and that they work, but does give up the bureaucracy which has for so long and so often stifled a prompt review process.

So this bill which the Senator from Vermont has brought forward today really does attempt to overcome what you might call the culture of overcautiousness which has become, regrettably, the culture of the FDA. It is an attempt to say to the FDA in a very definitive way, listen, we understand the importance of what you do, we understand that you are sincere and committed individuals. But we also understand there is another part of this formula that is called getting the drugs to the patients, getting the devices to the patients.

So, let's start working as a team to get these things out quickly. To accomplish that, a number of proposals were put forward to make the FDA work more effectively and make the drugs and devices which are distributed across this country more understandable in their usage and also more readily available when they work.

We have heard a lot of discussion, of course, about section 404. I note that the Senator from Massachusetts has another group of lists up there on section 404 of people involved in this issue. One thing that has been mentioned is that this new section 404 may in some way be tied into the fen/phen issue. Well, it is not. Section 404 is a device section. It is not a drug section and does not apply to drugs or drug manufacturers. Using that as an example, which just recently occurred, is truly a red herring. The purpose of section 404 obviously is to try and get these devices out in a more prompt and efficient manner.

Now this language was put together after a lot of work and a lot of negotiation, a lot of discussion, with all the

different parties involved. I know the Senator from Vermont was actively involved, the Senator from Indiana was aggressively involved. My sense is that everybody who had a legitimate concern about section 404 had a fair hearing before the committee, and the committee decided that the compromise language which was put in the bill—and believe me, it was compromise language—on section 404 was the most effective and appropriate way to go. The committee decided it by a 14–4 vote.

I hope this Congress and this Senate specifically would give considerable respect to the efforts that were made at the committee level on this specific issue. I do think in this instance the Senator from Massachusetts is just plain wrong. His position is not consistent, in my opinion, because he has brought in debate over drugs with the medical device issue, but more importantly, it is not the position which was adopted by a vast majority of the members of the committee, because we understood the importance as a majority in the committee, 14 people who voted for this, of getting out some major reform in the FDA laws which would allow for a prompter approval process without giving up any of the issues of safety or effectiveness of the drugs or the devices that are being involved here.

I congratulate the Senator from Vermont again for moving forward. It appears we may actually be getting to the end of the day on this bill relative to passage. I hope we would not see any more of this delay tactic as we move down the road because every day that gets delayed potentially costs a life, and certainly causes people who need these drugs, need these devices, a tremendous amount of anxiety on top of a situation which in almost every instance is already filled with extraordinary anxiety because of the type of disease or problem they have. So let's get on with doing the business of the Senate and pass this bill.

Mr. JEFFORDS. Mr. President, I want to take a moment to thank the Senator from New Hampshire again for the incredible amount of work he has done, and I hope we heed his advice.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield as much time as he needs to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank the Senator from Massachusetts and I wish to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1210 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, we are moving on in the consideration of FDA reform. I would like to review where we are, where we have come from, and where I believe we ought to go on this important issue that is intimately tied to the public health and safety of the American people.

I would just like to remind our colleagues and others about the importance of this agency. We will be debating about section 404 of the FDA legislation that is before us. It might sound like a small, narrow provision in a complicated piece of legislation, but its implications are profound in terms of potential impacts on the health and safety of millions of American people.

Senator REED, myself, and others have attempted to make the case that we are unnecessarily risking the health of the American people. We are doing this because we are effectively permitting false and misleading information to be placed on the labels of medical devices that are submitted to the FDA for review. We are doing this and at the same time, tying the hands of the FDA to look behind those labels and into the real purpose of the medical device. We are creating a loophole that will allow companies to submit their products under a protocol they know will allow for quick approval, but whose clear intention is to market the device for uses that are different from those they listed when they went through the approval process.

Over the last few days, we have reviewed the most prominent example of this issue when we talked about the biopsy needle of U.S. Surgical Co. We discussed how they were able to get approval for the device by telling FDA that it was substantially equivalent to a device they already had on the market. But, in reality, the biopsy needle that was on the market excised an amount of tissue that was less than the size of the lead in a pencil, and the new device they submitted to FDA removes a piece of tumor that is 50 times larger than would be removed with the existing needle biopsy device.

It is quite clear from the evidence that we are able to advance on the floor of the Senate, both the correspondence we received from doctors about marketing practices and a promotional videotape, that this device was being promoted for an entirely different purpose than the one U.S. Surgical listed on the label it submitted to FDA. Due to this maneuvering, we did not have the proper kind of safety information available to the principal agency of Government that is charged with protecting the safety and health of the American people.

I cannot understand why we, by way of this legislation, are denying that Federal agency the opportunity to adequately protect the American people. And it isn't just me, 35 other Members of the Senate, more than a third of the Senate, indicated a similar position with their votes yesterday. Virtually all of the consumer groups are with us as well.

I have illustrated on this chart some of the organizations that are working to protect patients, that listen to patients, and that understand the need of patients, and that stand with us on this issue. They are virtually unanimous in their concern about this particular provision.

I have in my hand articles about the FDA which have been published over the period of the last 2 days. This is an agency that is on the cutting edge of many health-related issues. It is charged with many different responsibilities that have enormous impacts on the lives and well-being of American people.

Here we have on September 22 a major article: "Doctors want approval to inject themselves with live virus"—HIV. This will be a decision the group will seek approval. From whom? From the FDA.

Here is another—"FDA sets rules on supplemental labels." The FDA published final rules yesterday aimed at making * * * manufacturers put more information on labels.

Why are they doing that? To protect the American public. They have responsibilities for that.

> FDA acts to get more women in drug studies. That is very appropriate and very important to do.
>
> FDA moved [yesterday] to force drug companies to stop excluding young women from studies of promising new medicines out of fear they will get pregnant, curbing the research.

And, again:

> FDA told the drug companies to include women in all stages of drug tests.

Then it goes on about the importance of having women represented in drug trials so we can understand how they will affect women. That can't be learned from studying the effects on men because of the metabolic and other differences between men and women.

Here is another example of FDA looking out after public health issues, and the impact of pharmaceuticals on our population.

On September 23 here is the long story in the New York Times.

> Thirty-seven years later, a second chance for thalidomide. Officials at the agency announced today they intend to approve thalidomide for use in leprosy patients, as long as the New Jersey . . . company seeking market approval adheres to conditions, including elaborate restrictions intended to keep the drugs away from women who might be pregnant.

Here is the FDA looking after what? Looking after a possible cure for leprosy and making sure that women who are expecting are protected from thalidomide.

What is the role of the agency? Looking after the women and children—looking at trying to find some cure for leprosy.

What is another role of the FDA? Trying to make sure that all members of our population are included in the review of various pharmaceuticals.

Here is a story on E. coli bacteria. We remember the stories across the country a little over a year ago and the dangers that were posed in terms of the health of the American people. This has no direct connection with the issue surrounding FDA reform except that it, too, comes against a background of years of determination, —the "meat industry and anti-regulatory forces to block long overdue improvements in the way the Government monitors the meat safety."

Here is an example of an editorial advising us to be cautious in our rush to regulatory reform. Let's not override safety.

That is what this editorial is about—the same message we are delivering today—in our rush to reach these thoughtful and important reforms, let's not override safety.

This editorial involved a different issue—E. coli and meat products. It may be E. coli today, but it may be an unsafe medical device tomorrow.

Again, on the 23d, FDA. The approval of thalidomide, lawsuits filed against the fen/phen, and many other articles. The FDA published a rule on the 23d—from the Washington Post:

Final rules aimed at making supplemental manufacturers put more information on the labels. The rules restrict the use of the term "high potency," requiring products such as vitamins, minerals, herbs, and amino acids to be labeled as dietary supplements and labeled also to provide information about serving size.

What is the agency doing in each of these cases that made the newspapers over the past few days? Protecting the American public. In each and every example that we have cited FDA is trying to protect the American public on a wide variety of issues.

We are talking today about doing the same thing with regard to medical devices, protecting the public from false and misleading labels. That is the issue. It is not the only issue, but the Senator from Massachusetts, the Senator from Rhode Island, for the patient advocacy and consumer groups, it's the primary issue. There hasn't been a single patient advocacy group that has been advanced by those that are opposed to our position here during the course of this debate. Not one. Why? Because they cannot find any. Why? Because this provision is a direct threat to the health and safety of the American consumers. And virtually every group that has studied it, that has reviewed it, understands that.

That is where we are. We want to let the American people know the importance of the FDA. Let them know how it is out there trying to provide protection for the American people. That is what we believe should be the case on the provisions that we have been discussing here, with section 404.

Because of the Senate vote yesterday tabling the Reed amendment, the FDA reform bill still includes the provision that seriously threatens the public health—the provision that must be removed before this legislation becomes law. This provision encourages device manufacturers to lie to the FDA and forces FDA to approve medical devices that have not been adequately tested to assure that they are safe and effective. Weeks ago, the Secretary of HHS identified this provision as one that would lead her to recommend a veto if it were not removed. Despite what some of my colleagues say, this is not a new issue. The Secretary identified it last June, identified it again in July, and identified it again in September as one of the administration's principal concerns.

It is virtually the only technological issue that remains to be resolved on this bill. Every major public health and consumer organization that has taken a position on this provision strongly opposes it.

While the Reed amendment was defeated yesterday, I anticipate the bill itself will be adopted by the Senate today. This is not the end of the story. There are many procedural steps that must be taken before the bill becomes law, including action by the House, reconciliation of the bills passed by the House and Senate, and the signature of the President. There will be many more opportunities for debate before this bill can even go to conference. I believe that in the end the public interest will prevail.

I intend to discuss this provision during the course of today's debate on the bill. I would like to begin by reviewing the reasons we embarked on an FDA reform bill in the first place and how much we have been able to improve the original bill.

As I mentioned earlier, there are few more important agencies of the Federal Government than the Food and Drug Administration. The FDA is responsible for assuring that the Nation's food supply is pure and healthy. The FDA provides a guarantee that the drugs and devices we rely on to cure or treat diseases are safe and effective. It wasn't always that way. Medical device legislation was adopted in the mid-1970's.

If it does its job well, the FDA can speed medical miracles from the lab bench to the patient's bedside. And if the agency does its job poorly, it can expose millions of Americans to unsafe or ineffective medical products and jeopardize the safety of our food.

The record of the FDA in moving these various medical devices through the process and moving them from the manufacturer onto the market is improving. We have seen significant and dramatic improvement over the period of the last 3 years. In the premarket notification process known as 510(k), which about 95 percent of all the medical devices come through, the median review times have dropped from 199 days to 93 to 85 days, meeting the standard of 95 percent of all of those submitted. That is extraordinary progress. And for the more complicated, newer devices, the breakthrough kinds of devices, which account for only 5 percent of submissions, review times have been reduced to about 40 percent of the time between 1993 and 1996.

This is the record. That is why there is within the medical device industry, general support for the steps taken by the agency.

Here is the Medical Device and Diagnostic Industry magazine of this year.

With improvements in FDA product review performance, despite a more challenging domestic market, device companies are more optimistic than ever. Company executives report a substantial improvement in FDA performance, particularly in 510(k) product approval times.

This is the Medical Device and Diagnostic Industry magazine commenting on the performance of the FDA in terms of its approval ratings.

This year's survey of medical device manufacturers marks the highest business climate ratings ever.

Here we have the industry magazine talking about how effective the FDA is in moving these devices through the process expeditiously. And now, even with this information, we are undermining the ability of that agency to provide adequate protections for public health and safety.

(Mr. COATS assumed the chair.)

Mr. KENNEDY. If the agency was not doing a good job, if we were seeing these bureaucratic delays denying patients products, at least there would be an arguable position. But what we are talking about here is the industry's own assessment about the effectiveness of the agency. They are pointing out how hopeful and optimistic they are about the recent performance of the agency in quickly approving devices.

Not only have they made progress in moving them expeditiously, but now a number of the medical manufacturers want to diminish the existing power of the FDA to assure proper safety. The American people must ask why. We do not have the kind of problems that we had years ago with the Dalkon shield and the Shiley heart valve. We do not have the kinds of problems that we had with earlier medical device tragedies. What we have now is an excellent record of safety and effectiveness with devices, and it is against that background we find some in the medical device industry want to make it even more profitable for themselves, and to do so at the risk of the public.

Continuing along with the survey:

The overall results of the survey indicate widespread satisfaction with the medical device business climate. A substantial majority of the survey respondents characterized

business conditions for the device industry as good to excellent. One important cause of this year's improved outlook is perceived improvement in relationships with the FDA. The declining complaints about the agency mirror the increase in positive business outlooks. Much of this improvement is no doubt due to the dramatic decrease in the last 2 years of 510(k) product approval times which the FDA has made a lead focus of its internal reforms.

Ray Larkin, President and CEO, Nelcor, Purett & Bennett, Pleasanton, CA, underlines the extent of the improvement of the FDA: "As critical as I may have been a year ago, I think they have made significant improvements in the product approval and the compliance side. The whole regulatory environment is improving."

This is what industry itself is saying about the FDA. This is not just those of us who are opposed to this particular provision. This is the industry itself. How many times have we heard, "If it is not broke, why fix it." And here we have the wide approval by the regulated industry itself. And yet some here in this body want to deride this progress and put the American public at risk by denying the agency the ability to review important information about safety and effectiveness when the information on the label is false and misleading.

And here is Medical Economics of this year.

The demand for devices has created a worldwide market of $120 billion including $50 billion in the U.S.

That's growing by 8 percent annually.

A healthy industry, thank goodness, because I think all of us know the importance of these medical devices when they are safe and effective. But we have to make sure they are safe and effective. We do not want to compromise the current superb safety record.

An extensive study was conducted by the Medical Device Diagnostic Industry magazine this year that showed that the executive rating of device industry business is at an all-time high—58 percent favorable, 11 percent unfavorable. "Expectations of the medical device business conditions." The best that it has been in any time in recent years. All the measures indicating that the medical device industry is doing well, that the public is being served, safety is being addressed.

Even with regulatory protections for safety, the speed with which these devices are being approved has been improved, nonetheless we are being asked to alter those conditions. We are being asked to handcuff the FDA from being able to look at that medical device that may meet the safety standard substantial equivalence but it clearly intended to be used and marketed for another purpose. A purpose for which safety and effectiveness data have not been gathered or evaluated.

Let's get back to the fundamentals. The main purpose of the FDA reform bill was to reauthorize the Prescription Drug User Fee Act of 1992 known as PDUFA. PDUFA is one of the most effective regulatory reform programs ever enacted. Under PDUFA, the pharmaceutical industry pays the user fees that cover part of the cost of FDA's drug approval and regulatory functions. And with these additional resources the FDA has been able to hire additional personnel so that drugs can be reviewed more promptly. As important as these additional resources were, equally important were the specific performance targets for speedier drug review negotiated between the industry and the FDA as part of the PDUFA agreement.

This is where the industry, working with the agency, said, well, if we give support for this and it becomes law and they get the additional resources to hire the personnel, can we reach these target timeframes for approval, and the agency agreed to that. And we had extraordinary accountability. We found a 90 to 95 percent compliance with those goals. The industry establishing the support for the PDUFA fee resulted in important and dramatic progress made. The combination of performance targets, additional resources, and the leadership of Dr. Kessler, the former FDA Commissioner, has created a regulatory revolution at the FDA.

Listening to some of the speeches we have heard during the course of this debate, you would think the FDA was a regulatory dinosaur mired in the past, cumbersome and bureaucratic, imposing unnecessary and costly regulatory burdens on industry and denying patients speedy access to lifesaving drugs.

That is a myth that those who want to destroy the FDA in the interest of an extreme ideological agenda or in the interest of higher profits and at the expense of the patients, would love you to believe. It is not true. The FDA's regulatory record is the envy of the world, and it sets the gold standard for protection of patient health and safety.

Over the last few years, in partnership with Congress and the administration, the FDA has responded to growing criticisms of delays in approving new products by taking impressive steps to improve its performance. The Prescription Drug User Fee Act of 1992 was one of the most effective regulatory reform programs ever enacted. The bill established a new partnership between the industry and the agency. The industry agreed to provide the additional resources. The agency agreed to a measurable performance standard to speed the review of products, and every goal set by the legislation has not only been met but been exceeded.

So today the FDA is unequaled in the world for its record in getting new drugs to market quickly, without sacrificing patient protection. In fact, last year average review times in the United States were twice as fast as in Europe. Fifteen new drugs were approved in both the European Union and the United States. In 80 percent of the cases, the United States approved the new drugs either first or at the same time as the European Union. More companies chose the United States for the introduction of breakthrough drugs than any other country.

That is the current record. In addition to speeding the review times, the FDA has taken far-reaching steps to reduce unnecessary burdens on industry and modernize its regulatory processes. More needs to be done, but these steps have added up to a quiet revolution in the way FDA fulfills its critical mission. When the prescription drug user fee was originally passed, the device industry refused to agree to the user fees that would give the FDA additional resources and performance standards that have contributed so much to the agency's outstanding record on drugs and biologics. But even in the device area, the recent FDA achievements have been impressive.

I think it is fair to say that following passage of PDUFA, the primary priority of the FDA was to implement that commitment and contract with the pharmaceutical industry. And I do think that the agency gave that a higher priority than it did moving ahead in terms of the medical devices.

I think that is probably a fair criticism. But once PDUFA had been effectuated, the priorities shifted to the medical device industry.

I remember the debate on PDUFA quite clearly. I welcomed the opportunity to join with my colleague, Senator HATCH, and others in the adoption of PDUFA, and I remember the efforts we made in the area of the medical device industry to do exactly the same thing. But we were unable to get the device industry to agree to that. I think it is unfortunate. Any fair evaluation in terms of the FDA in looking over the period of the time since the passage of the PDUFA, the changes in the way that the agency worked in advancing and accelerating the consideration of pharmaceuticals and biologics would understand that they get the priority. It has been only in recent years that the device industry has received attention, with the results which I mentioned just a few moments ago.

The so-called 510(k) application devices, which are approved on the basis of substantial equivalence to a device already on the market, account for 95 percent of the device submissions. The FDA has virtually eliminated its backlog. Last year it reviewed 94 percent of these devices within the statutory timeframe compared to 40 percent just 4 years ago—dramatic improvement. And we haven't compromised safety in the process. Why are we now attempting to undermine the health and the safety of the American public? Why are we risking it?

Mr. President, even in the area of class III devices, which is where most problems remain, the FDA has improved its performance substantially. According to a study by the GAO, median review times dropped 60 percent between 1991 and 1996. A recent survey of device industry executives reported that the business climate for the industry is the best in a 5-year history of the survey. The sponsor of the survey attributes the favorable response in large measure to the improvements at FDA and concludes:

The agency has not only reduced the product approval delays that slowed new product introductions, but, perhaps more importantly, has also greatly reduced both executives' and investors' uncertainty about the timeliness of future product introductions.

That is the conclusion of the General Accounting Office. That is not the conclusion of those of us who are trying to say look, the system is working, the devices that are getting into the FDA are being approved in record time, they are getting out to benefit the people and we have a solid safety record.

We are being asked here to walk away from that safety record. We are being asked here, for the first time since we passed serious medical device legislation 25 years ago, to take steps backward in the area of protecting the American public.

In a recent FDA report, the agency sets new targets for even quicker review of the class III devices while still giving assurances that we are going to continue to protect the public. The agency is doing a good job now. It will be doing an even better job in the future. There is no justification for weakening the FDA power to protect the public—not based on the myth that it is denying patients prompt access to needed new products.

If you listened to this debate for the past days, the other side's description of the FDA may have been accurate 5 years ago or 10 years ago, but does not reflect where the FDA is today. And that is not just my opinion, but it is what we hear from the General Accounting Office, and what we have the industry itself saying.

The most important aspect of this bill is the reauthorization of PDUFA. The new PDUFA program was negotiated between the FDA and the industry. It expands existing programs by setting additional performance standards and puts special emphasis on expanding early cooperation between the FDA and industry so the drug development process, not just the regulatory process, can be stepped up. The agency has been creative in anticipating the possibility of major new drug breakthroughs. They have been working with the industry in new ways to help shape and formulate the way the industry effects its application so it can be approved in more expeditious manner. This is because we are not just interested in drug approvals but also development times.

We had a long debate about how we were going to reduce the number of days: 180, 360, 120, or 90 days—for the approval on these various issues. That was taking our eye off the ball. What is important is development time. In our own review of FDA, what makes the most difference reducing total approval time is reducing development time. The agency has been doing really excellent work. In addition to PDUFA, there are a number of other provisions changing the way the agency does business, particularly in the area of medical devices. As originally introduced, the bill included many extreme provisions that posed significant threats to public health. It was important that these provisions be modified before the legislation could be allowed to move forward. I compliment Senator JEFFORDS and the other members of the committee, Republicans and Democrats alike, on their willingness to compromise on these unacceptable proposals over the months we worked on the bill. I would like to review a number of these provisions for the Members of the Senate so they understand the changes this legislation makes and the pitfalls that have been avoided. These compromises must not be undone as the bill moves further through the legislative process. I am proud the progress that has been made. We have reached constructive compromises on more than 20 items.

I have here the letter that was sent to the chairman by the Secretary of Health and Human Services in June, June 11, as the committee was considering the FDA reform. In this, the Secretary mentions, "Unfortunately, the Chairman's substitute to S. 830, also includes a number of provisions which as drafted do not reflect consensus and about which I have very significant concerns."

I will not take the time of the Senate now to review those. But basically they include some 20 different provisions. I ask unanimous consent to have those printed in the RECORD.

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

SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, June 11, 1997.

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: For the past several months the Administration has been working with the Senate Labor and Human Resources Committee on legislation to improve the performance and accountability of the Food and Drug Administration (FDA or the Agency), while preserving and enhancing the Agency's ability to protect and promote the public health. I appreciate the efforts that you, Senator Kennedy, and the other members of the Committee have made in this regard and believe that considerable progress has been made toward these goals.

The Food and Drug Administration Modernization and Accountability Act of 1997, S. 830, includes approximately 20 provisions that represent significant consensus reforms. Among the provisions that we all agree on are those that set forth the Agency's mission, codify reforms to the regulations of biotechnology products, provide expedited authority for the adoption of third party performance standards for device review and for the classification of devices, and streamline submission requirements for manufacturing changes and marketing applications for drugs and biologics.

I must emphasize that these provisions represent very significant reform, on which all parties have worked hard to reach consensus, and which I hope will not be jeopardized by insistence on other provisions on which we have not reached agreement.

Unfortunately, the Chairman's substitute to S. 830, also includes a number of provisions which as drafted do not reflect consensus and about which I have very significant concerns. Also, the current version is not "balanced" in that it does not take advantage of significant opportunities to strengthen current law so FDA can more effectively protect the public health. The most significant of the non-consensus provisions, summarized on the enclosed list, would undermine the public health protections that the American people now enjoy, by: (1) lowering the review standard for marketing approval; (2) allowing distribution of experimental therapies without adequate safeguards to assure patient safety or completion of research on efficacy; (3) allowing health claims for foods and economic claims for drugs and biologic products without adequate scientific proof; (4) requiring third party review even for devices that require clinical data; and (5) burdening the Agency with extensive new regulatory requirements that will detract resources from critical Agency functions without commensurate enhancement of the public health. Another significant nonconsensus item is the set of adjustment provisions in sections 703 and 704, which together require significant increases in FDA's appropriations levels over FY 1998 through 2002 (almost $100 million above the FY 1998 Budget with levels rising thereafter). We recognize that the ability of the FDA to commit to specific performance goals under PDUFA depends on the resources it will have available. We would support a user fee proposal that is consistent with our FY 1998 Budget proposal, but we are concerned that the proposal to collect user fees in this legislation imposes additional pressure on the fixed level of the discretionary resources agreed to under the Bipartisan Budget Agreement.

We note the inclusion of the provision on pediatric labeling in the most recent version of the Committee mark. We believe it should be revised to assure a more appropriate system for testing drugs for pediatric use before they are prescribed for children.

I want to commend you and members of the Committee on both sides of the aisle on the progress we have made together to develop a package of sensible, consensus reform provisions that are ready for consideration with reauthorization of the Prescription Drug User Fee Act (PDUFA). We are interested and prepared to continue working with the Committee to reach consensus on additional issues—and have proposed acceptable alternative approaches to many of the objectionable provisions. My concern is the time for reauthorization of PDUFA is running perilously short. As I indicated in my

recent letter to you, I am concerned that the inclusion of non-consensus issues in the Committee's bill will result in a protracted and contentious debate. This would not serve our mutual goal of timely reauthorization of PDUFA and passage of constructive, consensus bipartisan FDA reform.

A copy of this letter is also being sent to the ranking Minority member, Senator Kennedy, and the other members of the Senate Labor and Human Resources Committee.

Sincerely,

DONNA E. SHALALA.

Enclosure.

S. 830 (CHAIRMAN'S SUBSTITUTE)

A. Major Concerns:

1. Cumulative Regulatory Burdens/No Provisions to Promote Public Health.—Many new regulatory burdens are being imposed on FDA (list enclosed) and little that can be advanced as promoting public health.

2. Third Party Review of Devices (Sec. 204).—Expansion of FDA's existing pilot project for review of medical devices (includes devices that require clinical data) by organizations accredited by FDA.

3. Approval Standard for Drugs/Biologics/Devices (Secs. 404/409/609/610/611/619).—Effectiveness standard for drugs and biologics needs further clarification; for supplements (applications for new uses) lowers standard such that they might not ever require a single investigation; limits FDA authority to evaluate clinical outcomes for devices; and lowers approval standard for radiopharmaceuticals, including PET drugs.

4. Health Claims For Foods (Sec. 617).—Health claims not approved by the FDA but consisting of information published by authoritative government scientific bodies (e.g., NAS or NCI) would be permitted for use by companies in the labeling of food products, even if it is very preliminary.

5. Expanded Access to Investigational Therapies (Sec. 102).—Would allow drug and device companies to sell an investigational product for any serious disease or condition without FDA approval and without appropriate protections for clinical investigations.

6. Device Modifications (Sec. 601).—Would allow companies to make manufacturing changes that affect a device's safety and effectiveness without FDA agreement.

7. Health Economic Claims (Sec. 612).—Would allow industry to discuss health economic claims given to managed care organizations under a lower evidentiary standard and without FDA review, even if the claim compared the safety or efficacy of two drugs.

8. Pediatric Labeling.—Would provide an incentive of six months of market exclusivity to encourage pharmaceutical companies to conduct necessary clinical trials for FDA approval of their products for children; doesn't assure that necessary labeling for children will be included; and might undercut FDA's ability to use other means such as regulations.

B. Other Significant Concerns:

1. Expanded Humanitarian Use of Devices (Sec. 103).

2. Device Collaborative Determinations/Review (Secs. 301/302).

3. Limitations on Initial Classification Determinations (Sec. 407).

4. Evaluation of Automatic Class III Designation (Sec. 604).

5. PMS (Sec. 606).

C. Currently In The Bill—No Language Provided Yet:

1. Off-Label Use of Drugs (floor amendment expected).

2. Drug Compounding (amendment expected).

Mr. KENNEDY. They are listed here. There are 20 items, major concerns about the cumulative aspect of the regulatory burdens, the various kinds of advisory committees, the advisory committees and the regulatory burdens that would have added to the complexity, and even the process of considering new drugs. The basic concerns the administration had on features of the third-party review, the approval standard for some of the drug and biologic devices, limits that were put on the FDA to evaluate some of the clinical outcomes for devices, and the lower approval standards that were included in some radio-pharmaceuticals.

They had some concerns about the health claims for foods and expanded access to investigational therapies, which allow drug or devices companies to sell investigational products for any serious disease without FDA approval and without appropriate protections for clinical investigators. The device modification allowed the companies to make manufacturing changes that affected devices' safety and effectiveness without ever notifying the FDA; the health economic claims that would allow industry to discuss health economic claims given to managed care organizations under a low evidentiary standard and without FDA review.

There was pediatric labeling, and the whole question on the humanitarian use of devices and collaborative determinations. There were also some concerns about off-label use of drugs, drug compounding.

If you look at the improvements in the bill and the compromises worked out here, 19 of the 20 have been worked out to the satisfaction of HHS and the FDA. There may be some groups that do not feel that certain provisions are worked out adequately. But I am prepared to defend those compromises. There is only one that remains. That is the provision that we are addressing here. Whether we are going to permit false and misleading labeling on a particular product and deny the FDA the right to look behind that label in order to protect the safety of the families of America. There were 19 accepted, only one remains—but it is an important one.

Why is it, if we are able to work out 19 of the 20, can't work out this one? The Senator from Rhode Island offered an excellent amendment yesterday saying, "OK, we will go along with the existing language that is in the bill. But we will also add the language that nothing in the label will be false and misleading." False and misleading; that was defeated. Those Members who voted against it, I expect, will have to explain to their constituents why they would resist an amendment that said we should not permit the medical manufacturer to submit something false and misleading.

Members are saying that this has been a long process that has taken a good deal of time. This measure was considered in the last Congress and now again in this Congress. We could have acted on these measures. We could have acted before June 11 and not dealt with any of the outstanding health and safety issues. But the fact of the matter is, we took the time, we listened to the arguments of the FDA and the Department of Health and Human Services, the people who are charged with protecting the American people. We worked out the 19 of the 20. Everyone gave a little, took a little, but 19 of those 20 have been worked out. Not this particular provision. It took time to work out those compromises. I think the time spent was well worth it. This is a much better bill than would have come out of that committee or on the floor in June or July or August, or even the early part of September.

What were those steps that we took? First of all, we preserved the States' oversight of the safety of cosmetics. This compromise assures that the States will be able to continue to regulate the safety of cosmetics. The Gregg proposal in the underlying bill would have barred the States from any regulation whatsoever of cosmetics, even though the FDA has neither the authority nor the staff to regulate these products. The compromise allowed the States to continue their regulation unless a specific inconsistent regulation has been issued by the FDA in a particular area. We went through that debate. We found the examples, particularly with regard to the State of California, how they were able to protect their consumers. In some cases there were carcinogens in the products and the manufacturing company changed the formula and were able to get right back out there and produce the product and have record sales.

The toluene that was in lipstick, which is related to another carcinogen that was related to some birth defects with children was altered and changed.

We have had important studies that have been done up in Seattle, WA, at the University of Washington and other medical centers, about some of the potential dangers of use of talcum powder on small infants and its relationship to ovarian cancer.

These were studies, scientific studies that were done by the States, that are directly related to protecting health and safety. The FDA does not provide for that kind of protection. Nonetheless, there was an effort to preempt States from protecting health and safety. We were able to defeat that. I think that was important. I believe the consumers in those States think so.

Second, the safeguard for off-label use of drugs. This important compromise will allow companies to circulate reputable journal articles about off-label use of drugs but will ultimately enhance the public's health and

safety because the FDA will be given the opportunity to review, comment on, and approve articles which the companies circulate. The compromise also requires the companies to undertake studies on the safety of their drugs for the specific off-label use and submit applications to the FDA for approval for their drugs for these uses within 3 years. That was not in the legislation prior to this compromise. We saw the steps that were taken to meet the safety standards.

Currently, companies are circulating articles without reviewing them for off-label use, without seeking review or approval by the FDA, and without conducting the studies which would lead to an ultimate FDA approval or disapproval of the drug.

We wanted to make sure that the companies were going to conduct the safety standards for the use of those particular drugs. We were able to work that out. Again, to protect the American public.

Expanding access to drugs for patients and fast track approval. The fast track approval—this is one of the most important new initiatives in the legislation—will provide the same streamlined availability for drug treatments for patients with any life-threatening disease now available to patients with cancer or AIDS. It is a major breakthrough for patients who have life-threatening diseases.

We were moving through the measures in the bill and pointing out in June of last year that the Secretary of HHS identified 20 major areas that we ought to review and work through in trying to accommodate some of the health and safety concerns.

Effectively, we have resolved 19 of those. The only unresolved matter, according to the letter from the HHS, is the provision on section 404.

What I was trying to do is to point out a number of these areas where we have made important progress and to mention the safety provisions that had been worked out and included in a bipartisan way.

I was mentioning the expanded access to drugs for patients on the fast-track approval. We have had more than 17 different pharmaceuticals or drugs that have been identified for fast-track procedure. We are taking what has been the practice of the FDA and actually demonstrating by legislation, the importance of this particular procedure. We are trying to make the progress available to all those that have life-threatening diseases by giving authority to those researchers who believe the opportunities for fast-tracking these various pharmaceuticals will benefit the American public.

That has been successful for AIDS and cancer, and now we are encouraging its use for other life-threatenting conditions.

We have also expanded access for drugs under investigation for patients who have no other alternative. So an individual who might not otherwise qualify for various clinical trial protocols can get access to a drug if they have no other alternative. If this is the last gasp, the last hope that they will be able to have access to some of the modalities that might not have been particularly identified for this particular illness or sickness but their medical professionals believe they should have access, and we are moving in that direction. I think that gives a degree of hope to many of those who really wonder if they have any hope at all in trying to get some of the modern kinds of breakthrough drugs

We have accepted the Snowe-Feinstein piece of legislation that will give individuals who have a particular life-threatening illness or sickness the opportunity to tap into the NIH database to find out what clinical trials are taking place. This is a very, very important additional provision, and I commend our Senators who are not on the committee but who have been interested and involved in this. That is very, very important.

Mr. President, another area that we reviewed is the streamlining of the FDA procedures. The concern initially was in the areas of contracting out of various functions of the FDA. We talk about not only timeliness but also about the importance of preserving quality. We have to make sure that we are not only interested in timeliness, but we are also concerned about the quality.

We have also, in this streamlining of the FDA procedures, worked out how we were going to try to review third-party review. That was worked out in a way which I think has virtual broad support. It permits 70 percent of all the devices that would be eligible to be reviewed. But in the areas that are the very significant higher level of class II—a limited number of class II and class III will remain outside of that particular protocol so that we will have a chance to review the results of the research that will be done. We have accelerated the time for that review, so the information will come back in quicker and we will be able to evaluate the results of that particular process.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

Mr. FRIST. It is a real pleasure for me to take a few moments and reflect on my interpretation of where we are today and the significance of the bill that is before us.

It was 1938, not that long ago, that Congress passed the Food, Drug and Cosmetic Act. And at that time the primary mission was defined fairly clearly to be to protect the public health by safeguarding Americans from unsafe and ineffective products.

Over the past 60 years, the FDA has truly done an excellent job on the whole in fulfilling this mission to make sure that food is safe and wholesome and that drugs and medical devices are safe and effective for treating disabilities and the diseases that have plagued us over the years.

You can look back and cite numerous, numerous examples that recall the FDA's important role, their vigilance in protecting the American public from unsafe drugs. Think back to Thalidomide. We think back to the FDA's quick response to the Tylenol tampering case as evidence of the effectiveness that that very important Government entity plays that affects each of our lives in ways that many of us do not realize.

But during this same period of time, the United States has been the most innovative nation in the world, particularly in the arena of medical research. I think back to my dad, who is 86 years of age, who practiced medicine for 55 years. I remember when I was a very young boy traveling with him as he would make house calls, and now to think how much things have changed over that period of time in terms of antibiotics, antiviral agents, vaccines, treatments for diseases that when I was a child were devastating to large populations. You look at hepatitis B, chicken pox, polio, many forms of cancer, the list goes on of what we can treat today.

We have developed important new surgical procedures. As a surgeon who has been in the medical field for the past 20 years, I have had the real privilege to watch fields unfold that were nonexistent even when I was in medical school. I think of certain types of tissue transplants, lung transplants, which I was doing routinely before coming to the Senate, that 15 years ago were not done at all.

I think of the new medical device implants like little stents we can now place in the coronary arteries which feed the heart, which were nonexistent 10 years ago; the artificial joints, the hips, the knees.

Thanks to the new biomedical drugs and products, we have new protocols for treating everything from AIDS, where we demonstrated tremendous success in the last year, to the treatment of other diseases like cystic fibrosis.

However, in recent decades the FDA, which has never had in writing a clear mission statement to guide its hand, has become too bureaucratic, too top heavy, with excessive regulation. I say this again out of tremendous respect for the FDA, having seen firsthand the tremendous successes of that agency.

To address this problem the FDA, to its credit, has been very aggressive in undertaking a number of reforms internally that have reduced the regulatory burden on industry and have improved patient access to new therapies.

However, it is clear that much, much more needs to be done. In the past, medical discoveries typically reached the patient in a relatively short period of time. Again, when my father first started the practice of medicine, it took an average of anywhere from 7 to 8 years for a new drug, a new pharmaceutical agent to pass through the entire discovery and approval process. Now, although in certain areas there has been tremendous improvement, it takes anywhere from 10 to 15 years to go through that discovery process and through that approval or disapproval process. Everybody agrees that is too long. Everybody agrees that you can have the same or improved standards if we streamline, if we coordinate, if we modernize the Food and Drug Administration.

That is what this bill is about, not a lowering of standards, not putting devices or pharmaceutical agents out on the market that have not gone through that eye of the needle of disciplined, very high standards that we all expect of the Food and Drug Administration.

Unfortunately, up-to-the-minute advances in medical science, advances that are occurring at increasing speed, are not making it to our marketplace as quickly as they should. Many times these advances are going overseas.

Too often you see that a drug that is in this long pipeline, and we know it is a potential benefit, all of a sudden moves overseas. It moves overseas for trials, for ultimate approval too often. Many times the manufacturing of that drug or of that device also follows it overseas.

I think the FDA regulatory structure simply has not kept pace with the rapid rate at which scientific discovery is being made. In too many cases, which I personally hear among investigators in the academic community and the private sector, the FDA has become a barrier, a barrier instead of a partner, to innovation and to access to medical therapies. It is that concept of dropping down the barrier and facilitating that partnership with very high standards that this bill achieves.

I mentioned U.S. biomedical research moving overseas. The implications are significant. It is very hard to put a price tag on this in the short term. But if we drive our very best biomedical science, our very best biomedical research off our shores to other countries, over the long term it is to the detriment of our health care, to our quality of life, and to our economy. Our once almost impenetrable edge in a U.S. dominated market can be lost forever if we do not act responsibly now.

I find my fellow doctors often travel to Europe to train, to study, to see, not the general foundation of medical knowledge of which we have the best in the world, evident by people from all over the world coming here to study medicine, but for innovative, breakthrough therapies. Too often today the therapies, the technologies, the research is moving overseas, and, therefore, even my colleagues go overseas to learn something that they should be learning right here in this country.

In the future, as medical science moves away from the contemporary practice of just treating overt symptoms when somebody comes in with a complaint, an organ failure, to a medical field where we begin to fabricate organs, where we do transplants, where we diagnose and treat disease at the molecular level, at the genetic level, playing off the tremendous success we have seen in the human genome project, a project that I might add as an aside is coming in under budget and much quicker than we would have ever anticipated even 6 years ago, the possibilities for new drugs, new devices, new methods of patient treatment are virtually limitless.

Thus, we need a structure to address these great breakthroughs, this great innovation, that is up to date, that is modernized, that is well organized, that is disciplined, that is coordinated. That is what this bill achieves. With the explosive growth in technology, the FDA needs to better use the considerable genius and talent of non-Government scientists and researchers.

There is always a great fear when we approach this issue of so-called contracting out because people can paint the picture that only Government people, only Government scientists have the ethics, have the honesty, have the integrity to be able to make decisions, to be able to look at clinical data and say what is best, what is dangerous, what is a benefit to the patient.

That is just not right. We have many good people in the private sector. In truth, because science is moving so fast and is so complicated, so intricate, it is almost absurd for us to expect that we can hire in the Federal Government all of the research scientists necessary to be able to conduct studies, look at studies, interpret data from the studies. Almost by necessity, because of the speed with which science is developing, we need to reach out and access many very, very good experts that are in the private sector.

One of the greatest complaints against the FDA that I hear is a feeling that the FDA has not been willing to collaborate and partner with others in the private sector, it might be industry, might by academia, it might be the academies, it might be individual scientists. People come in and say, "You know, I sat down with the FDA," but there is a real feeling of an adversarial relationship rather than a collegial relationship.

We need to make fundamental changes in this regard at the FDA. We need to build upon the successes in protecting the American public by reenergizing the process. We need to revitalize the process of product approval, speeding approval where appropriate, meeting high standards, improving and enhancing communication between the FDA and the public it serves, nurturing, not stifling, research and innovation. And, yes, we need to draw upon the untapped scientific excellence outside the FDA, at all times remembering that the FDA has the final say as to whether or not to accept the conclusions from that partnering with outside individuals and agencies.

The bill before us today, S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997, does represent a bipartisan effort, including significant input from the Food and Drug Administration aimed at making the FDA more efficient. The bill was passed out of the Labor Committee on June 18 with a bipartisan vote, again, 14–4. On September 23, the Senate overwhelmingly approved the substitute amendment by Senator JEFFORDS.

I want to take this opportunity to commend Senators JEFFORDS, COATS, DODD, and MIKULSKI and my other colleagues on the Labor Committee, Senator KENNEDY, all for their tireless efforts and commitment to modernizing the FDA.

But to the American people I hope we have sent a signal that we can accomplish a very good bill, yes, a first step, but a very good bill in updating an organization, in updating a Federal agency which will affect the lives of every American in a positive way.

I do urge my colleagues later today to support this bill. But I also ask that we all view this legislation and discussion as an ongoing commitment to improve the agency, not just a one-shot change in the agency, which we will put aside and come look at again in 10 years, but realize this needs to be an ongoing process with continued oversight.

The Prescription Drug User Fee Act, commonly known as PDUFA, has been commented upon today. It has been one of the great successes in the relationship between the FDA, industry, and the American people. This bill is much more than just a reauthorization of PDUFA. It is also about improving the FDA and fostering, better communication and partnering with the private sector.

I am a cosponsor of this bill because I believe it is a needed step in the right direction. We need to continue the debate, to look at both short and long-term investment of resources in order to move the agency forward in areas of regulatory research, professional development, collaboration between Government, academia and the private sector. I hope to continue working with my colleagues in a bipartisan manner to further improve FDA in the following years.

The Senator from Massachusetts was going through a number of the items in the bill and talking about the work on both sides of the aisle in pulling together areas that were contentious initially. I want to thank him formally, and his staff, for working together on what I consider a very important aspect of this bill that has to do with dissemination of scientifically, peer-reviewed medical literature to my colleagues, to people in the health care profession, about the uses of drugs, both on-label and off-label.

As a physician, I understand the need for this up-to-date sharing of more information than is currently allowed today. Off-label uses have been in the news recently, both in terms of pharmaceuticals, and we have talked a lot about it in terms of devices recently.

I think it is very confusing to the American people what off-label use of medicines is. In truth, about 90-percent of all cancer therapies are off-label today. So if you have cancer, there is a 90-percent chance you will be receiving off-label medicine. When we say off-label, it doesn't mean the medicines are bad. Sometimes it means those are the most effective, and in cancer therapy, it does mean they are the most effective, up-to-date modern therapy to have if you want your cancer treated. The American Medical Association has estimated between 40 and 60 percent of all prescriptions are for off-label uses, and up around 50 to 60 percent for the pediatric population, which means if your child is sick today medical therapy is likely to be off-label.

Why? It only makes sense. The FDA can't study every use for every drug in every combination of drug available. It is impossible to do today.

I want to acknowledge the tremendous work by Senator MACK on this particular provision during the last few years. I have had the opportunity to work with him over the last 2½ years on this specific provision of dissemination of information. I want to thank Senators DODD, WYDEN, and BOXER, and Senator KENNEDY for his work in negotiating with us in order to allow the inclusion of this important provision which will be to the benefit of all Americans in S. 830.

The bill before the Senate today will help meet the need for increased access to scientific and technical expertise that is currently lacking at the FDA. I touched upon this. It is that whole concept of interagency collaboration with Federal agencies and with the private sector. We will see more collaboration with the National Institutes of Health, more collaboration with the Centers for Disease Control, the National Academy of Sciences.

The bill allows the FDA to contract with outside reviewers and expand its current third-party medical device review pilot program which has been very successful to date. Everyone agrees that it has been successful, which in turn will help conserve FDA resources, so that those resources can be used in other areas. Because the FDA always retains the final authority to approve or disapprove new drugs or medical devices reviewed by outside experts, the FDA always has the final authority, and it will not impede nor weaken the FDA's ability to safeguard the public health. To help alleviate the confusion and frustration that many feel today in working with the FDA, the bill codifies evidence requirements for new drug and medical device application submissions, it improves communication between the agency and industry. After almost 60 years, the FDA will be held and made accountable by giving it a specific mission statement and requiring the FDA to develop a plan of action to meet its requirements under law.

Again, we talk a lot about the specific provisions of the bill. The bill as a whole, once it is passed, will be of benefit to every American, to every consumer, to every patient. Thanks to the bipartisan efforts of Senators SNOWE, FEINSTEIN, and DODD, individuals with serious life-threatening disease will be able to access new clinical trial databases providing expedited access to investigational therapies.

Imagine yourself being in a situation of having a disease which somebody says is not treatable, it is incurable. Where do you turn today? Nobody knows. There is no central repository, no database for sharing information of where the most up-to-date clinical trials exist. There will be after this bill is passed.

This bill will also expand the fast-track drug approval process for new drugs intended for the treatment of serious or life-threatening conditions. It puts a focus right on those conditions that we know people are dying from every day. Let's focus in that particular area, make sure we get potential drugs to market if they are safe, sooner than the 15 years that we are averaging over the last decade from beginning to the initial discovery to final placement on the market. The bill itself will provide access to investigational therapies for patients who have no other alternative but to try an unapproved investigational product.

Consumers will also benefit from this bill. The Senator from New Hampshire talked earlier this morning about national uniformity. It is critically important. We have not talked much about that in terms of food and drugs over the last several days. The uniformity aspect of over-the-counter drugs, the uniformity there will have a huge impact. Again, touching people in all sorts of ways. It will keep prices down, it will provide the consumer with a unified and consistent information for self-medication.

Another benefit to consumers, if the health claim information for food, published by the NIH or the CDC, Centers for Disease Control, or other Government, well-respected scientific bodies, will be allowed to appear on food labeling, giving the consumer accurate information, educating the consumer, empowering the consumer when they make their dietary choices.

In closing, Mr. President, this bill is a good bill that will benefit all Americans now and into the future. Medical science, moving at skyrocketing speed, offers promise of not just longer, but healthier lives, a higher quality of life. In the not-too-distant future, medical science and medical technology will not just thwart the assaults of infectious agents, but will eliminate many of the ailments of modern life.

The FDA must facilitate, not complicate, that endeavor. We need a new model for a new century. It is time to update the FDA. This bill accomplishes that reform, that modernization. It will give a starting point for a model that will facilitate, not stifle, the medical progress of mankind.

I yield the floor.

Mr. JEFFORDS. Mr. President, I would like to express my sincere appreciation to Senator FRIST, especially for his most recent discussion.

We have been concentrating on one small part of this bill—small in the sense of the number of pages or words relative to the rest of the bill, and by outlining and expressing the tremendous advancements we made in many of these areas in this bill, which has kind of gotten lost in the dialog, especially in the off-label use which has been a very contentious issue. But I think the resolution which you and Senator MACK, working with Senator KENNEDY, myself and others have come up with is a tremendous step forward in preventing such things that have occurred in fen/phen and things like that, and making sure we exchange knowledge and that we work together to improve what can be improved.

I deeply appreciate the comments of the Senator and all the work the Senator has put into this bill. Your expertise and your knowledge has been a reward to us and has given us confidence that we have done the right thing. You have done a fantastic job and it is deeply appreciated. I yield the floor.

Mr. KENNEDY. Mr. President, I join in expressing all of our appreciation for the Senator's involvement. As has been pointed out he brings a very unique perspective to the understanding of these issues based on a long and very distinguished career. We are all very much in his debt for his involvement in the time he has taken with the shaping of the legislation. We have certainly appreciated the opportunity to work with him on a lot of different provisions and will continue to do so and look forward to in the future, as well.

I see the Senator from Delaware on the floor. I would be glad to yield to him for the time that he might take.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Delaware is recognized.

Mr. BIDEN. I thank my colleague. With the permission of the Chair and my colleagues, I will take about 12 minutes, if I may.

Mr. President, the purpose of this FDA reform bill we are considering today is obviously to streamline the process for approving drugs so that they are available to people who need them more quickly. I support the bill and I look forward to its becoming law.

But, Mr. President, I rise today to speak to several amendments and several points that were, quite frankly, made nongermane as a consequence of the cloture vote, so I will pursue this at another date. I rise today to discuss the problem of drugs that do not get to the market, even though we need them desperately, because there are insufficient financial incentives for pharmaceutical companies to develop these drugs that we need to get to the market. In particular, I am speaking about medicines to treat addiction to illegal drugs like cocaine and heroin, so-called pharmacotherapies—that is, drugs that would be able to be developed and used to combat addiction to cocaine and heroin and other scheduled drugs.

Since 1989, when I first offered a comprehensive report, which—I don't know whether I am going to burden the RECORD with it, but I will point it out to my colleagues. It was a report entitled "Pharmacotherapy: A Strategy for the 1990s." Since that time, I have argued that a key component of our national drug strategy should be the development of these pharmacotherapies that would act as antigens or antagonists to the effects of the illegal drugs being purchased on the streets.

These medicines are critical for turning around addicts, particularly addicts who are difficult to treat with traditional methods. Getting these addicts off of drugs is one of the most important efforts we can undertake to reduce the harm done to our Nation by the drug epidemic—because these treatment-resistant addicts commit such a large percentage of the drug-related crime, we would, if we could find some of the answers, significantly impact on and increase the safety of all Americans.

In my 1989 report, I posed the question: "If drug use is an epidemic, are we doing enough to find a medical 'cure' for this disease?" The obvious answer, as the report concludes, is, no, we are not. If, for example, everyone who was victimized by a drug addict who has knocked them on the head or hurt them or robbed them or burglarized their home, and everyone who is addicted to drugs had a rare disease instead of the victims of drug addiction, or of being addicted to drugs, we would have a multibillion dollar national campaign to find a medical cure for it, as we rightfully are attempting to do with AIDS, breast cancer, or cancer generally. But there is precious little going on, although there is a lot of potential in the area of developing medicines, drugs, to combat drug addiction.

Based on my report, I offered legislation with Senators KENNEDY, MOYNIHAN, and others, enacted into law in 1992, which created the Medications Development Program of the National Institute of Drug Abuse and commissioned a major study by the National Academy of Science on pharmacotherapies.

This study highlighted the promise of the medical research that I referred to. In fact, in recent years, there have been a number of promising advances that give hope that effective medicines could be developed if we dedicated a sufficient amount of energy and resources.

One example of this promising research is the recent development of a compound that appears to immunize laboratory animals against the effects of cocaine. Let me say that again. There is a compound that has been developed in a laboratory that appears—it hasn't gone through clinical trials—to be able to immunize laboratory animals against the effects of cocaine. The compound works like a vaccine by stimulating the immune system to develop an antibody that blocks cocaine from entering the brain.

Now, this is pure conjecture on my part. Let's assume that that was able to be developed and it worked for human beings. What an incredible impact it would have on the United States of America. What an incredible impact it would have not only on the addicts, but on those of us who are victims of the addicts. I want to remind everybody that over 60 percent of all the violent crime committed in America is committed by people who are addicted. At the moment they are committing the crime, they are high, they are on a drug or a substance. Just think what a difference that would make.

Now, there are at least eight new medicines with promising potential, beyond the one that I mentioned, to treat drug addictions which are at various stages of research and development. By the way, I commend to my colleagues the report put out by the Institute of Medicine called the "Development of Medications for the Treatment of Opiate and Cocaine Addiction."

Now, of the eight promising medicines that are out there, one is LAAM, a treatment for heroin addiction, the first new medicine since methadone was approved in the early 1970's. Others are Naloxone, Naltrexone, Imipramine, Desipramine, Carbamazepine, Burprenorphine, and Diltiazem. These are all medicines identified by the various studies—in this case, by the Institute of Medicine—that in fact have promising capacity to deal with either blocking the effect of the drug when it is ingested by an addict or someone attempting to use it for the first time, or it has the effect of causing that person to be sick and not wanting to take the drug again. Not a silver bullet that cures everything, but every single drug expert I have spoken with indicates that if these could be developed, they would be significant tools in aiding in the recovery of addiction and preventing addiction.

The National Academy of Sciences study also outlined the key steps we have to take to fully realize the promise of pharmacotherapeutic research. Yet, almost a decade after my original report, almost a decade after Senators KENNEDY, MOYNIHAN, myself and others moved to change the law in 1992, despite promising research, despite the tremendously important gains that such medicines would mean for our national effort against a drug epidemic, despite the fact that it's clear what steps we have to take to speed and encourage the research in this area, despite all this, we are still not doing enough to encourage the development of medicines to treat drug addiction.

That is why I have come to the floor today, Mr. President—to discuss three amendments I had offered to the FDA reform bill. These amendments sought to take three different approaches to addressing our critical need to develop pharmacotherapies to deal with our drug epidemic.

First, I believe we should reauthorize the Medications Development Program of the National Institute of Drug Abuse and increase its funding to $100 million by the year 2002. I might add, every time we identify serious and pernicious diseases like breast cancer, prostate cancer, or AIDS, what do we do? We all immediately know that if we spend more money on research, we will attract more brilliant women and men into the field to find the answer because they have funding to do their research, and we increase exponentially the prospects that we will find a cure or find something to mitigate against the ravages of the disease. But not all people instinctively reach that conclusion. Why don't we reach that conclusion about drug addiction when the medical community says there are so many promising avenues we could go down? It would be different if the National Academy of Sciences and researchers and experts said, "You know, there isn't any promise here, there is nothing we should bother to do, there is nothing we can do. This is like trying to be able to go warp speed in our Challenger." Well, that would be one thing. But that is not the case. That is not the case.

Currently, the program I have referred to at the National Institute of Drug Abuse receives about $67 million.

Increasing that level by 50 percent over the next 5 years is the very least we should be doing in light of the savings in crime reduction, reduction in health care costs, and other expenses that would be eliminated or diminished if we could effectively treat drug addiction with medicine.

Yet, despite the progress being made by Government and university researchers, the Federal Government cannot solve this problem by itself, even if the amendment I proposed were not out of order or were accepted.

Private industry has not aggressively developed pharmacotherapies for a variety of reasons, including a small customer base, difficulties in distributing medicines to the targeted population, and fear of being associated with the notion of substance abuse.

There are two major, major drug companies in my State—Zeneca and Du Pont Merck. They have a number of brilliant researchers. I have visited their laboratories.

They say to me what every other drug company says. "OK. BIDEN, how many addicted drug people are there in all America?" I believe the number is estimated at 5.6 million people. Let's say we spend $200 million, $300 million, $500 million, or $700 million developing it. They say, "Say we go out and spend all this money. And let's say we come up with a cure or a silver bullet. How do we get that to the 5.6 million people who need it? They don't have the money to buy it. Are you going to guarantee us that you will buy it? Are you going to guarantee us they will take it? What are you going to do? Our return on investment is de minimis. We will lose money in all probability, even if we come up with a silver bullet," which they are not suggesting they will.

Conversely, if they come up with a silver bullet for prostate cancer, or a silver bullet for breast cancer, the world would beat a path to their door to buy it. That is one of the reasons they don't want to get into the game, even though they acknowledge that these are promising opportunities.

Second, none of these companies, or anyone I named—Lilly, Squibb, any of them—wants to be known as the company that deals with drug addiction. It is bad public relations.

So for these and many other reasons, private industry has not really gotten into the fray. We need to create financial incentives to encourage pharmaceutical companies to develop and market these treatments. And we need to develop a new partnership between private industry and the public sector in order to encourage the active marketing and distribution of new medicines so they are accessible to all addicts who need treatment.

My amendments sought to create these incentives in two ways.

First, I believe we must provide additional patent protections for companies that develop drugs to treat substances abuse. Under my bill, pharmacotherapies could be designated "Orphan Drugs" and qualify for an exclusive 7-year patent.

These extraordinary patent rights would increase the market value or pharmacotherapies—providing a financial reward for companies that invest in the search to cure drug addiction.

This provision was contained in a bill introduced by Senator KENNEDY and me which passed the Senate in 1990, but the provision was dropped in conference. It was also contained in the pharmacotherapy bill I introduced last year and the youth violence bill I introduced this year.

In addition, I proposed an amendment which would provide a substantial monetary reward for companies that develop medicines to treat drug addition and shift responsibility for marketing and distributing such drugs to the Government—a "Biden Bounty" as some have called it.

This approach would create a financial incentive for drug companies to invest in research and development but enable them to avoid any stigma associated with distributing medicine to substance abusers.

To qualify for the award, a pharmaceutical company would have to demonstrate that the new medicine meets strict guidelines—developed by the National Academy of Sciences—that the medicine effectively treats cocaine or heroin addition.

At a minimum, the guidelines will require the producer of the drug to conduct a controlled, long-term performance test which demonstrates that: Patients—addicts—will actually take the medicine; addicts will continue taking the medicine for as long as it takes to cure the addition; a significant percentage of those who receive treatment refrained from using cocaine or heroin for at least 3 years; and the medicine has a reasonable cost.

So, it is real simple—if a medicine meets the National Academy of Science test and it is approved by the Food and Drug Administration, then the Government will purchase the patent rights for the drug from the company that developed it.

So this bounty that would be made available to them is literally a reward. A reward, not unlike if I were a billionaire and say, "I will give any company $100 million if they found the cure for cancer, or for any cancer." It is the same notion.

The key reason the Government must not only reward companies with a bounty for developing medicines, but also purchase the patent rights is due to the stigma problem identified by the National Academy of Sciences report. This stigma problem is the legitimate concern of companies that they not be identified as the drug addicts company.

I would also note, that if a company does want to market and distribute the medicine, they do not have to sell the patent to the Government. But if they don't want to they can sell the patent to Government, and we market it.

The purchase price for the patent rights is established by law: $100 million for a drug to treat cocaine addiction and $50 million for a drug to treat heroin addiction, figures recommended by the Tufts University Center on Drug Development.

So the way it works. You develop a patent. You don't want to be distributing it because you don't want to be known as that company. The Federal Government would pay you $100 million for the patent after it has demonstrated that it works, and it was effectively done, and we would be the one engaged in the business of doing it. We can pay all of this money to buy cops, we can pay all of this money for prisons, and pay all of these other moneys for other things. It is a reasonable expenditure for taxpayer dollars, in my view, to deal with the problem and scourge of drug addiction.

Once the Government has purchased the patent rights, then the Government would contract out the production of the drug and distribute it to the existing clinics, hospitals, State and local governments, and other entities qualified to operate drug treatment programs.

This is not a radically different process from how our military procurement works: The Pentagon specifies what they want a fighter plane to be capable of—how fast, its stealth capabilities, what kind of weapons, et cetera; then the powers of the private sector are unleased because the Government will buy the best plane which meets the specifications.

If my colleagues doubt that any such medicine could ever be developed, fine.

If you are right, the Government will never spend the money.

But, if I am right—just imagine the promise—in terms of reduced drug abuse; reduced crime; and reduced health care costs.

The bottom line is that—this joint public/private endeavor I seek will harness the most important engine of innovation the world knows—the private sector.

The three pharmacotherapy amendments I offered were directly related to the purpose of the FDA reform bill and I hoped they would be accepted. Nonetheless, I understand that for procedural reasons, my amendments were out of order and could not be offered for a vote.

Still, I urge the Labor Committee to hold hearings on the topic and consider this legislation as soon as possible. And, I put my colleagues on notice that I will be back to offer these amendments on the next appropriate legislation.

In closing, I would observe that America's drug epidemic is reduced

each and every time a drug abuser quits his or her habit. Fewer drug addicts mean fewer crimes, fewer hospital admissions, fewer drug-addicted babies and fewer neglected children. The benefits to our country of developing new treatment options such as pharmacotherapies are manifold.

Each dollar we spend on advancing options in this area can save us 10 or 20 times as much in years to come. The question should not be—"can we afford to pursue a pharmacotherapy strategy?" But rather, "can we afford not to?"

I urge my colleagues to join me in promoting an important, and potentially ground breaking, approach to addressing one of our Nation's most serious domestic challenges.

A lot of the scientific community says that there are great promising medicines out there but which the companies will not move on for the reasons I have stated. We should be doing all that we can for our own safety's sake.

I thank my colleagues. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I yield to the distinguished Senator from Ohio who has worked tirelessly on this bill as well as the bill we reported out of committee by unanimous agreement relative to the work force improvement. So I yield to him 6 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, let me first make a unanimous-consent request that my congressional fellow, Jan Burrus, be granted floor privileges during the duration of this debate.

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

Mr. DEWINE. Mr. President, I wish to make some comments about one particular element of this year's FDA reform bill—one that I believe is especially important and valuable.

I want to thank Chairman JEFFORDS and my colleagues for including in this bill a revised version of the Better Pharmaceutical for Children Act (S. 713). Senator DODD and I introduced this bill earlier this year because an overwhelming majority of pharmaceuticals currently on the market have not been tested for safety or effectiveness in children.

In fact, Mr. President, a shocking 80 percent of the drugs that are on the market today have never been tested for children.

We need to provide our young people with prescription drugs that have been studied for their effects on children's bodies and appropriately labeled with doses suitable for young ages. Too many children today are taking adult-size drugs because we don't have a comprehensive strategy to test drugs to determine appropriate dosages for children.

Children deserve better than this. Children deserve he same assurance adults have—that the drugs they take are safe and effective.

Section 618 of the FDA reform bill includes a modified version of the bill Senator DODD and I have worked so hard on. It provides an additional 6 months of market exclusivity to drug manufacturers who complete requested or required pediatric studies on drugs that are useful for children. This exclusivity will act as financial incentive for manufacturers to do research on their products for young patients.

As our legislation with incentives came close to final passage, the FDA proposed a rule to mandate pediatric studies. The rule was proposed last month and would require pediatric studies for most new drugs and for many drugs that are already on the market.

When the administration released its new regulation, I applauded their decision to join Senator DODD and myself in trying to fix this problem. I offered to work with them in a bipartisan way to combine the proposals for the benefit of the Nation's children. The legislation before us today does just that, and in essence combines our bill along with the administration's proposal.

We have adapted the legislation that Senator DODD and I originally introduced so that it will work with the FDA's regulation. To ensure that we do the best that we can for children, we have combined the two approaches to this problem: the financial incentives from the better pharmaceuticals for children bill and the mandates from the proposed FDA rule.

We're now moving in the right direction. This combined approach may not yet be perfect, but we can still work on it. I have extended an invitation to all interested parties to continue to work toward a better compromise between now and conference. The most important thing is to get it right. I think this compromise between a market-based approach and mandates goes a long way toward that.

Time is of the essence in ensuring that children and their doctors have the information they need to safely and effectively use pharmaceuticals. Providing market incentives to manufacturers will help speed this process along.

In closing, Mr. President, I would like to again congratulate Chairman JEFFORDS for the tremendous job that he has done over a long period of time in bringing this bill to the floor. This is a good FDA reform bill. The "Better Pharmaceuticals for Children" section is only one of many creative, practical steps this bill makes and takes in the right direction.

The reform bill makes commonsense changes that will help patients get access to new medical technologies. At the same time, Mr. President, it maintains assurances that products are safe and that they are effective.

Again, I applaud Chairman JEFFORDS for this bill. I look forward to its speedy passage.

Mr. JEFFORDS. Mr. President, I thank the Senator for his excellent comments and praise him again for his work.

Mr. President, the goal of this legislation is to ensure a strong and efficient FDA.

The modernization and revitalization provision included in S. 830 makes for a better FDA—not a weaker one, as some have suggested.

Like many of my colleagues, I have had the opportunity to meet with industry groups here in Washington, and with consumers, patients, and physicians—both here and at my home in Vermont. All of these interested parties have made important points about how to modernize the agency while ensuring that its stellar standards for public safety remain as strong as ever. Though the large industries regulated by FDA are by and large not present in Vermont, all of us use their products. The people and the patient advocates in Vermont have told me that more needs to be done to ensure their timely access to the best therapies available.

I believe we have accomplished that with this bill.

Mr. President, I yield the floor.

FOOD LABELING REFORMS

Mr. MCCONNELL. Mr. President, I want to thank Senator JEFFORDS and Senator KENNEDY for the inclusion of my two amendments in S. 830. My amendments address specific food labeling reforms that benefit both consumers and the food and agriculture industry.

First, the Nutrition Labeling and Education Act of 1990 [NLEA] requires that any nutrient content claim on a food label be accompanied by a referral statement—"See Back Panel for Nutrition Information." The original intent of this provision was to help educate consumers about the presence and location of nutrition information on food products. Based on the NLEA's success, today few consumers even notice this generic referral statement because most individuals immediately look to the mandatory Nutrition Facts panel to obtain nutrition information.

My proposal seeks to improve the effectiveness of this consumer notice by requiring a referral statement only in those instances where the FDA identifies that a food contains a nutrient at a level that could increase the risk of a health condition for vulnerable persons.

For example, if a food label states that the product is low in fat, but the FDA finds that the sodium content could prove harmful to persons with

high blood pressure, the referral statement would state—"See Nutrition Information Panel for Sodium Content."

Through the continued use of a specific referral statement, persons who may find themselves at risk from potentially harmful levels of some nutrients would be reminded where to find detailed nutrition information. My proposal simply removes the requirement for a generic referral statement whose purpose is now fulfilled by active consumer use of the Nutrition Facts panel.

My second proposal addresses a keen concern for American consumers today—food safety. The much publicized outbreaks of E. Coli 0157:H7, cyclospora, and salmonella have captured the attention and apprehension of Americans, particularly parents, who are concerned about the inadvertent exposure to food pathogens.

Since the 1960's, food irradiation has presented a safe, simple, and inexpensive process to kill harmful pathogens in many foods. Today, this approved food safety technology promises to reduce the incidence of many food borne illnesses which threaten the health of millions of Americans, especially the very young and the very old.

The food irradiation process is quite straightforward. Food is exposed to a carefully measured amount of intense radiant energy which kills parasites and micro-organisms. Food irradiation is not a cure-all, but it can be an important food safety tool. Broader use of FDA-approved irradiation promises a significant step forward in improving our Nation's food safety. Dr. Michael T. Osterholm of the Minnesota Department of Health eloquently sets forth the argument in favor of food irradiation's use in his May 1997 editorial in the New England Journal of Medicine. I ask that the text of his editorial be printed in the RECORD after my statement.

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

(See exhibit 1.)

Mr. MCCONNELL. In addition to the FDA, the World Health Organization, the American Medical Association, and the U.S. Department of Agriculture agree that food irradiation presents no health risk, and have endorsed irradiation as a method to prevent food borne diseases. Today, more than 35 countries have approved irradiation as a safe food treatment technology.

Despite their well-documented food safety benefits, few irradiated foods are marketed in the United States. Why? Because the current labeling requirements render the foods virtually unmarketable. FDA regulations require that irradiated foods prominently and conspicuously bear the international radura symbol and the phrase "treated with irradiation" or "treated by irradiation." Clearly, public notice of irradiation is necessary for informed consumer choice. However, the degree of prominence for the current irradiation labeling creates a false impression among many consumers that the irradiation statement is a warning. This unintended labeling result must be corrected. Targeted improvements in the labeling will provide consumers with clearer information on irradiation's approved use and provide a simple means to further food safety in our Nation.

My amendment simply requires irradiated foods to bear an appropriate disclosure requirement and specifies that the FDA-approved disclosure need not be more prominent than the ingredient statement. The intent of my amendment is for the FDA to revise its irradiation disclosure requirement to assure that consumers do not misinterpret this disclosure as a warning.

Clearly, the FDA should have the authority to require appropriate disclosure of food irradiation. However, the use of a disclosure design that discourages the utilization of this government-approved technology compromises efforts by the FDA and food processors to improve food safety in our Nation.

Mr. President, two dozen well-known and well-respected food and agriculture groups—such as the American Farm Bureau Federation, the National Cattlemen's Beef Association, and the Institute of Food Technologists—have endorsed this targeted change as a means of promoting greater use of irradiation as a food safety tool. I ask that the text of their letter of support be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MCCONNELL. I want to emphasize that even with this amendment FDA would retain full authority to regulate all aspects of irradiation on food, including products on which it can be used, what dose can be used, and the content and placement of irradiation labeling. Under my amendment, the FDA can still use the current radura symbol and the disclosure statement. No information would be hidden from consumers. In the same manner that the FDA alerts purchasers to the presence of allergens, the FDA has the ability to inform consumers of the use of food irradiation. I also want to emphasize that this modest labeling improvement does not diminish the need for the FDA, USDA, the food industry, and consumer groups to work together to improve the public's understanding of how food irradiation works and its potential benefits to public health.

Mr. President, I believe that the inclusion of these amendments in S. 830 demonstrates the U.S. Senate's interest in food safety and effective labeling. Again, I greatly appreciate the consideration that the chairman and ranking member of the Senate Committee on Labor and Human Resources have given to these targeted food labeling reforms.

EXHIBIT 1

[From the New England Journal of Medicine, May 29, 1997]

CYCLOSPORIASIS AND RASPBERRIES—LESSONS FOR THE FUTURE

(By Michael T. Osterholm)

One hundred years ago, Osler observed that to know syphilis was to know clinical medicine. Today, to know and appreciate the many clinical, microbiologic, and public health aspects of the outbreak of cyclosporiasis associated with raspberries that Herwaldt and colleagues describe in this issue of the Journal[1] is to know foodborne disease in the modern world. The investigation conducted by Herwaldt et al. illustrates the changing epidemiologic characteristics of foodborne disease in this country.

Two of the key factors that have contributed to these changes are the substantial alterations in the American diet over the past two decades and the globalization of the food supply.[2] Although the promotion of a "heart-healthy" diet (high consumption of fruits and vegetables and low consumption of fat) may be improving cardiovascular health, it has led to a new range of problems for the gastrointestinal tract. Infectious-disease specialists frequently remind persons traveling to developing countries to reduce the risk of traveler's diarrhea by eating only foods that can be boiled or peeled. Yet seasonally, up to 70 percent of selected fruits and vegetables consumed in this country come from developing countries. One does not need to leave home to contract traveler's diarrhea caused by an exotic agent. Although produce from U.S. growers is also a source of pathogens, fruits and vegetables from developing countries are cause for additional concern. Many developing countries are just entering the global produce market. The first raspberry vine was planted in Guatemala in 1987, yet approximately 20 percent of all fresh raspberries sold in May 1996 in the United States came from Guatemala.

Emerging or reemerging infectious agents are another factor associated with the changing epidemiologic characteristics of foodborne disease. *Cyclospora cavetanensis* is such an agent. When an emerging foodborne agent is first recognized, there are typically many unanswered questions about the epidemiologic characteristics of the infection and its prevention. Furthermore, clinicians need to be aware of the clinical presentations associated with new agents. For example, a patient presenting with a diarrheal illness of five or more days' duration, severe fatigue, and loss of appetite should be evaluated for cyclosporiasis regardless of whether the patient has traveled to a foreign country or consumed contaminated water. Clinical laboratories now need to be proficient at performing routine examinations for a wide variety of emerging agents. Moreover, public health officials need to be aware of the importance of initiating and maintaining population-based surveillance for these types of agents. Today, the resources for conducting surveillance are severely limited at the state and local levels.

A serious problem posed by new agents such as *C. cayetanensis* is our lack of understanding of their biology. Herwaldt et al. emphasize the potential role of contaminated water. However, there appears to have been only limited consideration of the role that

Footnotes at end of article.

birds or other animals may have had in contaminating the berries. Recent evidence suggests that eimeria, a recognized coccidial parasite in birds, may be very similar to *C. cayetanensis*, if not the same agent.[3,4] Eimeria has long been recognized as an important cause of diarrheal disease in birds. Consumption of berries by birds is a major cause of crop loss and results in frequent contamination of the berries. The use of high-quality water for irrigation and pesticide spraying and other good management practices will not solve the problem of *C. cayetanensis* contamination if birds play a major part in that contamination. A similar outbreak of cyclosporiasis in Florida during the spring of 1995 was only later recognized as likely to be associated with Guatemalan raspberries. Yet no outbreaks were documented in association with the fall harvest and shipment of Guatemalan raspberries in 1995 or 1996. The season migration of wild birds in Guatemala needs to be evaluated as a possible explanation for the patterns seen with berry shipments and outbreaks of disease in the United States. One test of this hypothesis will be whether there is another outbreak of cyclosporiasis associated with this year's spring shipment of raspberries from Guatemala.

I believe that one of the unfortunate lessons of the outbreak in the spring of 1996 came from public announcement of the apparent association between a product and an illness without sufficient epidemiologic evidence. The implications of this lesson reach far into the future. When an outbreak occurs, public health agencies are often under pressure to act quickly. The public has come not only to expect a quick response but also to demand it. The Texas Department of Health and the Houston Department of Health and Human Services investigated a cluster of cases of cyclosporiasis among 20 participants at a May 9, 1996, conference in Houston. On June 8, these agencies issued a press release summarizing the results of their epidemiologic investigation. In that announcement, they concluded that the consumption of fresh California strawberries was associated with the illness. The need to warn the public is legitimate, but it must be weighted carefully against the possibility of being wrong, which will result in economic loss for the falsely accused industry, as well as weaken the confidence of both industry and the public in future public health warnings. Confusion about the actual cause of this outbreak persisted for more than six weeks, until additional epidemilogic studies conducted by state and local public health agencies, the Centers for Disease Control and Prevention, and health officials in Canada concluded that raspberries from Guatemala were the source of the outbreak.[5]

We need to establish well-defined criteria for evaluating the quality of epidemiologic data from investigations of outbreaks, particularly when the etiologic agent is not readily isolated from the implicated food product. Furthermore, when a widely distributed product is implicated in an outbreak, we must ensure that before public announcements are made, all available epidemiologic and microbiologic evidence and information on product distribution are reviewed quickly and that the conclusion is supported by federal, state, and local experts in foodborne disease.

On January 25, 1997, President Bill Clinton announced an important new initiative to improve the safety of the nation's food supply, including improvements in our ability to detect foodborne outbreaks and coordination of the local, state, and federal responses. However, we already have the means of virtually eliminating the problem of cyclosporiasis associated with fruit and vegetable consumption—namely, irradiation. The use of ionizing radiation for food pasteurization has been extensively evaluated and is supported by the World Health Organization, the Food and Agriculture Organization, the International Atomic Energy Agency, and various other international agencies, scientists, and government officials.[6] Irradiation provides the greatest likelihood of substantially reducing bacterial and parasitic causes of foodborne disease associated with numerous foods, including fresh fruits and vegetables. However, the food industry remains reluctant to use this technique out of fear of incurring the wrath of activist groups that wrongly proclaim that irradiation is unsafe or seriously compromises the quality of the food product. The time has come to use irradiation; we must not let any group use arguments without a scientific basis to keep such an important technique from the marketplace. This may be the most crucial lesson to be learned from the story of cyclosporiasis and imported raspberries.

FOOTNOTE REFERENCES

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[4] Garcia-Lopez HL, Rodriguez-Tovar LE, Medina-De la Garza CE, Identification of Cyclospora in poultry. Emerg Intect Dis 1996; 2:356–7.

[5] Update: outbreaks of Cyclospora cayetanensis infection—United States and Canada, 1996. MMWR Morb Mortal Wkly Rep 1996; 45:611–2.

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EXHIBIT 2

JUNE 10, 1997.

Hon. MITCH MCCONNELL,
Committee on Labor and Human Resources, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: We are writing to advise you of our enthusiastic support for an amendment you may offer to FDA Reform legislation regarding labeling of food products under the Federal Food, Drug, and Cosmetic Act. We understand that your amendment is intended to remove labeling impediments that discourage consumer acceptance of irradiation as a technology designed to strengthen food safety and expand the availability of safe and affordable food products.

Irradiation is a simple and inexpensive process used since the 1950s to kill harmful pathogens in many foods, but is rarely used today because of FDA's label disclosure requirements. Irradiated food products must prominently bear the international "radura" symbol and the phrase "treated with radiation" or "treated by irradiation." These bold labeling requirements more prominent than required warning statements, render the foods virtually unmarketable. Again, we understand that your amendment would require irradiated foods to bear an appropriate disclosure requirement, but specifies that the disclosure need not be more prominent than the ingredient statement. In this way, concerned Americans may be assured that food that has been irradiated will be marked as such but the prominence of disclosure will not be so bold as to create the false impression that the irradiation statement is a warning. Broader use of irradiation and other pathogen-reducing technologies promises a significant step forward in further improving food safety.

We enthusiastically support your irradiation prominence-of-disclosure amendment. It would provide for labeling policies that encourage the use of FDA-approved food safety and agricultural production technologies.

Sincerely,

American Farm Bureau Federation, American Feed Industry Association, American Meat Institute, Animal Health Institute, Apple Processors Association, Chocolate Manufacturers Association, Florida Fruit And Vegetable Association, Food Distributors International, Institute of Food Technologists, Millers' National Federation, National Cattlemen's Beef Association, National Confectioners' Association, National Fisheries Institute, National Food Processors Association, National Meat Association, National Pork Producers Council, National Turkey Federation, Northwest Horticulture Association, Produce Marketing Association, U.S. Chamber of Commerce, United Egg Producers, United Egg Association, United Fresh Fruit & Vegetable Association, and Western Growers Association.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 30 minutes.

Mr. KENNEDY. Mr. President, I yield myself 20 minutes.

Mr. President, I will just review quickly the work that was done by the committee.

As I outlined earlier, there were 20 major proposals that were made by the Secretary in June. We have addressed 19 of those. The one remaining proposal we have not addressed is the one that brought about the Reed-Kennedy amendment which was defeated yesterday, and the one which virtually all of the consumer groups feel ought to be altered and changed before we get to final resolution and passage of this legislation.

I reviewed some of the other provisions and the changes that were made as a result of bipartisan efforts, which I think are important and significant improvements, and also provide additional kinds of protection.

I mentioned the fast tracking of the various products, and the ability of individuals who do not have expanded access to drugs still under investigation for patients who have no alternatives, the inclusions of the Snowe-Feinstein bill that will help to expand opportunities by using the NIH database, and

some of the streamlining of the FDA procedures.

I will mention just a final few.

One concerned the improved consultation between manufacturers and the FDA. Prior to this provision, if there were any changes being implemented by manufacturers with these medical devices, they had to be cleared.

We have changed that so that manufacturers can make adjustments and changes that are not going to affect issues of safety in order to make their production more efficient. But we also have some protections for safety included in there.

The environmental issues. The original bill would have eliminated all the environmental impact statements from FDA applications. I didn't think that was what we were doing when we were extending PDUFA. We made adjustments and changes on that to ensure that those environmental impact statements will be preserved.

The strengthening of the safety protections of the various medical devices. FDA will still require device manufacturers to file supplemental applications when they are making changes that affect safety and effectiveness of the devices, but we have made efforts to streamline that provision.

The tracking of various devices after approval. Under the initial bill, there was a termination of tracking of medical devices. We had a good debate on this. I thought the Senator from Illinois [Mr. DURBIN] made a strong case for continuing postmarketing surveillance of medical devices. We have now compromised and said that we permit the FDA to make the judgment. We have found that a principal reason for postmarketing surveillance was a safety factor, a belief that if you track the various medical devices and are able to get information that shows that those medical devices may pose a danger to the people, you should be able to notify others who might have used a similar kind of device to give those individuals protections as well.

Initially it was thought that by having that kind of review, you could advance these medical devices because you are going to have a pretty good evaluation of those medical devices as they affect people by having tracking mechanisms rather than just attempting to evaluate safety and effectiveness prior to the time that the medical devices are actually utilized. So it was an attempt to speed up the process that the tracking provisions were put into effect initially. Now they are enormously important because if we find out that people do have adverse impacts from these medical devices—and we have tracking mechanisms—we can protect not only those individuals but also others who might have the same kind of device implanted in them.

We worked out a compromise, and I think the public interest is protected. It would not have been if we had not worked it out.

The tightening of the process for FDA approval of medical devices. We have 180 days for these devices. What we are saying is at the end of 100 days the FDA indicates the deficiencies in those devices but still has 180 days to be able to make a final judgment. But it does give an earlier indication to the medical device manufacturer about the potential problems that they are going to face.

Recordkeeping by distributors of devices. In the initial bill, they wiped out all of that information. So if there was an adverse impact from the medical device, the distributors would not have collected the information and the FDA would not know about it. What we have done is maintained that the distributors have to keep the information which they have with regard to adverse impacts from devices. They do not have to report it to the FDA, but they have to keep it. And then if there is some kind of indication about adverse impact, the FDA will be able to pursue it. It saves a good deal of paperwork. And, it still adequately protects the public.

We have made many changes in a bipartisan effort to improve and strengthen the bill. We have safety standards for drugs to ensure that the alternative use of a drug is going to meet high safety standards. That is an improvement.

Health care economic information. When pharmaceuticals are given or sold to health care organizations, there is going to be complete information given in terms of alternative treatments for individuals, and this is a very important element.

Health claims for food products. In the initial proposal, this legislation which was to extend the PDUFA to ensure faster consideration of pharmaceutical drugs, was effectively going to eliminate any FDA rule on health claims for food products. There was an example where the industry was leaning on us again in order to undermine the kind of information that would be given to consumers on these various food products, the health claims.

I was around here in the late 1980's when we passed the legislation with regard to food labeling to make sure that the consumer was going to have the right information as to the health assets a particular food might provide, and our committee wanted to effectively eliminate those advances. We were able to maintain them. I think that was important. Those are some of the items. And in each and every instance, the public health was enhanced, with the exception of one—404. There is the record. I could have taken more time and gone into greater detail. And there can be no review of any of those 19 that would bring one to a different conclusion except for the one that we are talking about here. That is the only one that was brought out in the June 11 letter by the Secretary of HHS that said you have to address it because of the compelling need to protect the public.

That is the one that every consumer group has said, why don't you address that the way you did the other 19? You worked out bipartisan agreements on all of the other 19 proposals and enhanced the public protection. Why can't you do it on this one?

Well, we have been unable to. But we still hear from some of our colleagues about what a long process this has been, that we could have passed this in June, you would not have passed it without those health protections. I think that we protected the public with the one exception—and that stands out.

We have gone over the FDA's impact on the lives of the consumers of this country. How in so many different ways it impacts and affects our lives and how they have taken action in each and every one of those circumstances to protect the public health. I have gone through in detail about how the medical device industry is prospering. They have a more positive attitude than they have ever had.

Now what they are going to do is restrict the protection of the public health with this particular provision, and it is wrong. The issue is clear. Will medical devices be approved on the basis of false and misleading labels? All we needed was to add the words "false and misleading" to the bill. This bill would have gone through unanimously. But we were defeated on the amendment that would have prohibited false or misleading labels. When our colleagues go back home and they are asked in their town halls, why were you for permitting medical device companies to submit false information? I hope they have a good answer, because I cannot think of one, not when the industry is making the progress it is making and is having record sales, and safety is still being protected.

Will dangerous medical devices that have not been tested for safety and effectiveness be foisted on the American people?

Will unscrupulous companies like U.S. Surgical Corp. be rewarded for deceiving the FDA?

Will there be a higher value placed 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 use identified on the label submitted by the manufacturer, even if that label is false or misleading. It prevents the FDA from requiring the manufacturers show that their product is safe and effective for the purpose for which it will be really 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 on the Advanced Breast Biopsy Instrumentation system 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 FDA for approval based on a label claim that it was to be used for biopsy of breast tissue suspected of being malignant. This is a common procedure used in mammograms or other diagnostic techniques to 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 label 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 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 treating their illness than existing therapies. It placed the company's profits first and the patient's needs last.

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.

We have a copy of it right here, Mr. President, and the videotape clearly describes the device as appropriate for surgically removing small lumps of cancerous tissues. 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—

Which is the needle I referred to—

> 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 one versus two procedures.
>
> Minimally invasive breast surgery. A new standard of patient care offered only by United States Surgical Corp.

Here is their advertisement: "The latest technique is minimally invasive breast biopsy."

And here is the language included in the videotape that says minimal invasive breast surgery. And we heard out on the floor, well, U.S. Surgical Corp. did not have anything to do with promoting this. "A new standard of patient care offered by the United States Surgical Corp."

It is clear that this company has designed this machine for breast surgery, not just biopsy, and is promoting it for this use 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 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.

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 sees its potential now, and now is doing the studies which it didn't do before on the removal of the breast. Now they are doing it, after the FDA caught them promoting this device for that purpose.

We have listened out here, "This is just another machine. This is just another biopsy machine." And we find the clearest example of a case where it gets approved for one purpose, it is promoted and used for another purpose. When it is caught by the FDA, they did submit additional clinical information for the removal of breast—and they are doing it now. They didn't say, Tumor removal? We never thought we were going to use it for tumor removal. Why is the FDA suggesting that we had ever intended to use it for that, but, OK, there is an idea, we will go out and conduct the clinical studies.

Let's be realistic here, they had intended to use it for an alternative use. They promoted it for an alternative use. And they never supplied the FDA with the safety information on that alternative use.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. KENNEDY. Mr. President, U.S. Surgical's public response to this sorry record of profiteering at public expense is a disgraceful attempt to avoid responsibility for its unacceptable behavior. It claimed it had not produced the video—even though the video carries the company log and it is impossible to watch it without it being clear that the company paid for it, produced it, and wrote the script.

It claimed that it had not distributed the video, even though there is no reason to produce a promotional video except to distribute it, and even though Dr. Morrow has written that the video was delivered to her office by a company representative trying to convince her to buy the U.S. Surgical machine. And, according to the Associated press, a company spokesman said that "the label * * * makes clear that the biopsy device is 'to be used only for diagnostic breast biopsy and is not a therapeutic device.'" But as the history of this machine makes clear, that clear disclaimer is only on the label because the FDA stepped in and stopped the company from its illegal promotional efforts.

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.

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.

Supporters of this measure claim that FDA will still have the power to require that dangerous devices be shown to be safe and effective before they are sold. They point to the language of the statute that says a device approved as substantially equivalent must meet two tests. First, it must have the same intended use as the predecessor device. Second, "the information submitted that the device is substantially equivalent to the predicate device contains information, including clinical information if deemed necessary by the Secretary, that demonstrates that the device is safe and effective as a legally marketed device, and does not raise different questions of safety and efficacy that the predicate product."

What their argument ignores is the first part of the test—the intended use test. Today, the FDA can look at the device and say, from the technical characteristics of the product, that it is obvious that it has been redesigned so that it is primarily for a different use than the older device. But under the amendment, they would be barred from doing this. They would be forced to accept the manufacturer's word as to the intended use of the device—even if that label were false and misleading, even if the manufacturer was lying. That is what happened with U.S. Surgical and the biopsy machine that was really designed to treat breast cancer. Under the current law, FDA could require that U.S. Surgical show their device was safe and effective for treating breast cancer. Under the amendment, they could not.

This is not just my opinion. It is the reason that the administration has singled out this provision as possible grounds for a veto. It is the reason it is opposed by a broad coalition of consumer and public health groups. It is obvious that the only reason that the proponents of this provision are not willing to compromise is that they want to hamstring the FDA for the benefit of the industry. How else can they possibly justify requiring FDA to evaluate a device based on a false and misleading label.

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.

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

A few days ago, the public was made aware of the tragedy that resulted from the use of diet drugs in ways that had not been approved by the FDA as safe and effective. This so-called off-label use of fenphen may well have caused serious and irreversible heart damage in tens of thousands of women who thought the drugs were safe.

The legislation before us would actually encourage the use of off-label, unapproved uses of medical devices. It can fairly be called the fen-phen device provision.

It is shocking that this shameful provision has been so cavalierly included in this bill. It is incomprehensible that reputable device manufactures are not prepared to support a compromise that allows the FDA to look behind labels that are false or misleading.

Medical devices can heal, but they can also maim and kill. The history of medical devices is full of stories of unnecessary death and suffering.

But thanks to the authority the FDA now has, there are also many stories of lives saved by the vigilance of the FDA. What is incomprehensive about the bill before us is that it would take backward—in the direction of less protection of public health rather than more. The whole history of device regulation has been to provide the public greater protections.

Two decades ago, the Dalkon shield disaster led to the passage of a law giving the FDA greater authority over medical devices. At the time, this birth control device went on the market, the FDA had no authority to require manufacturers to show that devices are safe and effective before they are sold. In 1974, an FDA advisory committee recommended that the Dalkon shield be taken off the market—after almost 3 million women had used it.

The device was found to cause septic abortions and pelvic inflammatory disease. Hundreds of women had become sterile, and many required hysterectomies. According to the manufacturer's own estimates, 90,000 women in the United States alone were injured. The manufacturer, A.H. Robbins, refused to halt distribution of the device, even though the FDA requested it, while the issue was reviewed by the advisory committee.

The Shiley heart valve disaster was so serious that it led to the enactment of further legislation. This mechanical heart valve was approved in 1979. It was developed by the Shiley Co. the Shiley Co. was subsequently sold to Pfizer, which continued marketing the valve. It was taken off the market in 1986 because of its high-breakage rate.

By that time, as many as 30,000 of these devices had been implanted in heart patients in the United States. One hundred and ninety-five valves broke and 130 patients died. Thousands of other patients who had the defective valves in their hearts had to make an impossible choice—between undergoing a new operation to remove the device, or living with the knowledge that they had a dangerous device in their heart that could rupture and kill them at any moment. Depositions taken from company employees indicated that cracks in defective valves may have been concealed from customers.

Before the defective valve was withdrawn, the manufacturer had tried to introduce a new version with a 70 degree tilt instead of the 60 degree tilt approved by the FDA.

The increased tilt was intended to improve blood flow and reduce the risk of clotting. The FDA's review found that the greater tilt increased the likelihood of metal fatigue and valve breakage, and the new version was not approved for use in the United States. Four thousand of the new devices were implanted in Europe. The failure rate was six times higher than for the earlier valve—causing at least 150 deaths.

In another example of a human and public health tragedy involving a medical device, the firm Telectronics marketed a pacemaker wire for use in the heart.

Twenty-five thousand of these pacemakers were marketed, beginning in 1994, before it was discovered that the wire could break, cause damage to the wall of the heart, or even destroy the aorta.

Another device disaster is toxic shock syndrome from superabsorbent tampons. Most women would not think that a tampon could kill them or a change as minor as increasing the absorbency of the material used could have life-threatening consequences. About 5 percent of toxic shock syndrome cases are fatal. As a result of this problem FDA began requiring testing of the absorbency of all types of tampons. Women deserve protection. FDA should be strengthened, not crippled.

The case of artificial jaw joints—referred to as TMJ devices—are another tragedy that devastated tens of thousands of patients, mostly women. These devices were implanted to assist patients with arthritic degeneration of the jaw joint, most with relatively

mild discomfort. But the impact of the new joints, sold by a company called Vitek, was catastrophic. The new joints often disintegrated, leaving the victims disfigured and in constant, severe pain. To make matters worse, Vitek refused to notify surgeons of the problems with the joints, and FDA had to get a court order to stop distribution of the product. Similar problems were experienced with Dow Corning silicone jaw implants.

In yet another example, the FDA was able to block a device that involved a plastic lens implanted in the eye to treat nearsightedness. The device was widely marketed in France, but the FDA refused to approve it for use in the United States. Long-term use of the device was later shown to cause damage to the cornea, with possible blindness.

The angioplasty catheter marketed by the Bard Corp. turned out to be a dangerous device that the company sold with a reckless disregard for both the law and public health. The device was modified several times by the corporation without telling the FDA in advance, as required by the law. The company was prosecuted and pleaded guilty to 391 counts in the indictment, including mail fraud and lying to the Government.

Thirty-three cases of breakage occurred in a 2-month period, leading to serious cardiac damage, emergency coronary bypass surgery, and even death.

Devices as simple as patient restraints used in nursing homes and hospitals have been implicated in 231 injuries, including 128 deaths.

The list goes on and on.

These tragedies resulted in expanded powers for the FDA to protect the public against dangerous devices and greater vigilance on the part of the agency. But this bill steps backward by forcing the FDA to try to protect the public with one hand tied behind its back.

This bill actually forces the FDA to approve devices based on false and misleading labels.

Under the provision, the FDA cannot look behind the manufacturer's proposed use to demand appropriate safety and effectiveness data, even if it is obvious that the device has been designed for an altogether different use than the manufacturer claims. I have already discussed the dangers of a breast cancer biopsy needle that would have been used to treat breast cancer without adequate evidence that it was effective. There are many other examples of the kind of dangerous devices that could be foisted on the American public, if the provision of the bill allowing false and misleading labels is allowed to stand.

Surgical lasers are increasingly used for general cutting, in place of traditional instruments such as scalpels. In a recent case, a manufacturer called Trimedyne adapted the laser in a way that indicated it was clearly intended for prostate surgery. But it submitted an application to the FDA saying that the laser was only intended for general cutting. The label was clearly false, and the FDA was able to require adequate safety data before the product was allowed on the market. But under this bill, the FDA would be forced to approve the product, without requiring evidence that the device is safe and effective for prostate surgery.

Prostate surgery is a very common procedure affecting tens of thousands, if not hundreds of thousands of older men.

Failed surgery can result in permanent incontinence and other devastating side effects. Do we really want surgical tools to be used to treat this common illness that may not be safe and effective? If this legislation passes unchanged, that is exactly the risk that large numbers of patients needing prostate surgery could face.

A further example involves digital mammography, an imaging technology that is becoming an alternative to conventional film mammography. The new device is approved for better diagnostic imaging of a potentially cancerous lump in the breast that has already been detected. But it is not known whether the new machine can be used effectively in screening for breast cancer when there are no symptoms.

Under this bill, if a manufacturer seeks approval for a digital mammography machine that is clearly designed for breast cancer screening, not just for diagnosis, the FDA would be prohibited from requiring data to show that the machine is effective for screening. Does the Senate really want to support legislation that could result in women dying needlessly from undetected breast cancer? That is what this device provision could cause.

Another example involves the large number of patients who have suffered serious fractures and who benefit from orthopedic implants that help the broken bones to heal. In some cases, these implants are designed to be removed after the healing is complete. In other cases, to avoid further surgery or to strengthen the bone, the implants are left in place.

Under this legislation, a manufacturer of plates and screws approved for short-term use could modify them in a way that clearly shows they are intended for long-term use. The FDA would be prohibited by this bill from looking behind the false and deceptive label and requiring the manufacturer to show that the device will not degenerate or weaken the bone during long-term use.

Pedicle screws are a clear example of just such behavior by manufacturers. Originally designed to hold long bones in place after a fracture, they were modified by the manufacturer so that they could be used to make the spine more rigid, with the goal of reducing painful back problems. But the many manufacturers of these screws did not present safety and effectiveness data to the FDA for this new use.

The result: the screws sometimes broke and sometimes caused spinal fractures. Reoperation rates ranged from 14 to 52 percent—and patients suffered permanent pain and disability. This is exactly the kind of unethical behavior by manufacturers that this bill encourages.

Other examples in the way that this provision could allow unsafe and ineffective devices abound. A stent designed to open the bile duct for gallstones could be modified in a way that clearly was designed to make it a treatment for blockages of the carotid artery. Without adequate testing, it could put patients at risk of stroke or death. But under this bill, the FDA would be prohibited from looking behind the label to the actual intended use of the device.

Still another example involves contact lenses, which can be approved for either short- or long-term wear. Extended wear contact lenses can be left in the eye overnight, and sometimes are worn for weeks. Under this bill, a manufacturer could take contact lenses approved for short-term wear, and modify them in a way clearly intended for long-term wear. The FDA would have to approve the modified lenses based on the false and misleading label for short-term use. Unsuspecting patients could suffer corneal ulcers and even blindness.

The vast majority of medical device manufacturers meet high-ethical standards. Most devices are fully tested and evaluated by the FDA before they are marketed.

But as many examples make clear, if the FDA does not have adequate authority to protect innocent patients, the result can be unnecessary death and injury to patients across the country. There is no justification—none whatever—for Congress to force the FDA to approve devices with false or misleading labels. And there is certainly no justification for giving a competitive advantage to unscrupulous companies who will exploit this gaping loophole in the law.

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. Today, they probably do have the votes.

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 on Tuesday, 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.

The legislation we are considering has many constructive elements. But it does not deserve to go forward unless this disgraceful provision is removed. 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.

I intend to continue to fight to modify this provision so that public health can be protected, and I believe that we will ultimately be able to reach a compromise that will not sacrifice the public interest to the profits of greedy manufacturers. We have been successful in assuring that every other objectionable provision of this bill has been modified so that the public health is protected. This provision must be changed as well.

Here are some significant advances in the FDA bill and compromises worked out on S. 830 since the committee markup on June 18.

First, preserving State oversight of safety of cosmetics. This compromise assured that the States will be able to continue to regulate the safety of cosmetic products. The Gregg proposal in the underlying bill would have barred States from any regulation whatsoever of cosmetics, even though the FDA has neither the authority nor the staff to regulate these products. The compromise allows States to continue their regulation unless a specific inconsistent regulation has been issued by the FDA in a particular area.

Second, safeguards for off-label use of drugs. This important compromise will allow companies to circulate reputable journal articles about off-label use of drugs but will ultimately enhance the public health and safety because the FDA will be given the opportunity to review, comment on, and approve articles which the companies will circulate. The compromise also requires companies to undertake studies on the safety of their drugs for the specific off-label use and submit applications to the FDA for approval of their drugs for these uses within 3 years. Currently, companies are circulating articles without reviewing them for off-label use without seeking review or approval by the FDA and are also never conducting the studies which would lead to ultimate FDA approval or disapproval of the drug.

Third, expanding access to drugs for patients and fast track approval:

Fast track approval. This is one of the most important new initiatives in the legislation. Fast track approval will provide the same streamlined availability for drug treatments for patients with any life-threatening disease now available only to patients with cancer or AIDS.

Expanded access to drugs still under investigation for patients who have no other alternatives. The compromise combines protections for patients with expanded access to new investigational therapies, without exposing patients to unreasonable risks.

Providing access for patients to information about clinical trials for serious or life-threatening diseases. This compromise will assure that patients suffering from serious or life-threatening diseases will have available to them information about ongoing clinical trials relating to these diseases.

Fourth, streamlining FDA procedures. In order to expedite some product reviews, the compromise authorizes the Secretary to contract out to third-party reviewers when it will improve timeliness, but not when it will reduce quality. For medical devices, the compromise establishes in law an already existing pilot program for reviewing devices by outside third parties. The compromise limits the review only to low-risk class I devices and specifically excludes higher risk devices that are life-sustaining or if the device was not shown to be appropriate could cause substantial impairment to human health. The FDA will not have to expend resources on unnecessary reports which may be duplicative of other reports already required to be filed by the agency.

Fifth, improved consultation between manufacturers and FDA. The compromise increases the requirements on the FDA to consult with device manufacturers and specifically to work toward achieving agreement on what set of data needs to be provided by the device manufacturer before approval can be granted. In addition, the device manufacturers are required to supply progress reports to the FDA, and in particular, report significant deficiencies in the device which have developed during the review period.

Sixth, environmental issues. The original bill would have eliminated environmental impact statements from FDA applications. The compromise ensures that the bill does not undermine environmental protections provided by the Environmental Protection Act.

Seventh, strengthening safety protections of medical devices. Safety and effectiveness of devices. The FDA will still require device manufacturers to file supplemental applications when they are making changes to their manufacturing procedures which may affect the safety and effectiveness of the devices.

Tracking of devices after approval. The compromise ensures that FDA can require surveillance of products after they have been approved for as long as needed to protect the public health.

Tightening up the process for FDA approval of medical devices. The FDA will now be required to accept the classification made by the manufacturer unless questions are raised within a specific period of time. The compromise also tightens up timeframes within which the FDA must make a final decision on a device application.

Recordkeeping by distributors of devices. The compromise requires limited recordkeeping by device distributors so that patients using devices will be readily identifiable if there is a health problem.

Eighth, other issues:

Safety standards for drugs. Supplemental applications for drug approvals need to meet the same safety standards as the original application.

Health care economic information. Only valid and supportable health economic claims may be made by drug manufacturers.

Health claims for food products. This compromise assures that the Nutrition Labeling Act is not undercut or weakened, and that any health claims by food manufacturers have to be substantiated.

Mr. President, we want to be able to give the FDA the authority, when it is clearly indicated as a result of the technological changes in that medical device that an alternative use is intended, to look in behind the proposal and examine the safety data that would indicate that device is going to be safe, for the American public to be protected.

That is the issue. We have had too many medical device tragedies in this country. It has not been that long ago, whether it is the Dalkon shield or the Shiley heart valve, or even the adjustments in absorption level in tampons that produced toxic shock and resulted in the deaths of women—there have been too many medical device tragedies. We have been able to avoid them in recent times. The industry is doing well. We are having new breakthrough technologies.

We have reviewed 19 of the 20 key elements that have been raised by those who have been most concerned about the safety and security of the American people. We have addressed them and advanced the public's interest in protecting the health of the American people with the exception of this provision.

It would be wrong and a major mistake to permit this legislation to be passed without making that change.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield such time as he may consume to the Senator from Indiana, who has been somewhat involved in this issue. I am sure he may have a few things to say.

Take as long as you like.

Mr. COATS. Mr. President, I thank the Senator from Vermont. I have been listening carefully to the words of the Senator from Massachusetts. I have clearly come to the conclusion the only remaining problem with the entire 215-page bill is section 404. We have had considerable debate about that yesterday and today. The Senator said this is

the last remaining piece. The Senator correctly pointed out, of the 20 items that he was interested in, 19 have been resolved. That is an awfully good batting average, 19 out of 20. Yet the Senator says the bill cannot go forward until the last one is resolved.

We had a debate on this. The Senator passionately presented his case, but it was not persuasive. Mr. President, 65 Members of the Senate did not agree with the Senator from Massachusetts. We had the vote. That issue has been dispensed with. I know the Senator is upset that his view did not prevail, but it did not prevail, despite lengthy and passionate argument to the contrary.

But, putting that aside, I hope we can take the Senator at his word, that this is the only part of the bill that remains of concern to him. I have word the FDA lobbyists are currently trying to work the House to undo the negotiations, some of the negotiations on some of those 19 items. I trust the Senator, having acknowledged that those have been negotiated fairly and addressed, would support us in maintaining the language that is in the Senate bill when this bill goes to conference, and not encourage any kind of modification of that or weakening down of that agreed-upon compromise.

I assume that means section 406 is satisfactory and there is nothing more we need to do with it, based on the Senator's remarks. I am pleased we can go forward on that basis.

I also heard the Senator say that basically everything is fine at FDA, that this revolution that has taken place under Dr. Kessler solved the problem, admitting there were problems before but we really don't need to do anything more. To quote him, he said, "If it ain't broke, don't fix it." FDA is improving as we speak. Everything is going fine at FDA.

The reason why we are here is that everything is not going fine at FDA. It has not for 20 years. We have been attempting to reform the process at FDA for the past 20 years and there are some reasons for that. It is not fine because there clearly have been delays that have resulted in impaired health and safety of Americans.

You know, there are two edges to this sword. There are two sides to this issue. One side is making sure that we have a Food and Drug Administration that follows careful procedures before approving drugs and devices, because clearly that is in the best interests of the health and safety of Americans. There is no one on this floor, as Senator DODD said yesterday, who does not want to maintain a vital FDA, with the authority to review drugs and to review devices and to make sure, to the best of their ability, that those drugs and devices promote the health and promote the safety of Americans.

They will not always be perfect, as we have learned in this discussion. They make mistakes. Sometimes politicians lean on them to approve things that should not be approved and they approve them only to find out later that they should not have approved them. Maybe they should not be subject to that political pressure. They should not. None of us, whether we are for or against a particular drug or device, should be involved in the scientific process of approving or not approving a drug. But we can involve ourselves in requiring that the FDA do what is necessary to avoid the bureaucratic delays, avoid the inefficiencies, and make itself a more efficient administration. I will talk about that in just a moment.

But let me talk about the other side of this issue. Let me talk about the patients and the consumers, the Americans whose health and safety and whose lives have been jeopardized or lost because of inefficient FDA bureaucratic delays. We talk about those who have been impacted by drugs that have been approved, in some people's view, too quickly. What about those whose health and safety has been impaired and who have died because the drugs have not been approved quickly enough? A very prestigious institution, the Hudson Institution, has done a seminal study on that issue and put out a report in November of 1995 titled, "The Human Cost of Regulation. The Case of Medical Devices and the FDA."

I hope my colleagues will read this to understand the other side of the issue, the rest of the story. I will just quote briefly from it.

> When policymakers weigh the costs and benefits of our current policies governing the production of new medical technologies, persons who die from the absence of a device that should have been available should count as much as the victims of a defective device.

We have heard a lot here about victims of defective devices, but we have not heard very much about victims of devices that have been unnecessarily delayed that could have saved patients' lives, that could have improved their safety.

Mr. KENNEDY. Will the Senator yield just for a question?

Mr. COATS. I will be happy to yield to the Senator for a question.

Mr. KENNEDY. What is the date of that particular study? I did refer to recent studies. I was just interested in the date.

Mr. COATS. November 1995. I will quote further:

> Although these improvements are certainly laudable, they are not worth the human costs of the FDA's approval system. Rather than protecting public safety, in some cases the FDA's system for approving medical devices actually endangers lives.

Let me cite some examples: Coronary stents. Coronary stents are simply a wire mesh tube that holds the artery open to facilitate the flow of blood to the heart muscle. During angioplasty, which nearly 400,000 Americans a year undergo, before the coronary stent was developed 15 percent of patients undergoing that operation had a blood vessel collapse and had to go into emergency bypass surgery, which placed them at greater risk, and a lot of lives were lost. The coronary stent, however, became an alternative method of treatment for most of these patients and reduced dramatically the amount of collapsed blood vessels and dramatically the lives that were lost.

You would think that, given the importance of this technological breakthrough, the FDA would have given expeditious handling to the application for approval of the stent. Sadly, for thousands of Americans who died when they could have benefited from this stent, this was not the case. It took 9 months for the device's developers to obtain permission from the FDA to even begin preliminary phase I clinical trials. These trials took another year. Then the manufacturer conducted phase II trials for 9 months, and based on those results requested immediate permission to begin the final phase III trials.

The FDA rejected this request. The manufacturer appealed and then again requested permission to begin phase III trials. Three more months and the FDA came back and said no, you can't start. In the meantime, the manufacturer had repeated a whole series of phase II trials again. Finally, 7 months later, the manufacturer completed the first segment of phase III after the FDA finally granted permission, and on and on it went for another 15 months.

Four months later the FDA's advisory panel of medical experts said OK, we will issue the order granting approval—excuse me. They recommended the order to grant approval. It then took the FDA 12 months to comply with their medical experts' request to order the approval of the stent.

The Hudson Institute estimated the number of lives lost, and it is an estimate. But, based on a very thorough study, and it is all documented here in this report, they estimated that the lag time attributable to the FDA cost Americans 2,888 lives. That is the other side of the story.

We hear about mistakes, and, yes, mistakes are made. We are all humans after all. We hear about mistakes, and the Senator from Massachusetts has detailed and had his charts up about individual patients who have been injured, or had their health jeopardized through FDA approval of a product and then the fact that product was not everything that it was billed to be. But we have not heard anything said about the 2,888 patients who died because of FDA bureaucracy and inefficiency in approving a lifesaving medical device.

Let's assume that only 25 percent of that delay was due to FDA. We are still talking about 1,570 lives. That is the other side of the story.

I could go on and on. The omnicarbon heart valve, the left ventricular assist device, the heart transplant procedures, all of these, just dealing with the heart—delays because of FDA inefficiency.

That is why the committee has been so insistent on moving forward with reform. That is why the committee has said, no, everything is not fine at FDA. Yes, we appreciate the fact that they are doing a little bit better since they taxed the pharmaceutical industry to provide the funds to hire the researchers to expedite the approval of drugs. But they have not done better with devices.

The statements that the Senator has made were wrong. We have not had improvement in the way that devices are handled. High-risk and novel device review times in 1995 increased from 348 days to 773 days; if you count the days in FDA hands, 247 to 606. That is on average.

I could go over example after example. In fact, in the budget this year, in responding to that, FDA said we are actually going to slow down, we are actually going to have to slow down review times with respect to device submissions. The agency itself predicted that they would complete 6 percent fewer reviews but review them 20 percent slower. Part of that is our fault. We are not giving them the resources that they need to speed up the process.

But there is another part of this story that we have not heard from the Senator from Massachusetts. That is the testimony of the then-Commissioner of FDA, Dr. David Kessler. The Senator this morning said that under the revolution that is taking place under the leadership of Dr. Kessler, everything now is just hunky-dory.

Well, we had Dr. Kessler before our committee. Dr. Kessler did not say everything was hunky-dory. Dr. Kessler did not say everything was fine. In fact, Dr. Kessler pretty much threw up his hands and said, "I can't control the agency. I can't administer this agency." In an astounding statement to Members of Congress, he said, "It's only under pressure from the Congress that we have been able to expedite and move things here." He said, "I'm at a loss to do this, but you keep the pressure on."

Well, if we listen to the Senator from Massachusetts, we would take the pressure off. Then they probably would revert to the same old ways. It is a bureaucracy that has not been administered well under the previous Commissioner. Let us hope the current acting Commissioner or the new Commissioner can do a lot better job than the previous Commissioner. The previous Commissioner seemed more intent on pursuing a political agenda than he did in approving drugs and approving devices that save the lives and improve the health of Americans.

To respond to a question from a Member of Congress, to make the statement that, "The only way we can improve is if you put pressure on us," probably explains the sudden rash of approvals that have come out of FDA. Why? Because we have a reform bill in the process. They have gotten the message. They have gotten the message that Congress will no longer tolerate this delay.

They heard it not just from Republicans, not just from people who so-called represent the device industry or the pharmaceutical industry or the business side, they have heard it from Republicans and Democrats, Liberals and Conservatives, people on both sides of the aisle.

How did we possibly get out of that Committee on Labor and Human Resources, probably as divided philosophically as any committee in the U.S. Senate, how did we possibly get 14 out of 18 votes? We got it because Liberals, Democrats, Republicans, Conservatives, all came to the same conclusion. The conclusion was: FDA needs reform, and it needs it now.

We have delayed several weeks here, and even months here, simply trying to get this thing through the Congress. We have had two filibusters. We have had untold procedural tricks and gimmicks, all perfectly within the rules but designed to delay the process. We have had one objection after another.

It was not that long ago when the Senator from Massachusetts was down on the floor saying, "If we can just fix this cosmetic"—he had his pictures up with problems with the cosmetic and food industry. "That doesn't go to the heart of the problem; the FDA's drugs and devices, that part is fine. That part is settled. We just have to fix the cosmetic part." And so we said, "OK. We'll fix it." And Senator GREGG negotiated a compromise with the Senator from Massachusetts and the Senators from California, and others, and we eliminated that concern.

All of a sudden, when we were told that that is all we needed to do to move this forward, all of a sudden a new issue comes popping up, not one that was offered by amendment in the committee. If it was the primary, the No. 1 priority of the President and the Secretary of Health and Human Services, you would have thought the Senator from Massachusetts or someone would have offered an amendment in committee. But no, it was then the next thing to delay the bill, the next cause celeb, the next throw down the gauntlet, the next draw down the line in the sand, the next "we can't move forward," the next "this bill is totally worthless without a fix here." Fix 19 out of 20. Actually it was 34. The Senator miscounted. Since markup—14-4—since markup, 30 sections of this 60-section bill have been altered. And 34 provisions—as I hold this here in my hand—of negotiations trying to get the Senator to allow us to move forward with this bill.

The Wall Street Journal today in an op-ed piece calls this a timid bill. It has been watered down. It has been watered down substantially. A lot of us would have liked to have gone a lot farther than we have been able to go with this bill. We had provisions which would allow outside help for the agency, third-party accreditation. Only over the strenuous objections and resistance of the Senator from Massachusetts were we able to move forward with that.

Yet, the FDA had its own pilot program going on that. This is the medical device equivalent of the PDUFA, of the user fee. Let us get some outside help from accredited agencies that FDA certifies, not that DAN COATS selects, not that some device company selects, but that FDA selects. We gave FDA the authority to go out and find scientific laboratories and testing laboratories that met their standards and, under their standards, would be able to assist them in the process of speeding up the review time of devices. Then we built in all kinds of—all kinds of—FDA authority to select the companies, to make sure that there was no conflict of interest, to oversee the process, to withdraw it at any time, to have a final veto over the approved product. Those are just some of them. I have 5 pages in this bill here of accredited party participation, restrictions that go to FDA to make sure that process is valid, to make sure it has integrity, to make sure it is not a loophole.

Here we are trying to do something that helps FDA, that helps speed the approval of devices that can save lives and improve health. We give FDA all kinds of authority, and we still have to negotiate as if this was going to destroy FDA. Every latest thing we saw, and then something else comes up. "This is going to destroy FDA." FDA retains plenty of authority here, but it gets some help in the reform business and gets a strong message from Congress to "get your act together, get a Commissioner that knows how to administer as well as how to politic."

I am more exercised than I usually get on this legislation. We have all tried to be patient as we have worked through this process. But more than one person on this Senate floor can get indignant and upset when people's safety and health and lives are in jeopardy. And there is more than one way that people's safety, health and lives are in jeopardy. Delay of this bill, obfuscation, resistance also jeopardize people's health and safety and lives. To suggest that those of us who do not agree that the Senator's 20th item that he wants compliance with is something that is going to destroy FDA, undermine the entire device section of FDA, put Americans at risk of their health and

safety and maybe even their lives, I do not think that is a responsible charge.

I think the obvious answer to that is, delay puts just as many, if not more, people at risk. The Hudson study certainly points that out. What does that mean? It does not mean that we should have no FDA reform. It does not mean we should necessarily have the FDA reform I think we should have. But it means we should have FDA reform. It means we ought to move forward without an ill-conceived attempt to destroy the whole bill.

I do not think the opposition here has been designed to make this a better bill. I think the opposition—and I think it has been made clear with the Senator's statement this morning that everything is fine at FDA, hunky-dory, it is not broke, it does not need to be fixed, it is improving as we speak, with revolutionary changes under Dr. Kessler. I do not think anybody believes that. Well, maybe two people. We had a vote yesterday 98 to 2. Sixty-five people voted for the so-called provision that the Senator said would absolutely kill the bill. And then 33 more joined with those 65 in voting for the bill, even though the Senator's point did not prevail.

So 98 to 2 is a pretty good indication that there is a solid belief here for reform and the solid need for reform. I just hope now we do not have to go through this same tortuous delay process in the House of Representatives where the hard work that has been accomplished here is undermined by those foes of any change in FDA, the status quo people. "Everything's fine. Let us just keep it as it is. Let's just keep denying Americans the health and safety improvements. Let's keep denying them an efficient FDA."

Anybody who can stand up and defend efficiency and the effectiveness of this Government-run monopoly has not had very much experience with the private sector. All we are trying to do here is—not strip FDA's authority; there is a public function for that. We are trying to give them some help in accomplishing what I think, what 98 of us at least believes needs to be accomplished.

I am glad I do not have to vent my spleen any more than I already have on this because we are nearing final disposition of this in the Senate. It goes to the House. We will have a contentious conference. I think those who do not want FDA reform will continue to resist this. As I said yesterday, the clock is ticking. If we want funds to provide for the expedited review of drugs, we have to complete this very shortly. September 30 is the date on which it runs out.

We are not going to go forward with PDUFA funds, appropriations or reauthorization unless it includes the reforms that are in this bill. I think that has been made clear. And I think 98 people made that clear yesterday.

I will tell you what. I am reluctant to put this whole Hudson study in. It is several pages. It would be at considerable cost to the taxpayers. I ask unanimous consent that excerpts, some portions, of the Hudson briefing paper be printed in the RECORD so it is not so voluminous. But it is available in my office for anybody to review it.

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

[Excerpts from the Hudson Briefing Paper, Nov. 1995]

THE HUMAN COSTS OF REGULATION: THE CASE OF MEDICAL DEVICES AND THE FDA

(By David C. Murray)

* * * * *

GIANTURCO-ROUBIN CORONARY STENTS

The development of coronary stents has revolutionized the treatment of certain heart conditions related to a severe blockage in or collapse of a coronary artery, the vessel that carries blood to the heart muscle. A sent is basically a wire mesh tube. The surgeon places the stent over an uninflated balloon on the tip of a long guide wire, inserts it into the body through a major blood vessel, and snakes it through the blood vessels into a coronary artery. Next, he anchors the stent inside the artery by inflating the balloon. Then he deflates the balloon, leaving the stent in place to hold the artery open and facilitate the flow of blood to the heart muscle. During the next few weeks, the lining of the artery grows over the stent, anchoring it permanently in place.

Several other interventional techniques, including angioplasty, can treat blockages of a coronary artery. During angioplasty, the surgeon inserts an angioplasty balloon into the coronary artery and expands the balloon next to the blockage, thereby compressing the blockage into the artery wall and allowing blood to flow freely through the artery.

During angioplasty, the coronary artery may collapse, preventing the flow of blood to the heart muscle. This occurs in 2 to 4 percent of the 400,000 such operations performed in the U.S. each year. Unless the flow of blood is restored, the patient suffers a heart attack. Before the development of stents, the surgeon could restore the flow of blood to the heart in about half of all patients by performing an emergency coronary artery bypass graft (CABG) surgery. This operation was quite risky, resulting in the death of approximately 15 percent of patients undergoing the bypass operation.

The coronary stent, however, became an alternative method of treatment for most of these patients. In fact, at hospitals that evaluated the stent during clinical trials, only 8 percent of the patients suffering from abrupt closure of the artery needed to have the bypass surgery. Of those that did require the bypass surgery, only 5 percent died. At the time the clinical studies were done, the late 1980s and early 1990s, there were approximately 350,000 angioplasties done per year in the U.S. Based on these numbers, it is estimated that roughly 1,300 Americans died each year from abrupt closure before the stent was available. Had the stent been approved for use at that time, it is estimated that only 70 Americans would have died per year from abrupt closure, resulting in roughly 1,230 lives being saved per year.

Given the importance of this technological breakthrough, one would assume that the FDA would have given expeditious handling to the application for approval of the stent. Sadly for the thousands of Americans who died when they could have benefited from the stent, this was not the case. It took nine months for the device's developers to obtain permission from the FDA to begin preliminary, or Phase I, clinical trials. These trials took another year. The manufacturer then conducted Phase II trials for nine months and, based upon the results of these trials, requested immediate permission to begin the final Phase III trials.

The FDA rejected this request. The manufacturer appealed and again requested permission to begin Phase III trials. After three more months, the FDA said no. In the meantime, the manufacturer had begun a second set of Phase II trials. The manufacturer appealed again, and after another three months, the FDA finally granted permission for the Phase III trials to begin. Seven months later, the manufacturer had completed the first segment of the Phase III trial and requested permission to expand it. After another seven months, the FDA granted this request; this trial was completed in another 15 months. Four months later, the FDA's advisory panel of medical experts recommended approval of the device, but the FDA did not issue the actual order granting approval until another 12 months had passed. At last, on May 28, 1993, more than six and a half years after the initial application to begin the clinical trials, the FDA approved the device for use in the U.S.

Obtaining approval in Europe was quite another matter. Belgium first approved the device in June 1992, after only a few months of review. Several other European countries quickly followed suit. On the face of it, there appears to be only an eleven-month lag between the European and FDA approval dates, but the whole approval process in Belgium took only a few months, compared with two years for the formal review of the data by the FDA and four and a half years for the clinical trials.

One could argue that the European approval process was a "free rider" on the clinical trials the FDA mandated, thus making this comparison unfair. The Europeans did use much of the clinical data generated for the FDA approval process, but the Europeans have a streamlined process for facilitating clinical trials, with the go-ahead generally granted in fewer than 60 days. It is unlikely that it would have taken nine months just to get the clinical trials under way in Europe, as it did in the U.S., just as it is unlikely that the manufacturer would have encountered so many delays in expanding the clinical trials. Indeed, manufacturers who move their clinical trials to Europe cite regulatory flexibility in designing and conducting clinical trials as their primary reason.

Given the complexity of the situation, it is worthwhile to create a range of estimates for the human costs of the FDA's regulatory delays in approving the coronary stent. At an absolute minimum, the delay in approval time between Belgium and the U.S. was 11 months. Using the estimated loss of 1,230 lives per year, the minimum human cost of the 11-month delay is approximately 1,128 lives (11/12 times 1,230). This estimate, however, does not include the delays associated with the FDA's design and oversight of the clinical trials.

TABLE 1.—ESTIMATED NUMBER OF LIVES LOST DUE TO REGULATORY DELAY IN APPROVING THE CORONARY STENT

Regulatory Phase	Time lag (months)	Percent of Lag Attributable to the FDA			
		25%	50%	75%	100%
Investigational Device Application	7	182	365	547	718
Begin Phase III trials	5	130	260	391	521
Expand Phase III trials	5	130	260	391	521
Clinical Subtotal	17	442	885	1,329	1,760
Approval Lag	11	1,128	1,128	1,128	1,128
Total	27	1,570	2,013	2,457	2,888

Taking these delays into account substantially increases the human costs attributable to the U.S. system. Table 1 provides varying estimates of the number of lives lost due to FDA regulatory delay. The estimates vary according to whether the FDA is assumed to be 25 percent, 50 percent, 75 percent, or 100 percent responsible for the delay at each phase of the approval process. The lags in clinical trials in the table are the time in excess of 60 days that it took a manufacturer to obtain FDA permission to proceed to the phase in question. The table estimates FDA responsibility for the 11-month lag between European and FDA approval at 100 percent for all scenarios.

It seems reasonable to estimate that between 1570 and 2888 lives were lost in the U.S. due to the regulatory lags imposed by the FDA for this device. It is readily evident that delay does have a heavy price.

IMPLANTABLE CARDIOVERTER-DEFIBRILLATORS

As mentioned earlier, implantable-defibrillators have saved the lives of tens of thousands of Americans, many of whom would have survived only a short time had they not received the implant. The U.S. first approved implantiable defibrillators for use in 1986; CPI, then a subsidiary of Eli Lilly and Company, first brought them to market. The original defibrillators were so large that they could not be implanted in the chest; instead the surgeon placed them inside the patient's abdomen. To connect the defibrillator to the patient's heart, the patient needed a thoracotomy, which involves cracking the sternum and opening the chest. The surgeon then embedded a wire or lead from the defibrillator into the chest and grafted it onto the heart. Needless to say, this was quite a traumatic procedure for the patient and resulted in substantial operative mortality. The early defibrillators certainly saved many, many more lives than they claimed; however, they were only able to deliver one type of energy shock to the patient's heart. The high-energy shock that these devices delivered was effective in some patients, but not all.

A second generation of implantable-defibrillators was approved for use in Europe in 1988 and in the U.S. in 1991. These devices could deliver both high- and low-energy shocks to the patient's heart and the physician could program them to maximize effectiveness.

The third generation of implantable defibrillators was approved for use in Europe in 1991 and in the U.S. in 1993. These were multiprogrammable. The physician could tailor the type of shock the defibrillator would deliver, according to the patient's needs, even after the device was implanted, through the use of an electronic wand. The defibrillator also had an internal memory that kept a record of the number times it had discharged, as well as several key statistics concerning the nature of the shock it had delivered. The physician could access this information with the wand. The defibrillator could also pace the patient's heartbeat; it incorporated recent advancements in pacing technology that allowed the device to correct for both slow- and rapid-beating problems.

The physician used either epicardial or endocardial leads to attach third-generation defibrillators to the heart. He grafted epicardial leads onto the heart muscle by means of screw-in or stab-tab electrodes. This type of lead required a thoractomy, or open chest procedure. Endocardial leads, on the other had, could be threaded through the patient's blood vessels to the heart. Because these leads stay inside the blood vessels, there is no reason to open the chest. Endocardial leads were not originally approved for use with third-generation defibrillators in the U.S., but became available in December 1993. Endocardial leads were first widely available in Europe in late 1991, two years before they were widely available in the U.S.

The clinical evidence in favor of endocardial leads over epicardial leads is extremely strong. A clinical study carried out at 125 participating hospital centers demonstrated that 4.2 percent of patients receiving the epicardial leads died within 30 days following surgery, and only 0.8 percent of patients receiving the endocardial leads died during the same period. Two years after surgery, 87.6 percent of the patients receiving endocardial leads were alive, but only 81.9 percent of patients with epicardial leads were still alive. The medical characteristics of patients in both groups were similar. Other studies have also demonstrated the superiority of endocardial leads, exhibiting a differential in survival rates of about 4 percent.

The fourth generation of implantable defibrillators is much smaller than the previous three. These can be implanted in the chest, under the pectoral muscle, much like a conventional pacemaker. This greatly reduces the length of the leads required and results in a smaller incision. The devices can send out a more efficient type of energy wave that allows the use of endocardial leads in nearly all patients. This new wave, which is biphasic, achieves the same results as the formerly used monophasic waves, but at substantially lower energy levels and with fewer electrodes. The gains in efficiency allow near-universal use of endocardial leads. Another result of the enhancement in efficiency is that the device needs far less testing while the patient is on the operating table. This leads to a reduction in the time the patient is in surgery and should decrease several other complications.

Operative mortality with this fourth-generation device again fell, this time to less than 0.5 percent. The smaller device is also said to be much more comfortable for the patient than the bulkier devices previously implanted in the abdomen. Fourth-generation defibrillators were first approved for use in Europe in October 1993 and in the U.S. in March 1995.

It is evident that during the last several years European consumers have had earlier access to the latest model of implantable defibrillators than American consumers. In fact, American consumers were one full product cycle behind their European counterparts for most of the past five years. Given the improvements in patient survival for each generation of the device, this is hardly a trivial issue. It is estimated that in the early 1990s roughly 13,200 Americans received defibrillators each year, and that the figure reached 20,000 by the mid-1990s.

Because of the regulatory lags outlined earlier, it can be estimated that 1,206 Americans died who, statistics indicate, would not have died if the same device that was available in Europe had been available in the U.S. The two-year regulatory lags in approving endocardial leads led to 1,056 of these deaths, and the 18-month regulatory lag in the approval of fourth-generation defibrillators was responsible for the remaining 150 deaths. Once again, the price of inefficient regulation carried a heavy human cost for American heart patients.

Mr. COATS. Let me yield the floor, because I do not think I will speak again, but not before commending the chairman of the committee, who has persisted with the patience here that is remarkable. He has persisted because he believes that this is an important thing to move forward on, that this issue is important to the health and safety and lives of Americans. I appreciate his effort and work and his cooperation and his standing tall with us even though it has not been easy.

So I thank the chairman, The Senator from Vermont, and, in view of that, yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Vermont.

Mr. JEFFORDS. Madam President, I want to thank the Senator from Indiana for bringing to the awareness of my colleagues what the other side of the story is with respect to the famous 404 provision relative to devices.

I only add, as I would point out, there are some 6,000 devices approved each year, and during the period of the last 5 years around 30,000, of which there were only 5 or 6 that were found to have had problems after approval. So I want to try to get the dimensions of this problem which has really dominated our time.

I thank the Senator from Indiana.

Madam President, I ask unanimous consent that the statement of the managers be printed in the RECORD.

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

STATEMENT OF THE MANAGERS

After the mark-up of S. 830, supporters of the bill, the minority, and the FDA were able to come to agreement on several provisions, previously the subject of disagreement, on the basis of new legislative history. Other new provisions were agreed to which require accompanying legislative history. The following substitutes for the language in the committee report for S. 830, which shall not be considered part of the legislative history of this bill on the topics discussed below.

SECTION 601—MINOR MODIFICATIONS

The Committee changed section 601 only as that section relates to manufacturing changes, and this statement only supplants prior legislative history to the extent such history describes and explains manufacturing changes to approved PMA devices covered by the markup version of 601(c). Section 601 now better reflects the Committee's desire to ensure a workable means of expediting the clearance of significant manufacturing changes. The provision permits manufacturers to submit a notice to FDA describing manufacturing changes, summarizing

data and information supporting the changes, and asserting that the changes were made in accordance with current good manufacturing practices. Before commercially distributing a device subject to such manufacturing changes, the manufacturer must wait 30 days from the date of the Secretary's receipt of the notice. If within the 30 day period the manufacturer receives from the Secretary a written statement that the notice is inadequate, the device may not be distributed until sufficient information is added to the notice to make it adequate within the meaning of the notice requirements of this subsection.

The Secretary will also have the option of requesting PMA supplements for the manufacturing changes identified in notices. If such a request is made, the Secretary will have 135 days from the date of receipt of the manufacturing supplement to approve or deny it. However, to the extent that a notice satisfies the content requirements for a manufacturing supplement, the time used by the Secretary for reviewing the notice will be deducted from the 135 day review period. For example, if the Secretary used 30 days to review a notice and requested a PMA manufacturing supplement, then the Secretary would have 105 days to review the supplement from the day of its receipt by the Secretary. The Committee expects that the Secretary commonly will permit manufacturing changes through the 30 day notice procedure after gaining experience with the procedures outlined by this subsection and with the performance of regulated persons. Important to the Committee's consideration in advancing this approach to manufacturing changes was the Secretary's recent implementation of pre-production design controls which require consideration of manufacturing specifications in the overall design evaluation of a device.

SECTION 604—AUTOMATIC CLASS III DESIGNATION

Section 604 includes a process that permits the Secretary to classify devices based on the Act's risk-based classification criteria when a device is found to be not substantially equivalent to a predicate devise. Specifically, thirty days after receipt of a not substantially equivalent determination, the person receiving the Secretary's classification order may request that the Secretary make a risk based classification determination for the person's device, if the type of device had not been previously classified. The manufacturer should provide information to assist the Secretary in making the risk-based classification. The Secretary will then determine the device's classification based on the classification definitions in section 513(a)(1) and any material provided for the Secretary's review. These classification definitions have been used by the Secretary to classify or reclassify over a thousand types of devices.

Within 60 days of the above request, the Secretary must make a classification determination, placing the device into one of three statutory device classes. If the device is placed into classes I or II, it may be commercially distributed immediately. Of course, like any device, devices classified into class I or II under section 604 will be subject to all provisions of the Act. However, if the device is placed in class III, its status will remain unchanged from its not substantially equivalent designation; that is, the device will be classified into class III and will require an approved premarket application under section 515 before marketing.

Once a device is classified into class I or II under section 604, it becomes a predicate for future premarket notification submissions. Persons who file reports under section 510(k) may demonstrate the substantial equivalence of newer devices to these predicates in the same manner as under current law.

The Committee realizes that "special controls" can be controls or a variety of controls that will assist in providing a reasonable assurance of device safety and effectiveness. When conducting a classification review under this section, the Secretary may classify a device into class II even when special controls do not yet exist.

Importantly, the fact that a device is subject to a special control under this section does not mean that enforcement authority over such controls in other parts of the Act become ineffective. For example, postmarket surveillance and labeling can be special controls. Nonetheless, postmarket surveillance is still enforceable as a misbranding under section 502(t) and specified labeling instructions remain enforceable under either section 502(a) or 502(f)(1) as misbrandings, depending on the labeling control at issue.

The Committee included section 604 to avoid the needless expenditure of the Secretary's resources that would occur if lower risk devices were subjected to premarket approval reviews under section 515 because such devices were unique and found to be not substantially equivalent to a predicate device. The Committee also believes that section 604 may permit the Secretary to avoid time and resource consuming substantial equivalence determinations that rely on remote predicates. The committee does not intend that this provision will alter the Act's substantial equivalence provisions or the Secretary's longstanding approach to the 510(k) classification process.

In sum, insofar as special controls are referenced in section 604, the committee intends to clearly communicate that any special control is enforceable to the extent enforcement authority specifically addressing such controls exists in the Act. Special controls that are voluntary, for example standards recognized by FDA under section 205 or agency guidance documents, may not be required to demonstrate substantial equivalence or, more generally, compliance with any requirements under the Act; however, alternate means of achieving compliance must be demonstrated by regulated persons.

SECTION 612—HEALTH CARE ECONOMIC INFORMATION

The purpose of section 612 is to make it possible for drug companies to provide information about the economic consequences of the use of their products to parties that are charged with making medical product selection decisions for managed care or similar organizations. Such parties include formulary committees, drug information centers, and other multidisciplinary committees within health care organizations that review scientific studies and technology assessments and recommend drug acquisition and treatment guidelines. The provision is limited to analyses provided to such entities because such entities are constituted to consider this type of information through a deliberative process and are expected to have the appropriate range of expertise to interpret health care economic information presented to them to inform their decision-making process, and to distinguish facts from assumptions. This limitation is important because it will ensure that the information is presented only to parties who have established procedures and skills to interpret the methods and limitations of economic studies. The provision is NOT intended to permit manufacturers to provide such health care economic information to medical practitioners who are making individual patient prescribing decisions nor is it intended to permit the provision of such information in the context of medical education.

Health care economic information is defined as an analysis that identifies, measures, or compares the economic consequences of the use of the drug to the use of another drug or another health care intervention or no intervention. Incorporated into economic consequences are the costs of health outcomes. Data about health outcomes associated with the use of drug, other treatments, or no treatment are therefore incorporated into the economic analysis. This provision limits such incorporation to health outcomes that are directly related to the approved use of the drug and are based on competent and reliable scientific evidence. The provision presumes that the current standard practice of including full disclosure of all assumptions and health outcomes used in the economic analysis will continue.

The type of health care economic information that can be provided pursuant to this section is that which is directly related to an approved labeled indication. To illustrate this point, economic claims based on preventing disease progression would ordinarily not be considered to be directly related to an approved indication for the treatment of symptoms of a disease, for a drug for which the use in prevention of disease progression has not been approved. For example, rheumatoid arthritis drugs are approved for the treatment of symptoms and not for the prevention of deformity. Therefore, economic claims based in part on an assumption of prevention of deformity would not be considered directly related to the approved indications for these drugs.

Similarly, economic claims based on prolonging patient survival would not be considered directly related and would not, therefore, be permitted under this subsection, for agents approved for the symptomatic treatment of heart failure, but not approved for prolonging survival in heart failure patients. This provision also is NOT intended to provide manufacturers a path for promoting off label indications or claiming clinical advantages of one drug over another when such claims do not satisfy FDA's evidentiary standards for such claims.

However, the provision would permit health care economic information that includes reasonable assumptions about health care economic consequences derived from, but not explicitly cited in, the approved indication that is supported by competent and reliable scientific evidence. The nature of the evidence needed will depend on how closely related the assumptions are to the approved indication and to the health significance of the assumptions. For example, modeling the resource savings from tight control of blood sugar in Type 1 diabetes with insulin therapy could include costs savings associated with the prevention of retinopathy (an eye disease) and nephropathy (kidney disease) based on well-controlled study(ies) that demonstrate that control of blood sugar levels with insulin leads to a reduction of such consequences. Because prevention of retinopathy and nephropathy could not simply be assumed to be a result of blood sugar control, these prevention claims would have to be shown by well-controlled study(ies) before inclusion as health care outcome assumptions.

In contrast, economic claims that model, based on observational studies in a population of women, the economic consequences

of prevention of fractures due to osteoporosis would be permitted for drugs already approved for prevention of fractures due to osteoporosis. This is possible because observational data may be considered competent and reliable for making an assumption about the secondary consequences of an osteoporotic fracture once the primary prevention has been established. Similarly, the long-term economic consequences of the prevention of meningitis by haemophilus be influenza vaccine could be modeled using population-based data once the primary prevention claim is established.

The standard of competent and reliable scientific evidence (49 Fed. Reg. 30999—August 2, 1984) supporting health care economic information provided under this subsection takes into account the current scientific standards for assessing the various types of data and analyses that underlie such information. Thus, the nature of the evidence required to support various components of health care economic analyses depends on which component of the analysis is involved. For example, the methods for establishing the economic costs and consequences used to construct the health care economic information would be assessed using standards widely accepted by economics experts. The methods used in establishing the clinical outcome assumptions used to construct the health care economic analysis would be evaluated using standards widely accepted by experts familiar with evaluating the merits of clinical assessments. In addition, the evidence needed could be affected by other pertinent factors.

Under FDA's current postmarketing reporting regulations, health care economic information as defined in this section must be submitted to FDA at the time it is initially provided to a formulary committee or other similar entity. In addition, pursuant to this provision, FDA will have access, upon request, to any data or other information related to the substantiation of the health care economic information. Such information is evaluated by the Secretary to determine if the health care economic information meets the requirements of this section. This consists of, for example, health outcome data, health resource utilization data and other information related to the economic consequences of the use of the drug. It would not include, for example, confidential corporate financial data, including confidential pricing data.

SECTION 617—HEALTH CLAIMS

Section 617 of the bill amends section 403(r)(3) of the Act to authorize a health claim based upon a published authoritative statement of an authoritative body of the United States. Such a claim would be lawful if it meets the requirements of clause (C), including the requirement that the Secretary be notified 120 days prior to a claim appearing on a food in interstate commerce. It is expected that the Secretary will ensure that all relevant offices of the Department give sufficient priority to evaluating the information in the notice submitted under clause (C) so that only accurate and appropriate claims appear on food labels. Specifically, the Committee expects that where the Secretary determines that a claim should be modified or prohibited under clause (D), a regulation can be drafted by the Food and Drug Administration within 100 days, and that the remaining 20 days will be adequate for other necessary reviews, including review within FDA and within the Department. The Committee also expects that the Office of Management and Budget will either waive its review of a regulation promulgated under clause (D) or complete that review expeditiously. In the event that FDA must consult with the authoritative body whose statement forms the basis of the claim, the Committee expects that the authoritative body will give the highest priority to that consultation to facilitate, within the 120 day notification period, the resolution of any outstanding differences.

SECTION 619—POSITRON EMISSION TOMOGRAPHY

The Committee intends in section 619 to require FDA to develop a framework for the regulation of radiotracers used in positron emission tomography (PET) scans based on the unique characteristics of PET and taking into account, where appropriate, the differences between the limited quantities of PET radiotracers compounded by not for profit institutions, such as academic medical centers, and the larger quantities that may be produced by commercial PET centers.

The Committee has established a period of four years as a reasonable time period in which appropriate new regulatory procedures will be developed by FDA and any necessary applications submitted by PET centers. Until the expiration of that four year period, the Committee intends to require that PET radiotracers meet the standards set by the United States Pharmacopoeia (USP) for safety, efficacy and compounding, and that the FDA or state agencies will enforce the standards set by the USP. In addition, makers and users of PET radiotracers will continue to be subject to the requirements of the various state boards of medicine and pharmacy which they are currently required to meet.

USP standards are recognized in the Food, Drug, and Cosmetic Act (FDCA) in the adulteration and misbranding sections of the Act (Secs. 501(b) and 502 respectively). USP establishes standards for marketed drugs in the U.S. It first provided standards for PET pharmaceuticals in 1988. During these years, USP standards have served to standardize and help assure the quality of these items and protect the public health. USP establishes standards or drugs through a rigorous peer reviewed process, and the FDA provides input and comment to USP as part of this process.

Section 619(a)(1) amends the FDCA to add a definition of a "compounded positron emission tomography drug" to mean a PET drug and associated software and hardware which has been compounded in accordance with state law by or on the order of a practitioner licensed in that State or in a federal facility in accordance with the law of the State in which it is located.

Section 619(b)(1) amends the FDCA to provide that a compounded PET drug is adulterated, and thus subject to regulatory and/or legal action by FDA, if it is compounded, processed, packed, or held other than in accordance with the PET compounding standards and the official monographs of the USP.

Section 619(b)(2) provides that the amendment effected by section 619(b)(1) shall cease to be effective four years after the date of enactment of this act, or two years after the adoption by FDA of the requirements specified in section 619(c), which occurs later.

Section 619(c)(1) requires that, no later than two years after the enactment of this act, FDA shall establish appropriate procedures for the approval of PET drugs pursuant to section 505 of the FDCA and appropriate current good manufacturing practice standards for such drugs. In both instances, the Committee intends that FDA shall take due account of any relevant differences between non-profit institutions that compound PET drugs for their own patients and commercial manufacturers of such drugs. FDA is directed to consult with patient advocacy groups, professional associations, manufacturers and physicians and scientists licensed to make and/or use PET drugs prior to establishing the procedures and requirements contemplated by this provision.

Section 619(c)(2) provides that FDA shall not require the submission of a new drug application for an abbreviated new drug application pursuant to section 505 of the FDCA for PET drugs which meet the appropriate USP standards referenced by section 619(b)(1) for a period of four years after the enactment of this act, or for two years after the establishment of the procedures and requirements under section 619(c)(1), whichever occurs later. The Committee intends that FDA shall use up to two years of the four year period to consult with the groups mentioned above and to formulate its procedures and requirements. Thereafter, the Committee intends that a period of one year be allowed to prepare and submit any necessary applications. Finally, FDA is given one year to review and act upon the applications. The Committee would expect that FDA would take no action against an applicant if, at the end of the four year period, the agency has neither approved nor issued a not approvable letter in response to an application filed within one year after the agency's procedures for PET drugs have been promulgated.

Section 619(d) requires the revocation of certain Federal Register notices which announced a rule inconsistent with this legislation.

PET is an imaging technique that produces a computerized image (scan) using small quantities of a radioactive tracer to measure biochemical activity in the body. It has been demonstrated to be an effective method of separating benign from malignant lesions, staging the degree of metastasis, determining therapeutic effectiveness and identifying early recurrence of disease in several types of cancer, including lung, breast, colorectal, head and neck. In addition, PET has a high degree of accuracy in identifying early signs of coronary artery disease and in assessing whether cardiac tissue is alive following a heart attack. In more than one million uses of PET tracers in Europe and one million in the United States, the Committee is unaware of any reported instance of an adverse reaction to PET radiotracers. PET radiopharmaceuticals have been used in patients in the United States for over 30 years. Recent research and advances in imaging technology have enhanced the clinical importance of PET.

PET radiotracers are unique among radiopharmaceuticals because of their short half-lives, ranging from 30 seconds to 110 minutes. Therefore, most PET radiotracers are made using a cyclotron which is at or near the PET site, and most are made up on an individual dose basis upon the prescription of a licensed physician. At present, there are 70 PET centers in the United States, almost all of which are part of academic medical centers. PET technology and its applications were developed in large part with almost $2 billion in federal research funds. Yet, while PET is widely used in Europe, its benefits have not been widely available to American patients, mainly because of lack of reimbursement and inappropriate and costly regulations promulgated by FDA.

Under current FDA requirements, PET centers which compound PET radiopharmaceuticals on an individual dose basis would be required to meet FDA's Current Good Manufacturing Practices (CGMP) and to file

NDA's and ANDA's for each type of PET tracer and for each indication for which the tracer might be used. This is the same type of regulation which the FDA applies to large pharmaceutical manufacturers.

Academic medical centers are facing unprecedented cost pressures. Without regulatory relief and expanded reimbursement, particularly from the Medicare program, many PET centers are likely to close, and the benefits of PET will be unavailable to the taxpayers who funded their development. For example, the University of California at Los Angeles estimated that FDA's new PET regulations would cost the University at least $300,000 for a single application for a single use of a PET radiotracer.

The Committee intends that adoption of this section will permit FDA to establish a regulatory framework for PET drugs that will enable PET centers to continue to make this valuable technology available to patients at reasonable cost and assure that the public health will be protected. The Committee also expects that the Health Care Financing Administration will, until four years after the enactment date, consider PET drugs which meet USP standards under the provisions of this section to be approved by FDA for purposes of Medicare reimbursement.

SECTION 807—NATIONAL UNIFORMITY

Warnings

New Section 761 provides for national uniformity for OTC drugs for human use. Under this section state and local governments may not in general have requirements for OTC drugs that are different from or in addition, or otherwise not identical with, a requirement under this Act, the Poison Prevention Packaging Act of 1970 or the Fair Packaging and Labeling Act.

Section 761(c)(2) makes it clear that the scope of national uniformity extends to any state requirement upon a manufacturer or distributor to mandate, by any method of communication, a warning of any kind. Such a requirement might relate to a warning on the label, in labeling, through posters or advertising, in letters or other mailing, or in any other form of public notification. Similarly, the provision applies to all forms of required warnings, not just those formally designated as a "warning." It includes any statement, vignette, or other representation which indicates, directly or by implication, that the drug presents or may present a hazard to health or safety. For public health reasons, any warning of any kind, in any type of public communication, should be uniform throughout the country.

The reference to "a warning of any kind" is intended to make clear that a state requirement is preempted if it relates to a warning, regardless of whether the state requirement is described as a "warning." For example, if the substance of a state requirement is to mandate a warning, it would be subject to preemption even if it were called a "notification" or "information" requirement.

It should be noted that the provision would not prevent the states from undertaking unilateral action to issue their own public statements in the form of health department releases, public service announcements, or public education campaigns to alert state consumers about its concerns about an OTC drug.

Exceptions

Subsection (d) deals with the situation where a drug is neither subject to a new drug application (NDA) or a final OTC drug monograph, and therefore has not been the subject of a full review by FDA of all applicable regulatory requirements. Until that FDA review occurs, national uniformity only applies where a state requirement relates to the same subject as a federal regulation or the same subject as a federal statutory amendment made on or after the date of enactment, but is different from, or in addition to that specific federal requirement. Where there is no such specific federal requirement and the drug is not subject to an NDA or a final monograph, the state remains free to impose its own requirement.

Thus, a state generally can impose a requirement on the content or labeling of a product not the subject of a final monograph. But a state cannot establish a different requirement (warning or otherwise) for a drug not subject to a final monograph where a final federal regulation on the subject is in place. For example, alcohol containing OTC drug products intended for ingestion (whether or not the subject of a final monograph) must meet the requirements of a final federal regulation which specifies maximum permissible concentrations of alcohol. A state could not issue a different regulation on that subject even if the state regulation applied only to products not subject to a final monograph. A similar situation is presented by FDA's proposed regulation requiring massive and in-depth changes in labeling format for OTC drugs. That proposal applies to all OTC drugs whether or not they are subject to a final monograph and therefore when final would preempt any different or additional state requirements.

Once FDA has conducted its full review in the form of an NDA or final OTC drug monograph, the FDA regulatory program will have a general preemptive effect for drugs subject to an NDA or final monograph, no state may enact any additional or different requirement that is of the type imposed by the three designated federal statutes. States may enforce identical provisions, but not requirements that are in addition to, different from, or otherwise not identical with the federal requirements. The full FDA review involved in an NDA or final monograph, along with the requirements of other applicable FDA regulations assures that all appropriate regulatory requirements including those involving safety, effectiveness, manufacturing, packaging, and labeling, are all in place for OTC drug products. For that reason, no other state requirements will be permitted.

Thus, generally (unless another final federal regulation applies) a state can require a warning for a drug that is not subject to an NDA or a final monograph, because FDA has not yet had an opportunity to conduct a full review of all potential warnings applicable to the drug. Once FDA approves an NDA or promulgates a final OTC drug monograph for the drug, however, no state may thereafter require any form of warning on any subject, through any form of public communication, unless it is identical with whatever warning is required by FDA. Additional or different warnings would thereafter be precluded.

SECTION 811—INFORMATION EXCHANGE

Incentives for Research

It is the Committee's belief that section 771 will provide health care practitioners important scientific information about uses that are not included in the approved labeling of drugs, biologics, and devices. We recognize, however, that our goal should also be to ensure that these new uses get onto the product label. That is why we have incorporated strong incentives to conduct the research needed to get those uses on the label. Pursuant to subsection (a)(3)(A), a manufacturer who seeks to disseminate information about a new use must either certify that it will file a supplemental application for the new use (if the studies have already been completed) or must submit a proposed protocol and schedule for conducting the necessary studies and a certification that a supplemental application will be filed. If the studies are completed at the time dissemination begins, a supplemental application must be filed within 6 months from the date of the initial dissemination. If the manufacturer commits to conduct the studies, a supplemental application must be filed within 3 years, unless the Secretary determines that more time is needed to complete the studies and submit a supplemental application. The Secretary may grant an extension of the three year period if the manufacturer has acted with due diligence to conduct the studies in a timely manner, but such extension may not exceed two years.

Although our goal is to ensure that the research is done to get new uses on the product label, we also recognize that there may be limited circumstances when it is appropriate to exempt a manufacturer from the requirement to file a supplemental application. Subsection (a)(3)(C) provides that a manufacturer may file a request for an exemption from the requirement if such manufacturer can demonstrate (I) that due to the size of the patient population or lack of potential benefit to the sponsor, the cost of obtaining clinical information and submitting a supplemental application is economically prohibitive, or (ii) it would be unethical to conduct the studies necessary to obtain adequate evidence for approval of a supplemental application.

In making the determination of whether to grant an exemption pursuant to subsection (a)(3)(C), the Secretary may consider, among other things, the following factors, if relevant, whether:

(1) the new use meets the requirements of section 186(t)(2)(B) of the Social Security Act;

(2) a medical specialty society that is represented in or recognized by the Council of Medical Specialty Societies (or is a subspecialty of such society) or is recognized by the American Osteopathic Association, has found that the new use is consistent with sound medical practice;

(3) the new use is described in a recommendation or medical practice guidelines of a Federal health agency, including the National Institutes of Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(4) the new use is described in one of three compendia: The U.S. Pharmacopeia—Drug Information; the American Medical Association Drug Evaluations; or the American Hospital Association Formulary Service Drug Information;

(5) the new use involves a combination of products of more than one sponsor of a new drug application, a biological license application, a device premarket notification, or a device premarket approval application; and

(6) the patent status of the product.

Subsection (a)(3)(D) requires manufacturers who commit to conduct studies to obtain evidence on new uses to provide the Secretary with periodic reports that describe the status of the studies. The reports required by this provision are not intended to be burdensome. In many cases it would be sufficient for manufacturers to provide brief

updates on the status of the studies. In general, the purpose of this provision is to keep the Secretary apprised of how patient enrollment is proceeding, any significant problems that could affect the manufacturers' ability to complete the studies, and expected completion dates.

Additional Information

The principal policy considerations that underlie this provision are the facilitation of greater access to timely and accurate information to health care providers. Coupled with this goal is a recognition that the FDA has a responsibility to protect the public health. Thus, the discretionary authority of the Secretary to offer objective statements on the proposed dissemination and to require the manufacturer to disseminate additional information to achieve objectivity and balance is preserved.

It is important to recognize that it has been the long held view of Congress that the FDA cannot, and should not, regulate the practice of medicine. Thus, the FDA has no authority or jurisdiction to regulate how physicians prescribe approved drugs. This means that physician prescribing of off label uses of approved products is not within the jurisdiction of the FDA. In this case, because the physician is receiving information from a drug sponsor (whose conduct is within the jurisdiction of the FDA) the FDA has a role to play with respect to assuring balanced and objectivity necessary to fulfill its statutory mission. Because health care providers retain responsibility of making treatment decisions with respect to individual patients, the FDA's role with respect to individual treatment decisions based on peer reviewed articles and textbooks is advisory. In that advisory capacity the FDA will take steps to make sure that the amount of information given to the provider is useful, useable, and in compliance with this section. This requirement should not be read as requiring the FDA to comment on each and every proposed dissemination, rather this authority will likely be used in the limited circumstances in which balance can not be fully met by the options listed above of appending other journal articles or data or analyses. The intent is that the statement be limited to objective and scientific information and not present an opportunity to editorialize independently-derived scientific information. The statement is intended to provide significant scientific information to the health care providers.

New Information

This section offers a safeguard to assure the health care provider community that a disseminated journal article or textbook which discusses an off label use will trigger an update requirement in the event that the Secretary determines that there is a risk that the drug may not be effective or may present a significant risk to public health. The new information submitted by the manufacturer will be in a form prescribed by the Secretary in regulations. The Committee notes that manufacturers are already legally required by section 314.81 of volume 21 of the Code of Federal Regulations to submit annual reports to the Secretary. As opposed to the comprehensive data required under section 314.81, this requirement is limited to data on safety and efficacy. The Committee assumes that this requirement will not be burdensome, rather tailored to meet the public health responsibilities to be exercised by the Secretary. In addition, after the Secretary makes a finding under this provision the Secretary is required to consult with the manufacturer before determining what corrective actions are commensurate with the public health need of the affected health care provider community and what is in the best interests of potentially affected patients.

Rule of Construction

Subsection (d) provides that nothing in section 771 shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner. The Committee has an interest in ensuring that current agency policies that encourage scientific exchange are not being modified by section 771. At the same time, insofar as the Secretary may currently have authority in other sections of the statute to restrict a manufacturer's dissemination of information in response to an unsolicited request from a health care practitioner, nothing in section 771 is intended to change or limit that authority.

Establishment of List of Articles and Textbooks Disseminated and List of Providers That Received Articles and Reference Textbooks

In order to effectively implement the authority of the Secretary to require corrective actions be taken by the manufacturer, the regulations promulgated by the Secretary may include record keeping requirements to make sure that such corrective actions are effective. These record keeping provisions should be tailored to meet the underlying purpose of the provision requiring corrective action. For example, in the case of new information under Section 771 that requires an update of a disseminated article, it may be appropriate to require the publication of an advertisement in the journal of a specific medical specialty society; or, in other cases, a "Dear Doctor" letter may be appropriate. It should not be necessary for manufacturers to keep a list of all providers who receive information disseminated under this section, if the company is willing to notify by letter or advertisement a larger group of health care providers in order to implement a corrective action.

PDUFA SIDELETTER

Ms. MIKULSKI. Madam President, I would like to have the chairman's understanding of the letter to be submitted by the Secretary of Health and Human Services concerning the performance goals of the FDA in connection with the reauthorization of the Prescription Drug User Fee Act of 1997, PDUFA.

Mr. JEFFORDS. I thank the Senator from Maryland for raising this very important point. As with the 1992 law, I intend that the FDA's performance goals that have been worked out between FDA and industry in the PDUFA reauthorization be covered in a separate letter. The letter will be sent by Secretary Shalala to Chairman BLILEY and me, as well as the distinguished ranking members of the House Commerce Committee, Mr. DINGELL, and our committee, Mr. KENNEDY.

This letter is referenced in the findings section of the user fees provisions of the bill. It will spell out in detail the performance goals that FDA has agreed to meet for each of the 5 years of the reauthorized user fee law.

I consider the provisions that will be in the Secretary's letter and attachment to be as mandatory as if they were in the statute itself. I expect the FDA will treat them as such just as it has with the provisions in the 1992 letter.

Ms. MIKULSKI. Mr. Chairman, I agree completely with what you just stated. The provisions that have been negotiated between FDA and industry and set forth in the sideletter from the Secretary are a key part of PDUFA. These provisions cover electronic submissions, meeting management goals, clinical holds, major dispute resolution, special protocol question assessment and agreement, and additional procedures, such as action letters.

Not only should these performance goals be considered fully binding on the agency, they should be considered as minimum, not maximum commitments. If the agency can do better, it should. I know that FDA will do its best to exceed the performance goals and other matters spelled out in the letter, just as it has exceeded its commitments in the 1992 PDUFA letter.

EFFECTIVE AND AGGRESSIVE OVERSIGHT OF THE FDA

Mr. JEFFORDS. I yield to the Senator from Washington, a member of the Senate Labor and Human Resources Committee for purposes of engaging in a colloquy.

Mrs. MURRAY. As a new member of the Senate Labor and Human Resources Committee I have spent the last 8 months coming up to speed on the FDA, reform proposals and the impact of these proposals. I have met with groups representing all sides on these issues—from the biotech industry to groups representing patients. I have tried to keep an open mind and work to find acceptable solutions to the many problems pointed out by industry and the patient groups. There appears to be a general mistrust among all interested parties. As a result each side is concerned about going too far—industry is concerned about burdensome and unnecessary regulation by FDA and the patients are concerned about effective regulation of the industry. It appears that this general mistrust is based on past experiences and each side can give numerous examples.

My objective was to revitalize the FDA to give it the regulatory flexibility to effectively regulate the pharmaceutical and medical device industry without jeopardizing timely approval of safe and effective lifesaving drugs and devices. At the same time, I am well aware of the prominent public health role played by the FDA—it is after all, a public health agency, not a drug or device manufacturer. My support for real reforms by no means says that I did not support an aggressive public health agency role for the FDA.

Several weeks ago, I met directly with several biotech companies in the State of Washington. As I sat at the table listening to their concerns I was

struck by the amount of experience at the table and level of integrity that many of the companies are known for. I am proud to represent these companies that are on the cutting edge of medical technology and have contributed significantly to improving health care for all Americans. I knew that those companies would not market a dangerous, life threatening drug or device; that none of these companies deliberately act to falsify clinical data or would refuse to complete clinical trials. I knew that these companies were more concerned with getting their lifesaving technologies to patients than simply making a profit. They know the value of one's reputation and are truly proud of the lifesaving work they have done. Sadly, however, not all companies have the same commitment to the patient's health and are allowing stockholders, not scientists, to make decisions. Because of this, I am asking for the Chairman's commitment that the Senate Labor and Human Resources Committee will retain a strong and aggressive oversight role.

We are making some sweeping and some may argue dramatic changes in the way the FDA operates. We need to be sure that these changes are positive and that FDA has the resources and ability to remain an effective public health agency. If we detect future problems or conflicts, I need your commitment and support for swift and thorough hearings. I need to know that we will continue to monitor the FDA, and if legislative revisions are necessary to protect the public health, we will act with great speed. There is probably no other Member more hopeful that some of these reforms will means that patients get access to safe and effective drugs and devices sooner, but I also know that we cannot forget the past. There are certainly many examples of situations where the public health was put into jeopardy by unscrupulous pharmaceutical and medical device manufacturers. I need your assurances that if problems arise we will act to address any potential threat to the public health.

Mr. JEFFORDS. I share the Senator's goal of ensuring a strong FDA and believe the modernization and revitalization provisions included in S. 830 make for a better FDA, not a weaker one. Like you I have had the opportunity to meet with industry groups here in Washington and with consumers, patients, and physicians both here and at home in Vermont. All of these interested parties have made important points about how to modernize the agency while ensuring that its stellar standard for public safety remain as strong as ever. Though Vermont doesn't have any of these large industries regulated by the FDA, all of us use their products. The people and the patient advocates of Vermont have told me that more needs to be done to ensure their timely access to the best therapies available. I believe we have accomplished that with this bill.

I think that the Senator from Washington would agree that it's important to put aside once and for all that consumers, patients, and physicians universally oppose this measure. Vermont patient groups and their members—and I'm sure you have heard from your constituents—have told me that they support this effort to modernize the FDA. The Vermont Epilepsy Association, the Vermont Medical Society, the Vermont Association for the Deaf, the Vermont Board of Pharmacy, the Vermont Alliance for the Mentally Ill, and the Epilepsy Foundation of Vermont have all urged passage of the measure. At the national level we have heard from innumerable groups that support S. 830 and urge its passage. For example, the National Health Council—which includes the Arthritis Foundation, the National Multiple Sclerosis Society, and the Leukemia Society among its over 100 member organizations—took out a full-page advertisement in the Roll Call newspaper urging that the Senate move forward with this legislation.

I agree with my colleague from Washington and you can be assured that if problems do arise, I would act quickly to address any threat to the public health. Simply because we are authorizing PDUFA for 5 years does not mean that we cannot change other sections of the Food, Drug and Cosmetic Act. It could also turn out that some of these reforms, like expanded third party review for medical devices, will become such a success that the FDA will want to extend the program beyond the pilot phase.

Effective and aggressive oversight is one of the most important tools of the Labor and Human Resources Committee for making sure that the FDA can keep pace with the rapid changes in medical technology and still be a public health agency that is the envy of the world. I thank the Senator for her commitment to working toward real reforms that strengthen the FDA and the contributions she has made in crafting this bipartisan measure.

Mrs. MURRAY. I thank the Chairman for his support and commitment to a strong FDA and am grateful for his leadership on this legislation.

PHARMACY COMPOUNDING

Mr. KENNEDY. Madam President, I would like to engage my colleagues, Senator JEFFORDS, the distinguished chairman of the Labor and Resources Committee, and Senator HUTCHINSON, the distinguished Senator from Arkansas, regarding a provision in S. 830 pertaining to the practice of pharmacy compounding.

Mr. JEFFORDS. I would be pleased to enter into such a colloquy with the distinguished Senators from Massachusetts and Arkansas.

Mr. KENNEDY. First, I want to commend my colleagues and their staffs for their efforts in the difficult task of drawing the line between drug manufacturing and pharmacy compounding. Ordinary pharmacy compounding has been traditionally regulated by the States, but drug manufacturing, even when conducted by State-licensed pharmacists, is regulated under Federal law. Under current law, the Federal Food, Drug, and Cosmetic Act specifically exempts from the inspection and registration provisions of the act pharmacies that compound drugs for sale in the regular course of dispensing or selling drugs at retail. However, FDA and the courts that have addressed the matter interpret the act as not providing any general exemption from the new drug, adulteration, and misbranding provisions for drugs compounded by pharmacists. It is my understanding that section 809 of S. 830 would bring the legal status of compounding in line with FDA's longstanding enforcement policy of regulating only drug manufacturing, not ordinary pharmacy compounding. This legislation would, as I understand it, exempt drugs compounded in pharmacies from the new drug, and certain other, provisions of the act, but the exemption would not create a loophole that would allow unregulated drug manufacturing to occur under the guise of pharmacy compounding.

Mr. HUTCHINSON. As the sponsor of the amendment that became section 809 of S. 830, I concur with the distinguished ranking minority member of the Labor and Human Resources Committee that this legislation would ensure patient access to individualized drug therapy, and prevent unnecessary FDA regulation of health professional practice. This legislation would exempt pharmacy compounding from several regulatory requirements but would not exempt drug manufacturing from the act's requirements. The legislation also sets forth a number of conditions that would have to be met in order to qualify for the exemption from the act's requirements. I would note that the conditions established by section 809 should be used by the State boards of pharmacy and medicine for proper regulation of pharmacy compounding in addition to State-specific regulations. When a State board determines that certain compounding activities are outside the parameters established in section 809, that State board should refer the practitioners in question to the FDA for review.

Mr. KENNEDY. I thank the distinguished Senator from Arkansas for describing the reasons why this section is so important to patients and to the health professions. I want to especially commend his staff for working with mine to develop this legislation that exempts from Federal law the activities that are appropriately regulated by the States.

It is my understanding that some of the conditions are intended to ensure that the volume of compounding does not approach that ordinarily associated with drug manufacturing. Other conditions appear to be intended to ensure that the compounded drugs that qualify for the exemption have appropriate assurances of quality and safety since these compounded drugs would not be subject to the more comprehensive regulatory requirements that apply to manufactured drug products.

Mr. JEFFORDS. I believe the Senator is correct in his understanding.

Mr. DOMENICI. Madam President, I rise in support of S. 830, the FDA Modernization Act. This bill provides comprehensive—and long overdue reform to the FDA.

The primary focus of S. 830 is to streamline and strengthen the FDA's review and approval of lifesaving drugs and medical devices. One important mechanism for doing this is the Prescription Drug User Fee Act [PDUFA]. PDUFA authorizes the FDA to use fees collected from prescription drug manufacturers to expedite the FDA's review of drugs. The fees collected go to hiring new employees to increase the FDA's resources for reviewing new drugs.

With all of the advances in science and medicine, we must ensure the swift review of new drugs for life-threatening diseases. When there are backlogs and delays in drug approval, American lives can be lost. For example:

The 7-year delay in the FDA's eventual approval of beta blocker heart medicines cost the lives of 119,000 Americans; and

The FDA's 3½-year delay in approving the new drug Interleukin-2 (IL-2) cost 25,000 Americans to die of kidney cancer, even though the drug already had been approved for use in nine other countries.

This bill is good because it will give Americans access to lifesaving medication, without needless delay.

I would like to share with you the story of one man from my home State of New Mexico who would benefit from this bill.

Leonard Alderete is 39 years old and has lived in Albuquerque, NM all of his life. In 1987, Leonard was diagnosed HIV positive. Five years later, Leonard sought medical intervention because his condition worsened and he feared his life would end. Leonard began taking the standard AZT. In 1996, Leonard's health again took a downturn. Blood tests revealed that the virus had spread at an alarming rate through his system. In order to slow the spread of the virus, Leonard needed an aggressive treatment.

Leonard's doctor prescribed the drug regiment of 3TC, AZT, and Crixivan, which is also known as a triple cocktail. A key drug in this mixture is the protease inhibitor, Crixivan. Through PDUFA, Crixivan was made available to consumers within 3 months of its submission to the FDA. Shortly thereafter, Leonard began taking Crixivan.

Thanks to the "triple cocktail," the virus is now below detectable levels. Although this is not a cure, it does provide Leonard hope—a more long-term hope for the future.

Leonard is a member of the Governor's task force on HIV/AIDS. He is the only member who has HIV. As a member of the Task Force, he advocates for the rights of those who are HIV infected—as well as those in the community who are affected.

Leonard has written, called, and even traveled to my office in Washington, DC two times this year to urge my support for this bill. Leonard provides testimonial for the importance of FDA reform, and especially PDUFA.

Fortunately, patients afflicted with AIDS as well as other life threatening diseases have a "Leonard" advocating for them. There are many other Leonards both silent and vocal all across the country who will benefit from this bill. It is on their behalf that I urge my colleagues to support S. 830.

Ms. MOSELEY-BRAUN. Madam President, I support S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997. I also want to commend Senators JEFFORDS and KENNEDY for their hard work on this legislation, and the compromises that will ultimately improve the FDA and improve the public's access to cutting edge medical technology.

Despite recent improvements, I am concerned that the length of time and amount of paperwork required for FDA approval of new products may still be excessive. For many companies desiring to market new products, application to the FDA is a formidable obstacle. In some cases, the length and complexity of the process can deter companies from even applying. This is a particularly troubling prospect given the increasing globalization of markets for health care products and food.

The FDA cannot continue to protect the public health through its traditional methods. Most industrialized and emerging nations participate in multilateral trade agreements that aim to reduce trade barriers. These agreements will continue to bring pressure on the FDA to harmonize its regulatory policies with other international safety and performance standards. The policies that have made the United States the "gold standard" in public health protection must be reformed to function properly in this global economy. This does not mean that we cannot continue to be the gold standard. It simply means that market forces will bring pressure on the FDA to implement policies that encourage the launching of new products in this country, as opposed to Europe, and ensures that the United States maintains its technical and scientific leadership in health disciplines.

As stewards of this generation, we must move to strike the balance between protecting the public health, fostering global trade under multilateral agreements, ensuring swift access to new health technology for Americans, and strengthening the U.S. technical and scientific leadership. S. 830 is a very good effort to balance those sometimes competing goals.

First, the bill reauthorizes the Prescription Drug User Fee Act [PDUFA] for an additional 5 years. PDUFA has been one the most successful pieces of governmental reform legislation. During the 5 years since we first passed PDUFA, the average approval time for pharmaceutical products has dropped over 40 percent. There is still more room for improvement. Many product reviews remain cumbersome, and applicants at times do not have a clear indication of the type of information necessary for FDA review.

S. 830 also makes considerable progress in expediting patients access to important new therapies and potentially life-saving experimental treatments. Just a few months ago, one of my constituents encountered considerable bureaucratic red-tape in her effort to access a potentially life-saving treatment for Hodgkin's disease. Only after countless appeals by my office and hundreds of my constituents did the FDA acquiesce. The troubling part of this incident was that the FDA had approved the same treatment for other patients several years prior. This is not to say that the people who work at the FDA were not following their current guidelines. They were probably following the guidelines to the letter. But the spirit of the FDA's mission was utterly lost in the process. S. 830 makes the much needed reforms.

Along the same lines, the bill also establishes a national registry of clinical trials. The primary impediment to patients access to potentially life-saving treatment is not the FDA but actually a lack of knowledge about ongoing research. A national database, which patients can access, will greatly assist people across the Nation who are searching for hope for their illnesses. This important reform is long overdue and absolutely necessary to continue providing Americans the best in medical treatment and technology.

Finally, the bill strikes an appropriate balance between protecting the public interests and allowing manufacturers to share important off-label use information with providers. It would have been a grave mistake to either prevent the distribution of off-label use information or not allow the FDA to play a vital role in ensuring the adequacy of information being distributed by manufacturers. I know that a lot of work went into the compromise

reached regarding off-label usage information and the agreement greatly benefits the American public.

I would like to congratulate the architects of legislation including patient and industry groups who worked so hard to achieve balance. Patients groups are to be especially congratulated for their steadfast pursuit of this reform. Just 2 weeks ago, I met with some of my constituents who have multiple sclerosis and amyotrophic lateral sclerosis—also known as Lou Gehrig's disease. Their message was loud and clear—pass FDA reform now. This is a resounding message that I cannot ignore.

Madam President, it is equally important to say that this legislation is not meant as an attack on the efforts of the women and men who work at FDA. I have great respect for the role that the agency and its employees play in protecting consumers from unsafe and ineffective healthcare, food, and cosmetic products. The FDA has taken a number of steps over the last several years to streamline administrative functions and work better with industry and consumers to facilitate the availability of cutting edge medical technology. The success that FDA has achieved in reducing the time to review new drugs and get potentially lifesaving therapies on the market is laudable. The reviewers at FDA should take pride in these accomplishments. This legislation simply builds on those reforms.

My support for S. 830 should not be construed as a complete endorsement of the bill. This is not a perfect piece of legislation. There are features that patient advocates, industry, and regulators simply do not support. Senator KENNEDY has done a good job of highlighting some of the issues and there have been a number of amendments accepted that further improve the bill.

I am particularly concerned that the bill does not adequately address food safety, which will certainly emerge as a major public health issue. Most of the recent criticism of the FDA has focused on the biologics and medical technology areas. Regulation of imported food products will probably be the pressing issue of the next millennium. As more imported agricultural products find their way to American tables, there will be more pressure upon FDA to act to prevent tainted products from getting to the market.

Nonetheless, reform is absolutely necessary and S. 830 is a good start in that direction. This bill represents a full year of work by stakeholders aimed at reaching compromise legislation. The bill does not contain the draconian hammer provisions that made many of us reluctant to support FDA reform last year. I am happy to have a bill that I can support and that I truly believe moves the country in the right direction. S. 830 is good for patients, good for the industry, and good for the Nation's global competitiveness. I hope that my colleagues will join me in supporting this important legislation.

Mr. MCCONNELL. Madam President, in 1906, Congress approved the first national statute to prevent the sale of adulterated and misbranded food and drugs. Since then, the FDA's responsibility to protect the health and safety of American consumers from unsafe products has expanded to cover over one-third of the products sold in our Nation.

While medical research and technological developments have revolutionized our Nation's capacity to advance the public health, the FDA's adherence to bureaucratic and inefficient practices threatens to undermine the potential benefit of these hard-earned innovations. In the 1950's, it took a new drug or medical device approximately 8 years or less to achieve FDA approval. Today, the average time for approval runs between 12 to 15 years. Over the course of 20 years, the FDA's product approval system has undergone careful study by Congress, investigational committees, and the FDA itself, and each has identified key areas of reform that would enhance FDA performance.

This week, the U.S. Senate considers vital legislation to ensure that the FDA can successfully fulfill its core mission to protect public health and safety through priority management, timely review of product applications, and effective use of expert resources. S. 830, the Food and Drug Administration Modernization and Accountability Act, reflects the fundamental recommendation of the Advisory Committee on the Food and Drug Administration that the FDA "should be guided by the principle that expeditious approval of useful and safe new products enhances the health of the American people." The Advisory Committee noted that product approval "can be as important as preventing the marketing of harmful or ineffective products, . . . especially . . . for people with life-threatening illnesses and for diseases for which alternative therapies have not been approved." In other words, antiquated procedures that promote unnecessary delays in the review of new products and therapies fail to promote the public health.

In recent weeks, misinformation regarding the purpose and application of S. 830 reforms has been disseminated. As a supporter of S. 830 and a member of the Senate Committee on Labor and Human Resources, I want to clarify the objectives of this important legislative initiative.

First, this bill clearly sets forth the FDA's mission to protect the public health by ensuring products meet appropriate regulatory standards, and to act promptly and efficiently in its review of clinical research and other information relevant to the marketing of approved products.

Second, S. 830 responds to increasing public concern on the lack of access to investigational products for patients suffering from serious or life-threatening diseases. The FDA has established programs for the compassionate use of investigational products, however, only a limited number of patients have benefited from these opportunities. This bill will enable any patient with a seriously debilitating or immediately life-threatening condition to gain access to an investigational drug or device if the request is made by a licensed physician and the product's use meets the FDA's standards for expanded access. S. 830 also improves patient access to new therapies through a new fast-track drug approval process.

Third, the bill addresses key deficiencies in the assessment of pharmaceutical effects on children. Currently, there is no systematic means for testing drug safety and efficacy for pediatric use. S. 830 will allow the Secretary to request pediatric clinical trials for new drug applications and provide an extra 6 months of market exclusivity to manufacturers who voluntarily meet conditions under the trial program.

Fourth, this measure will improve the availability of health care economics information for medical providers, and create data bases about on-going research and clinical trials for new lifesaving therapies for patients. Access to clear, concise information will help both health care professionals and patients identify the best course of medical treatment available.

Fifth, S. 830 contains a series of reforms to assure that the FDA utilizes the scientific expertise of qualified Federal agencies, like the National Institutes of Health, and accredited outside organizations in order to improve the timeliness and quality of product reviews. The bill also contains reforms to ensure that the application process for new products is governed by consistent and equitable regulatory requirements in the areas of product classification, review, and approval.

Sixth, this measure reaffirms the FDA's accountability for the performance of its Federal obligations. As a member of the Senate Appropriations Subcommittee for Agriculture, I have repeatedly questioned the FDA regarding its failure to prioritize resources for the fulfillment of its statutory requirements. In response to these concerns, S. 830 requires the FDA to develop a clear plan outlining how it will comply with its obligations under Federal statute, and report to Congress annually on the plan's implementation. In addition, the FDA must streamline and update procedures for product review and inspection so its resources are applied cost effectively.

Seventh, S. 830 contains targeted reforms for food regulation. The bill simplifies the approval process for indirect

food contact substances. It provides a more reasonable standard for the use of bona fide health claims based on the authoritative recommendations of qualified scientific bodies, such as the National Institutes of Health and the Centers for Disease Control and Prevention. While food reforms take on a minor role in this bill, I look forward to working with my fellow members on legislation that will more thoroughly address the regulatory concerns of the food industry.

Finally, S. 830 reauthorizes the Prescription Drug User Fee Act. In 1992, the FDA and pharmaceutical industry agreed to the collection of additive user fees to pay for the additional staff needed to rectify delays in the review of new drug applications. This reauthorization proposal seeks to build upon those successes through new performance goals and equipment modernization plans. PDUFA serves as a clear example that the FDA can work with regulated industry and consumers to advance the public health through priority management and efficient use of resources.

Madam President, S. 830 has been formed brick by brick from inclusive, bipartisan negotiations by representatives of the FDA, the Clinton administration, the U.S. Senate, industry, and consumer groups. The purpose of this bill is not to weaken the FDA's ability to defend the public health, but rather to enhance its capacity to fulfill this statutory obligation. Whether the issue is food safety or a breakthrough medical treatment, our Nation's researchers will only be successful if the FDA is prepared to effectively respond to the quickening pace of scientific discovery. S. 830 lays this essential foundation for the FDA's future, and I urge my colleagues to join in its approval.

Mr. REED. Madam President, I rise today to address S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997. This is an important bill with serious implications for the health of the American people.

The FDA is responsible for assuring that the Nation's food supply is pure and healthy as well as providing a guarantee that drugs and medical devices are safe and effective. The FDA has an immense impact on the lives of all Americans. Few government agencies provide this kind of important protection for the American people. Indeed, the FDA's mandate requires it to regulate over one-third of our Nation's products. Daily, the FDA faces the delicate balance between ensuring that patients have swift access to new drugs and devices, while guaranteeing that those new products are safe and effective.

S. 830 contains many positive elements. It reauthorizes the important Prescription Drug User Fee Act, one of the most effective regulatory reforms ever enacted. S. 830 also includes a number of provisions that will improve and sensibly streamline the regulation of prescription drugs, biologic products, and medical devices. I believe that these important reforms to the operation of the Food and Drug Administration will increase its efficiency and speed the delivery of important new medical treatments to patients.

One of the most important elements of this legislation is the reauthorization of the Prescription Drug User Fee Act, often referred to as PDUFA. PDUFA established an important partnership between the agency and the industry, and has successfully streamlined the drug approval process.

I am pleased that S. 830 will provide expedited access to investigational therapies. This provision builds on current FDA programs related to AIDS and cancer drugs. Another important element will allow designation of some drugs as fast track drugs, thus facilitating development and expediting approval of new drugs for the treatment of serious or life-threatening conditions. The bill will also require the Secretary of the Department of Health and Human Services to establish a database on the status of clinical trials relating to the treatment, detection, and prevention of serious or life-threatening diseases and conditions. Patients have long deserved access to such information, and I am pleased that this bill provides it.

S. 830 is the result of ongoing negotiations both prior to and subsequent to the markup of the legislation. Through this process, a number of provisions that seriously threatened public health and safety were dropped or otherwise resolved. I am particularly pleased that improvements made since the markup include important protections to the third party review process. Important changes have also been made to provisions regarding health claims for food products, health care economic claims and a number of other provisions in the original legislation.

Yet, there was one important change that was not made to S. 830. Yesterday, along with Senators KENNEDY, BINGAMAN, and DURBIN, I offered an amendment that would make a change on device labeling claims—an issue that has been identified by the Secretary of HHS as worthy of a recommendation to the President to veto this bill. Although our amendment did not prevail, I am still hopeful that this issue can be resolved as the bill continues through the legislative process.

In effect, the bill limits the FDA's current 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 application. As a general matter, the FDA does not consider uses that the manufacturer has not included in its proposed labeling materials. However, there are instances when the label does not tell the whole story. It is these instances—when the label is false or misleading—that our amendment addressed.

I am disappointed that we were not able to resolve this one issue, because the rest of the bill is worthy of support. However, I am unable to support this bill today because the device labeling issue remains unresolved. This matter is too important to the health and safety of Americans to vote for S. 830 at this time.

I look forward to working with my colleagues to resolve the issue of the FDA's authority in the device approval process. And when this issue is resolved, I am prepared to vote in favor of this bill.

Mrs. BOXER. Madam President, I want to begin my remarks by acknowledging the tremendous amount of work both Senator JEFFORDS and Senator KENNEDY have put into this bill. I know there are a few issues where there is still disagreement. I also realize that some of my colleagues may be offering amendments which they believe will strengthen the bill.

On balance, however, I believe this is a good bill that will have a very positive impact on helping to streamline and expedite some of the FDA review processes; and thus, help patients get access to new and promising treatments and devices in a safe, efficient, and expeditious manner. There is no agency within the Federal Government which has as direct or significant an impact on the American people as the Food and Drug Administration.

The FDA is responsible for ensuring the foods that we eat are safe, wholesome, sanitary, and properly labeled, that the drugs that we take, and that we give our pets, are safe and effective and that there is a reasonable assurance that the medical devices which we use are safe and effective. I believe the FDA has done, and continues to do, a tremendous job in carrying out this mission—it is internationally recognized as the gold standard for the approval of medical products.

The most important aspect of any FDA reform bill must be public safety. We have the safest food, drugs, and medical devices of any country in the world; and nothing we do should ever undermine this—period.

I also believe, however, that rapid technological advancements being made by biotechnology companies, and others, necessitate, and allow for, an expeditious product review and approval process. Obviously, this product review and approval process must simultaneously assure safety and efficacy. Again, safety and efficacy should not be compromised.

Let me share with my colleagues an example of the technological advances

being made by the biotechnology industry. Affymax, a biotechnology company located in my home State of California, has developed a technology to speed-up the analysis of drug and biological compounds.

Affymax is a leader in the emerging field of combinatorial chemistry. Combinatorial chemistry functions by creating large numbers of diverse compounds to test against different disease targets. Affymax combines chemistries, sophisticated software and innovative molecular biology techniques to rapidly analyze and synthesize these potentially useful drug and biological compounds.

I know about this process because I had the pleasure of seeing it when I toured Affymax's laboratories last year. Affymax has greatly accelerated the pace of drug discoveries by developing high technology automated machines which can synthesize and screen 10,000 compounds in just one week. The same testing, previously done in test tubes and petri dishes, used to take about 5 years.

These are the kinds of advancements which I believe make it necessary for the FDA to streamline its process, in those areas which can be streamlined, so that patients may get safe and effective products as expeditiously as possible. There are literally hundreds of thousands of patients around the country waiting for the next new and promising drug therapy and/or device to be approved.

There are, of course, other very important aspects of this bill. Not the least of which is the reauthorization of the Prescription Drug User Fee Act—commonly referred to as PDUFA.

PDUFA is generally considered the most successful piece of FDA reform legislation in recent history. It enables the FDA to collect user fees from pharmaceutical and biotechnology companies. Those fees are used to pay the salaries of hundreds of additional product reviewers and to fund product review. As a result, the FDA is able to speed-up its drug approval process and to more expeditiously get new and promising drug therapies, and medical devices, to those that need them.

By all measures, PDUFA has been enormously successful. One measure of that success is the assertion by all parties involved—the FDA, patients, prescription drug manufacturers, consumer groups, and policymakers—that the program has worked. Certainly any program that receives the unanimous support of industry, consumer groups, the FDA, and policymakers must be extremely beneficial and should continue to be supported.

This bill has other constructive elements as well. For example, the bill allows for expedited access to investigational drug therapies and for the expanded humanitarian use of devices. The bill also provides an incentive for drug manufacturers to conduct studies which support the safety and effectiveness of pediatric drugs and it provides for expanded collaboration and communication between the FDA and device manufacturers.

The pediatric drug provision in this bill is especially important inasmuch as the overwhelming number of drugs on the market today are not tested for safety and effectiveness on children. It is important, therefore, that we provide drug manufacturers an incentive to test their products on children.

I believe this provision, which gives drug manufacturers an additional 6 months of market exclusivity, is a reasonable and appropriate incentive, and will be a first step toward getting more drugs labeled for pediatric use. A very important and significant goal.

I am also excited about the provision in this bill which allows for expanded communication and collaboration between the FDA and device manufacturers. It is important that device manufacturers and FDA examiners, early on in the review process, clearly establish the type of scientific evidence that will be necessary to demonstrate device effectiveness. Not only will this provision help bring about increased clarity and certainty in the review process, it will also help speed safe and effective devices to market. I believe this is especially important given the rapid technological advancements being made in this area.

Finally, I want to thank Senators GREGG and JEFFORDS for working with me to ensure that California's proposition 65 will not be preempted by the uniformity provisions of this bill. California's proposition 65 was passed by California voters in 1986 and requires that persons who expose others to certain levels of carcinogens or reproductive toxins give a clear and reasonable warning.

Proposition 65 has successfully reduced toxic contaminants in a number of consumer products sold in California and it has even led the FDA to adopt more stringent standards for some consumer products. For example, proposition 65 has been used successfully to reduce toxic contaminants in ceramic dishware and in lead-foil wine bottle caps. Notably, the FDA followed the lead of California in both those instances. In fact, the FDA has adopted a standard completely barring the use of lead-foil wine bottle caps pursuant to California's agreement with the wine industry to convert to tin or plastic bottle caps. So I am very pleased that the FDA reform bill now being debated will exempt California's proposition 65.

As I stated at the outset, I believe, on balance, this is a good bill and will be beneficial in helping to get safe and effective drugs and devices to the American people in a more expeditious manner.

Mrs. FEINSTEIN. Madam President, S. 830, the bill before us today, will improve the tools used by the Federal Food and Drug Administration to bring more, safe and effective drugs, biologics and medical devices to the American people more quickly.

FDA is one of our Government's most important agencies because FDA approves life-saving medicines and devices and FDA protects us from unsafe and ineffective medicines and devices. Thanks to FDA, products like defective heart pacemakers, dangerous intrauterine devices, and overheating infant incubators are not sold.

FDA's 2,100 scientists and 7,000 other employees monitor about $1 trillion worth of products each year, inspect over 15,000 facilities a year, and examine about 80,000 product samples. FDA finds about 3,000 products a year unfit for consumers and detains 30,000 imports a year at ports of entry.

HOPE FOR CURES FOR DISEASES

Millions of Americans have serious, debilitating illnesses for which there is no treatment or cure. There are 3,000 to 4,000 genetic diseases alone. Cancer kills half a million Americans per year. Diabetes afflicts 15 million Americans a year, half of whom do not even know they have it. Fifteen thousand American children die every year. And, for children, the rates of asthma, bronchitis, sinusitis, heart murmurs, epilepsy, and anemia are on the rise. We put our faith in the medical industry and Government to find cures and therapies. Americans want an FDA that brings safe and effective drugs to market as quickly as possible to alleviate suffering, pain, and disease and to prevent death.

The bulk of the bill before us today, a bill to accelerate the approval of prescription drugs, biologics, and devices, is an important bill to the Nation and especially to my State. It is a good bill, except for section 807, "National Uniformity," provisions that could interfere with California's efforts to protect the public health laws.

CALIFORNIA'S ROLE

California is the Nation's premier medical technology base, public and private. Many of the Nation's leading drug, biotech, and device companies collaborate with the State's nine academic medical centers and conduct some of the world's leading health research. The UC system has spawned 30 Nobel laureates. Forty percent of California's biotech companies were started by UC scientists.

The Nation's largest concentration of health care technology companies is in California who employ 165,000 people. California's 900 health care technology companies are producing leading edge products, for example, the first new therapy for cystic fibrosis in 30 years, Genentech; technology that enables doctors to do heart surgery without opening the chest cavity, Heartport; a cancer drug that is genetically engineered and stimulates the bone marrow

to produce important white blood cells, Amgen; and linear accelerators for treating cancer, Varian, and intraocular eye lenses, Allergan.

California produces 19 percent of all U.S. medical instruments, 20 percent of all diagnostic materials, and 13 percent of all biologics. There are 915 drugs, biologics, and devices under development in my State.

So the bill before us is important to both the human health and the economic health of the Nation and of California.

KEY PROVISIONS

The bill includes several improvements over current law that will bring more drugs, medical devices, and biotech products to people more quickly:

1. Extends User Fees: Extends for 5 years the Prescription Drug User Fee Act to accelerate drug and biologics approvals. The prescription drug user fees, enacted in 1992, have enabled FDA to hire 600 additional drug reviewers and FDA has cut drug approval times almost in half, from 29.2 months in 1992 to 15.5 months in 1996, according to the drug industry. This means that patients have had access to drugs almost a year sooner. These include a new class of drugs for asthma; a new treatment for multiple sclerosis; five new cancer drugs; the first new insulin product in 14 years; and three new antiviral medicines for AIDS, including two protease inhibitors.

This bill reflects the agreement of the drug and biotech industries to pay over $500 million in new user fees over the next 5 years, which could bring to the public 1,000 medicines now in the pipeline. These renewed user fees could help FDA cut drug approval times even more, an additional 10 to 16 months.

2. Clinical Trials Database (the Feinstein-Snowe bill): Requires NIH to establish a database, including a 1-800 number, for patients and medical providers to obtain information on clinical trials on serious and life-threatening diseases. This provision incorporates S. 87, a bill I introduced with Senator SNOWE, last August, was suggested by one of my constituents in a hearing of the Senate Cancer Coalition, which I co-chair. Facilitating access to information can help patients and their doctors learn about research underway and can expand the pool of research participants.

4. Pediatric Drugs: Provides 6 months of additional market exclusivity of a drug when the manufacturer, at the request of the FDA, conducts pediatric studies to support pediatric labeling for a drug.

According to the American Academy of Pediatrics, only 20 percent of drugs have been tested and proven to be safe and effective for use in infants and children. This creates serious problems for pediatricians who must prescribe with inadequate information or deny children important therapies. In a July 24 letter to me, they give the example of asthma and say that in most children it manifests itself by age five, but there is only one asthma drug labeled for children under age five.

5. Accelerating Approvals: The bill includes a number of provisions designed to modernize, streamline, and accelerate the drug and device approval process. For example, it allows products manufactured at a small or pilot facility to demonstrate safety and efficacy prior to scaling up to full manufacturing, unless FDA determines that a full-scale facility is necessary to ensure safety and effectiveness.

For biotech products, it establishes one license, rather than the current two, covering both the biologics or product license and the plant's manufacturing processes license . For medical devices it requires FDA to meet with manufacturers to establish the type of scientific data needed to demonstrate efficacy of the device and it requires FDA and the applicant to meet to evaluate the status of an application 100 days after submitting applications.

PREEMPTING CALIFORNIA'S PUBLIC HEALTH LAWS

California has a long history of regulating nonprescription drugs and cosmetics and has led the Nation in many instances in protecting the public in these areas. For example, in 1981, California adopted a requirement that nonprescription drugs carry a label warning pregnant or nursing women to consult with their physician or pharmacist prior to using a drug. In the following year, FDA adopted the California requirement.

But section 807 of the bill, titled "National Uniformity," restricts States' actions by prohibiting States from establishing or continuing, for nonprescription drugs, any requirement that is "different from or in addition to or that is otherwise not identical with" a Federal requirement. For cosmetics, Section 807 prohibits States from establishing or continuing requirements for packaging and labeling that are "different from or in addition to or that is otherwise not identical with" a Federal requirement.

California Attorney General Lungren, in a July 14 letter, cites the Sherman Food, Drug, and Cosmetic Law as an example. He argues, "* * * we are concerned that this provision may be construed to preempt states from imposing any requirements on cosmetics or over-the-counter drugs, and could therefore prevent the State of California from enforcing significant laws dealing with the health and safety of its citizens in the absence of a specific FDA exemption."

The California Department of Health Services has also raised concerns about the preemption language, concern about the bill's impact on their ability to protect the public health. I believe in allowing states to enact stronger laws to protect the health of citizens and introduced an amendment on September 15 to allow California's laws to stand.

I appreciate the colloquy of my colleague and the bill manager, Senator JEFFORDS, that clarifies the extent of preemption intended by the authors of the bill. Senator JEFFORDS clarified that it is not the intent of this bill to prohibit the State from issuing public statements to warn the public about public health dangers. He said that it is not the intent of the bill to preempt State enforcement authority such as California's power to embargo products and to license and annually inspect facilities. On advertising, he stated that it is not the intent of the bill to affect State laws that prohibit false and misleading advertising or to prohibit unsubstantiated claims for nonprescription drugs. My office will remain in communication with the State to determine if problems develop and work with Senators JEFFORDS and KENNEDY in this regard.

The bill does include, at my request, an explicit protection—an exemption from preemption—for California's "Proposition 65," a ballot initiative enacted in 1986 on a 63 to 37 percent vote which requires anyone exposing someone to chemicals known to cause cancer or birth defects to give a warning. Attorney General Lungren wrote on July 14 to Senator JEFFORDS, "S. 830 [as reported from the Labor Committee] would, in the absence of specific FDA exemption, appear to prevent the State of California from enforcing both the Sherman Food, Drug and Cosmetic Law as well as Proposition 65, a state 'Right to Know' statute, passed by the voters of California in 1986. * * * We therefore respectfully urge you to seek modification of your bill to address this issue."

Proposition 65 has provided important protections to the public and has prompted manufacturers to reformulate products. Because of this law, for example, manufacturers removed toluene from nail polish, lead from antacids, and calcium supplements and leadfoil from wine bottles. I am pleased that the Senate agreed with my request to explicitly exempt proposition 65, preserving this important California law, and I thank my colleagues for their support.

I believe it is wrong to preempt California's progressive drug and cosmetic laws. The citizens of my State have chosen to safeguard the public health through a strong State law and I have worked to protect our State's laws in this bill.

CONCLUSION

By extending prescription drug user fees, we can give FDA some of the resources it needs to bring products to the public and alleviate human suffering. I hope that this bill can move

quickly to enactment so that the public will have a strong FDA.

Mr. WELLSTONE. Madam President, I take this opportunity to thank my colleagues for all of the hard work that they have done on S. 830, the FDA Modernization and Improvement Act of 1997. Senator JEFFORDS has provided his leadership in bringing this legislation forward, and my other colleagues have worked to negotiate agreement on provisions where there was concern. I would like to thank Senator COATS, who was true to his word that he would work with us to come to an agreement on third party issues, and Senator GREGG, who worked to reach a compromise on the national uniformity provision.

It is my belief that we can provide medical products to consumers in a more timely manner through many of the provisions in this bill, while retaining significant consumer protections. Many of the provisions in S. 830 will take a significant step toward addressing Americans' concerns with the FDA. The legislation would improve the predictability, timeliness and focus of the regulatory process for medical products. The legislation would also improve communication and collaboration between the FDA and the regulated industries. I strongly endorse the view that these objectives can be met and unnecessary regulatory burdens can be minimized without compromising the quality of the reviews.

My colleagues and I have worked very hard on bringing forward needed reform proposals with respect to the review and approval of medical devices. We have negotiated many of the original provisions in the bill to the point that we have reached agreement on them, and can join together in supporting them. We have taken into consideration the comments and concerns of consumers and industry in order to present a bill that will improve the review and approval processes.

As you know, I have always been and will continue to be a strong consumer advocate. I think that S. 830 provides many things for consumers and will help to bring them medical therapies that are safe and effective in a more timely fashion. This is especially true with respect to devices. This is the part of the bill on which I have focused the bulk of my attention, and I do think that a large number of concerns that I and some of my colleagues, in particular Senator KENNEDY, had have been addressed.

There has been a great deal of discussion and debate about section 404 of the bill, which deals with labeling for intended use of devices. This issue is highly technical, but it is clear that all of us have the same goals in mind: First, to provide a degree of consistency in the way devices are reviewed by individual reviewers, so that reviewers do not try to second guess an honest manufacturer with respect to the intended use of a device, and second, to prevent the very few companies who might try to avoid presenting the FDA with adequate data about safety and effectiveness from having their devices classified and brought to market under the 510(k) process. I do not believe that the provision in this bill prohibits the FDA from exercising its authority to not find a device substantially equivalent to its predicate device when there are technological differences that raise new issues of safety and effectiveness. But obviously, there are differences of opinion with respect to this provision. Since we all agree on the goals that we are trying to achieve, I think that there must be a way of clarifying the authority of the FDA in a way that is satisfactory to everyone.

The Reed-Kennedy amendment offered one option, but this option is not the appropriate one. Several other suggestions for language to clarify this have been offered, but none capture what we are all trying to do. Rather than reiterate all of the arguments that were stated in the debate over the past several days, I will ask that my colleagues who are appointed as conferees work together to ensure that this provision is worded to make clear that it will penalize anyone who tries to get around the law, but will not penalize those who are complying with the intent of Congress and the law.

Madam President, as I have said before, I think this is an important piece of legislation. It is clearly important that we reauthorize and improve PDUFA, and that we work to bring safe and effective medical therapies to the public in a timely manner. Again, I would like to thank my colleagues, especially Senator JEFFORDS and Senator KENNEDY and their staff members for all of their efforts on this bill. I would also like to thank the consumer groups for their input, and the administration for its assistance in the negotiations process. I trust that the conferees will keep the importance of this bill in mind as they negotiate to bring the final legislation to the floor for passage.

Mr. JEFFORDS. I ask unanimous consent that a letter from the Nonprescription Drug Manufacturers Association to Senator LOTT be printed in the RECORD.

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

NONPRESCRIPTION DRUG MANUFACTURERS ASSOCIATION,
Washington, DC, September 15, 1997.

Hon. TRENT LOTT
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: In a letter to you dated September 4, the National Governors' Association (NGA), National Conference of State Legislatures (NCSL) and Association of State and Territorial Health Officials (ASTHO) stated their opposition to the national uniformity provision (§761) in S. 830, the Prescription Drug User Fee Act (PDUFA) and FDA modernization legislation. Unfortunately, their letter contained several incorrect and misleading statements concerning nonprescription, over-the-counter (OTC) medicines and the application of the national uniformity provision. In order to set the record straight on this important issue, I offer the following comments.

1. NATIONAL UNIFORMITY FOR OTC DRUGS WILL PROTECT THE PUBLIC HEALTH AND SAFETY

One national, uniform system of regulation for OTC drugs protects the interests of all American consumers. There is simply no difference in the safety, effectiveness, and proper labeling of OTC drugs from one state to another. An OTC drug that is safe, effective, and properly labeled for a consumer in Louisiana is safe, effective, and properly labeled for a consumer in Massachusetts, and vice versa.

Allowing states to establish a patchwork of different requirements for OTC drugs makes no sense. It would even be detrimental, resulting, for example, in confusion as consumers are confronted with different labels for the very same OTC drug obtained in different states. Moreover, non-uniform laws for OTCs would drive up consumer expense through the costs of different and inconsistent state requirements for testing, labeling, and packaging, and through disruption of the distribution for products required to meet as many as 50 disparate state systems.

The authors assert that there is no evidence that shows a need to preempt state laws regulating OTC drugs. Attachment A lists several examples of state proposals, which, if enacted, would have disrupted national uniformity.

2. IMPORTANT STATE INTERESTS WOULD BE FULLY PROTECTED UNDER S. 830

The authors mistakenly say that states would be prevented from effectively addressing compelling OTC drug problems unique to their states under S. 830. They particularly criticize the exemption procedure in S. 830. The exemption provision enables a state to petition FDA to depart from the single uniform national standard for an OTC drug. The preparation and submission of an exemption petition will not be a very burdensome or expensive process, and FDA can be expected to rule on such petitions promptly. Moreover, the three requirements for exemption from uniformity for a state are logical. If the public interest represented by the state proposal is already protected, there is no need for a state exemption to protect it. As interstate products, OTC drugs could not and should not violate other applicable federal laws. The prohibition against unduly burdening interstate commerce simply requires a sensible balancing of competing interests.

The authors also claim that states would be prohibited from taking action on their own even where there are compelling local conditions. They argue that states are expected to address compelling local conditions and that the Constitution already prohibits state laws that unduly burden state commerce. Therefore, they argue that the preemption provision of S. 830 is unneeded, and that states should not be required to petition FDA for exemptions from preemption.

The authors' premises are flawed. States are not limited to laws that address "compelling" local conditions. They have broad police powers to enact laws that deal with any legitimate issue. Moreover, they can pass laws that affect not just local conditions but regional and national ones as well.

When analyzed under the "dormant" Commerce Clause, state laws enjoy a presumption of validity, and they will not be invalidated unless they impose burdens on interstate commerce that are clearly excessive in comparison to their benefits. This is a very different test from the one embodied in the national uniformity provision of S. 830 for OTC drugs.

A state law that does address a compelling local condition and does not unduly burden interstate commerce would be eligible for FDA consideration of an exemption petition. Many state laws, however, will not meet such a test and therefore should not be permitted to stand. The only way to distinguish one type of law from the other is to establish an exemption petition procedure. The petition process would not be expected to be burdensome, as described above.

Apart from the exemption procedure from preemption in S. 830, states would retain full authority to take action in emergency and (non-emergency) situations involving OTC drugs as follows: First, the bill would not affect the right of a state to take action immediately, without consultation with FDA, to deal with an authentic local emergency involving a nonprescription drug, such as outbreak of an abuse problem. If there is a true local emergency, as the authors acknowledge, the state could take immediate action to place a nonprescription drug on prescription status until the problem abates: And as noted below, some states have done that in the case of ephedrine-containing OTC drug products.

Second, the bill would prevent the states from undertaking unilateral action, again without consultation with the FDA, to issue their own public statements in the form of health department releases, public service announcements, or other public education campaigns to alert state consumers about its concerns about an OTC drug. The bill would simply prevent the states from imposing 50 different notification requirements on the OTC maker, whether in labeling, packaging or other form of public communication, which would disrupt the longstanding national system of review and marketing for nonprescription drugs.

Third, the bill would not prevent the states from utilizing their enforcement authority to take immediate action against an OTC drug that was adulterated, misbranded, or otherwise out of compliance with laws that are the same as federal laws.

Fourth, as recognized by the authors, the states can also require an OTC drug to be dispensed only by prescription.

3. STATES CAN PETITION FOR ADOPTION OF THEIR IDEAS AS THE NATIONAL UNIFORM STANDARD

The authors comment that FDA lacks adequate resources to act and states must be permitted to provide "important protections" FDA is unable to provide. This is specious. FDA has not failed to act in any case in the OTC area where action was otherwise warranted, on the basis of resources. FDA regulation of OTC drugs under the OTC Review, for example, is unrivaled in the world as the most comprehensive system of safety, effectiveness, and labeling review of its kind ever undertaken. Similarly, FDA is currently embarked upon a mammoth program to completely overhaul and standardize the format and content of all OTC drug labels.

The authors' argument also ignores the fundamental policy embodied in the national uniformity provision—that FDA is a national expert agency that should set national standards. The states remain laboratories of good ideas, which FDA can adopt as national standards or allow to take effect locally if they qualify for an exemption. But there is no constitutional or policy reason to prefer 50 mini-FDAs over a singly national one.

The bill would preserve the states right to petition the FDA to adopt a state proposal as the uniform national standard for OTC drugs. If a state believes it has an innovative idea for protection of the nation's OTC drug consumers as a whole that is superior to protection provided by FDA, it can petition FDA to adopt the idea as the national standard. That way, potential improvements in the OTC regulatory system can be evaluated by all interested parties against the background of the overall FDA regulatory program for OTC drugs. If FDA concludes that the state's proposal is the right one, then it can adopt it as the national standard.

4. STATES WOULD NOT BE PREEMPTED IN REGULATION OF DIETARY SUPPLEMENTS OR OTHER KINDS OF FOODS

The authors mistakenly assume that dietary supplement state regulation and other health food regulation would be affected by preemption. Neither dietary supplements nor foods of any kind, including dietary supplements or health foods containing ephedrine, would be covered by the OTC drug preemption provision of S. 830. Thus, none of the state laws cited by the authors in Louisiana, New York, Michigan, Maryland, Vermont, Washington, or Minnesota, would be preempted by S. 830 because there is no preemption of food laws.

5. STATES WOULD NOT BE PREEMPTED FROM REGULATING OTC DRUGS OTHER THAN WITH RESPECT TO THE FEDERAL LAWS GOVERNING OTCS THAT ARE SPECIFICALLY ENUMERATED IN S. 830

With respect to ephedrine-containing OTC drug products, contrary to the authors' statements, no state has imposed any labeling or packing restrictions on these products different from or beyond those imposed by the FDA. Some states have taken action on some OTC ephedrine products to place certain products on a controlled substance schedule, to place ephedrine on prescription status, to limit access to adults, and to prohibit possession of large quantities of the drug with intent to make methamphetamine. None of these state laws or actions would be preempted by the national provision of S. 830, because they are not laws enumerated in the section 807 of the bill (Sec. 761(a)(1)(B)).

6. ALL OTC DRUGS ARE SUBJECT TO THE SAME EXACTING FDA SAFETY, EFFECTIVENESS AND LABELING REQUIREMENTS

The authors make an unfounded and alarmist assertion that as more medications are switched from prescription to OTC status, consumers, especially the elderly and youth, are placed at greater risk. All nonprescription drugs, whether brought to market by being switched from prescription status, or marketed as OTC drugs from the outset, are subject to the same high and exacting standards for safety, effectiveness, and labeling. Indeed, nonprescription drugs are required to have an especially wide margin of safety precisely because they are intended to be purchased and used by consumers without the intervention of a doctor.

7. NATIONAL UNIFORMITY IS SUPPORTED BY MANY STATE AND NATIONAL ORGANIZATIONS AND SEVERAL FORMER FDA COMMISSIONERS

Support for national uniformity of OTC medicines is widespread and continues to grow. Over 90 organizations including the American Medical Association, National Consumers League, United Seniors Health Cooperative, as well as several state pharmacy, medical and retail organizations are in favor of one, uniform system of regulation for these important products. In addition, four former FDA Commissioners support this provision. (See Attachment B.)

Thank you for considering our views on this important subject. We urge you to continue your support for national uniformity for OTC medicines.

Sincerely,

JAMES D. COPE.
President.

Attachments: (A) Examples of State Proposals That Would Disrupt National Uniformity; (B) Organizations Supporting National Uniformity.

ATTACHMENT A

EXAMPLES OF STATE PROPOSALS THAT WOULD DISRUPT NATIONAL UNIFORMITY

The authors state that there is no evidence that there is a need for pre-exemption of state laws that seek to regulate OTC drug packaging and labeling. That quite simply is not true!. Here are just a few examples of state proposals that would, if enacted, disrupt national uniformity.

First, in 1993 alone, three states proposed to require bittering agents in certain OTC medicines sold in those states to deter childhood poisonings and overdoses. These state bills received consideration despite the federal CPSC's rejection of bittering agents under the Poison Prevention Packaging Act in favor of child resistant packaging and consumer education to address the problem.

Second, in the 1990s, at least fifteen state legislatures have considered legislation to require "environmentally-friendly packaging" of OTC drugs, that would mandate certain recycled content levels and plastic resins. These proposals would have conflicted with FDA's safety requirements that certain drugs be packaged only in "virgin" materials to prevent adulteration of the drugs. In some cases, these various proposals would conflict with each other as well.

Third, numerous states have proposed to require certain language and label warnings on OTC drugs that add additional, inconsistent and confusing precautions to these labels, in addition to the lengthy and comprehensive labeling requirements imposed by the FDA. Where would this extra room on OTC labels come from to accommodate all the suggestions that would be imposed by 50 states? Most OTC drugs are relatively small products, and thus have very limited label space.

OTC drug labels contain much FDA required information essential to their safe and proper use; therefore state-by-state proposals requiring additional label information obscure FDA-mandated warnings. Such proposals must be viewed in the context of the available label space. FDA makes these judgments recognizing the need for judicious use of scarce label space. Examples of these state-by-state proposed requirements include:

Conflicting proposed legislation in various states that would require—(1) the word "poison" along with antidote, (2) a "Mr. Yuk" symbol affixed to the label, (3) a special poison warning including a dark green background, and (4) a black "X"—each of these different state proposals seek to address the same problem of childhood poisonings; label disclaimers that the elderly should disregard label dosages and consult a physician before taking any OTC drug, despite an absence of any scientific evidence that drug absorption

or metabolism is connected to turning 65 years old; label disclosure that a certain product was tested on animals in its development, even though the FDA may require animal testing of the drug prior to its use in humans; label warnings that a product is unsuitable for disposal on land or in water; one state's attempt to require extensive label cautions on fluoride-containing toothpastes that fluoride is an enzymatic and protoplasmic poison 15 times more poisonous than arsenic; and initiatives or legislation in ten states that would have required special label warnings that certain ingredients may be carcinogens, even where the FDA has reviewed the drug and determined that it is safe and effective at the levels that the ingredient is used in that product. These states would reject the FDA's careful risk/benefit analysis of medications in favor of scaring consumers even where only trace quantities of the substance are present.

One can easily understand the confusion to consumers that would result if these warnings showed up on products in one state but not on the same identical product destined for another state. If any of the above ideas are good ones, they should be considered by FDA; receive comments from the public, the states, and the industry; and if they are determined to be sound public policy, they should be made national requirements.

There is absolutely a need for national uniformity to prevent such state proposals from disrupting commerce and confusing consumers.

ATTACHMENT B

ORGANIZATIONS SUPPORTING NATIONAL UNIFORMITY

American Association of Colleges of Pharmacy; American Beauty Association; American Medical Association; American Society of Health-System Pharmacists; Area Agencies on Aging Association of Michigan; Arizona Retailers Association; Associated Food Dealers of Michigan; Association of Commerce and Industry of New Mexico; California Arthritis Foundation Council; California Chapters of the National Association of Pediatric Nurse Associates & Practitioners; California Coalition of Hispanic Organizations; Central Ohio Retail Grocers Association; Chain Drug Marketing Association, Inc.; Citizens for the "Right to Know"; and Congress of California Seniors.

Congress of California Seniors—Los Angeles; Connecticut State Medical Society; Florida Medical Association; Food Marketing Institute; Generic Pharmaceutical Industry Association; Giant Food, Inc.; Gulf Coast Grocers Association (Texas); Health Advocacy Services (California); Independent Cosmetic Manufacturers & Distributors, Inc.; Indiana Manufacturers Association; Indiana Retail Council; Industry and Commerce Association of South Dakota; Interamerican College of Physicians and Surgeons; Iowa Retail Federal, Inc.; and Maryland Association of Chain Drug Stores.

Maryland Retailers Association; Medical Society of the State of New York; Medical Society of Virginia; Michigan Chamber of Commerce; Michigan Distributors and Venders Association, Inc.; Michigan State Medical Society; Minnesota Chamber of Commerce; Minnesota Grocers Association; Minnesota Retail Merchants Association; Mississippi Wholesale Distributors Association; Missouri Grocers Association; Missouri Retailers Association; Missouri State Medical Association; National Association of Chain Drug Stores; and National Association of Manufacturers.

National Coalition of Hispanic Health and Human Services; National Community Pharmacists Association; National Consumers League; National Council on the Aging; National Hispanic Council on Aging; National Retail Federation; National Wholesale Druggists' Association; New Hampshire Medical Society; New Mexico Pharmaceutical Association; Nonprescription Drug Manufacturers Association; North Carolina Retail Merchants Association; Ohio Council of Retail Merchants; Ohio Grocers Association; Ohio Wholesale Druggists Association; and Pennsylvania Association of Chain Drug Stores, Inc.

Philadelphia Association of Retail Druggists; Philadelphia College of Pharmacy; Retail Merchants Association of New Hampshire; Retailers Association of Massachusetts; Robbie Vierra-Lambert Spinal Cord Organization for Regaining Excellence; Safety & Health Council of New Hampshire; Safeway, Inc.; Senior Medication Awareness & Training Coalition, Sickle Cell Disease Association of America, Inc.; South Dakota Pharmacists Association; Tennessee Association of Business; Tennessee Grocers Association; Texas Association of Business & Chambers of Commerce; Texas Food Industry Association; and The 60 Plus Association.

United Seniors Association; United Seniors Health Cooperative; United States Hispanic Chamber of Commerce; Ukrop's; Vermont Board of Pharmacy; Vermont Chamber of Commerce; Vermont Grocers Association; Vermont Medical Society; Virginia Chamber of Commerce; Virginia Manufacturers Association; Virginia Pharmacists Association; Virginia Retail Merchants Association; Washington Retailers Association's Retail Pharmacy Council; Washington State Medical Association; White House Conference on Small Business, New Jersey Delegation; Wisconsin Grocers Association, Inc.; and Wisconsin Manufacturers and Commerce.

FORMER FDA COMMISSIONERS SUPPORTING NATIONAL UNIFORMITY

Charles C. Edwards, M.D.; Arthur Hull Hayes, Jr., M.D.; Donald Kennedy, Ph.D.; and Herbert Ley, Jr., M.D.

Mr. JEFFORDS. Madam President, we are nearing the end of the debate. I have no more requests for time that I am aware of. So I will make some comments and then go into a quorum call. But I want to alert Senators that if I do not have a request within the next 10 minutes, it is my intention to yield back the remainder of my time, assuming the minority would do the same thing, so that we can expedite the process and the movement of legislation through the Senate.

Madam President, 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. 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. JEFFORDS. Madam President, I yield 6 minutes to the Senator from Arkansas.

CONSTITUTIONALITY OF MINING AMENDMENT

Mr. BUMPERS. Madam President, I rise today because I believe the Senate set a terrible precedent last Thursday when it voted to uphold a point of order that was made against an amendment that Senator GREGG and I offered to H.R. 2107, the Interior appropriations bill. This amendment proposed to collect the royalty from hardrock mining operations on public land and a reclamation fee from hardrock mining operations on land that was patented pursuant to the 1872 mining law. The receipts collected from the royalty and reclamation fee would have been deposited in a trust fund to be used to reclaim abandoned hardrock mines in the West.

Opponents of my amendment, in an attempt to prevent Senators from going on record in support of an effort to make the mining industry help pay for the environmental disasters it has created, raised a point of order arguing that the reclamation fee constituted a tax proposed by the Senate and thus the amendment violated the origination clause of the Constitution; that is, that all revenue measures must originate in the House. Unfortunately, the Senate voted to uphold the point of order even though the amendment was not even close to being unconstitutional.

The Supreme Court has held on numerous occasions that while a tax provision may not originate in the Senate, a governmental fee can. "A statute that creates a particular governmental program and that raises revenue to support that program, as opposed to a statute that raises revenue to support government generally, it is not a 'bill for raising revenue' within the meaning of the origination clause." That is confirmed in United States versus Munoz-Florez. My amendment would have imposed a royalty and a fee in order to directly fund the reclamation of abandoned hardrock mines. It was not intended to raise revenues for the Treasury.

In fact, Madam President, the Parliamentarian has already ruled that the reclamation fee provision does not constitute a tax when the Parliamentarian referred S. 326, which includes the very same reclamation fee proposal that I had, to the Senate Energy and Natural Resources Committee rather than the Finance Committee. The House Parliamentarian made the very same ruling when he referred the House companion to S. 326 to the House Natural Resources Committee rather than the Ways and Means Committee.

I find it perplexing that anybody could argue that the amendment that Senator GREGG and I offered to the Interior appropriations bill could possibly constitute a tax. However, even if that were the case, it ought to be noted that the Interior appropriations bill originated in the House of Representatives in accordance with the origination clause of the Constitution. It does not matter that the amendment was

offered in the Senate as long as the bill originated in the House. In *Flint* v. *Stone Tracy Company*, 220 U.S. 107 (1911), the Supreme Court ruled that legislation which created the tax on corporations complied with the origination clause even though the corporate tax was proposed by the Senate as a substitute to an inheritance tax that was included in the bill as reported by the House.

The fact that H.R. 2107 was reported by the Appropriations Committee rather than the Finance Committee is not relevant. The Senate has in the past added an amendment which modified the Tax Code to an appropriations bill. For example, in 1982 the Senate added a provision to the supplemental appropriations bill which limited the availability of certain tax deductions for Members of Congress.

Madam President, Senate rules do not permit the Parliamentarian to rule when a point of order is made against an amendment on constitutional grounds. If the Parliamentarian had been able to rule, the point of order would not have even been made and the decision would not have been close. Instead, the point of order was made with the knowledge that Senators would be able to defeat the Bumpers-Gregg amendment without actually going on record in support of allowing mining companies to continue acquiring billions of dollars worth of minerals from the taxpayers of this country without compensation and leaving those same taxpayers with environmental disasters to clean up.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

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

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

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

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Just a short while ago, we heard some comments on the floor about how this whole process has taken a long period of time. It has taken a period of time. But I think one can see from any fair review of the history of the legislation that very substantial progress has been made in making this a better bill. As I pointed out earlier in the debate, of the 20 major health safety issues identified by the administration, 19 have been addressed, not only in our committee markup, but also in the negotiations that we had prior to the time of the legislation coming to the floor. There is the one remaining item, which deals with safety and medical devices. It is extremely important. We have given focus to this issue because it deserves the focus that we have given it.

Mr. President, I have in my hand the statement of the administration policy. It indicates that it has two major concerns with the bill. One is the technical provision with regard to the budget agreement and how they are going to allocate to PDUFA, which is a technical issue. But the other issue mentioned by the administration is this particular provision:

First, section 404 of the bill would lower the review standard for marketing approval by precluding the FDA from reviewing medical devices for uses other than those for which the manufacturer says they are intended.

The administration indicates, as they did in the letter in September, as they did in June, that this particular provision is dangerous in terms of the consumers in this country.

We have reviewed, over the course of the debate, the dangerous situations that have been the result of medical device disasters. We are committed to avoiding that kind of disaster in the future. We have a good safety record at the present time, but we are endangering that record with section 404. We noted that virtually every consumer group supports changing section 404. It is enormously important. It goes to the fundamental question of providing FDA with the power and authority to pursue the protections of the American health in the area of medical devices.

Mr. President, I ask unanimous consent that the statement of the administration policy supporting our position regarding 404 be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 24, 1997.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 830—FDA MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

(Senator Jeffords (R) VT)

The Administration applauds the Senate for its bipartisan effort to improve S. 830 since it was reported by the Senate Committee on Labor and Human Resources, and appreciates the Senate's responsiveness to concerns that have been raised. Because of the importance of obtaining a five-year extension of the Prescription Drug User Fee Act (PDUFA), the Administration has no objection to passage of the bill by the Senate at this time. However, the Administration finds that the provisions identified below are unacceptable and as the legislative process continues, will work to ensure that our remaining concerns are resolved.

In general, this legislation represents a significant step toward accomplishing our mutual goal of assuring the agency's optimum performance while protecting the health of the American public. The Administration, however, continues to have two major concerns with the bill.

First, section 404 of the bill would lower the review standard for marketing approval by precluding the Food and Drug Administration (FDA) from reviewing new medical devices for uses other than those for which the manufacturer says they are intended. Second, the PDUFA trigger as proposed in S. 830 undercuts the bipartisan budget agreement (BBA) by requiring budget increases for FDA not envisioned by the BBA, and would interfere with HHS' ability to allocate resources appropriately throughout the Department.

In order to be able to support the final bill, the Administration will continue to work with the House of Representatives and in conference to resolve these and other identified issues.

Mr. KENNEDY. We hope that we can be convincing as this legislation goes forward. We have not been convincing here on the floor. We hope provisions can be accepted that will make 404 acceptable in terms of the public health issues. I want to express my sincere appreciation to the chairman of the committee, Senator JEFFORDS, who has been a chairman's chair. He is strong in his belief. He is a fighter for the things that he champions. He has been willing to accommodate differing views. He protects his strong posture and positions on his own views, and I respect that. I thank the other Members of this body for their courtesy during the course of what I know has been a continuing discussion and debate on a very important measure. I thank all of our Members for their courtesy and consideration as we move toward a vote on this legislation. I thank my chairman.

At the time when the Senator from Vermont is prepared to yield back his time, I will be prepared to do so likewise and move to our vote.

UNANIMOUS-CONSENT REQUEST

Mr. JEFFORDS. Mr. President, first, I have a unanimous-consent request, which has been cleared on both sides.

I ask unanimous consent that it be in order to consider amendment No. 1184, as modified, with changes that are at the desk; further, that the amendment be agreed to, and the motion to reconsider be laid upon the table.

I'm sorry, Mr. President, I withdraw that request at this moment.

The PRESIDING OFFICER. It is withdrawn.

Mr. JEFFORDS. Mr. President, first of all, I thank the ranking member for his help on this bill. We agree on 19 out of 20 provisions. His steadfast and articulate objection to the 20th, relative to section 404, has been done sincerely

and very well done on that issue. I believe that we have a good bill, but we remain open to suggestions, as always, as to how the bill can be improved. I am extremely pleased that the Senate has overwhelmingly approved S. 830 yesterday. I believe this is an important step forward for ensuring a stronger and more efficient FDA.

Throughout this process, we have had the benefit of input from all interested parties on how best to modernize the Agency, while ensuring that its stellar standard for public safety remains as strong as ever. I am extremely proud of the strong support of this legislation expressed by the health community. For instance, the National Health Council, a coalition of over 100 health and patient organizations, has urged the Senate to move forward with this legislation. We have also received support from physician groups, including the American Medical Association and the American Academy of Pediatrics.

We must remember that drugs and medical devices delayed at the FDA are often lives lost. When cardiac defibrillators were first developed in the late 1980's, they brought new hope and opportunity to many of the 350,000 Americans who would otherwise suffer sudden cardiac death each year.

But the first version of this technology required opening the chest and separating the ribs to apply this technology to the heart. This procedure carried a 4.2 percent mortality rate.

Improvements to this defibrillator technology were widely available in Europe two years before patients could benefit in this country. The new technology did not require cracking the patient's chest, but only a small incision to allow the technology to be threaded through a vein into the heart.

During this unnecessary 2-year delay, it is estimated that 1,056 Americans died from complications related to the more invasive technique. Delay does cost lives.

And far from allowing dangerous products on the market as Senator KENNEDY has alleged, section 404 of this bill keeps intact FDA's authority to investigate technological issues which raise new safety and effectiveness questions, does not limit FDA's enforcement authority, and does not touch FDA's regulations which require that medical device applications be truthful and not omit any material facts.

Section 404 does quite appropriately keep FDA out of regulating the practice of medicine. That is important and we should fight to protect the intent of this provision.

Patients will also benefit from other provisions of the bill including the registry of clinical trials, fast-track approval for drugs treating life-threatening diseases, expanded access to investigational therapies, and the incentives established to investigate pediatric uses of drugs.

I want to thank the patient, consumer, and physician groups, and all the others we have worked with, for their commitment to working toward real reforms that strengthen the FDA and the contributions they have made in crafting this bipartisan measure.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes remaining.

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

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I thank Senator JEFFORDS for yielding.

First of all, I want to commend him for a tremendous amount of work. This is an incredibly complicated piece of legislation. It has involved a lot of different interest groups in some issues that have become very charged.

So I again want to thank the Senator from Vermont for his willingness to work with Senator FRIST and I as we worked on the so-called off-label issue.

I also want to express my appreciation to Senator KENNEDY. He had some deep concerns about the legislation, and as a result of extensive discussions we were able to find a compromise. I think it was one of the reasons that this bill was able to move forward.

So I thank Senator JEFFORDS and Senator KENNEDY. And I also want to put in a comment with respect to Mark Smith, my staffer who has worked on this issue for more than some 2½ years.

Again, I thank Senator JEFFORDS for what he has done.

Mr. JEFFORDS. I thank the Senator for his comments, and I want to praise him for his efforts with respect to off-label. This is an incredibly important amendment that Senator MACK and Senator FRIST have worked out with the FDA and the minority. That is going to give a great deal of assistance to people in this country who are in need of help in straightening out a relatively difficult area with such preciseness. The Senator from Florida did a good job.

AMENDMENT NO. 1184, AS MODIFIED

Mr. President, I ask unanimous consent that it be in order to consider amendment No. 1184, as modified, with changes that are at the desk; further, that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1184), as modified, was agreed to, as follows:

Strike section 809 and insert the following:

SEC. 809. APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(l), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compounded product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, on the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary regarding the regulation of drugs that are compounded in the State and are distributed outside of the State, that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards

of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or

"(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi),

whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

"(B) to radiopharmaceuticals.

"(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in approved drug labeling provided by a drug manufacturer and other drug manufacturer directions consistent with that labeling.".

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor of S. 830.

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

Mr. JEFFORDS. Mr. President, if the minority is ready and will yield all remaining time, I will yield mine.

It is my understanding the minority will yield this time. I yield the remainder of my time.

The PRESIDING OFFICER. Without objection, the minority time is yielded.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the administration policy that was received as a message be printed in the RECORD.

I thank them for bringing it to our attention at this time.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT, AND BUDGET,

Washington, DC, September 24, 1997.

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 830—FDA Modernization and Accountability Act of 1997

(Sen. Jeffords (R) VT)

The Administration applauds the Senate for its bipartisan effort to improve S. 830 since it was reported by the Senate Committee on Labor and Human Resources, and appreciates the Senate's responsiveness to concerns that have been raised. Because of the importance of obtaining a five-year extension of the Prescription Drug User Fee Act (PDUFA), the Administration has no objection to passage of the bill by the Senate at this time. However, the Administration finds that the provisions identified below are unacceptable and as the legislative process continues, will work to ensure that our remaining concerns are resolved.

In general, this legislation represents a significant step toward accomplishing our mutual goal of assuring the agency's optimum performance while protecting the health of the American public. The Administration, however, continues to have two major concerns with the bill.

First, section 404 of the bill would lower the review standard for marketing approval by precluding the Food and Drug Administration (FDA) from reviewing new medical devices for uses other than those for which the manufacturer says they are intended. Second, the PDUFA trigger as proposed in S. 830 undercuts the bipartisan budget agreement (BBA) by requiring budget increases for FDA not envisioned by the BBA, and would interfere with HHS' ability to allocate resources appropriately throughout the Department.

In order to be able to support the final bill, the Administration will continue to work with the House of Representatives and in conference to resolve these and other identified issues.

Mr. JEFFORDS. 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 the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—98

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

NAYS—2

Kennedy	Reed

The bill (S. 830), as amended, was passed, as follows:

S. 830

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 "Food and Drug Administration Modernization and Accountability Act of 1997".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—IMPROVING PATIENT ACCESS

Sec. 101. Mission of the Food and Drug Administration.
Sec. 102. Expanded access to investigational therapies.
Sec. 103. Expanded humanitarian use of devices.

TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

Sec. 201. Interagency collaboration.
Sec. 202. Sense of the committee regarding mutual recognition agreements and global harmonization efforts.
Sec. 203. Contracts for expert review.
Sec. 204. Accredited-party reviews.
Sec. 205. Device performance standards.

TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

Sec. 301. Collaborative determinations of device data requirements.
Sec. 302. Collaborative review process.

TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

Sec. 401. Policy statements.
Sec. 402. Product classification.
Sec. 403. Use of data relating to premarket approval.
Sec. 404. Consideration of labeling claims for product review.
Sec. 405. Certainty of review timeframes.
Sec. 406. Limitations on initial classification determinations.
Sec. 407. Clarification with respect to a general use and specific use of a device.
Sec. 408. Clarification of the number of required clinical investigations for approval.
Sec. 409. Prohibited acts.

TITLE V—IMPROVING ACCOUNTABILITY

Sec. 501. Agency plan for statutory compliance and annual report.

TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

Sec. 601. Minor modifications.
Sec. 602. Environmental impact review.
Sec. 603. Exemption of certain classes of devices from premarket notification requirement.
Sec. 604. Evaluation of automatic class III designation.
Sec. 605. Secretary's discretion to track devices.
Sec. 606. Secretary's discretion to conduct postmarket surveillance.

Sec. 607. Reporting.
Sec. 608. Pilot and small-scale manufacture.
Sec. 609. Requirements for radiopharmaceuticals.
Sec. 610. Modernization of regulation of biological products.
Sec. 611. Approval of supplemental applications for approved products.
Sec. 612. Health care economic information.
Sec. 613. Expediting study and approval of fast track drugs.
Sec. 614. Manufacturing changes for drugs and biologics.
Sec. 615. Data requirements for drugs and biologics.
Sec. 616. Food contact substances.
Sec. 617. Health claims for food products.
Sec. 618. Pediatric studies marketing exclusivity.
Sec. 619. Positron emission tomography.
Sec. 620. Disclosure.
Sec. 621. Referral statements relating to food nutrients.

TITLE VII—FEES RELATING TO DRUGS

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Authority to assess and use drug fees.
Sec. 705. Annual reports.
Sec. 706. Effective date.
Sec. 707. Termination of effectiveness.

TITLE VIII—MISCELLANEOUS

Sec. 801. Registration of foreign establishments.
Sec. 802. Elimination of certain labeling requirements.
Sec. 803. Clarification of seizure authority.
Sec. 804. Intramural research training award program.
Sec. 805. Device samples.
Sec. 806. Interstate commerce.
Sec. 807. National uniformity for nonprescription drugs and cosmetics.
Sec. 808. Information program on clinical trials for serious or life-threatening diseases.
Sec. 809. Application of Federal law to the practice of pharmacy compounding.
Sec. 810. Reports of postmarketing approval studies.
Sec. 811. Information exchange.
Sec. 812. Reauthorization of clinical pharmacology program.
Sec. 813. Monograph for sunburn products.
Sec. 814. Safety report disclaimers.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

TITLE I—IMPROVING PATIENT ACCESS

SEC. 101. MISSION OF THE FOOD AND DRUG ADMINISTRATION.

Section 903 (21 U.S.C. 393) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) MISSION.—

"(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.".

SEC. 102. EXPANDED ACCESS TO INVESTIGATIONAL THERAPIES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"Subchapter D—Unapproved Therapies and Diagnostics

"SEC. 551. EXPANDED ACCESS TO UNAPPROVED THERAPIES AND DIAGNOSTICS.

"(a) EMERGENCY SITUATIONS.—The Secretary may, under appropriate conditions determined by the Secretary, authorize the shipment of investigational drugs (including investigational biological products), or investigational devices, (as defined in regulations prescribed by the Secretary) for the diagnosis, monitoring, or treatment of a serious disease or condition in emergency situations.

"(b) INDIVIDUAL PATIENT ACCESS TO INVESTIGATIONAL PRODUCTS INTENDED FOR SERIOUS DISEASES.—Any person, acting through a physician licensed in accordance with State law, may request from a manufacturer or distributor, and any manufacturer or distributor may provide to such physician after compliance with the provisions of this subsection, an investigational drug (including an investigational biological product), or investigational device, (as defined in regulations prescribed by the Secretary) for the diagnosis, monitoring, or treatment of a serious disease or condition if—

"(1) the licensed physician determines that the person has no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat the disease or condition involved, and that the risk to the person from the investigational drug or investigational device is not greater than the risk from the disease or condition;

"(2) the Secretary determines that there is sufficient evidence of safety and effectiveness to support the use of the investigational drug or investigational device in the case described in paragraph (1);

"(3) the Secretary determines that provision of the investigational drug or investigational device will not interfere with the initiation, conduct, or completion of clinical investigations to support marketing approval; and

"(4) the product sponsor, or clinical investigator, of the investigational drug or investigational device submits to the Secretary a clinical protocol consistent with the provisions of section 505(i) or 520(g) and any regulations promulgated under section 505(i) or 520(g) describing the use of investigational drugs or investigational devices in a single patient or a small group of patients.

"(c) TREATMENT INDS/IDES.—Upon submission by a product sponsor or a physician of a protocol intended to provide widespread access to an investigational product for eligible patients, the Secretary shall permit an investigational drug (including an investigational biological product) or investigational device to be made available for expanded access under a treatment investigational new drug application or investigational device exemption (as the terms are described in regulations prescribed by the Secretary) if the Secretary determines that—

"(1) under the treatment investigational new drug application or investigational device exemption, the investigational drug or investigational device is intended for use in the diagnosis, monitoring, or treatment of a serious or immediately life-threatening disease or condition;

"(2) there is no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat that stage of disease or condition in the population of patients to which the investigational drug or investigational device is intended to be administered;

"(3)(A) the investigational drug or investigational device is under investigation in a controlled clinical trial for the use described in paragraph (1) under an effective investigational new drug application or investigational device exemption; and

"(B) all clinical trials necessary for approval of that use of the investigational drug or investigational device have been completed;

"(4) the sponsor of the controlled clinical trials is actively pursuing marketing approval of the investigational drug or investigational device for the use described in paragraph (1) with due diligence;

"(5) the provision of the investigational drug or investigational device will not interfere with the enrollment of patients in ongoing clinical investigations under section 505(i) or 520(g);

"(6) in the case of serious diseases, there is sufficient evidence of safety and effectiveness to support the use described in paragraph (1); and

"(7) in the case of immediately life-threatening diseases, the available scientific evidence, taken as a whole, provides a reasonable basis to conclude that the product may be effective for its intended use and would not expose patients to an unreasonable and significant risk of illness or injury.

A protocol submitted under this subsection shall be subject to the provisions of section 505(i) or 520(g) and regulations promulgated under section 505(i) or 520(g). The Secretary may inform national, State, and local medical associations and societies, voluntary health associations, and other appropriate persons about the availability of an investigational drug or investigational device under expanded access protocols submitted under this subsection. The information provided by the Secretary, in accordance with the preceding sentence, shall be of the same type of information that is required by section 402(j)(3).

"(d) TERMINATION.—The Secretary may, at any time, with respect to a person, manufacturer, or distributor described in this section, terminate expanded access provided under this section for an investigational drug (including an investigational biological product) or investigational device if the requirements under this section are no longer met.".

SEC. 103. EXPANDED HUMANITARIAN USE OF DEVICES.

Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (2), by adding at the end the following flush sentences:

"The request shall be in the form of an application submitted to the Secretary. Not later than 75 days after the date of the receipt of the application, the Secretary shall issue an order approving or denying the application.";

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting after "(2)(A)" the following: ", unless a physician determines that waiting for such an approval from an institutional review committee will cause harm or death to a patient, and makes a good faith effort to obtain the approval, and does not receive a timely response from an institutional review committee on the request of the physician for approval to use the device for such treatment or diagnosis"; and

(B) by adding at the end the following flush sentences:

"In a case in which a physician described in subparagraph (B) uses a device without an approval from an institutional review committee, the physician shall, after the use of the device, notify the chairperson of the institutional review committee of such use. Such notification shall include the identification of the patient involved, the date on which the device was used, and the reason for the use."; and

(3) by striking paragraph (5) and inserting the following:

"(5) The Secretary may require a person granted an exemption under paragraph (2) to demonstrate continued compliance with the requirements of this subsection if the Secretary believes such demonstration to be necessary to protect the public health or if the Secretary has reason to believe that the criteria for the exemption are no longer met.".

TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

SEC. 201. INTERAGENCY COLLABORATION.

Section 903(b) (21 U.S.C. 393(b)), as added by section 101(2), is amended by adding at the end the following:

"(3) INTERAGENCY COLLABORATION.—The Secretary shall implement programs and policies that will foster collaboration between the Administration, the National Institutes of Health, and other science-based Federal agencies, to enhance the scientific and technical expertise available to the Secretary in the conduct of the duties of the Secretary with respect to the development, clinical investigation, evaluation, and postmarket monitoring of emerging medical therapies, including complementary therapies, and advances in nutrition and food science.".

SEC. 202. SENSE OF THE COMMITTEE REGARDING MUTUAL RECOGNITION AGREEMENTS AND GLOBAL HARMONIZATION EFFORTS.

It is the sense of the Committee on Labor and Human Resources of the Senate that—

(1) the Secretary of Health and Human Services should support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in efforts to move toward the acceptance of mutual recognition agreements relating to the regulation of drugs, biological products, devices, foods, food additives, and color additives, and the regulation of good manufacturing practices, between the European Union and the United States;

(2) the Secretary of Health and Human Services should regularly participate in meetings with representatives of other foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements; and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)) should have the responsibility of ensuring that the process of harmonizing international regulatory requirements is continuous.

SEC. 203. CONTRACTS FOR EXPERT REVIEW.

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

"SEC. 906. CONTRACTS FOR EXPERT REVIEW.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary may enter into a contract with any organization or any individual (who is not an employee of the Department) with expertise in a relevant discipline, to review, evaluate, and make recommendations to the Secretary on part or all of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for the approval or classification of an article or made under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) with respect to a biological product. Any such contract shall be subject to the requirements of section 708 relating to the confidentiality of information.

"(2) INCREASED EFFICIENCY AND EXPERTISE THROUGH CONTRACTS.—The Secretary shall use the authority granted in paragraph (1) whenever the Secretary determines that a contract described in paragraph (1) will improve the timeliness or quality of the review of an application or submission described in paragraph (1), unless using such authority would reduce the quality, or unduly increase the cost, of such review. Such improvement may include providing the Secretary increased scientific or technical expertise that is necessary to review or evaluate new therapies and technologies.

"(b) REVIEW OF EXPERT REVIEW.—

"(1) IN GENERAL.—Subject to paragraph (2), the official of the Food and Drug Administration responsible for any matter for which expert review is used pursuant to subsection (a) shall review the recommendations of the organization or individual who conducted the expert review and shall make a final decision regarding the matter within 60 days after receiving the recommendations.

"(2) LIMITATION.—A final decision under paragraph (1) shall be made within the applicable prescribed time period for review of the matter as set forth in this Act or in the Public Health Service Act (42 U.S.C. 201 et seq.).

"(3) AUTHORITY OF SECRETARY.—Notwithstanding subsection (a), the Secretary shall retain full authority to make determinations with respect to the approval or disapproval of an article under this Act, the approval or disapproval of a biologics license with respect to a biological product under section 351(a) of the Public Health Service Act, or the classification of an article as a device under section 513(f)(1).".

SEC. 204. ACCREDITED-PARTY REVIEWS.

(a) IN GENERAL.—Subchapter A of chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 523. ACCREDITED-PARTY PARTICIPATION.

"(a) ACCREDITATION.—Not later than 1 year after the date of enactment of this section, the Secretary shall accredit entities or individuals who are not employees of the Federal Government to review reports made to the Secretary under section 510(k) for devices and make recommendations to the Secretary regarding the initial classification of such devices under section 513(f)(1), except that this paragraph shall not apply to a report made to the Secretary under section 510(k) for a device that is—

"(1) for a use in supporting or sustaining human life;

"(2) for implantation in the human body for more than 1 year; or

"(3) for a use that is of substantial importance in preventing the impairment of human health.

"(b) ACCREDITATION.—Within 180 days after the date of enactment of this section, the Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are qualified, properly trained, knowledgeable about handling confidential documents and information, and free of conflicts of interest. The Secretary shall publish the methods of accreditation in the Federal Register on the adoption of the methods.

"(c) WITHDRAWAL OF ACCREDITATION.—The Secretary may suspend or withdraw the accreditation of any entity or individual accredited under this section, after providing notice and an opportunity for an informal hearing, if such entity or individual acts in a manner that is substantially not in compliance with the requirements established by the Secretary under subsection (b), including the failure to avoid conflicts of interest, the failure to protect confidentiality of information, or the failure to competently review premarket submissions for devices.

"(d) SELECTION AND COMPENSATION.—A person who intends to make a report described in subsection (a) to the Secretary shall have the option to select an accredited entity or individual to review such report. Upon the request by a person to have a report reviewed by an accredited entity or individual, the Secretary shall identify for the person no less than 2 accredited entities or individuals from whom the selection may be made. Compensation for an accredited entity or individual shall be determined by agreement between the accredited entity or individual and the person who engages the services of the accredited entity or individual and shall be paid by the person who engages such services.

"(e) REVIEW BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall require an accredited entity or individual, upon making a recommendation under this section with respect to an initial classification of a device, to notify the Secretary in writing of the reasons for such recommendation.

"(2) TIME PERIOD FOR REVIEW.—Not later than 30 days after the date on which the Secretary is notified under paragraph (1) by an accredited entity or individual with respect to a recommendation of an initial classification of a device, the Secretary shall make a determination with respect to the initial classification.

"(3) SPECIAL RULE.—The Secretary may change the initial classification under section 513(f)(1) that is recommended by the accredited entity or individual under this section, and in such case shall notify in writing the person making the report described in subsection (a) of the detailed reasons for the change.

"(f) DURATION.—The authority provided by this section terminates—

"(1) 5 years after the date on which the Secretary notifies Congress that at least 2 persons accredited under subsection (b) are available to review at least 60 percent of the submissions under section 510(k); or

"(2) 4 years after the date on which the Secretary notifies Congress that at least 35 percent of the devices that are subject to review under subsection (a), and that were the subject of final action by the Secretary in the fiscal year preceding the date of such notification, were reviewed by the Secretary under subsection (e),

whichever occurs first.

"(g) REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall contract with an independent research organization to prepare and submit to the Secretary a written report examining the use of accredited entities and individuals to conduct reviews under this section. The Secretary shall submit the report to Congress not later than 6 months prior to the conclusion of the applicable period described in subsection (f).

"(2) CONTENTS.—The report by the independent research organization described in paragraph (1) shall identify the benefits or detriments to public and patient health of using accredited entities and individuals to conduct such reviews, and shall summarize all relevant data, including data on the review of accredited entities and individuals (including data on the review times, recommendations, and compensation of the entities and individuals), and data on the review of the Secretary (including data on the review times, changes, and reasons for changes of the Secretary).".

(b) RECORDKEEPING.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

"(f)(1) A person accredited under section 523 to review reports made under section 510(k) and make recommendations of initial classifications of devices to the Secretary shall maintain records documenting the training qualifications of the person and the employees of the person, the procedures used by the person for handling confidential information, the compensation arrangements made by the person in accordance with section 523(d), and the procedures used by the person to identify and avoid conflicts of interest. Upon the request of an officer or employee designated by the Secretary, the person shall permit the officer or employee, at all reasonable times, to have access to, to copy, and to verify, the records.

"(2) Within 15 days after the receipt of a written request from the Secretary to a person accredited under section 523 for copies of records described in paragraph (1), the person shall produce the copies of the records at the place designated by the Secretary.".

SEC. 205. DEVICE PERFORMANCE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"Recognition of a Standard

"(c)(1)(A) In addition to establishing performance standards under this section, the Secretary may, by publication in the Federal Register, recognize all or part of a performance standard established by a nationally or internationally recognized standard development organization for which a person may submit a declaration of conformity in order to meet premarket submission requirements or other requirements under this Act to which such standards are applicable.

"(B) If a person elects to use a performance standard recognized by the Secretary under subparagraph (A) to meet the requirements described in subparagraph (A), the person shall provide a declaration of conformity to the Secretary that certifies that the device is in conformity with such standard. A person may elect to use data, or information, other than data required by a standard recognized under subparagraph (A) to fulfill or satisfy any requirement under this Act.

"(2) The Secretary may withdraw such recognition of a performance standard through publication of a notice in the Federal Register that the Secretary will no longer recognize the standard, if the Secretary determines that the standard is no longer appropriate for meeting the requirements under this Act.

"(3)(A) Subject to subparagraph (B), the Secretary shall accept a declaration of conformity that a device is in conformity with a standard recognized under paragraph (1) unless the Secretary finds—

"(i) that the data or information submitted to support such declaration does not demonstrate that the device is in conformity with the standard identified in the declaration of conformity; or

"(ii) that the standard identified in the declaration of conformity is not applicable to the particular device under review.

"(B) The Secretary may request, at any time, the data or information relied on by the person to make a declaration of conformity with respect to a standard recognized under paragraph (1).

"(C) A person relying on a declaration of conformity with respect to a standard recognized under paragraph (1) shall maintain the data and information demonstrating conformity of the device to the standard for a period of 2 years after the date of the classification or approval of the device by the Secretary or a period equal to the expected design life of the device, whichever is longer.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a declaration of conformity submitted under subsection (c) of section 514 or the failure or refusal to provide data or information requested by the Secretary under section 514(c)(3).".

(c) SECTION 501.—Section 501(e) (21 U.S.C. 351(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by inserting at the end the following:

"(2) If it is declared to be, purports to be, or is represented as, a device that is in conformity with any performance standard recognized under section 514(c) unless such device is in all respects in conformity with such standard.".

TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

SEC. 301. COLLABORATIVE DETERMINATIONS OF DEVICE DATA REQUIREMENTS.

Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended by adding at the end the following:

"(C)(i)(I) The Secretary, upon the written request of any person intending to submit an application under section 515, shall meet with such person to determine the type of valid scientific evidence (within the meaning of subparagraphs (A) and (B)) that will be necessary to demonstrate the effectiveness of a device for the conditions of use proposed by such person, to support an approval of an application. The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, a proposed plan for determining whether there is a reasonable assurance of effectiveness, and, if available, information regarding the expected performance from the device. Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by such person.

"(II) Any clinical data, including 1 or more well-controlled investigations, specified in writing by the Secretary for demonstrating a reasonable assurance of device effectiveness shall be specified as a result of a determination by the Secretary—

"(aa) that such data are necessary to establish device effectiveness; and

"(bb) that no other less burdensome means of evaluating device effectiveness is available that would have a reasonable likelihood of resulting in an approval.

"(ii) The determination of the Secretary with respect to the specification of valid scientific evidence under clause (i) shall be binding upon the Secretary, unless such determination by the Secretary could be contrary to the public health.".

SEC. 302. COLLABORATIVE REVIEW PROCESS.

Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (4)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A)(i) The Secretary shall, upon the written request of an applicant, meet with the applicant, not later than 100 days after the receipt of an application from the applicant that has been filed as complete under subsection (c), to discuss the review status of the application.

"(ii) If the application does not appear in a form that would require an approval under this subsection, the Secretary shall in writing, and prior to the meeting, provide to the applicant a description of any deficiencies in the application identified by the Secretary based on an interim review of the entire application and identify the information that is required to correct those deficiencies.

"(iii) The Secretary and the applicant may, by mutual consent, establish a different schedule for a meeting required under this paragraph.

"(B) The Secretary shall notify the applicant immediately of any deficiency identified in the application that was not described as a deficiency in the written description provided by the Secretary under subparagraph (A).".

TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

SEC. 401. POLICY STATEMENTS.

Section 701(a) (21 U.S.C. 371(a)) is amended—

(1) by striking "(a) The" and inserting "(a)(1) The"; and

(2) by adding at the end the following:

"(2) Not later than February 27, 1999, the Secretary, after evaluating the effectiveness of the Good Guidance Practices document published in the Federal Register at 62 Fed. Reg. 8961, shall promulgate a regulation specifying the policies and procedures of the Food and Drug Administration for the development, issuance, and use of guidance documents.".

SEC. 402. PRODUCT CLASSIFICATION.

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

"Subchapter D—Classification of Products and Environmental Impact Reviews

"SEC. 741. CLASSIFICATION OF PRODUCTS.

"(a) REQUEST.—A person who submits an application or submission (including a petition, notification, and any other similar

form of request) under this Act, may submit a request to the Secretary respecting the classification of an article as a drug, biological product, device, or a combination product subject to section 503(g) or respecting the component of the Food and Drug Administration that will regulate the article. In submitting the request, the person shall recommend a classification for the article, or a component to regulate the article, as appropriate.

"(b) STATEMENT.—Not later than 60 days after the receipt of the request described in subsection (a), the Secretary shall determine the classification of the article or the component of the Food and Drug Administration that will regulate the article and shall provide to the person a written statement that identifies the classification of the article or the component of the Food and Drug Administration that will regulate the article and the reasons for such determination. The Secretary may not modify such statement except with the written consent of the person or for public health reasons.

"(c) INACTION OF SECRETARY.—If the Secretary does not provide the statement within the 60-day period described in subsection (b), the recommendation made by the person under subsection (a) shall be considered to be a final determination by the Secretary of the classification of the article or the component of the Food and Drug Administration that will regulate the article and may not be modified by the Secretary except with the written consent of the person or for public health reasons.".

SEC. 403. USE OF DATA RELATING TO PREMARKET APPROVAL.

(a) IN GENERAL.—Section 520(h)(4) (21 U.S.C. 360j(h)(4)) is amended to read as follows:

"(4)(A) Any information contained in an application for premarket approval filed with the Secretary pursuant to section 515(c) (including information from clinical and preclinical tests or studies that demonstrate the safety and effectiveness of a device, but excluding descriptions of methods of manufacture and product composition) shall be available, 6 years after the application has been approved by the Secretary, for use by the Secretary in—

"(i) approving another device;

"(ii) determining whether a product development protocol has been completed, under section 515 for another device;

"(iii) establishing a performance standard or special control under this Act; or

"(iv) classifying or reclassifying another device under section 513 and subsection (1)(2).

"(B) The publicly available detailed summaries of information respecting the safety and effectiveness of devices required by paragraph (1)(A) shall be available for use by the Secretary as the evidentiary basis for the agency actions described in subparagraph (A).".

(b) CONFORMING AMENDMENT.—Section 517(a) (21 U.S.C. 360g(a)) is amended—

(1) in paragraph (8), by adding "or" at the end;

(2) in paragraph (9), by striking ", or" and inserting a comma; and

(3) by striking paragraph (10).

SEC. 404. CONSIDERATION OF LABELING CLAIMS FOR PRODUCT REVIEW.

(a) PREMARKET APPROVAL.—Section 515(d)(1)(A) (21 U.S.C. 360e(d)(1)(A)) is amended by adding at the end the following flush sentences:

"In making the determination whether to approve or deny the application, 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 material facts pertinent to the proposed labeling.".

(b) PREMARKET NOTIFICATION.—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) Whenever the Secretary requests information to demonstrate that the devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to make a substantial equivalence determination. In making such a request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and shall request information accordingly.

"(D) 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).".

(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.

SEC. 405. CERTAINTY OF REVIEW TIMEFRAMES.

(a) CLARIFICATION ON THE 90-DAY TIMEFRAME FOR PREMARKET NOTIFICATION REVIEWS.—Section 510(k) (21 U.S.C. 360) is amended by adding at the end the following flush sentence:

"The Secretary shall review the report required by this subsection and make a determination under section 513(f)(1) not later than 90 days after receiving the report.".

(b) ONE-CYCLE REVIEW.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is amended by inserting after paragraph (2) the following:

"(3) Except as provided in paragraph (1), the period for the review of an application by the Secretary under this subsection shall be not more than 180 days. Such period may not be restarted or extended even if the application is amended. The Secretary is not required to review a major amendment to an application, unless the amendment is made in response to a request by the Secretary for information.".

SEC. 406. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

"(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f).".

SEC. 407. CLARIFICATION WITH RESPECT TO A GENERAL USE AND SPECIFIC USE OF A DEVICE.

Not later than 270 days after the date of enactment of this section, the Secretary of Health and Human Services shall promulgate a final regulation specifying the general principles that the Secretary of Health and Human Services will consider in determining when a specific intended use of a device is not reasonably included within a general use of such device for purposes of a determination of substantial equivalence under section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)(1)).

SEC. 408. CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.

(a) DEVICE CLASSES.—Section 513(a)(3)(A) (21 U.S.C. 360c(a)(3)(A)) is amended by striking "clinical investigations" and inserting "1 or more clinical investigations".

(b) NEW DRUGS.—Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: "Substantial evidence may, as appropriate, consist of data from 1 adequate and well-controlled clinical investigation and confirmatory evidence (obtained prior to or after such investigation), if the Secretary determines, based on relevant science, that such data and evidence are sufficient to establish effectiveness.".

SEC. 409. PROHIBITED ACTS.

Section 301(l) (21 U.S.C. 331(l)) is repealed.

TITLE V—IMPROVING ACCOUNTABILITY

SEC. 501. AGENCY PLAN FOR STATUTORY COMPLIANCE AND ANNUAL REPORT.

Section 903(b) (21 U.S.C. 393(b)), as amended by section 201, is further amended by adding at the end the following:

"(4) AGENCY PLAN FOR STATUTORY COMPLIANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, after consultation with relevant experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry, shall develop and publish in the Federal Register a plan bringing the Secretary into compliance with each of the obligations of the Secretary under this Act and other relevant statutes. The Secretary shall biannually review the plan and shall revise the plan as necessary, in consultation with such persons.

"(B) OBJECTIVES OF AGENCY PLAN.—The plan required by subparagraph (A) shall establish objectives, and mechanisms to be used by the Secretary, acting through the Commissioner, including objectives and mechanisms that—

"(i) minimize deaths of, and harm to, persons who use or may use an article regulated under this Act;

"(ii) maximize the clarity of, and the availability of information about, the process for review of applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act, including information for potential consumers and patients concerning new products;

"(iii) implement all inspection and postmarket monitoring provisions of this Act by July 1, 1999;

"(iv) ensure access to the scientific and technical expertise necessary to ensure compliance by the Secretary with the statutory obligations described in subparagraph (A);

"(v) establish a schedule to bring the Administration into full compliance by July 1, 1999, with the time periods specified in this Act for the review of all applications and submissions described in clause (ii) and submitted after the date of enactment of this paragraph; and

"(vi) reduce backlogs in the review of all applications and submissions described in clause (ii) for any article with the objective of eliminating all backlogs in the review of the applications and submissions by January 1, 2000.

"(5) ANNUAL REPORT.—

"(A) CONTENTS.—The Secretary shall prepare and publish in the Federal Register and solicit public comment on an annual report that—

"(i) provides detailed statistical information on the performance of the Secretary under the plan described in paragraph (4);

"(ii) compares such performance of the Secretary with the objectives of the plan and with the statutory obligations of the Secretary;

"(iii) analyzes any failure of the Secretary to achieve any objective of the plan or to meet any statutory obligation;

"(iv) identifies any regulatory policy that has a significant impact on compliance with any objective of the plan or any statutory obligation; and

"(v) sets forth any proposed revision to any such regulatory policy, or objective of the plan that has not been met.

"(B) STATISTICAL INFORMATION.—The statistical information described in subparagraph (A)(i) shall include a full statistical presentation relating to all applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act and approved or subject to final action by the Secretary during the year covered by the report. In preparing the statistical presentation, the Secretary shall take into account the date of—

"(i) the submission of any investigational application;

"(ii) the application of any clinical hold;

"(iii) the submission of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for approval or clearance;

"(iv) the acceptance for filing of any application or submission described in clause (iii) for approval or clearance;

"(v) the occurrence of any unapprovable action;

"(vi) the occurrence of any approvable action; and

"(vii) the approval or clearance of any application or submission described in clause (iii).

"(C) SPECIAL RULE.—If the Secretary provides information in a report required by section 705 of the Food and Drug Administration Modernization and Accountability Act of 1997 or a report required by the amendments made by the Government Performance and Results Act of 1993 and that information is required by this paragraph, the report shall be deemed to satisfy the requirements of this paragraph relating to that information.".

TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

SEC. 601. MINOR MODIFICATIONS.

(a) ACTION ON INVESTIGATIONAL DEVICE EXEMPTIONS.—Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

"(6)(A) The Secretary shall, not later than 120 days after the date of enactment of this paragraph, by regulation modify parts 812 and 813 of title 21, Code of Federal Regulations to update the procedures and conditions under which a device intended for human use may, upon application by the sponsor of the device, be granted an exemption from the requirements of this Act.

"(B) The regulation shall permit developmental changes in a device (including manufacturing changes) in response to information collected during an investigation without requiring an additional approval of an application for an investigational device exemption or the approval of a supplement to such application, if the sponsor of the investigation determines, based on credible information, prior to making any such changes, that the changes—

"(i) do not affect the scientific soundness of an investigational plan submitted under paragraph (3)(A) or the rights, safety, or welfare of the human subjects involved in the investigation; and

"(ii) do not constitute a significant change in design, or a significant change in basic principles of operation, of the device.".

(b) ACTION ON APPLICATION.—Section 515(d)(1)(B) (21 U.S.C. 360e(d)(1)(B)) is amended by adding at the end the following:

"(iii) The Secretary shall accept and review data and any other information from investigations conducted under the authority of regulations required by section 520(g), to make a determination of whether there is a reasonable assurance of safety and effectiveness of a device subject to a pending application under this section if—

"(I) the data or information is derived from investigations of an earlier version of the device, the device has been modified during or after the investigations (but prior to submission of an application under subsection (c)) and such a modification of the device does not constitute a significant change in the design or in the basic principles of operation of the device that would invalidate the data or information; or

"(II) the data or information relates to a device approved under this section, is available for use under this Act, and is relevant to the design and intended use of the device for which the application is pending.".

(c) ACTION ON SUPPLEMENTS.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is further amended by adding at the end the following:

"(6)(A)(i) A supplemental application shall be required for any change to a device subject to an approved application under this subsection that affects safety or effectiveness, unless such change is a modification in a manufacturing procedure or method of manufacturing and the holder of the approved application submits a written notice to the Secretary that describes in detail the change, summarizes the data or information supporting the change, and informs the Secretary that the change has been made under the requirements of section 520(f).

"(ii) The holder of an approved application who submits a notice under clause (i) with respect to a manufacturing change of a device may distribute the device 30 days after the date on which the Secretary receives the notice, unless the Secretary within such 30-day period notifies the holder that the notice is not adequate and describes such further information or action that is required for acceptance of such change. If the Secretary notifies the holder that a premarket approval supplement is required, the Secretary shall review the supplement within 135 days after the receipt of the supplement. The time used by the Secretary to review the notice of the manufacturing change shall be deducted from the 135-day review period if the notice meets appropriate content requirements for premarket approval supplements.

"(B)(i) Subject to clause (ii), in reviewing a supplement to an approved application, for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve such supplement if—

"(I) nonclinical data demonstrate that the design modification creates the intended additional capacity, function, or performance of the device; and

"(II) clinical data from the approved application and any supplement to the approved application provide a reasonable assurance of safety and effectiveness for the changed device.

"(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification of the device to provide a reasonable assurance of safety and effectiveness.".

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)).".

SEC. 603. EXEMPTION OF CERTAIN CLASSES OF DEVICES FROM PREMARKET NOTIFICATION REQUIREMENT.

(a) CLASS I AND CLASS II DEVICES.—Section 510(k) (21 U.S.C. 360(k)) is amended by striking "intended for human use" and inserting "intended for human use (except a device that is classified into class I under section 513 or 520 unless the Secretary determines such device is intended for a use that is of substantial importance in preventing impairment of human health or such device presents a potential unreasonable risk of illness or injury, or a device that is classified into class II under section 513 or 520 and is exempt from the requirements of this subsection under subsection (l))".

(b) PUBLICATION OF EXEMPTION.—Section 510 (21 U.S.C. 360) is amended by inserting after subsection (k) the following:

"(l)(1) Not later than 30 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a notification under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary not to require the notification shall be exempt from the requirement to provide notification under subsection (k) as of the date of the publication of the list in the Federal Register.

"(2) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, the Secretary may exempt a class II device from the notification requirement of subsection (k), upon the Secretary's own initiative or a petition of an interested person, if the Secretary determines that such notification is not necessary to assure the safety and effectiveness of the device. The Secretary shall publish in the Federal Register notice of the intent of the Secretary to exempt the device, or of the petition, and provide a 30-day period for public comment. Within 120 days after the issuance of the notice in the Federal Register, the Secretary shall publish an order in the Federal Register that sets forth the final determination of the Secretary regarding the exemption of the device that was the subject of the notice.".

SEC. 604. EVALUATION OF AUTOMATIC CLASS III DESIGNATION.

Section 513(f) (21 U.S.C. 360c(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "paragraph (2)" and inserting "paragraph (3)"; and

(B) in the last sentence, by striking "paragraph (2)" and inserting "paragraph (2) or (3)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A) Any person who submits a report under section 510(k) for a type of device that has not been previously classified under this Act, and that is classified into class III under paragraph (1), may request, within 30 days after receiving written notice of such a classification, the Secretary to classify the device under the criteria set forth in subparagraphs (A) through (C) subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.

"(B)(i) Not later than 60 days after the date of the submission of the request under subparagraph (A) for classification of a device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1), the Secretary shall by written order classify the device. Such classification shall be the initial classification of the device for purposes of paragraph (1) and any device classified under this paragraph shall be a predicate device for determining substantial equivalence under paragraph (1).

"(ii) A device that remains in class III under this subparagraph shall be deemed to be adulterated within the meaning of section 501(f)(1)(B) until approved under section 515 or exempted from such approval under section 520(g).

"(C) Within 30 days after the issuance of an order classifying a device under this paragraph, the Secretary shall publish a notice in the Federal Register announcing such classification.".

SEC. 605. SECRETARY'S DISCRETION TO TRACK DEVICES.

(a) RELEASE OF INFORMATION.—Section 519(e) (21 U.S.C. 360i(e)) is amended by adding at the end the following flush sentence:

"Any patient receiving a device subject to tracking under this section may refuse to release, or refuse permission to release, the patient's name, address, social security number, or other identifying information for the purpose of tracking.".

(b) PUBLICATION OF CERTAIN DEVICES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and publish in the Federal Register a list that identifies each type of device subject to tracking under section 519(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(e)(1)). Each device not identified by the Secretary of Health and Human Services under this subsection or designated by the Secretary under section 519(e)(2) shall be deemed to be exempt from the mandatory tracking requirement under section 519 of such Act. The Secretary of Health and Human Services shall have authority to modify the list of devices exempted from the mandatory tracking requirements.

SEC. 606. SECRETARY'S DISCRETION TO CONDUCT POSTMARKET SURVEILLANCE.

(a) IN GENERAL.—Section 522 (21 U.S.C. 360l) is amended by striking "SEC. 522." and all that follows through "(2) DISCRETIONARY SURVEILLANCE.—The" and inserting the following:

"SEC. 522. (a) DISCRETIONARY SURVEILLANCE.—The".

(b) SURVEILLANCE APPROVAL.—Section 522(b) (21 U.S.C. 360l(b)) is amended to read as follows:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each manufacturer that receives notice from the Secretary that the manufacturer is required to conduct surveillance of a device under subsection (a) shall, not later than 30 days after receiving the notice, submit for the approval of the Secretary, a plan for the required surveillance.

"(2) DETERMINATION.—Not later than 60 days after the receipt of the plan, the Secretary shall determine if a person proposed in the plan to conduct the surveillance has sufficient qualifications and experience to conduct the surveillance and if the plan will result in the collection of useful data that can reveal unforeseen adverse events or other information necessary to protect the public health and to provide safety and effectiveness information for the device.

"(3) LIMITATION ON PLAN APPROVAL.—The Secretary may not approve the plan until the plan has been reviewed by a qualified scientific and technical review committee established by the Secretary.".

SEC. 607. REPORTING.

(a) REPORTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "make such reports, and provide such information," and inserting "and each such manufacturer or importer shall make such reports, provide such information, and submit such samples and components of devices (as required by paragraph (10)),";

(B) in paragraph (8), by striking "; and" and inserting a semicolon; and

(C) by striking paragraph (9) and inserting the following:

"(9) shall require distributors to keep records and make such records available to the Secretary upon request; and";

(2) by striking subsection (d); and

(3) in subsection (f), by striking ", importer, or distributor" each place it appears and inserting "or importer".

(b) REGISTRATION.—Section 510(g) (21 U.S.C. 360(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by inserting after paragraph (3), the following:

"(4) any distributor who acts as a wholesale distributor of devices, and who does not manufacture, repackage, process, or relabel a device; or"; and

(3) by adding at the end the following flush sentence:

"In this subsection, the term 'wholesale distributor' means any person who distributes a device from the original place of manufacture to the person who makes the final delivery or sale of the device to the ultimate consumer or user.".

SEC. 608. PILOT AND SMALL-SCALE MANUFACTURE.

(a) NEW DRUGS.—Section 505(c) (21 U.S.C. 355(c)) is amended by adding at the end the following:

"(4) A new drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the new drug and to obtain approval of the new drug prior to scaling up to a larger facility, unless the Secretary determines that a full scale production facility is necessary to ensure the safety or effectiveness of the new drug.".

(b) NEW ANIMAL DRUGS.—Section 512(c) (21 U.S.C. 360b(c)) is amended by adding at the end the following:

"(4) A new animal drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the new drug and to obtain approval of the new drug prior to scaling up to a larger facility, unless the Secretary determines that a full scale production facility is necessary to ensure the safety or effectiveness of the new drug.".

SEC. 609. REQUIREMENTS FOR RADIOPHARMACEUTICALS.

(a) REQUIREMENTS.—

(1) REGULATIONS.—

(A) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with patient advocacy groups, associations, physicians licensed to use radiopharmaceuticals, and the regulated industry, shall issue proposed regulations governing the approval of radiopharmaceuticals designed for diagnosis and monitoring of diseases and conditions. The regulations shall provide that the determination of the safety and effectiveness of such a radiopharmaceutical under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) shall include (but not be limited to) consideration of the proposed use of the radiopharmaceutical in the practice of medicine, the pharmacological and toxicological activity of the radiopharmaceutical (including any carrier or ligand component of the radiopharmaceutical), and the estimated absorbed radiation dose of the radiopharmaceutical.

(B) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate final regulations governing the approval of the radiopharmaceuticals.

(2) SPECIAL RULE.—In the case of a radiopharmaceutical intended to be used for diagnostic or monitoring purposes, the indications for which such radiopharmaceutical is approved for marketing may, in appropriate cases, refer to manifestations of disease (such as biochemical, physiological, anatomic, or pathological processes) common to, or present in, 1 or more disease states.

(b) DEFINITION.—In this section, the term "radiopharmaceutical" means—

(1) an article—

(A) that is intended for use in the diagnosis or monitoring of a disease or a manifestation of a disease in humans; and

(B) that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons; or

(2) any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such article.

SEC. 610. MODERNIZATION OF REGULATION OF BIOLOGICAL PRODUCTS.

(a) LICENSES.—

(1) IN GENERAL.—Section 351(a) of the Public Health Service (42 U.S.C. 262(a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (4), no person shall introduce or deliver for introduction into interstate commerce any biological product unless—

"(A) a biologics license is in effect for the biological product; and

"(B) each package of the biological product is plainly marked with—

"(i) the proper name of the biological product contained in the package;

"(ii) the name, address, and applicable license number of the manufacturer of the biological product; and

"(iii) the expiration date of the biological product.

"(2)(A) The Secretary shall establish, by regulation, requirements for the approval, suspension, and revocation of biologics licenses.

"(B) The Secretary shall approve a biologics license application on the basis of a demonstration that—

"(i) the biological product that is the subject of the application is safe, pure, and potent; and

"(ii) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

"(3) A biologics license application shall be approved only if the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

"(4) The Secretary shall prescribe requirements under which a biological product undergoing investigation shall be exempt from the requirements of paragraph (1).".

(2) ELIMINATION OF EXISTING LICENSE REQUIREMENT.—Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended—

(A) by striking "(d)(1)" and all that follows through "of this section.";

(B) in paragraph (2)—

(i) by striking "(2)(A) Upon" and inserting "(d)(1) Upon;" and

(ii) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2) (as so redesignated by subparagraph (B)(ii))—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "this subparagraph" each place it appears and inserting "this paragraph".

(b) LABELING.—Section 351(b) of the Public Health Service Act (42 U.S.C. 262(b)) is amended to read as follows:

"(b) No person shall falsely label or mark any package or container of any biological product or alter any label or mark on the package or container of the biological product so as to falsify the label or mark.".

(c) INSPECTION.—Section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) is amended by striking "virus, serum," and all that follows and inserting "biological product.".

(d) DEFINITION; APPLICATION.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

"(i) In this section, the term 'biological product' means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings.".

(e) CONFORMING AMENDMENT.—Section 503(g)(4) (21 U.S.C. 353(g)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "section 351(a)" and inserting "section 351(i)"; and

(B) by striking "262(a)" and inserting "262(i)"; and

(2) in subparagraph (B)(iii), by striking "product or establishment license under subsection (a) or (d)" and inserting "biologics license application under subsection (a)".

(f) SPECIAL RULE.—The Secretary of Health and Human Services shall take measures to minimize differences in the review and approval of products required to have approved biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262) and products required to have approved full new drug applications under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)).

SEC. 611. APPROVAL OF SUPPLEMENTAL APPLICATIONS FOR APPROVED PRODUCTS.

(a) PERFORMANCE STANDARDS.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall publish in the Federal Register performance standards for the prompt review of supplemental applications submitted for approved articles under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

(b) GUIDANCE TO INDUSTRY.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall issue final guidances to clarify the requirements for, and facilitate the submission of data to support, the approval of supplemental applications for the approved articles described in subsection (a). The guidances shall—

(1) clarify circumstances in which published matter may be the basis for approval of a supplemental application;

(2) specify data requirements that will avoid duplication of previously submitted data by recognizing the availability of data previously submitted in support of an original application; and

(3) define supplemental applications that are eligible for priority review.

(c) RESPONSIBILITIES OF CENTERS.—The Secretary of Health and Human Services shall designate an individual in each center within the Food and Drug Administration (except the Center for Food Safety and Applied Nutrition) to be responsible for—

(1) encouraging the prompt review of supplemental applications for approved articles; and

(2) working with sponsors to facilitate the development and submission of data to support supplemental applications.

(d) COLLABORATION.—The Secretary of Health and Human Services shall implement programs and policies that will foster collaboration between the Food and Drug Administration, the National Institutes of Health, professional medical and scientific societies, and other persons, to identify published and unpublished studies that may support a supplemental application, and to encourage sponsors to make supplemental applications or conduct further research in support of a supplemental application based, in whole or in part, on such studies.

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.

SEC. 613. EXPEDITING STUDY AND APPROVAL OF FAST TRACK DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 102, is further amended by adding at the end the following:

"Subchapter E—Fast Track Drugs and Reports of Post-Market Approval Studies

"SEC. 561. FAST TRACK DRUGS.

"(a) DESIGNATION OF DRUG AS A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary shall facilitate development, and expedite review and approval of new drugs and biological products that are intended for the treatment of serious or life-threatening conditions and that demonstrate the potential to address unmet medical needs for such conditions. In this Act, such products shall be known as 'fast track drugs'.

"(2) REQUEST FOR DESIGNATION.—The sponsor of a drug (including a biological product) may request the Secretary to designate the drug as a fast track drug. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(4) of the Public Health Service Act.

"(3) DESIGNATION.—Within 30 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track drug and shall take such actions as are appropriate to expedite the development and review of the drug.

"(b) APPROVAL OF APPLICATION FOR A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary may approve an application for approval of a fast track drug under section 505(b) or section 351 of the Public Health Service Act (21 U.S.C. 262) upon a determination that the drug has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit.

"(2) LIMITATION.—Approval of a fast track drug under this subsection may be subject to the requirements—

"(A) that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or otherwise confirm the clinical benefit of the drug; and

"(B) that the sponsor submit copies of all promotional materials related to the fast track drug during the preapproval review period and following approval, at least 30 days prior to dissemination of the materials for such period of time as the Secretary deems appropriate.

"(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a fast track drug using expedited procedures (as prescribed by the Secretary in regulations) including a procedure that provides an opportunity for an informal hearing, if—

"(A) the sponsor fails to conduct any required post-approval study of the fast track drug with due diligence;

"(B) a post-approval study of the fast track drug fails to verify clinical benefit of the fast track drug;

"(C) other evidence demonstrates that the fast track drug is not safe or effective under conditions of use of the drug; or

"(D) the sponsor disseminates false or misleading promotional materials with respect to the fast track drug.

"(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK DRUG.—

"(1) IN GENERAL.—If preliminary evaluation by the Secretary of clinical efficacy data for a fast track drug under investigation shows evidence of effectiveness, the Secretary shall evaluate for filing, and may commence review of, portions of an application for the approval of the drug if the applicant provides a schedule for submission of information necessary to make the application complete and any fee that may be required under section 736.

"(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

"(d) AWARENESS EFFORTS.—The Secretary shall—

"(1) develop and widely disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a comprehensive description of the provisions applicable to fast track drugs established under this section; and

"(2) establish an ongoing program to encourage the development of surrogate endpoints that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs.".

(b) GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance for fast track drugs that describes the policies and procedures that pertain to section 561 of the Federal Food, Drug, and Cosmetic Act.

SEC. 614. MANUFACTURING CHANGES FOR DRUGS AND BIOLOGICS.

(a) IN GENERAL.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 602, is further amended by adding at the end the following:

"Subchapter E—Manufacturing Changes

"SEC. 751. MANUFACTURING CHANGES.

"(a) IN GENERAL.—A change in the manufacture of a new drug, including a biological product, or a new animal drug may be made in accordance with this section.

"(b) CHANGES.—

"(1) VALIDATION.—Before distributing a drug made after a change in the manufacture of the drug from the manufacturing process established in the approved new drug application under section 505, the approved new animal drug application under section 512, or the license application under section 351 of the Public Health Service Act, the applicant shall validate the effect of the change on the identity, strength, quality, purity, and potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of the drug.

"(2) REPORTS.—The applicant shall report the change described in paragraph (1) to the Secretary and may distribute a drug made after the change as follows:

"(A) MAJOR MANUFACTURING CHANGES.—

"(i) IN GENERAL.—Major manufacturing changes, which are of a type determined by the Secretary to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of a drug, shall be submitted to the Secretary in a supplemental application and drugs made after such changes may not be distributed until the Secretary approves the supplemental application.

"(ii) DEFINITION.—In this subparagraph, the term 'major manufacturing changes' means—

"(I) changes in the qualitative or quantitative formulation of a drug or the specifications in the approved marketing application for the drug (unless exempted by the Secretary from the requirements of this subparagraph);

"(II) changes that the Secretary determines by regulation or issuance of guidance require completion of an appropriate human study demonstrating equivalence of the drug to the drug manufactured before such changes; and

"(III) other changes that the Secretary determines by regulation or issuance of guidance have a substantial potential to adversely affect the safety or effectiveness of the drug.

"(B) OTHER MANUFACTURING CHANGES.—

"(i) IN GENERAL.—As determined by the Secretary, manufacturing changes other than major manufacturing changes shall—

"(I) be made at any time and reported annually to the Secretary, with supporting data; or

"(II) be reported to the Secretary in a supplemental application.

"(ii) DISTRIBUTION OF THE DRUG.—In the case of changes reported in accordance with clause (i)(II)—

"(I) the applicant may distribute the drug 30 days after the Secretary receives the supplemental application unless the Secretary notifies the applicant within such 30-day period that prior approval of such supplemental application is required;

"(II) the Secretary shall approve or disapprove each such supplemental application; and

"(III) the Secretary may determine types of manufacturing changes after which distribution of a drug may commence at the time of submission of such supplemental application.".

(b) EXISTING LAW.—The requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.) that are in effect on the date of enactment of this Act with respect to manufacturing changes shall remain in effect—

(1) for a period of 24 months after the date of enactment of this Act; or

(2) until the effective date of regulations promulgated by the Secretary of Health and Human Services implementing section 751 of the Federal Food, Drug, and Cosmetic Act,

whichever is sooner.

SEC. 615. DATA REQUIREMENTS FOR DRUGS AND BIOLOGICS.

Within 12 months after the date of enactment of this Act, the Secretary of the Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue guidance that describes when abbreviated study reports may be submitted, in lieu of full reports, with a new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and with a biologics license application under section 351 of the Public Health Service Act (42 U.S.C. 262) for certain types of studies. Such guidance shall describe the kinds of studies for which abbreviated reports are appropriate and the appropriate abbreviated report formats.

SEC. 616. FOOD CONTACT SUBSTANCES.

(a) FOOD CONTACT SUBSTANCES.—Section 409(a) (21 U.S.C. 348(a)) is amended—

(1) in paragraph (1)—

(A) by striking "subsection (i)" and inserting "subsection (j)"; and

(B) by striking at the end "or";

(2) by striking the period at the end of paragraph (2) and inserting "; or";

(3) by inserting after paragraph (2) the following:

"(3) in the case of a food additive as defined in this Act that is a food contact substance, there is—

"(A) in effect, and such substance and the use of such substance are in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used; or

"(B) a notification submitted under subsection (h) that is effective."; and

(4) by striking the matter following paragraph (3) (as added by paragraph (2)) and inserting the following flush sentence:

"While such a regulation relating to a food additive, or such a notification under subsection (h) relating to a food additive that is a food contact substance, is in effect, and has not been revoked pursuant to subsection (i), a food shall not, by reason of bearing or containing such a food additive in accordance with the regulation or notification, be considered adulterated under section 402(a)(1).".

(b) NOTIFICATION FOR FOOD CONTACT SUBSTANCES.—Section 409 (21 U.S.C. 348), as amended by subsection (a), is further amended—

(1) by redesignating subsections (h) and (i), as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

"Notification Relating to a Food Contact Substance

"(h)(1) Subject to such regulations as may be promulgated under paragraph (3), a manufacturer or supplier of a food contact substance may, at least 120 days prior to the introduction or delivery for introduction into interstate commerce of the food contact substance, notify the Secretary of the identity and intended use of the food contact substance, and of the determination of the manufacturer or supplier that the intended use of such food contact substance is safe under the standard described in subsection (c)(3)(A). The notification shall contain the information that forms the basis of the determination, the fee required under paragraph (5), and all information required to be submitted by regulations promulgated by the Secretary.

"(2)(A) A notification submitted under paragraph (1) shall become effective 120 days after the date of receipt by the Secretary and the food contact substance may be introduced or delivered for introduction into interstate commerce, unless the Secretary makes a determination within the 120-day period that, based on the data and information before the Secretary, such use of the food contact substance has not been shown to be safe under the standard described in subsection (c)(3)(A), and informs the manufacturer or supplier of such determination.

"(B) A decision by the Secretary to object to a notification shall constitute final agency action subject to judicial review.

"(C) In this paragraph, the term 'food contact substance' means the substance that is the subject of a notification submitted under paragraph (1), and does not include a similar or identical substance manufactured or prepared by a person other than the manufacturer identified in the notification.

"(3)(A) The process in this subsection shall be utilized for authorizing the marketing of a food contact substance except where the Secretary determines that submission and review of a petition under subsection (b) is necessary to provide adequate assurance of safety, or where the Secretary and any manufacturer or supplier agree that such manufacturer or supplier may submit a petition under subsection (b).

"(B) The Secretary is authorized to promulgate regulations to identify the circumstances in which a petition shall be filed under subsection (b), and shall consider criteria such as the probable consumption of such food contact substance and potential toxicity of the food contact substance in determining the circumstances in which a petition shall be filed under subsection (b).

"(4) The Secretary shall keep confidential any information provided in a notification under paragraph (1) for 120 days after receipt by the Secretary of the notification. After the expiration of such 120 days, the information shall be available to any interested party except for any matter in the notification that is a trade secret or confidential commercial information.

"(5)(A) Each person that submits a notification regarding a food contact substance under this section shall be subject to the payment of a reasonable fee. The fee shall be based on the resources required to process the notification including reasonable administrative costs for such processing.

"(B) The Secretary shall conduct a study of the costs of administering the notification program established under this section and, on the basis of the results of such study, shall, within 18 months after the date of enactment of the Food and Drug Administration Modernization and Accountability Act of 1997, promulgate regulations establishing the fee required by subparagraph (A).

"(C) A notification submitted without the appropriate fee is not complete and shall not become effective for the purposes of subsection (a)(3) until the appropriate fee is paid.

"(D) Fees collected pursuant to this subsection—

"(i) shall not be deposited as an offsetting collection to the appropriations for the Department of Health and Human Services;

"(ii) shall be credited to the appropriate account of the Food and Drug Administration; and

"(iii) shall be available in accordance with appropriation Acts until expended, without fiscal year limitation.

"(6) In this section, the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food.";

(3) in subsection (i), as so redesignated by paragraph (1), by adding at the end the following: "The Secretary shall by regulation prescribe the procedure by which the Secretary may deem a notification under subsection (h) to no longer be effective."; and

(4) in subsection (j), as so redesignated by paragraph (1), by striking "subsections (b) to (h)" and inserting "subsections (b) to (i)".

(c) EFFECTIVE DATE.—Notifications under section 409(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), may be submitted beginning 18 months after the date of enactment of this Act.

SEC. 617. HEALTH CLAIMS FOR FOOD PRODUCTS.

Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end the following:

"(C) Notwithstanding the provisions of clauses (A)(i) and (B), a claim of the type described in subparagraph (1)(B) that is not authorized by the Secretary in a regulation promulgated in accordance with clause (B) shall be authorized and may be made if—

"(i) an authoritative scientific body of the Federal Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention), the National Academy of Sciences, or a subdivision of the scientific body or the National Academy of Sciences, has published an authoritative statement, which is currently in effect, about the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(ii) a person has submitted to the Secretary at least 120 days before the first introduction of a food into interstate commerce a notice of the claim, including a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied;

"(iii) the claim and the food for which the claim is made are in compliance with clause (A)(ii), and are otherwise in compliance with paragraph (a) and section 201(n); and

"(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this paragraph, a statement shall be regarded as an authoritative statement of such a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

"(D) A claim submitted under the requirements of clause (C), may be made until—

"(i) such time as the Secretary issues an interim final regulation—

"(I) under the standard in clause (B)(i), prohibiting or modifying the claim; or

"(II) finding that the requirements of clause (C) have not been met; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (C) have not been met.

Where the Secretary issues a regulation under subclause (i), good cause shall be deemed to exist for the purposes of subsections (b)(B) and (d)(3) of section 553 of title 5, United States Code. The Secretary shall solicit comments in response to a regulation promulgated under subclause (i) and shall publish a response to such comments.".

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.

SEC. 619. POSITRON EMISSION TOMOGRAPHY.

(a) REGULATION OF COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) DEFINITION.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ii) The term 'compounded positron emission tomography drug'—

"(1) means a drug that—

"(A) exhibits spontaneous disintegration of unstable nuclei by the emission of positrons and is used for the purpose of providing dual photon positron emission tomographic diagnostic images; and

"(B) has been compounded by or on the order of a practitioner who is licensed by a State to compound or order compounding for a drug described in subparagraph (A), and is compounded in accordance with that State's law, for a patient or for research, teaching, or quality control; and

"(2) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of such a drug.".

(b) ADULTERATION.—

(1) IN GENERAL.—Section 501(a)(2) (21 U.S.C. 351(a)(2)) is amended by striking "; or (3)" and inserting the following: "; or (C) if it is a compounded positron emission tomography drug and the methods used in, or the facilities and controls used for, its compounding, processing, packing, or holding do not conform to or are not operated or administered in conformity with the positron emission tomography compounding standards and the official monographs of the United States Pharmacopeia to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess; or (3)".

(2) SUNSET.—Section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) shall not apply 4 years after the date of enactment of this Act or 2 years after the date or which the Secretary of Health and Human Services establishes the requirements described in subsection (c)(1)(B), whichever is later.

(c) REQUIREMENTS FOR REVIEW OF APPROVAL PROCEDURES AND CURRENT GOOD MANUFACTURING PRACTICES FOR POSITRON EMISSION TOMOGRAPHY.—

(1) PROCEDURES AND REQUIREMENTS.—

(A) IN GENERAL.—In order to take account of the special characteristics of compounded positron emission tomography drugs and the special techniques and processes required to produce these drugs, not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall establish—

(i) appropriate procedures for the approval of compounded positron emission tomography drugs pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

(ii) appropriate current good manufacturing practice requirements for such drugs.

(B) CONSIDERATIONS AND CONSULTATION.—In establishing the procedures and requirements required by subparagraph (A), the Secretary of Health and Human Services shall take due account of any relevant differences between not-for-profit institutions that compound the drugs for their patients and commercial manufacturers of the drugs. Prior to establishing the procedures and requirements, the Secretary of Health and Human Services shall consult with patient advocacy groups, professional associations, manufacturers, and physicians and scientists licensed to make or use compounded positron emission tomography drugs.

(2) SUBMISSION OF NEW DRUG APPLICATIONS AND ABBREVIATED NEW DRUG APPLICATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall not require the submission of new drug applications or abbreviated new drug applications under subsection (b) or (j) of section 505 (21 U.S.C. 355), for compounded positron emission tomography drugs that are not adulterated drugs described in section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) (as amended by subsection (b)), for a period of 4 years after the date of enactment of this Act, or for 2 years after the date or which the Secretary establishes procedures and requirements under paragraph (1), whichever is later.

(B) EXCEPTION.—Nothing in this Act shall prohibit the voluntary submission of such applications or the review of such applications by the Secretary of Health and Human Services. Nothing in this Act shall constitute an exemption for a compounded positron emission tomography drug from the requirements of regulations issued under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) for such drugs.

(d) REVOCATION OF CERTAIN INCONSISTENT DOCUMENTS.—Within 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a notice terminating the application of the following notices and rule, to the extent the notices and rule relate to compounded positron emission tomography drugs:

(1) A notice entitled "Regulation of Positron Emission Tomographic Drug Products: Guidance; Public Workshop", published in the Federal Register on February 27, 1995.

(2) A notice entitled "Guidance for Industry: Current Good Manufacturing Practices for Positron Emission Tomographic (PET) Drug Products; Availability", published in the Federal Register on April 22, 1997.

(3) A final rule entitled "Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography", published in the Federal Register on April 22, 1997.

(e) DEFINITION.—As used in this section, the term "compounded positron emission tomography drug" has the meaning given the term in section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321).

SEC. 620. DISCLOSURE.

Chapter IV (21 U.S.C. 341 et seq.) is amended by adding after section 403B the following:

"DISCLOSURE

"SEC. 403C. (a) No provision of section 403(a), 201(n), or 409 shall be construed to require on the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients required by section 403(i)(2).

"(b) In this section, the term 'radiation disclosure statement' means a written statement that discloses that a food or a component of the food has been intentionally subject to radiation.".

SEC. 621. REFERRAL STATEMENTS RELATING TO FOOD NUTRIENTS.

Section 403(r)(2)(B) (21 U.S.C. 343(r)(2)(B)) is amended to read as follows:

"(B) If a claim described in subparagraph (1)(A) is made with respect to a nutrient in a food, and the Secretary makes a determination that the food contains a nutrient at a level that increases to persons in the general population the risk of a disease or health-related condition that is diet related, then the label or labeling of such food shall contain, prominently and in immediate proximity to such claim, the following statement: 'See nutrition information panel for ___ content.' The blank shall identify the nutrient associated with the increased disease or health-related condition risk. In making the determination described in this clause, the Secretary shall take into account the significance of the food in the total daily diet.".

TITLE VII—FEES RELATING TO DRUGS

SEC. 701. SHORT TITLE.

This title may be cited as the "Prescription Drug User Fee Reauthorization Act of 1997".

SEC. 702. FINDINGS.

Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of human drug applications;

(3) the provisions added by the Prescription Drug User Fee Act of 1992 have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration; and

(4) the fees authorized by amendments made in this title will be dedicated toward expediting the drug development process and the review of human drug applications as set forth in the goals identified in appropriate letters from the Secretary of Health and Human Services to the chairman of the Committee on Commerce of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate.

SEC. 703. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include an application for a licensure of a biological product for further manufacturing use only, and does not include an application or supplement submitted by a State or Federal Government entity for a drug or biological product that is not distributed commercially. Such term does include an application for licensure, as described in subparagraph (D), of a large volume biological product intended for single dose injection for intravenous use or infusion.";

(2) in the second sentence of paragraph (3)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include a biological product that is licensed for further manufacturing use only, and does not include a drug or biological product that is not distributed commercially and is the subject of an application or supplement submitted by a State or Federal Government entity. Such term does include a large volume biological product intended for single dose injection for intravenous use or infusion.";

(3) in paragraph (4), by striking "without" and inserting "without substantial";

(4) by striking paragraph (5) and inserting the following:

"(5) The term 'prescription drug establishment' means a foreign or domestic place of

business which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, at which 1 or more prescription drug products are manufactured in final dosage forms.";

(5) in paragraph (7)(A)—

(A) by striking "employees under contract" and all that follows through "Administration," and inserting "contractors of the Food and Drug Administration,"; and

(B) by striking "and committees," and inserting "and committees and to contracts with such contractors,";

(6) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking "August of" and inserting "April of"; and

(ii) by striking "August 1992" and inserting "April 1997";

(B) by striking subparagraph (B) and inserting the following:

"(B) 1 plus the decimal expression of the total percentage increase for such fiscal year since fiscal year 1997 in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia."; and

(C) by striking the second sentence; and

(7) by adding at the end the following:

"(9) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) 1 business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control both of the business entities.".

SEC. 704. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) by striking "Beginning in fiscal year 1993" and inserting "Beginning in fiscal year 1998";

(2) in paragraph (1)—

(A) by striking subparagraph (B) and inserting the following:

"(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the application or supplement.";

(B) in subparagraph (D)—

(i) in the subparagraph heading, by striking "NOT ACCEPTED" and inserting "REFUSED";

(ii) by striking "50 percent" and inserting "75 percent";

(iii) by striking "subparagraph (B)(i)" and inserting "subparagraph (B)"; and

(iv) by striking "not accepted" and inserting "refused"; and

(C) by adding at the end the following:

"(E) EXCEPTION FOR DESIGNATED ORPHAN DRUG OR INDICATION.—A human drug application for a prescription drug product that has been designated as a drug for a rare disease or condition pursuant to section 526 shall not be subject to a fee under subparagraph (A), unless the human drug application includes indications for other than rare diseases or conditions. A supplement proposing to include a new indication for a rare disease or condition in a human drug application shall not be subject to a fee under subparagraph (A), provided that the drug has been designated pursuant to section 526 as a drug for a rare disease or condition with regard to the indication proposed in such supplement.

"(F) EXCEPTION FOR SUPPLEMENTS FOR PEDIATRIC INDICATIONS.—A supplement to a human drug application for an indication for use in pediatric populations shall not be assessed a fee under subparagraph (A).

"(G) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an application or supplement is withdrawn after the application or supplement is filed, the Secretary may waive and refund the fee or a portion of the fee if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to waive and refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a waiver or refund under this paragraph shall not be reviewable.";

(3) by striking paragraph (2) and inserting the following:

"(2) PRESCRIPTION DRUG ESTABLISHMENT FEE.—

"(A) IN GENERAL.—Each person that—

"(i) is named as the applicant in a human drug application; and

"(ii) after September 1, 1992, had pending before the Secretary a human drug application or supplement;

shall be assessed an annual fee established in subsection (b) for each prescription drug establishment listed in its approved human drug application as an establishment that manufactures the prescription drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the prescription drug product named in the application is assessed a fee under paragraph (3) unless the prescription drug establishment listed in the application does not engage in the manufacture of the prescription drug product during the fiscal year. The establishment fee shall be payable on or before January 31 of each year. Each such establishment shall be assessed only 1 fee per establishment, notwithstanding the number of prescription drug products manufactured at the establishment. In the event an establishment is listed in a human drug application by more than 1 applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose prescription drug products are manufactured by the establishment during the fiscal year and assessed product fees under paragraph (3).

"(B) EXCEPTION.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a prescription drug product at an establishment listed in its human drug application—

"(i) that did not manufacture the product in the previous fiscal year; and

"(ii) for which the full establishment fee has been assessed in the fiscal year at a time before manufacture of the prescription drug product was begun;

the applicant will not be assessed a share of the establishment fee for the fiscal year in which manufacture of the product began."; and

(4) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "is listed" and inserting "has been submitted for listing"; and

(ii) by striking "Such fee shall be payable" and all that follows through "section 510." and inserting the following: "Such fee shall be payable for the fiscal year in which the product is first submitted for listing under section 510, or for relisting under section 510 if the product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each product for a fiscal year in which the fee is payable."; and

(B) in subparagraph (B), by striking "505(j)." and inserting the following: "505(j), or under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984, or is a product approved under an application filed under section 507 that is abbreviated.".

(b) FEE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be determined and assessed as follows:

"(1) APPLICATION AND SUPPLEMENT FEES.—

"(A) FULL FEES.—The application fee under subsection (a)(1)(A)(i) shall be $250,704 in fiscal year 1998, $256,338 in each of fiscal years 1999 and 2000, $267,606 in fiscal year 2001, and $258,451 in fiscal year 2002.

"(B) OTHER FEES.—The fee under subsection (a)(1)(A)(ii) shall be $125,352 in fiscal year 1998, $128,169 in each of fiscal years 1999 and 2000, $133,803 in fiscal year 2001, and $129,226 in fiscal year 2002.

"(2) FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(2) shall be $35,600,000 in fiscal year 1998, $36,400,000 in each of fiscal years 1999 and 2000, $38,000,000 in fiscal year 2001, and $36,700,000 in fiscal year 2002.

"(3) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(3) in a fiscal year shall be equal to the total fee revenues collected in establishment fees under subsection (a)(2) in that fiscal year.".

(c) INCREASES AND ADJUSTMENTS.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(1) in the subsection heading, by striking "INCREASES AND";

(2) in paragraph (1)—

(A) by striking "(1) REVENUE" and all that follows through "increased by the Secretary" and inserting the following: "(1) INFLATION ADJUSTMENT.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary";

(B) in subparagraph (A), by striking "increase" and inserting "change";

(C) in subparagraph (B), by striking "increase" and inserting "change"; and

(D) by adding at the end the following flush sentence:

"The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 1997 under this subsection.";

(3) in paragraph (2), by striking "October 1, 1992," and all that follows through "such schedule." and inserting the following: "September 30, 1997, adjust the establishment and product fees described in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (2) and (3) of subsection (b) shall be set to be equal to the revenues collected from the category of application and supplement fees described in paragraph (1) of subsection (b).."; and

(4) in paragraph (3), by striking "paragraph (2)" and inserting "this subsection".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and indenting appropriately;

(2) by striking "The Secretary shall grant a" and all that follows through "finds that—" and inserting the following:

"(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that—";

(3) in subparagraph (C) (as so redesignated by paragraph (1)), by striking ", or" and inserting a comma;

(4) in subparagraph (D) (as so redesignated by paragraph (1)), by striking the period and inserting ", or";

(5) by inserting after subparagraph (D) (as so redesignated by paragraph (1)) the following:

"(E) the applicant is a small business submitting its first human drug application to the Secretary for review."; and

(6) by striking "In making the finding in paragraph (3)," and all that follows through "standard costs." and inserting the following:

"(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(C), the Secretary may use standard costs.

"(3) RULES RELATING TO SMALL BUSINESSES.—

"(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first human drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

"(i) application fees for all subsequent human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business; and

"(ii) all supplement fees for all supplements to human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business.".

(e) ASSESSMENT OF FEES.—Section 736(f)(1) (21 U.S.C. 379h(f)(1)) is amended—

(1) by striking "fiscal year 1993" and inserting "fiscal year 1997"; and

(2) by striking "fiscal year 1992" and inserting "fiscal year 1997 (excluding the amount of fees appropriated for such fiscal year)".

(f) CREDITING AND AVAILABILITY OF FEES.—Section 736(g) (21 U.S.C. 379h(g)) is amended—

(1) in paragraph (1), by adding at the end the following: "Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of human drug applications within the meaning of section 735(6).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "Acts" and inserting "Acts, or otherwise made available for obligation,"; and

(B) in subparagraph (B), by striking "over such costs for fiscal year 1992" and inserting "over such costs, excluding costs paid from fees collected under this section, for fiscal year 1997"; and

(3) by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fees under this section—

"(A) $106,800,000 for fiscal year 1998;

"(B) $109,200,000 for fiscal year 1999;

"(C) $109,200,000 for fiscal year 2000;

"(D) $114,000,000 for fiscal year 2001; and

"(E) $110,100,000 for fiscal year 2002,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application, supplement, establishment, and product fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year which exceeds the amount of fees specified in appropriation Acts for such fiscal year, shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under appropriation Acts for a subsequent fiscal year.".

(g) REQUIREMENT FOR WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND FEES.—Section 736 (21 U.S.C. 379h) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund, of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.".

(h) SPECIAL RULE FOR WAIVER, REFUNDS, AND EXCEPTIONS.—Any requests for waivers, refunds, or exceptions for fees paid prior to the date of enactment of this Act shall be submitted in writing to the Secretary of Health and Human Services within 1 year after the date of enactment of this Act.

SEC. 705. ANNUAL REPORTS.

(a) FIRST REPORT.—Beginning with fiscal year 1998, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letter described in section 702(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) SECOND REPORT.—Beginning with fiscal year 1998, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 706. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1997.

SEC. 707. TERMINATION OF EFFECTIVENESS.

The amendments made by sections 703 and 704 cease to be effective October 1, 2002 and section 705 ceases to be effective 120 days after such date.

TITLE VIII—MISCELLANEOUS

SEC. 801. REGISTRATION OF FOREIGN ESTABLISHMENTS.

Section 510(i) (21 U.S.C. 360(i)) is amended to read as follows:

"(i)(1) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or a device that is imported or offered for import into the United States shall register with the Secretary the name and place of business of the establishment and the name of the United States agent for the establishment.

"(2) The establishment shall also provide the information required by subsection (j).

"(3) The Secretary is authorized to enter into cooperative arrangements with foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether drugs or devices manufactured, prepared, propagated, compounded, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).".

SEC. 802. ELIMINATION OF CERTAIN LABELING REQUIREMENTS.

(a) PRESCRIPTION DRUGS.—Section 503(b)(4) (21 U.S.C. 353(b)(4)) is amended to read as follows:

"(4)(A) A drug that is subject to paragraph (1) shall be deemed to be misbranded if at any time prior to dispensing the label of the drug fails to bear, at a minimum, the symbol 'Rx only'.

"(B) A drug to which paragraph (1) does not apply shall be deemed to be misbranded if at any time prior to dispensing the label of the drug bears the symbol described in subparagraph (A).".

(b) MISBRANDED DRUG.—Section 502(d) (21 U.S.C. 352(d)) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 503(b)(1) (21 U.S.C. 353(b)(1)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) Section 503(b)(3) (21 U.S.C. 353(b)(3)) is amended by striking "section 502(d) and".

(3) Section 102(9)(A) of the Controlled Substances Act (21 U.S.C. 802(9)(A)) is amended—

(A) in clause (i), by striking "(i)"; and

(B) by striking "(ii)" and all that follows.

SEC. 803. CLARIFICATION OF SEIZURE AUTHORITY.

Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) in the fifth sentence, by striking "paragraphs (1) and (2) of section 801(e)" and inserting "subparagraphs (A) and (B) of section 801(e)(1)"; and

(2) by inserting after the fifth sentence the following: "Any person seeking to export an imported article pursuant to any of the provisions of this subsection shall establish that the article was intended for export at the time the article entered commerce.".

SEC. 804. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 907. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Commissioner of Food and Drugs, may, directly or through grants, contracts, or cooperative agreements, conduct and support intramural research training in regulatory scientific programs by

predoctoral and postdoctoral scientists and physicians, including support through the use of fellowships.

"(b) LIMITATION ON PARTICIPATION.—A recipient of a fellowship under subsection (a) may not be an employee of the Federal Government.

"(c) SPECIAL RULE.—The Secretary, acting through the Commissioner of Food and Drugs, may support the provision of assistance for fellowships described in subsection (a) through a Cooperative Research and Development Agreement.".

SEC. 805. DEVICE SAMPLES.

(a) RECALL AUTHORITY.—

(1) IN GENERAL.—Section 518(e)(2) (21 U.S.C. 360h(e)(2)) is amended by adding at the end the following:

"(C) If the Secretary issues an amended order under subparagraph (A), the Secretary may require the person subject to the order to submit such samples of the device and of components of the device as the Secretary may reasonably require. If the submission of such samples is impracticable or unduly burdensome, the requirement of this subparagraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

(2) TECHNICAL AMENDMENT.—Section 518(e)(2)(A) (21 U.S.C. 360h(e)(2)(A)) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)".

(b) RECORDS AND REPORTS ON DEVICES.—Section 519(a) (21 U.S.C. 360i(a)) is amended by inserting after paragraph (9) the following:

"(10) may reasonably require a manufacturer or importer to submit samples of a device and of components of the device that may have caused or contributed to a death or serious injury, except that if the submission of such samples is impracticable or unduly burdensome, the requirement of this paragraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

SEC. 806. INTERSTATE COMMERCE.

Section 709 (21 U.S.C. 379a) is amended by striking "a device" and inserting "a device, food, drug, or cosmetic".

SEC. 807. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND COSMETICS.

(a) NONPRESCRIPTION DRUGS.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 614(a), is further amended by adding at the end the following:

"Subchapter F—National Uniformity for Nonprescription Drugs and Preemption for Labeling or Packaging of Cosmetics

"SEC. 761. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS.

"(a) IN GENERAL.—Except as provided in subsection (b), (c)(1), (d), (e), or (f), no State or political subdivision of a State may establish or continue in effect any requirement—

"(1) that relates to the regulation of a drug that is not subject to the requirements of section 503(b)(1) or 503(f)(1)(A); and

"(2) that is different from or in addition to, or that is otherwise not identical with, a requirement under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(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).

"(c) SCOPE.—

"(1) IN GENERAL.—This section shall not apply to—

"(A) any State or political subdivision requirement that relates to the practice of pharmacy; or

"(B) any State or political subdivision requirement that a drug be dispensed only upon the prescription of a practitioner licensed by law to administer such drug.

"(2) SAFETY OR EFFECTIVENESS.—For purposes of subsection (a), a requirement that relates to the regulation of a drug shall be deemed to include any requirement relating to public information or any other form of public communication relating to a warning of any kind for a drug.

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—In the case of a drug described in subsection (a)(1) that is not the subject of an application approved under section 505 or 507 or a final regulation promulgated by the Secretary establishing conditions under which the drug is generally recognized as safe and effective and not misbranded, subsection (a) shall apply only with respect to a requirement of a State or political subdivision of a State that relates to the same subject as, but is different from or in addition to, or that is otherwise not identical with—

"(A) a regulation in effect with respect to the drug pursuant to a statute described in subsection (a)(2); or

"(B) any other requirement in effect with respect to the drug pursuant to an amendment to such a statute made on or after the date of enactment of this section.

"(2) STATE INITIATIVES.—This section shall not apply to a State public initiative enacted prior to the date of enactment of this section.

"(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(f) STATE ENFORCEMENT AUTHORITY.—Nothing in this section shall prevent a State or political subdivision thereof from enforcing, under any relevant civil or other enforcement authority, a requirement that is identical to a requirement of this Act.".

(b) INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking "prescription drugs" each place it appears and inserting "prescription drugs, nonprescription drugs intended for human use,".

(c) MISBRANDING.—Paragraph (1) of section 502(e) (21 U.S.C. 352(e)(1)) is amended to read as follows:

"(1)(A) If it is a drug, unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula)—

"(i) the established name (as defined in subparagraph (3)) of the drug, if there is such a name;

"(ii) the established name and quantity or, if deemed appropriate by the Secretary, the proportion of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not the established name and quantity or if deemed appropriate by the Secretary, the proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: *Provided*, That the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall not apply to nonprescription drugs not intended for human use; and

"(iii) the established name of each inactive ingredient listed in alphabetical order on the outside container of the retail package and, if deemed appropriate by the Secretary, on the immediate container, as prescribed in regulation promulgated by the Secretary, but nothing in this clause shall be deemed to require that any trade secret be divulged: *Provided*, That the requirements of this clause with respect to alphabetical order shall apply only to nonprescription drugs that are not also cosmetics: and *Provided further*, That this clause shall not apply to nonprescription drugs not intended for human use.

"(B) For any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient: *Provided*, That to the extent that compliance with the requirements of clause (A)(ii) or (iii) or this clause of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(d) COSMETICS.—Subchapter F of chapter VII, as amended by subsection (a), is further amended by adding at the end the following:

"SEC. 762. PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS.

"(a) IN GENERAL.—Except as provided in subsection (b), (d), or (e), a State or political subdivision of a State shall not impose or continue in effect any requirement for labeling or packaging of a cosmetic that is different from or in addition to, or that is otherwise not identical with a requirement specifically applicable to a particular cosmetic or class of cosmetics under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—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 for labeling and packaging that—

"(1) protects an important public interest that would otherwise be unprotected;

"(2) would not cause a cosmetic to be in violation of any applicable requirements or prohibition under Federal law; and

"(3) would not unduly burden interstate commerce.

"(c) SCOPE.—For purposes of subsection (a), a reference to a State requirement that relates to the packaging or labeling of a cosmetic means any specific requirement relating to the same aspect of such cosmetic as a requirement specifically applicable to that particular cosmetic or class of cosmetics under this Act for packaging or labeling, including any State requirement relating to public information or any other form of public communication.

"(d) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(e) STATE INITIATIVE.—This section shall not apply to a State requirement adopted by a State public initiative or referendum enacted prior to September 1, 1997.".

SEC. 808. INFORMATION PROGRAM ON CLINICAL TRIALS FOR SERIOUS OR LIFE-THREATENING DISEASES.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i), the following:

"(j)(1) The Secretary, acting through the Director of the National Institutes of Health and subject to the availability of appropriations, shall establish, maintain, and operate a program with respect to information on research relating to the treatment, detection, and prevention of serious or life-threatening diseases and conditions. The program shall, with respect to the agencies of the Department of Health and Human Services, be integrated and coordinated, and, to the extent practicable, coordinated with other data banks containing similar information.

"(2)(A) After consultation with the Commissioner of Food and Drugs, the directors of the appropriate agencies of the National Institutes of Health (including the National Library of Medicine), and the Director of the Centers for Disease Control and Prevention, the Secretary shall, in carrying out paragraph (1), establish a data bank of information on clinical trials for drugs, and biologicals, for serious or life-threatening diseases and conditions.

"(B) In carrying out subparagraph (A), the Secretary shall collect, catalog, store, and disseminate the information described in such subparagraph. The Secretary shall disseminate such information through information systems, which shall include toll-free telephone communications, available to individuals with serious or life-threatening diseases and conditions, to other members of the public, to health care providers, and to researchers.

"(3) The data bank shall include the following:

"(A) A registry of clinical trials (whether federally or privately funded) of experimental treatments for serious or life-threatening diseases and conditions under regulations promulgated pursuant to sections 505 and 520 of the Federal Food, Drug, and Cosmetic Act that provides a description of the purpose of each experimental drug or biological protocol, either with the consent of the protocol sponsor, or when a trial to test efficacy begins. Information provided shall consist of eligibility criteria, a description of the location of trial sites, and a point of contact for those wanting to enroll in the trial, and shall be in a form that can be readily understood by members of the public. Such information must be forwarded to the data bank by the sponsor of the trial not later than 21 days after the approval by the Food and Drug Administration.

"(B) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions that may be available—

"(i) under a treatment investigational new drug application that has been submitted to the Food and Drug Administration pursuant to part 312 of title 21, Code of Federal Regulations; or

"(ii) as a Group C cancer drug.

The data bank may also include information pertaining to the results of clinical trials of such treatments, with the consent of the sponsor, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatments.

"(4) The data bank shall not include information relating to an investigation if the sponsor has provided a detailed certification to the Secretary that disclosure of such information would substantially interfere with the timely enrollment of subjects in the investigation, unless the Secretary, after the receipt of the certification, provides the sponsor with a detailed written determination that finds that such disclosure would not substantially interfere with such enrollment.

"(5) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary. Fees collected under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h) shall not be authorized or appropriated for use in carrying out this subsection.".

(b) COLLABORATION AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Commissioner of Food and Drugs shall collaborate to determine the feasibility of including device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act.

(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that shall consider, among other things—

(A) the public health need, if any, for inclusion of device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act; and

(B) the adverse impact, if any, on device innovation and research in the United States if information relating to such device investigation is required to be publicly disclosed.

SEC. 809. APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(l), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compounded product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, on the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary regarding the regulation of drugs that are compounded in the State and are distributed outside of the State, that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or

"(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi),

whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

"(B) to radiopharmaceuticals.

"(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in approved drug labeling provided by a drug manufacturer and other drug manufacturer directions consistent with that labeling.".

SEC. 810. REPORTS OF POSTMARKETING APPROVAL STUDIES.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 613(a), is further amended by adding at the end the following:

"SEC. 562. REPORTS OF POSTMARKETING STUDIES.

"(a) SUBMISSION.—

"(1) IN GENERAL.—A sponsor of a drug that has entered into an agreement with the Secretary to conduct a postmarketing study of a drug shall submit to the Secretary, within 1 year after the approval of such drug and annually thereafter until the study is completed or terminated, a report of the progress of the study or the reasons for the failure of the sponsor to conduct the study. The report shall be submitted in such form as prescribed by the Secretary in regulations issued by the Secretary.

"(2) AGREEMENTS PRIOR TO EFFECTIVE DATE.—An agreement entered into between the Secretary and a sponsor of a drug, prior to the date of enactment of this section, to conduct a postmarketing study of a drug shall be subject to the requirements of paragraph (1). An initial report for such an agreement shall be submitted within 6 months after the date of the issuance of the regulations under paragraph (1).

"(b) CONSIDERATION OF INFORMATION AS PUBLIC INFORMATION.—Any information pertaining to a report described in paragraph (1) shall be considered to be public information to the extent that the information is necessary—

"(1) to identify the sponsor; and

"(2) to establish the status of a study described in subsection (a) and the reasons, if any, for any failure to carry out the study.

"(c) STATUS OF STUDIES AND REPORTS.—The Secretary shall annually develop and publish in the Federal Register a report that provides a status of the postmarketing studies—

"(1) that sponsors have entered into agreements to conduct; and

"(2) for which reports have been submitted under subsection (a)(1).".

(b) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than October 1, 2001, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report containing—

(1) a summary of the reports submitted under section 562 of the Federal Food, Drug, and Cosmetic Act; and

(2) an evaluation of—

(A) the performance of the sponsors in fulfilling the agreements with respect to the conduct of postmarketing studies described in such section of such Act;

(B) the timeliness of the Secretary's review of the postmarketing studies; and

(C) any legislative recommendations respecting postmarketing studies.

SEC. 811. INFORMATION EXCHANGE.

(a) IN GENERAL.—Chapter VII (2 U.S.C. 371 et seq.), as amended by section 807, is further amended by adding at the end the following:

"Subchapter G—Dissemination of Treatment Information

"SEC. 771. DISSEMINATION OF TREATMENT INFORMATION ON DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

"(a) DISSEMINATION OF TREATMENT INFORMATION.—

"(1) IN GENERAL.—Notwithstanding sections 301(d), 502(f), 505, and 507 and section 351 of the Public Health Service Act (42 U.S.C. 262), and subject to the requirements of paragraphs (2) through (6) and subsection (b), a manufacturer may disseminate to a health care practitioner, a pharmacy benefit manager, a health maintenance organization or other managed health care organization, or a health care insurer or governmental agency, written information concerning the safety, effectiveness, or benefit (whether or not such information is contained in the official labeling) of a drug, biological product, or device for which—

"(A) an approval of an application filed under section 505(b), 505(j), or 515, a clearance in accordance with section 510(k), an approval in accordance with section 507, or a biologics license issued under section 351 of the Public Health Service Act, is in effect; and

"(B) if the use is not described in the approved labeling of the product, the manufacturer has submitted to the Secretary a certification that a supplemental application for that use will be submitted to the Secretary pursuant to paragraph (3) or the manufacturer has received an exemption under paragraph (3)(C).

"(2) AUTHORIZED INFORMATION.—A manufacturer may disseminate the written information under paragraph (1) only if the information—

"(A) is in the form of an unabridged—

"(i) reprint or copy of a peer-reviewed article from a scientific or medical journal (as defined in subsection (c)(5)) of a clinical investigation, with respect to a drug, biological product or device, that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug, biological product, or device that is the subject of such clinical investigation; or

"(ii) reference textbook (as defined in subsection (c)(4)) that includes information about a clinical investigation with respect to a drug, biological product, or device, that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug, biological product, or device that is the subject of such clinical investigation; and

"(B) is not false, not misleading, and would not pose a significant risk to the public health.

"(3) COMMITMENT TO FILE A SUPPLEMENTAL APPLICATION; INCENTIVES FOR RESEARCH.—

"(A) IN GENERAL.—A manufacturer may disseminate information about a use not described in the approved labeling of a drug, biological product, or device pursuant to paragraph (1) only if—

"(i) the manufacturer has submitted to the Secretary a certification that the studies needed to file a supplemental application for such use have been completed and such supplement will be filed within 6 months after the date of the initial dissemination of information under paragraph (1); or

"(ii)(I) the manufacturer has submitted to the Secretary a proposed protocol and schedule for conducting the studies needed to submit a supplemental application for such use and has certified that the supplement will be submitted within 36 months after the date of the initial dissemination of information under paragraph (1); and

"(II) the Secretary has determined that the protocol for conducting such studies is adequate and that the schedule for completing such studies is reasonable.

"(B) EXTENSION.—

"(i) LONGER PERIOD OF TIME.—The Secretary may grant a longer period of time for a manufacturer to submit a supplemental application pursuant to subparagraph (A) if the Secretary determines that the studies needed to submit a supplemental application cannot be completed and submitted within 36 months.

"(ii) EXTENSION OF 3-YEAR PERIOD.—The Secretary may extend the time within which a manufacturer must submit a supplemental application pursuant to subparagraph (A) if the manufacturer demonstrates that the manufacturer has acted with due diligence to conduct the studies in a timely manner. Such extension shall not exceed a period of 24 months.

"(C) EXEMPTIONS.—A manufacturer may file a request for an exemption from the requirements set forth in subparagraph (A). Such request shall be submitted in the form and manner prescribed by the Secretary and shall demonstrate that—

"(i) due to the size of the patient population or the lack of potential benefit to the sponsor, the cost of obtaining clinical information and submitting a supplemental application is economically prohibitive; or

"(ii) it would be unethical to conduct the studies necessary to obtain adequate evidence for approval of a supplemental application.

The Secretary shall act on a request for an exemption under this subparagraph within 60 days after the receipt of the request. If the Secretary fails to act within 60 days, the manufacturer may begin to disseminate information pursuant to paragraph (1) without complying with subparagraph (A). If the Secretary subsequently denies the request for an exemption, the manufacturer either shall cease dissemination or shall comply with the requirements of subparagraph (A) within 60 days after such denial. If the manufacturer ceases dissemination pursuant to this subparagraph solely on the basis that the manufacturer does not comply with subparagraph (A), the Secretary may take appropriate corrective action, but may not order the manufacturer to take corrective action.

"(D) REPORT.—A manufacturer who submits a certification to the Secretary under subparagraph (A) shall provide the Secretary periodic reports that describe the status of the studies being conducted to obtain adequate evidence for approval of a supplemental application.

"(4) INFORMATION ON NEW USES.—

"(A) IN GENERAL.—If the information being disseminated under paragraph (1) meets the requirements of this section, a manufacturer

may disseminate information under paragraph (1) concerning the new use of a drug, biological product, or device (described in paragraph (1)) 60 calendar days after the manufacturer has submitted to the Secretary—

"(i) a copy of the information; and

"(ii) any clinical trial information the manufacturer has relating to the safety or efficacy of the new use, any reports of clinical experience pertinent to the safety of the new use, and a summary of such information.

If any of the information required to be provided under clause (ii) has already been provided to the Secretary, the manufacturer may meet the requirements of clause (ii) by providing any such information obtained by the manufacturer since the manufacturer's last submission to the Secretary and a summary that identifies the information previously provided.

"(B) ADDITIONAL INFORMATION.—If the Secretary determines that the information submitted by a manufacturer under subparagraph (A)(i) with respect to a new use of a drug, biological product, or device fails to provide data, analyses, or other written matter, that is objective and balanced, the Secretary may require the manufacturer to disseminate along with the information described in subparagraph (A)—

"(i) additional information with respect to the new use of the drug, biological product, or device that—

"(I) is in the form of an article described in paragraph (2)(A); and

"(II) provides data, analyses, or other written matter, that is scientifically sound;

"(ii) additional objective and scientifically sound information that pertains to the safety or efficacy of the use and is necessary to provide objectivity and balance, including any information that the manufacturer has submitted to the Secretary, or where appropriate, a summary of such information, or any other information that the Secretary has authority to make available to the public;

"(iii) an objective statement prescribed by the Secretary based on information described in clause (i) or (ii), provided the manufacturer has access to the data that forms the basis of such statement unless the Secretary is prohibited from making such data available to the manufacturer; and

"(iv) a statement that describes any previous public announcements by the Secretary relevant to the new use.

"(5) NEW INFORMATION.—If a manufacturer that is disseminating information pursuant to paragraph (1) becomes aware of new information relating to the safety or efficacy of a new use of a drug, biological product, or device for which information was disseminated under paragraph (1), the manufacturer shall notify the Secretary with respect to the new information. If the Secretary determines that the new information demonstrates that a drug, biological product, or device may not be effective or may present a significant risk to public health, the Secretary shall, in consultation with the manufacturer, take such appropriate action as the Secretary determines necessary to ensure public health and safety. The Secretary may limit the types of new information that must be submitted under this paragraph.

"(6) CESSATION OF DISSEMINATION; CORRECTIVE ACTION.—The Secretary may order a manufacturer to cease the dissemination of all information being disseminated pursuant to paragraph (1) if—

"(A) the Secretary finds that a supplemental application does not contain adequate information for approval for the use that is the subject of the information;

"(B) the Secretary determines, after an informal hearing, that the manufacturer is not acting with due diligence to complete the studies necessary to file a supplemental application for the use that is the subject of the information being disseminated; or

"(C) the Secretary determines that the information being disseminated does not comply with the requirements set forth in this section, after providing notice, an opportunity for a meeting, and for minor violations of this section (if there has been substantial compliance with this section), an opportunity to correct such information.

If the Secretary orders cessation of dissemination pursuant to this paragraph, the Secretary may order the manufacturer to take appropriate corrective action.

"(7) SPONSORED RESEARCH.—If a manufacturer has sponsored research that results in information as described in paragraph (2)(A), another manufacturer may not distribute the information under this section, unless such manufacturer is required by the Secretary to distribute the information.

"(b) DISCLOSURE STATEMENT.—In order to afford a full and fair evaluation of the information described in subsection (a), a manufacturer disseminating the information shall include along with the information—

"(1) a prominently displayed statement that discloses—

"(A) that the information concerns a use of a drug, biological product, or device or other attribute of a drug, biological product, or device that has not been approved by the Food and Drug Administration;

"(B) if applicable, that the information is being disseminated at the expense of the manufacturer;

"(C) if applicable, the name of any authors of the information who are employees of, or consultants to, or have received compensation from, the manufacturer, or who have a significant financial interest in the manufacturer;

"(D) the official labeling for the drug, biological product, or device and all updates with respect to the labeling;

"(E) if applicable, a statement that there are products or treatments that have been approved for the use that is the subject of the information being disseminated pursuant to subsection (a)(1); and

"(F) the identification of any person that has provided funding for the conduct of a study relating to a new use of a drug, biological product, or device for which such information is being disseminated; and

"(2) a bibliography of other articles from a scientific reference textbook or scientific or medical journal that have been previously published about the new use of a drug, biological product, or device covered by the information disseminated (unless the information already includes such bibliography).

"(c) DEFINITIONS.—As used in this section:

"(1) HEALTH CARE PRACTITIONER.—The term 'health care practitioner' means a medical provider that is licensed to prescribe a drug or biological product, or to prescribe or use a device, for the treatment of a disease or other medical condition.

"(2) MANUFACTURER.—The term 'manufacturer' includes a person who manufactures, distributes, or markets a drug, biological product, or device.

"(3) NEW USE.—The term 'new use' used with respect to a drug, biological product, or device means a use of a drug, biological product, or device not included in the approved labeling of such drug, biological product, or device.

"(4) REFERENCE TEXTBOOK.—The term 'reference textbook' means a reference publication that—

"(A) has not been written, edited, excerpted, or published specifically for, or at the request of a manufacturer of a drug, biological product, or device;

"(B) has not been edited or significantly influenced by a manufacturer of a drug, biological product, or device;

"(C) is not solely distributed through a manufacturer of a drug, biological product, or device but is generally available in bookstores or other distribution channels where medical textbooks are sold;

"(D) does not focus on any particular drug, biological product, or device of a manufacturer that disseminates information under subsection (a), and does not have a primary focus on new uses of drugs, biological products, or devices that are marketed or under investigation by a manufacturer supporting the dissemination of information; and

"(E) presents materials that are not false or misleading.

"(5) SCIENTIFIC OR MEDICAL JOURNAL.—The term 'scientific or medical journal' means a scientific or medical publication—

"(A) that is published by an organization—

"(i) that has an editorial board;

"(ii) that utilizes experts, who have demonstrated expertise in the subject of an article under review by the organization and who are independent of the organization, to review and objectively select, reject, or provide comments about proposed articles; and

"(iii) that has a publicly stated policy, to which the organization adheres, of full disclosure of any conflict of interest or biases for all authors or contributors involved with the journal or organization;

"(B) whose articles are peer-reviewed and published in accordance with the regular peer-review procedures of the organization;

"(C) that is generally recognized to be of national scope and reputation;

"(D) that is indexed in the Index Medicus of the National Library of Medicine of the National Institutes of Health;

"(E) that presents materials that are not false or misleading; and

"(F) that is not in the form of a special supplement that has been funded in whole or in part by 1 or more manufacturers.

"(d) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner.

"(e) STUDIES AND REPORTS.—

"(1) GENERAL ACCOUNTING OFFICE.—

"(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the impact of this section on the resources of the Department of Health and Human Services.

"(B) REPORT.—Not later than January 1, 2002, the Comptroller General of the United States shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report of the results of the study.

"(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

"(A) IN GENERAL.—In order to assist Congress in determining whether the provisions of this section should be extended beyond the termination date specified in section 811(e) of the Food and Drug Administration Modernization and Accountability Act of 1997,

the Secretary of Health and Human Services shall, in accordance with subparagraph (B), arrange for the conduct of a study of the scientific issues raised as a result of the enactment of this section, including issues relating to—

"(i) the effectiveness of this section with respect to the provision of useful scientific information to health care practitioners;

"(ii) the quality of the information being disseminated pursuant to the provisions of this section;

"(iii) the quality and usefulness of the information provided, in accordance with this section, by the Secretary or by the manufacturer at the request of the Secretary; and

"(iv) the impact of this section on research in the area of new uses, indications, or dosages, particularly the impact on pediatric indications and rare diseases.

"(3) PROCEDURE FOR STUDY.—

"(A) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct the study required by paragraph (2), and to prepare and submit the report required by subparagraph (B), under an arrangement by which the actual expenses incurred by the Institute of Medicine in conducting the study and preparing the report will be paid by the Secretary. If the Institute of Medicine is unwilling to conduct the study under such an arrangement, the Secretary shall enter into a similar arrangement with another appropriate nonprofit private group or association under which the group or association will conduct the study and prepare and submit the report.

"(B) REPORT.—Not later than September 30, 2005, the Institute of Medicine, the group, or association, as appropriate, shall prepare and submit to the Committee on Labor and Human Resources of the Senate, the Committee on Commerce of the House of Representatives, and the Secretary a report of the results of the study required by paragraph (2). The Secretary, after the receipt of the report, shall make the report available to the public.

"(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"SEC. 772. ESTABLISHMENT OF LIST OF ARTICLES AND TEXTBOOKS DISSEMINATED AND LIST OF PROVIDERS THAT RECEIVED ARTICLES AND REFERENCE TEXTBOOKS.

"(a) IN GENERAL.—A manufacturer that disseminates information in the form of articles or reference textbooks under section 771 shall prepare and submit to the Secretary biannually—

"(1) a list containing the titles of the articles and reference textbooks relating to the new use of drugs, biological products, and devices that were disseminated by the manufacturer to a person described in section 771(a)(1) for the 6-month period preceding the date on which the manufacturer submits the list to the Secretary; and

"(2) a list that identifies the categories of providers (as described in section 771(a)(1)) that received the articles and reference textbooks for the 6-month period described in paragraph (1).

"(b) RECORDS.—A manufacturer that disseminates information under section 771 shall keep records that identify the recipients of articles and textbooks provided pursuant to section 771. Such records are to be used by the manufacturer when, pursuant to section 771(a)(6), such manufacturer is required to take corrective action and shall be made available to the Secretary, upon request, for purposes of ensuring or taking corrective action pursuant to paragraph (3), (5), or (6) of section 771(a).

"SEC. 773. CONSTRUCTION.

"(a) DISSEMINATION OF INFORMATION ON DRUGS OR DEVICES NOT EVIDENCE OF INTENDED USE.—Notwithstanding subsection (a), (f), or (o) of section 502, or any other provision of law, the dissemination of information relating to a new use of a drug or device, in accordance with section 771, shall not be construed by the Secretary as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. Such dissemination shall not be considered by the Secretary as labeling, adulteration, or misbranding of the drug or device.

"(b) PATENT PROTECTION.—Nothing in section 771 shall affect patent rights in any manner.

"(c) AUTHORIZATION FOR DISSEMINATION OF ARTICLES AND FEES FOR REPRINTS OF ARTICLES.—Nothing in section 771 shall be construed as prohibiting an entity that publishes a scientific journal (as defined in section 771(c)(5)) from requiring authorization from the entity to disseminate an article published by such entity and from charging fees for the purchase of reprints of published articles from such entity.".

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 205(b), is further amended by adding at the end the following:

"(y) The dissemination of information pursuant to section 771 by a manufacturer who fails to comply with the requirements of such section.".

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act, or upon the Secretary's issuance of final regulations pursuant to subsection (c), whichever is sooner.

(e) TERMINATION OF EFFECTIVENESS.—The amendments made by this section cease to be effective September 30, 2006, or 7 years after the date on which the Secretary promulgates the regulations described in subsection (c), whichever is later.

SEC. 812. REAUTHORIZATION OF CLINICAL PHARMACOLOGY PROGRAM.

Section 2 of Public Law 102-222 (105 Stat. 1677) is amended—

(1) in subsection (a), by striking "a grant" and all that follows through "Such grant" and inserting the following: "grants for a pilot program for the training of individuals in clinical pharmacology at appropriate medical schools. Such grants"; and

(2) in subsection (b), by striking "to carry out this section" and inserting ", and for fiscal years 1998 through 2002 $3,000,000 for each fiscal year, to carry out this section".

SEC. 813. MONOGRAPH FOR SUNBURN PRODUCTS.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final monograph for over-the-counter sunburn products for prevention or treatment of sunburn.

SEC. 814. 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.".

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

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

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I thank my colleagues and I thank them profusely for their vote, for their support in the committee, and all the work that has gone into this. But, as we all know, there are people who work behind the scenes, those who are probably more responsible for this vote than we on the floor are. I just want to take a moment to thank the staff.

In the office of Senate Legislative Counsel, Robin Bates, Elizabeth Aldridge, and Bill Baird worked tirelessly to produce countless bill drafts and amendments. And how they came out with them as expeditiously as they did, I'm not sure.

The staff at CRS, especially Donna Vogt, and at GAO, including Bernice Steinhardt deserve thanks for their willingness to provide essential information and documents on extremely short notice. We must always remember to appreciate these organizations that provide so much assistance to the Congress.

The staff to the members of the committee contributed greatly to the success of this bill. In particular, Vince Ventimiglia with Senator COATS' staff worked closely with ours in a true partnership on all aspects of S. 830.

In addition, Kimberly Spaulding with Senator GREGG, Sue Ramthun with Senator FRIST, Saira Sultan with Senator DEWINE, and Kate Lambrew-Hull with Senator HUTCHINSON all played important roles in fashioning compromises on key provisions of this bill. Also, Mark Smith with Senator MACK's staff worked very hard to make the agreement on off-label dissemination of information possible.

I would also like to thank the many staff of the administration who have worked on this legislation.

In particular, I want to thank Bill Schultz, Diane Thompson, and Peggy Dotzel, of the FDA.

Similarly, three staffers for members of the minority on the committee

played pivotal roles even before committee markup took place in making this bill a bipartisan success.

Lynne Lawrence with Senator MIKULSKI deserves special mention in recognition of her hard work in the last Congress on FDA reform and her willingness to put her future career plans on hold to commit herself again to the long hard job of bringing this bill to the floor this year. Jeanne Ireland with Senator DODD and Linda DeGutis, a fellow with Senator WELLSTONE also provided invaluable assistance.

Of course I would like to thank the Labor and Human Resources Committee majority and minority staffs who did the most work on this. In particular, I want to recognize Susan Hattan who stayed on with the committee after Senator Kassebaum's retirement.

She, and another Senator Kassebaum staffer, Jane Williams, who is now on the staff of Representative FRED UPTON, worked long hours last year to put FDA reform on the Senate agenda and brought a bill to successful committee markup in the last Congress—we stand here today in large part due to their hard work.

On the minority staff, I would like to thank Nick Littlefield and David Nexon and two minority fellows Diane Robertson and Debbie Kochever. Finally, I would like to thank the majority staff director Mark Powden, Jay Hawkins, and majority fellow Sean Donohue.

I want to take a moment to elaborate on my comments regarding one of the majority staff who has worked so diligently on this measure—Jay Hawkins. Jay joined my staff in January—literally hit the ground running—and I don't think he has stopped moving since.

He has set a new standard of dedication for professional staff to find the best solution in a difficult and controversial policy arena. He has been saluted by other Senators' staffs, from both majority and minority offices, for his willingness to include them in all aspects of this effort.

Mr. President, part of the job description for Senate staff is to take abuse. Jay unfortunately received more than his share, but it said more about his critics than him.

More recently—a little more than a month ago—Jay lost his mother to her 4-year battle with cancer. My friend, Senator HATCH, acknowledged on the floor just yesterday this hardship Jay faced and was eloquent in his praise for both Jay and for his mother—Donna Lotz Hawkins. Mrs. Hawkins was not unfamiliar with challenge and adversity. She was an experienced mountain climber and conquered some of the world's most difficult mountains in the Alaska range, the Tetons, the Alps, and the Himalayas. She was a dedicated ocean swimmer and conquered the white waters in Waikiki and Maui.

It is clear to us who know Jay that he too has the spirit of taking on the task when faced with adversity and challenge. We know the source of that sense of commitment and we cannot thank him enough for his efforts on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in typical fashion, Senator JEFFORDS has given great credit where credit is due, and as I mentioned just before, the chairman of our committee really deserves credit for the passage of this very important bill. I commend him.

If I could, I will just take a moment of the Senate's time, but I think it is important to mention on our side David Nexon and Diane Robertson, who worked so closely with us; Jim Manly, Debbie Kochevar, Meg Archdeacon, Burt Cowgill, Susan Hammersten, Jonathan Halperin, and Danielle Drissel, Carrie Coberly and Addy Schmidt; Bonnie Hogue on Senator REED's staff and Deborah Walker on Senator BINGAMAN's staff; Sabrina Corlette with Senator HARKIN and Anne-Marie Murphy with Senator DURBIN.

I would like to believe the staffs have been helpful to all of us and don't work so much in a partisan way as in a common spirit, to try to advance the common interests. That has been, certainly, true on this legislation.

I thank all of those, and the majority staff as well, for all of their courtesies and for their cooperation. I think the record ought to show the dedication of, really, an outstanding group of men and women who have really served the Senate very, very well. I thank the chairman.

Mr. JEFFORDS. Mr. President, I thank the ranking minority member on my committee for his words. I commend him, also. We disagreed rather strongly on one issue here, but 19 out of 20 we were together and worked together, and certainly that's a pretty good average.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 155, S. 1156, the District of Columbia appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senator from North Carolina.

PRIVILEGE OF THE FLOOR

Mr. FAIRCLOTH. Mr. President, I send to the desk a list of staff. I ask unanimous consent they be allowed full privilege of the floor during the consideration of S. 1156, the D.C. appropriations bill.

The list follows:

Mary Beth Nethercutt; Jay Kimmitt; Terry Sauvain; Neyla Arnas;s Kate O'Malley; David Landers; Liz Tankersley; Quinn Dodd; and Jim Hyland.

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

Mr. FAIRCLOTH. Mr. President, I am pleased to present the fiscal year 1998 District of Columbia appropriations bill to the Senate.

This budget is the first I have had the opportunity to present to the Senate since becoming the chairman of the District of Columbia Appropriations Subcommittee. This is essentially a clean bill, with no new policy riders.

I am very pleased that this budget was reported favorably by the full Appropriations Committee by a vote of 27 to 1. This is a bipartisan bill, and a bill that reflects the consensus of both the Financial Control Board established by Congress and the city's elected leadership.

This budget of $4.2 billion is a smaller budget than last year's $5.1 billion budget for two reasons.

First, the Federal Government is providing the city with fewer Federal dollars. This past July, Congress enacted landmark legislation restructuring the city's budget, transferring some city functions to the Federal Government, and in exchange, cutting the Federal payment to the District.

That legislation also added some important management reforms at my urging. I'll have more to say about these structural changes and management reforms in a moment.

Second, this is a smaller budget because it is the first balanced budget submitted to the Congress by city officials since 1993. That one proved very unbalanced. This one will be balanced.

As many of my colleagues know, the law enacted by Congress in 1995 creating a Financial Control Board included a timetable requiring the city of Washington, DC to submit a balanced budget to Congress by next year.

Fortunately, the Control Board and the D.C. Council managed to agree on enough spending cuts to submit a balanced budget to Congress 1 year ahead of schedule. That is essentially the budget before the Senate today.

This balanced budget cuts roughly $85 million from last year's operating budget, not to mention a reduction of over $500 million in the direct Federal contribution to the city, from $712 million last year down to $190 million this year.

Most agencies in the District of Columbia government have been cut. One exception is the police department, which received a modest increase reflecting a citywide effort—and I might say a nationwide effort—to crack down on crime within the city.

Perhaps the most important point is that both the Control Board and the D.C. Council have agreed to these cuts.

The Control Board and the D.C. Council worked together to craft a consensus budget. That consensus has been incorporated into this bill.

I do not think it is necessary for the U.S. Senate to revisit every spending decision that has been agreed upon by both the council and the control board, especially since we have achieved a balanced budget 1 year ahead of time.

Such decisions are long overdue even if it took some prodding from the Congress to get. I think it is the responsibility of the Senate to ratify those decisions once they have been made.

In addition to being the first balanced budget in several years, this budget pays for many of the structural changes and management reforms, including the District of Columbia Revitalization Act, signed into law on August 5, 1997.

For example, the Revitalization Act transferred the city's prison system, the courts, and a huge unfunded pension liability of $5 billion to the Federal Government. In exchange, the Congress will no longer provide an annual Federal payment of $660 million or a $52 million annual payment on the pension liability. Instead, this bill provides a one-time Federal contribution of $190 million as authorized by the Revitalization Act. Of that $190 million, the bill directs that $30 million be applied to pay down on the city's debt.

The Revitalization Act has been called a rescue plan for the District of Columbia. I feel strongly that any rescue plan must first rescue the city from terrible mismanagement, waste, and unresponsive and irresponsible local government.

I insisted that the rescue plan, and the majority leader with me insisted that the rescue plan include the Management Reform Act of 1997 to begin the process of cleaning house in each of the major city agencies.

The Management Reform Act authorized the control board to hire professional consultants to conduct a top-to-bottom review of nine major city agencies to map out a plan for improving the quality of services.

This District of Columbia appropriations bill provides $8 million to pay for the consultants to go into the various city agencies.

The structural changes in the Revitalization Act provide the city with a one-time windfall of $200 million. I am pleased that the mayor, the council, and the Control Board agreed that this windfall should not be used for a spending spree and that none of the funds should go toward increasing the operating costs of the city.

Of the $200 million available, $160 million will be applied to pay down the city's accumulated deficit. The remaining $40 million will be used to make infrastructure repairs and the management changes and productivity improvements suggested by the management consultants. The infrastructure of the city is in dire need of much improvement.

The Management Reform Act also called for the immediate dismissal of the heads of nine major city agencies and called on the Mayor to either nominate new officials or renominate the current officials to head each of the agencies, with each nomination subject to the consent and approval of the Control Board. In other words, a final decision rests with the Control Board.

In order to preserve the checks and balances between the executive and the legislative branches and the District of Columbia, section 133 of this appropriations bill makes clear that the D.C. Council does have official responsibility for confirming the Mayor's nominations to head those agencies. But then again, I reiterate, the final decision rests with the Control Board.

Some Members expressed concern to me that funding for the homeless may be reduced by a consequence of this very tight budget. Section 146 of the bill directs the District government to maintain homeless services at the same level for fiscal year 1998 as the level for fiscal year 1997. I think this can be accomplished in a manner that is consistent with the spending restraints needed to maintain a balanced budget.

Perhaps no issue received more attention in recent weeks than the inability of the District's public schools to open on time. It was a local and a national embarrassment. As the new chairman of the D.C. subcommittee, I am going to make sure that such a delay does not happen again.

Section 147 of this bill directs the Control Board and General Becton, the CEO of the D.C. public schools, to report to the House and Senate appropriations and authorizing committees for the District of Columbia no later than April 1, 1998, of any and all necessary measures to ensure that the schools open on time in the fall of 1998.

Mr. President, I thank my colleagues on the subcommittee, Senator BOXER, the ranking member, and Senator HUTCHISON of Texas.

I also thank the chairman of the Committee on Appropriations, Senator STEVENS, and our distinguished ranking member, Senator BYRD, for their leadership and assistance on this bill.

In summary, as I said, this is a consensus bill and the first balanced budget the District has seen in some time. This one truly is balanced. This bill funds the tough medicine of management reforms as well as restructuring of courts and corrections enacted by the Congress and signed into law by the President. It is a good bill and it is a bipartisan bill.

With that, Mr. President, I yield to our ranking member, my good friend, Senator BOXER.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the chairman of the D.C. Appropriations Subcommittee, Senator FAIRCLOTH. I thank him for the hard work he has put into this bill. I thank his staff, and I thank the staff on our side. I think it is very fair to say they worked beautifully together.

We do have basically a consensus bill here. There are a couple of provisions that I am sure Senator FAIRCLOTH isn't enamored with and I am sure there are a couple of provisions that this Senator isn't enamored with. I do believe in local control —that cities and counties should be able to make their own policies in terms of how they spend their own health funds, how they spend funds that they raise.

There are a couple of problems in this bill. But Senator FAIRCLOTH is correct, there are no new riders here. The problems that I have with this bill this year were in this bill last year. So I just hope that as we take up this last appropriations bill—this is the 13th one—that we will have a relatively easy time of it.

I hope that any amendments that are offered here will be noncontroversial amendments that both sides can agree to. Unfortunately, I am hearing that may not be the case, that this bill may become the vehicle for some very controversial amendments.

If that happens, so be it. Senator FAIRCLOTH and I will be on our feet, and we will manage that in the best way we can with the cooperation of colleagues. But I really do hope that Senators from both sides would refrain from those kinds of amendments, because this bill was a long time in coming. This kind of consensus over the District of Columbia was a long time in coming. We put so much work into it, particularly the chairman.

I see that Congresswoman ELEANOR HOLMES NORTON has joined us to sit in on this debate. There was a tremendous amount of work on her part in getting us to reach this consensus.

I have heard that it is possible we are going to have an amendment on vouchers. I want to make the point right here as the minority ranking member

that I have discussed this amendment with my colleagues on this side. We are not going to look kindly upon any amendment that would look at helping 2 to 3 percent of the children in Washington, DC, while leaving 97 to 98 percent of those children without anything at all.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mrs. BOXER. I will yield in a moment so I do not lose this track. I will absolutely yield.

I say to my colleagues who may or may not be listening to the opening of the debate, should we be faced with that, we will have an alternative that will help 100 percent of the children—that will help 100 percent of the children. We are working on that because we are here talking about people's lives, not about philosophy of education, not about trying somebody's pet idea. We should not be doing that. We should be in fact reaching out to all the children.

Again, I say to my colleagues, I could offer a number of amendments here that would be controversial. I do not really want to do that. I know other colleagues could as well. I know that I feel as strongly as any colleague on certain of these matters. But this is an appropriations bill. This isn't an authorization bill. This isn't the education authorization bill where we can debate, from morning till night, what helps kids most—making sure that our public schools are the best in the world or taking a small segment of children and saying, Well, if you draw the lucky straw, you can run away from a public school, instead of making that public school the greatest it could be.

I have to say that I went to public schools from kindergarten through college. Some of the people who like me could say, Well, look what great things public schools can do, and some who do not, could say, You see, those public schools aren't very good. But the bottom line is, whatever you think of an individual who did get that chance, we do know that we have the education in this country that we can give to our children so they can be the future Senators, they can be the future leaders of the world.

When we lose that because we decide we are going to abandon our children because of some political theory, I think it is a sad state for us. So I am very much hoping that we do not get into that debate. But if we do, as you can see, we are prepared for it.

I will be glad to yield to my friend from Illinois.

Ms. MOSELEY-BRAUN. Thank you.

I actually was prepared to put a question to the Senator from California.

I want to commend the Senator for her stewardship and working with the Senator from North Carolina on this issue because getting this appropriations passed for the District of Columbia is not only important but long overdue. It is unfortunate that the District winds up being a guinea pig of sorts for every kind of experiment that we have.

I just commend the Senator from California for the poignancy of her statement and her plea that amendments not be brought to this bill that would delay its passage.

It is kind of open knowledge that the schools in the District of Columbia, many of them, have been closed because they were crumbling and falling down. The courts would not allow children to attend schools in that kind of condition. And they have just recently reopened.

In fact, we had working in my office two young high schoolers from the District of Columbia. Pursuant to a project that Congresswoman ELEANOR HOLMES NORTON put together for all the displaced children of the District, we took two of them into our office as interns while the schools were closed down.

The schools have now reopened and those children are back where they ought to be, in a classroom, but it just seems to me to further displace all of those children because of a filibuster or an argument around an experiment with the District of Columbia schools would be cruel to say the least, and certainly an unfortunate development.

So I commend my colleague for her plea in the first instance that we not have this battle because there is so much at stake, but also to put the question to her whether or not it is her opinion that the District can afford to delay further to wait for this appropriation to be finalized?

Mrs. BOXER. I say to my friend, clearly, all the work that the chairman has done, along with Congresswoman NORTON, Senator HUTCHISON, myself, all of our staffs, this has been hard. As Senator FAIRCLOTH has said, we have a balanced budget submitted here. As a part of the agreement on the balanced budget plan of 1997, signed into law, the President forwarded to Congress a series of budget amendments to implement the Revitalization Act for Washington, DC.

So we are moving along. It has not been easy. I think every Member of the Senate—at least it is my feeling—would like to see us turn this Capital around. I think we have great pride in this Capital. We are very concerned about some of its problems. I think we are on the road to addressing them.

So my colleague, in asking her question, is implying that a delay would send the wrong signal to Washington, DC, residents, would send the wrong signal, frankly, to the whole country, that we are backing off, and here they go again, adding extraneous matters to a DC appropriations bill.

What I hear around is not very promising. I hear that these controversial amendments are coming. I make this plea to whoever might be listening to this opening debate on both sides: That we refrain from controversial amendments. This is the last bill we are getting together here. We should move it forward, keep it free of this controversy, move forward, do our business, do our work and get on with the Senate's business.

Mr. President, the fiscal year 1998 District of Columbia appropriations bill was reported by the Senate Appropriations Committee on September 9, 1997, by a vote of 26 to 1. I commend the chairman of the subcommittee, Mr. FAIRCLOTH, for his efforts to produce a bipartisan appropriations bill for the District of Columbia. While the bill contains a few provisions I do not support, in most respects, I think we succeeded in producing a consensus bill.

I will speak briefly about the three principal aspects of this bill: Federal funds in the bill; District of Columbia funds in the bill; and general provisions in the bill.

FEDERAL FUNDS

The bill includes $820 million in budget authority in Federal funds for the District of Columbia. These funds are to be used to implement the provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which was incorporated into the Balanced Budget Act of 1997, and enacted into law on August 5, 1997.

Subsequently, on August 14, 1997, the President forwarded to Congress a series of budget amendments to implement the provisions of the Revitalization Act. The bill fully funds the President's revised budget and, in addition, provides $8 million for management reforms, $30 million for the full authorization of $190 million for the Federal contribution and $5 million for a reimbursement to the National Park Service for Park Police services.

DISTRICT OF COLUMBIA FUNDS

In response to the Revitalization Act, the District government, including the mayor and the city council, and the control board, submitted to Congress a consensus and balanced budget, incorporating the changes made by the Revitalization Act.

The revised District budget for fiscal year 1998 is $4,693,637,000. The committee adopted the consensus balanced budget without change.

GENERAL PROVISIONS

Most of the general provisions included in the bill have been included in previous years and restate existing law.

With regard to section 134, which restricts the use of funds for abortions, the bill states that no funds—Federal or local—may be used for this purpose.

As I said during committee markup, I believe this provision to be an unwarranted intrusion in the affairs of the

District of Columbia and I may offer an amendment at the appropriate time to allow the District of Columbia to use its own funds to pay for abortions for poor women.

Another general provision prohibits funds being used by the District to implement its domestic partners law. Again, I believe this is an unwarranted and inappropriate intrusion by the Federal Government into matters under local control.

One general provision was included in the bill at my request. It would provide that the D.C. initiative homeless services in the District of Columbia be maintained in fiscal year 1998 at the fiscal year 1997 level.

My amendment prevents a reduction in services to the homeless which had been recommended in the consensus budget from the District.

Again, I commend the chairman of the subcommittee, Senator FAIRCLOTH, for his efforts to produce a bipartisan bill. I would also like to express my thanks to the Appropriations Committee staff—Terry Sauvain of the Democratic staff and Mary Beth Nethercutt of the majority—for their assistance in helping us bring this bill to the floor today.

Finally, Mr. President, with respect to amendments that may be offered to this bill, I hope my colleagues will refrain from proposing amendments that are not germane to this measure. The new fiscal year begins in only a few days, and the District of Columbia desperately needs to have its new budget in place. So I hope we can quickly pass a bill with broad bipartisan support and send it to the President for signature.

Mr. DOMENICI. Mr. President, the pending measure is S. 1156, the fiscal year 1998 District of Columbia appropriations bill.

This appropriations bill provides Federal payments to the District of Columbia totaling $820.0 million. The bill provides $190 million for the Federal contribution to the District of Columbia, $169 million to operate the District's correctional facilities for felons, $302 million to build new correctional facilities to replace the Lorton facility, $146 million to operate the District Court System, $8 million to implement management reform initiatives, and $5 million to the National Park Service to support U.S. Park Police operations in the District.

This appropriation is in addition to the resources allocated to the District by the Balanced Budget Act and the Taxpayer Relief Act of 1997. Combined, the two laws provide tax breaks and mandatory spending worth $4.5 billion over 10 years. Because the cost of taking over the District's $5.8-billion pension liability is largely delayed until after this period, the total bailout is worth substantially more to the District.

This appropriation bill is at the subcommittee's revised 302(b) allocation for both budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

D.C. APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		820			820
Outlays		500			500
Senate 302(b) allocation:					
Budget authority		820			820
Outlays		500			500
President's request:					
Budget authority		777			777
Outlays		479			479
House-passed bill:					
Budget authority					
Outlays					
Senate-Reported bill compared to:					
Senate 302(b) allocation:					
Budget authority					
Outlays					
President's request:					
Budget authority		43			43
Outlays		21			21
House-passed bill:					
Budget authority		820			820
Outlays		500			500

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

AMENDMENT NO. 1248

(Purpose: Technical amendments on the part of the managers of the bill)

Mr. FAIRCLOTH. Mr. President, I send an amendment to the desk, which is a series of technical amendments, on behalf of myself and Senator BOXER, and I ask they be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself and Mrs. BOXER, proposes an amendment numbered 1248.

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

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

The amendment is as follows:

On page 2, strike all after the word "Authority" on line 11, to the end of line 12.

On page 2, line 22, before the colon, insert: ", which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year".

On page 4, line 4, strike "$116,000,000" and insert in lieu thereof "$103,000,000".

On page 4, line 15, strike "$30,000,000" and insert in lieu thereof "$43,000,000".

On page 29, strike all after "the" on line 16, to the end of line 25, and insert: "District of Columbia Financial Responsibility and Management Assistance Authority (Authority). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.".

On page 33, strike all after "Financial" on line 19, and insert: "Responsibility and Management".

On page 41, strike all after "(B)" on line 24, through "$129,946,000" on line 25, and insert: "$4,811,906,000 (of which $118,269,000".

On page 42, line 16, after "Assistance," insert: "Authority".

On page 17, after the period on line 25, insert:

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 from other funds.

Mrs. BOXER. Mr. President, this amendment has been cleared, and I ask for its immediate adoption.

Mr. FAIRCLOTH. This has been cleared. We urge adoption.

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

The amendment (No. 1248) was agreed to.

Mr. FAIRCLOTH. Mr. President, we were expecting some other people to offer amendments and I assume they are coming down.

In the meantime, 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. FAIRCLOTH. 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—LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent at 5:45 p.m. tonight the Senate proceed to the legislative branch appropriation conference report and at that time a vote occur on adoption of the conference report.

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

Mr. FAIRCLOTH. I ask that it be in order now to ask for the yeas and nays on the conference report.

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

The yeas and nays were ordered.

AMENDMENT NO. 1249

(Purpose: To provide scholarship assistance for District of Columbia elementary and secondary school students)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ASHCROFT, Mr. COVERDELL and Mr. GREGG, proposes an amendment numbered 1249.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COATS. Mr. President, I know the Senator from Oregon is waiting to bring forward an amendment and I will not take but just a few minutes. We have sent the amendment to the desk as the pending business. It will be debated tomorrow. Senator LIEBERMAN and I are joining as cosponsors in offering this amendment. I have a number of Senators, I think on both sides of the aisle, that wish to speak to it. There will be ample time for them to speak tomorrow on the amendments. They do not need to be concerned about rushing over here now. We did, however, want to have the amendment introduced so it is the pending business when we begin tomorrow.

In brief summary, the amendment provides opportunity scholarships for children in the District of Columbia in grades K through 12 whose family income is 185 percent or below the poverty level. The scholarships can be used for tuition costs of public or private scholarships in the District of Columbia, and adjacent counties in Virginia and Maryland. Scholarships are available for tutoring of students who attend public schools in the District.

The legislation creates a District of Columbia Scholarship Commission, a seven-member private, nonprofit corporation, to administer the scholarship program and certify institutions that will be eligible to participate in the scholarship program. One board member will be appointed by the mayor of Washington, DC, and the remaining six are to be appointed by the President, three from the list of nominees provided by the Speaker of the House of Representatives and three by a list of nominees provided by the majority leader of the Senate, both in consultation with the minority. Members must be residents of the District of Columbia and may not be Federal Government employees.

Students whose family incomes are below the poverty line may receive a scholarship of up to $3,200. Students whose family incomes are above the poverty line but below 185 percent of that level may receive the lesser of 75 percent of the cost of tuition, and mandatory fees for and transportation to attend an eligible institution, or $2,400. Students receiving tutoring assistance are eligible for up to $500. Both of these figures are indexed for inflation.

If there are not sufficient funds available for all of the eligible applicants, scholarships are to be awarded on a random basis by a lottery selection. The lottery is required to the extent practical to award an equal number of tuition scholarships and scholarships for fees. In other words, there will be no skimming of the green, there will be no biasing of the selection. If there are more scholarships than students, then, of course, every student would receive a scholarship that requested one. It is on a voluntary basis. If there are more students than scholarships, they will be awarded on a random basis. The amendment authorizes $7 million for spending in fiscal 1998 out of the Federal contribution earmarked to repay the cumulative Federal fund deficit for the District of Columbia. This total is $30 million. This $7 million earmark would leave $23 million remaining for that specific purpose of deficit fund reduction.

I point out that that is above the amount recommended by the administration. The administration requested a total Federal contribution for the District of Columbia of $160 million, and the bill before us, the D.C. Appropriations bill, contains $190 million.

In summary, then, we are not taking a dollar or a penny away from the D.C. public schools. We are not taking any money away from the current operating requirements of the District of Columbia that we are funding. In fact, we are adding $30 million for the purpose of reducing the general fund deficit. Of that additional $30 million, we are earmarking $7 million for these opportunity scholarships.

In the interest of time, I will not continue here. I will have much more to say about this tomorrow. I am looking forward to offering this amendment, together with my counterpart, Senator LIEBERMAN. This is a bipartisan effort. We are hopeful that we can begin the process of providing alternatives to students and their parents, who do not feel they are getting an adequate education. Our goal is not to undermine the school system of the District of Columbia; it is to improve it. Our goal is to move from the status quo, which is failing many, many students. We think this is an opportunity to do that. We look forward to debating this issue.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. FAIRCLOTH. Mr. President, if the Senator from Oregon will yield, I would like to ask for a time agreement of 30 minutes for the discussion of the amendment Senator WYDEN has. Is that agreeable?

The PRESIDING OFFICER. The Senator from North Carolina is proposing a 30-minute time agreement.

Mr. WYDEN. Mr. President, I need 30 minutes on my side.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that we have 30 minutes on each side.

The PRESIDING OFFICER. Is there objection to a 1-hour time limit equally divided?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 1250

(Purpose: To eliminate secret Senate "holds")

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 1250.

The amendment is as follows:

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.

Mr. WYDEN. Mr. President, I offer this amendment today on behalf of myself and Senator GRASSLEY of Iowa. Mr. President, one of the most significant personal powers of a U.S. Senator is the power to effectively block the consideration of a bill or nomination from coming to the floor of the U.S. Senate. This power has become known as putting a "hold" on a measure or bill that a Senator opposes. It is a power that a U.S. Senator can exercise in secret. The name of the Senator placing a hold on Senate business is now held confidentially by party leadership.

This extraordinary power was once used rarely by Senators, usually as a matter of common courtesy. In the last 20 years, however, the hold has become a special tool for influence and leverage. It is especially valuable at this time—at a time when we are moving toward the end of the session—because it allows a Senator, secretly, to exercise an enormous amount of clout over a matter when time is short.

Mr. President, the record is replete with statements of Members of this body who have indicated that there have been abuses of the hold, and that this is a procedure that has completely gotten out of hand. Let me read from the words of Senator JOHN GLENN during the final hours of the 101st Congress. Senator GLENN said:

I find it deplorable that, suddenly, anonymously, a Senator or a combination of Senators on the Republican side can stand against the strong desire of the President and the Office of Management and Budget for this legislation.

Lest anyone think that this be a partisan matter, Senator THURMOND said:

I think abuse does arise out of that.

Senator HATCH said:

We get victimized by holds, especially at the end of a session.

Senator LEAHY of Vermont, another senior Member said:

There should not be any holds at all.

He said we just should not have any holds.

Well, I am not proposing anything like that. But I do think that every Member of the U.S. Senate ought to be held publicly accountable. I think when one Member of the U.S. Senate moves to effectively block the consideration of a bill or a nomination, they ought to make it clear to their constituents that they are the individual blocking this matter.

Mr. President, as I have worked on this issue with Senator GRASSLEY, on a bipartisan basis, for a year and a half, I have found that very few Senators are aware of how extensive some of these abuses are until it happens to them. For example, I learned last year that, often, a member of the staff places a hold on a measure and the Senator whose name in which the hold is placed isn't even aware of it. So what you have are secret holds, not just by someone with an election certificate, but by someone who doesn't have an election certificate at all—a member of the staff.

So I believe that it is time to ensure that the rights of Senators and the rights under the Senate rules afford substantial opportunities for Senators to make sure that they are heard and, to represent their folks, are accompanied by responsibilities. I want to make it clear to each and every Senator that I, in no way, would limit the right to filibuster. I would, in no way, limit the right to ensure that they can speak at length on a motion to proceed. And, in fact, I am not even going so far as to put any limits on the right to place a hold on a measure or a matter, other than that a U.S. Senator be public about what they are doing.

As I have talked about it with my constituents, they raise serious questions about whether one Member of the U.S. Senate should be able to effectively block consideration of Senate business at all. So I think that the American people will consider this a very modest reform. I see no evidence that citizens want this kind of information held confidential, held secret. So I want to make clear to my colleagues that what I am against is the secrecy. It is the secrecy that is wrong, not the question of whether a Senator wants to exercise their rights.

Let me also say that I think it is particularly appropriate for the Senate to move now. I have discussed this, over the last 15 months, on a number of occasions with the majority leader, Senator LOTT. Senator LOTT, to his credit, has taken several steps to improve the procedures of the Senate and in dealing with the holds that I think are very constructive. But what has not been done is there has been no change in the Senate rules to deal with the issue that I bring up today. A hold can still be kept secret. A hold can still be kept confidential with the party leadership.

So, in my view, Senator LOTT's proposal and the proposal that he made on January 27 of this year is a constructive one. It puts in place a number of sensible changes, such as disallowing what are known as "block holds," where a Senator would put a hold on a block of bills. But it still keeps this procedure and the use of one of the most extensive personal powers a U.S. Senator has secret. So I hope that as the Senate considers this legislation—and it is only one sentence long, it is not a complicated amendment; it is only one sentence long. I hope that the Senators will see this for what it is, which is to bring sunlight to the debate over the Senate's rules.

I will be speaking for a few additional minutes, Mr. President, but I understand that the chairman of the subcommittee has asked to make a change in the time for the vote that he had arranged earlier. I am happy to yield to him at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

UNANIMOUS CONSENT AGREEMENT—LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. FAIRCLOTH. Mr. President, speaking for the leader, I ask unanimous consent that the vote on the legislative branch appropriations conference report now occur at 6 o'clock today, rather than 5:45.

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

The Senator from Oregon.

AMENDMENT NO. 1250

Mr. WYDEN. Mr. President, this effort that Senator GRASSLEY and I have pursued for many months has been endorsed by a number of groups that are seeking to try to make the U.S. Senate more open in the way it conducts its business. Common Cause, for example, is an organization that has sought to have public disclosure of this particular procedure.

What we are talking about here is if a Member of the U.S. Senate is going to exercise this extraordinary, unilateral power, there should be sunshine; sunshine, we all know, is the very best disinfectant. It is an opportunity for all Members of the U.S. Senate to have a chance to be part of the debate because at least they will know who they are debating with. What is the most ironic part of the use of the hold is that the Senate, in which every Member takes pride, an institution to foster debate about important issues, doesn't in many instances allow for a Member of the U.S. Senate to even know who they are debating with because one Member of the Senate has anonymously blocked the issue. So let me be clear with respect to what this legislation does. This applies to a Senator who is digging in and making it clear that they object to a measure or a nomination.

This is not an individual who perhaps needs to know when an amendment is coming up, or perhaps have an opportunity to come over to the Senate floor to speak on a measure or matter. That is not what is being discussed here. What is being discussed here is making sure that when there is a full court press to oppose a bill or a nomination that that kind of opposition be brought to light.

We had some recent experience with how influential polls can be. For example, we saw that in the last Congress, to quote USA Today on the matter, "A skulk of faceless Senators is using a series of parliamentary holds to dry gulch legislation extending health insurance to millions of Americans."

That wasn't 20 years ago. That wasn't 30 years ago. That was an anonymous hold that was used to influence an important piece of health care legislation in the last session of the U.S. Congress. The fact is, Mr. President, that this procedure, which was once a matter of common courtesy, is now so widely used that it has become one of the most frequent ways to prevent any public disclosure of Senate business.

I hope that as we look to these last few days of this session—I bring this to the floor now because I believe that the abuse of the hold is most likely during these last few days of the session—that we take this opportunity to make the U.S. Senate more open and more accountable.

Right now, if a Senator seeks to personally block a measure or matter, there is no cost to them. They face no disapproval because no one would know who they were disapproving of. The fact is that this is a process and a power, an enormous power, held by the U.S. Senate that is exercised in the dark. It seems to me that it carries the odor of back room deals, abuse of privilege, and a body that cares more about individual personal desires than those of the American people.

This isn't cutting off the right of any Member of the U.S. Senate. Every Senator can still filibuster. Every Senator can still exercise their rights with respect to a motion to proceed. It simply says that it has to be done publicly.

Let me also say that it has been the experience of Senator GRASSLEY and myself that you can do this, and, as Senator GRASSLEY has told me, it doesn't hurt. For example, just a week ago Senator SMITH and I felt strongly, on a bipartisan basis, about issues with respect to a C-130 crash that carried Oregonians who were reservists. At that time, because we were seeking answers from the military and given the fact that the appointment of the new head of the Joint Chiefs of Staff was forthcoming, I put a hold on that nomination for a brief period of time. I made it clear on the floor and in other forums that I was the Member of the Senate who did it. I published it in the CONGRESSIONAL RECORD, just as my amendment calls for.

So, during that period, there was, over a short few days, an effort to have

a public discussion about this matter. There were also bipartisan discussions with Senator THURMOND and Senator MCCAIN, and others were extremely helpful in the efforts that Senator SMITH and I made on this matter. And early the next week the hold that I had, which was public, I lifted. The needs of my constituents were addressed, and the American people saw a good man—a good man—General Shelton, confirmed to head the Joint Chiefs of Staff.

So, Mr. President, what we have done, Senator GRASSLEY and I, is we have practiced what we preach. We don't believe that it abridges our rights in any way. All we are saying is that there is no reasonable place for protracted ongoing anonymous delay. That is what we think is wrong. There is no place, as the New York Times recently said, for "the hold as currently practiced."

So I am not suggesting today, Mr. President and colleagues, that the hold be abolished. I am not suggesting that the filibuster be changed in any way. I am not suggesting that on the motion to proceed there be any change. All I am saying is when a hold is put on a matter so that a Senator digs in to personally effectively block the consideration of a measure or a matter, that within 2 days of that time they notify party leadership that they are the individual seeking to prevent consideration of that measure or matter on the floor of the U.S. Senate, and that they just put a little notice in the CONGRESSIONAL RECORD. No big procedure, no hassle, just a notice, just a notice identifying that Senator as the Senator who has put a hold on a measure or matter.

Mr. President, my guess is that if my amendment passes, there may be a variety of ways that Senators may still seek to vitiate the spirit of what Senator GRASSLEY and I are seeking to do. But I do think that passage of this amendment will put the U.S. Senate on record. We will be on record for sunshine. We will be on record as being opposed to secrecy, and especially we will be taking steps so that at this time of the session as the session moves into the last few weeks when history shows that you are most likely to have abuses of the hold, we will have shown that we are willing to make changes that hold the U.S. Senate and each Member here publicly accountable for their actions.

Mr. President, none of us got here easily. Like many other Senators, my campaign and my election was something of a trial by fire. No Member of this body lacks fortitude. I think we can stand some extra added light. I think we can stand some extra added sunshine. I think that we can take the secrecy out of the hold procedure and still make sure that each and every Senator is able to exercise their rights and protect their constituents.

I believe that the passage of this amendment, at a time when millions of Americans are especially cynical and skeptical about Government, will cause citizens to say that the Senate is doing the right thing, and we will see constituents have a bit more respect for this body as a result of Senators being willing to be held publicly accountable. This amendment is not about getting rid of the hold. It is not about doing anything to a hold other than saying that a Senator has to be publicly accountable when that one Senator effectively moves to block the consideration of a bill or a nomination.

Mr. President, I have not been here as long as some, but I read the statements of Senators who have been here for quite some time—Senator GLENN, who called it deplorable; Senator THURMOND, who said that there has been an abuse; Senator HATCH, who said that every Senator has been victimized by it; and, Senator LEAHY, who went far far farther than anything I would be talking about. He said there shouldn't be any holds at all.

In fact, in my conversations with Senators, I have been told that some Senators find this procedure so abhorrent that they will not exercise it at all, and they are especially frustrated by their colleagues who do.

So, in closing, Mr. President, let me go back to just how great the abuse is.

It is one thing if Chairman FAIRCLOTH or Senator BOXER or another Member of U.S. Senate puts a hold on a matter. All of the Senators are directly responsible to their constituents. What I found is a lot of Senators didn't even know that a hold had been placed on a bill in their name.

One senior Member of the U.S. Senate came to me last session, and said, "I am for your bill. I think it is a good idea. We need some public disclosure of these holds. And the reason I am for it is a few minutes ago a Senator came up to me and said, 'Why do you have a hold on my bill?' And the person who was sympathetic to what I have been trying to do said, 'I don't have a hold on your bill.'" It turned out that a staff person had done it in their name.

So what we have is a situation where not just are holds by Senators kept anonymous and kept confidential, but now we have staff that doesn't have an election certificate putting holds on these matters as well.

The hold started out many years ago. I gather from historians that it is well over 100 years old. It started out as a matter of common courtesy. It was something that Senators did to accommodate each other to make sure that an individual could be present to speak on an amendment, to ensure that they would have an opportunity to be heard if they had some sort of glitch in their time schedule. That is not what this amendment addresses. That is not what this amendment addresses at all.

This amendment is about ensuring that when a U.S. Senator uses all of their power, every bit of their power, to block a measure or a nomination, and they exercise those extraordinary rights that each of us has, that it be accompanied by a responsibility to the American people. That responsibility to the American people is to tell them, tell your constituents, when you exercise this extraordinary power that you are the one who did it. You are the one who blocked a bill or a nomination.

Let's bring some sunshine here.

I will tell leadership—let me say that Senator DASCHLE and Senator LOTT have talked with me about this. Both of them have been very gracious. Senator DASCHLE indicated that he is in support of this. I believe that what I am proposing in this amendment complements the useful changes that Senator LOTT, the majority leader, made this January.

The majority leader, Senator LOTT, implemented a number of changes that I think are constructive, but they still allow for the secrecy. They still allow for one Senator to effectively block consideration of a measure or matter.

I gather that the vote on this amendment will be tomorrow.

Mr. President, I ask unanimous consent at this time to be able, prior to the vote tomorrow, to speak on this amendment again for up to 10 minutes, to be able to ensure that Senators prior to the vote——

The PRESIDING OFFICER. Is there objection?

Mr. FAIRCLOTH. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, reclaiming the floor, will the Senator from North Carolina be open to a question at this time?

Mr. FAIRCLOTH. Yes.

Mr. WYDEN. I am proposing that an amendment be accepted by the Senate that would modestly change one of a Senator's most extensive powers, the power to secretly block a measure or matter from coming to the Senate floor. Does the Senator believe that it is not appropriate to have 10 minutes of discussion of it tomorrow before it comes up?

Mr. FAIRCLOTH. It might be all right to have 10 minutes, but we will have to decide it tomorrow. I am not ready now to agree to it.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I ask unanimous consent that I may speak in morning business for up to 10 minutes.

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

Mr. JOHNSON. I will not use the full 10 minutes.

HONORING THE LIVES OF AIRMEN ANTHONY BEAT, CLAY CULVER, KIRK CAKERICE, AND GARY EVERETT

Mr. JOHNSON. Mr. President, a B-1 bomber from Ellsworth Air Force Base near Rapid City, SD, crashed last Friday killing all four of the flight crew members. All four men who lost their lives were highly decorated American airmen receiving such awards as the Meritorious Service Medal, the Air Force Commendation Medal, the Humanitarian Service Medal, the Combat Readiness Medal, and the National Defense Service Medal.

The four men were Col. Anthony Beat of the 28th Bomb Wing, vice commander. He was from Attica, OH, and is survived by his wife, Delores Ann, and sons, James and Alan. Maj. Clay Culver was the 37th Bomb Squadron assistant operations officer and weapons systems officer. He was from Sulfur, LA, and is survived by his wife, Cynthia, his daughter, Ann, and son, Parker, all of Rapid City. Maj. Kirk Cakerice, the 37th Bomb Squadron assistant operations officer and instructor pilot, was from Eldora, IA, and is survived by his wife, Myra, son, Brett, and daughter, Kendra, all of Rapid City. Capt. Gary Everett was the 37th Bomb Systems weapons systems officer from Brooklyn, NY, and is survived by his parents, Joseph and Dorthy Everett, of Glasgow, KY, and several brothers and sisters and fiance.

On Monday, over 1,500 friends, peers, colleagues, and family mourned the loss of these four brave men in a memorial service at Ellsworth Air Force Base. At this time of tragedy, thoughts and prayers and the attention of people of the Black Hills region and the State of South Dakota and our Nation are with the families and friends of these four crewmen.

This tragic incident underscores how quickly lives of even our bravest and most skilled military personnel can be lost. It is important that the legacy of these four men live on as dedicated airmen, proud parents, loving husbands, grateful sons, and honorable men. Our loss reflects the fact that in peacetime, as well as during conflict, the men and women of our military, our friends, our spouses, our children, put their lives on the line each and every day to preserve and protect our liberty as Americans.

Colonel Beat, Major Cakerice, Major Culver, and Captain Everett were decorated veterans and honorable men who approached their military service with extraordinary dedication, commitment, pride, and professionalism.

In this time of tragedy, we must also acknowledge that our Nation is stronger and our liberties more secure because of the willingness of these patriots to commit their talent, their leadership, and ultimately their lives to the defense of our Nation.

Colonel Beat, Major Cakerice, Major Culver, and Captain Everett were shining examples of the quality, the expertise and the talents of the men and women who put on the uniforms of our Armed Forces.

And so again, Mr. President, our prayers are with the families of these four great American airmen. We know that every day of the week others embark on similar training experiences and similar endeavors. Lives are always at risk in times of peace as well as in conflict in order to protect our liberties as Americans, including our ability in this Senate to gather, to debate, to discuss policy issues affecting our Nation.

So it is in the great effort of these airmen, and others like them in all of our branches of the military, that we owe great gratitude. All people in the State of South Dakota share the grief but also the pride of these families in the great contribution that these airmen have made to our Nation.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 18, 1997.)

Mr. BENNETT. Madam President, I am pleased to report that the House and Senate conferees reached an agreement on funding for the legislative branch for the fiscal year 1998. The agreement we reached provides for total spending of slightly under $2.5 billion—an increase of 2 percent over the fiscal year 1997 level and a decrease of 6 percent from the President's budget.

Before we begin, I would like to state for the record that the issue of pay for Members of Congress is not in this bill.

However, there were significant differences in the amount of funding in the House and Senate bills. The House wanted to limit the growth of the legislative branch to the fiscal year 1997 level exclusive of Senate items. The Senate had made a commitment to the General Accounting Office—a commitment which was made when Senator MACK chaired this subcommittee and oversaw a 25-percent reduction in GAO. This was a 25-percent reduction in their budget and a 33-percent reduction in staff. I participated in the decision to reduce the agency, and I was also a party to the Senate's commitment to stabilize the agency once it made the reduction. Senator DORGAN shared my desire to meet that commitment.

I want to thank Senator DORGAN for his hard work, and interest in the bill. It was only with his strong support that we were able to provide adequate funding—a $7 million increase in direct appropriations plus and increase of $1.5 million in offsetting receipts over the fiscal year 1997 level.

The Federal Government will spend almost $1.7 trillion next year. The legislative branch has the responsibility to oversee this budget and make sure that taxpayer funds are being spent wisely. GAO is responsible for identifying wasteful Federal spending and recommending ways in which we can save billions of dollars. This past year GAO has identified $6 billion in measurable savings in the Federal Government. That does not include other savings which cannot be measured in dollars—such as better organization, ways in which an agency can better serve taxpayers, etc. For every $1 appropriated to GAO, they have identified $50 savings. This is an agency which is worth the investment.

Maintenance was another issue in this bill. I believe strongly in the need to invest in maintenance. Saving a small amount of money now on maintenance will only result in higher costs in the future.

I learned in business that if you do not properly maintain your building and equipment you will soon find yourself spending much more money to replace those items which have crumbled or can no longer function. There are a number of maintenance and security items which the Senate identified as priorities such as, repairs to the Library of Congress roof, investment in the Capitol powerplant, and Capitol security.

Funding for the Joint Committee on Taxation was also an issue. The Senate conferees agreed at the strong urging of the House conferees to split the difference between the House and Senate bills resulting in an increase of $91,500 over the Senate bill. For many years now the Joint Committee on Taxation has operated as an extension of the Finance and Ways and Means committees. Members of Congress who are not members of those committees have not been able to get revenue estimates for

their proposals. Without the revenue estimates, it is almost impossible to go to the floor to offer an amendment to a tax bill.

We have been assured by the House that Congressman ARCHER—the current chairman of the Joint Committee on Taxation is committed to working harder to provide to Senators and Representatives revenue estimates in a timely fashion. It is our intent to ensure that the Joint Committee on Taxation assists all Members of Congress. Included in the statement of managers on page 26 of the conference report is language identifying the scope of the assistance we expect the Joint Committee to provide to Members.

During the course of the next year, I would like to hear from my colleagues if they are finding the Joint Committee to be helpful.

In reaching this agreement, the Senate came down $37 million in budget authority and the House went up $24 million. I am comfortable that the legislative branch will be able to meet its oversight responsibilities with the funding provided in this agreement.

Again, I would like to thank Senator DORGAN as the ranking member for his hard work on reaching this agreement. In addition, I would like to thank Senator STEVEN, Senator CRAIG and Senator BOXER for their assistance on the subcommittee as well as the following staff: Christine Ciccone, Jim English, Mary Dewald, Mary Hawkins, Chuck Turner, and Chip Yost, for their superior work.

I thank my colleagues in advance for their support of the conference report.

Mr. DORGAN. Madam President, I rise in support of the conference agreement to H.R. 2209, the fiscal year 1998 legislative branch appropriation bill. The conference agreement provides a total of $2.25 billion for fiscal year 1998 for the Congress and other legislative branch agencies. This represents a reduction of $144 million from the budget request.

All in all, this is a good conference agreement. I wish to take just a minute to point out the level of funding agreed to by the conferees with respect to the General Accounting Office [GAO]. As Members are aware, an agreement was reached last Congress between the GAO and appropriators to reduce the GAO's budget by a total of 25 percent over fiscal years 1996 and 1997. The GAO successfully implemented a plan for this reduction, without having to be dragged kicking and screaming. Our commitment to them, in return, was to stabilize their funding at that reduced level. Unfortunately, for fiscal year 1998, the House recommended an appropriation of only $323.5 million for the GAO, a reduction of $37.9 million below their budget request. The Senate bill, after thorough consideration and cooperation from the GAO itself, found that an appropriation of $346.8 million would be sufficient to maintain GAO's level of operations.

Madam President, this was the most difficult issue in the conference. Chairman BENNETT joined me in urging the House to come up substantially from their level. Ultimately, the conferees agreed to an appropriation of $339.5 million for fiscal year 1998, $7 million above the fiscal year 1997 appropriation and $16 million above the House-passed bill. While not providing GAO every last dollar that they would like to have had, this level of funding comes very close to fulfilling our commitment to the GAO.

I commend Senator BENNETT for his fairness and the leadership he showed during our conference with the House. I also compliment the House conferees, particularly the House subcommittee chairman, Congressman WALSH, and his minority counterpart, Congressman SERRANO, as well as their very capable staffs, Ed Lombard for the majority and Greg Dahlberg for the minority.

Madam President, I urge my colleagues to vote for this conference agreement.

Mr. MCCAIN. Madam President, as I said when this bill came before the Senate for consideration, this is, overall, a good bill. It contains very few of the types of earmarks and set-asides for pork-barrel spending that are included in most of the appropriations bills.

Of course, I don't believe I have ever had the pleasure of reading an appropriations bill that is completedly devoid of earmarks, and this bill is no exception.

When this bill came before the Senate, I applauded the Senate's decision to eliminate or reduce funding for several projects that did not appear to be high-priority projects. The Senate cut $50,000 for a study of electromagnetic fields in the Russell Senate Office Building, reduced funding for elevator modernization in the Hart Building by $200,000. Unfortunately, the Senate did include $100,000 for a new subway from the Russell Building to the Capitol.

Because of these and other reductions, the overall budget for Senate buildings was reduced by about $2 million. This conference agreement restores the full $52 million originally proposed for the Senate.

My staff was told by the Appropriations Subcommittee staff that this restored money will not be used for the projects noted above that the Senate explicitly cut. Instead, $2 million will be transferred and used for maintenance and repair projects and security improvements in the Capitol. Although I can find nothing in the conference agrement that would ensure this is the case, I trust that none of the restored funds will be used, for example, to study electromagnetic fields in the Russell Senate Office Building.

Finally, I am disappointed that the conferees chose to specifically reverse the direction in the Senate report that would require the General Accounting Office to place higher priority on Members' requests for audits, studies, and investigations. This has been a particular matter of concern to me, and I was pleased that the Senate Appropriations Committee chose to take the initiative to establish the proper priority for the GAO's work.

I am sure most of my colleagues have, at one time or another, been advised that the GAO cannot complete work we have requested in a timely fashion. But I don't know if my colleagues are aware that GAO does a great deal of work that is either self-initiated or requested informally by staff members. And often this work is placed ahead of work that is requested by Members in the GAO's assignment of staff and resources to complete the work. I don't believe most of my colleagues would think that is the proper prioritization for an agency that works for the Congress.

Frankly, I can see no good reason why the conferees took the unusual step of repudiating this very much-needed directive. Unfortunately, however, because this provision has been summarily reversed by the conferees, I will have to consider other appropriate means to ensure that GAO's prioritization of work reflects the needs of the Congress, not the GAO itself.

Madam President, these are not major problems. The total of the pork-barrel provisions in this bill is only slightly more than $1 million. However, again, I remind my colleagues that every taxpayer dollar we waste reinforces the disdain of the American people for the Congress and our way of doing business.

I ask unanimous consent that a list of objectionable provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

OBJECTIONABLE PROVISIONS IN THE CONFERENCE REPORT ON THE FY 1998 LEGISLATIVE BRANCH APPROPRIATIONS BILL

BILL LANGUAGE

$100,000 from the Library of Congress budget for an International Copyright Institute.

$2,250 from the Library of Congress budget for official representational and reception expenses offor activities of the International Copyright Institute.

Earmark of unlimited amount of GAO's funds to finance an appropriate share of the expenses of: the Joint Financial Management Improvement Program, including the salary of the Executive Director and secretarial support; the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum, as determined by the respective forum, including necessary travel expenses of non-Federal participants; and the costs of the American Consortium on International Public Administration, including any expenses attributable to its membership in the International Institute of Administrative Sciences.

REPORT LANGUAGE

$300,000 for improved lighting in the Senate Chamber.

$100,000 to design a new subway from the Russell Building to the Capitol Building.

$550,000 to modernize elevators in the Hart Building.

Total Objectionable Provisions: $1.052 million.

Mr. DOMENICI. Madam President, I rise in support of the conference report on H.R. 2209, the legislative branch appropriations bill for fiscal year 1998.

The bill, as reported, provides $2.25 billion in new budget authority and $2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals $2.3 billion in budget authority and outlays. The bill is under the subcommittee's 302(b) allocation by $36 million in budget authority and $86 million in outlays.

I want to commend the distinguished chairman and ranking member of the Legislative Branch Subcommittee for producing a bill that is substantially within their 302(b) allocation. I am pleased that this bill continues to hold the line on congressional spending.

I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of H.R. 2209, as reported by the committee of conference. I urge the Senate to support this conference report.

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

H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS, 1998 SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference Report:					
Budget authority		2,251		92	2,343
Outlays		2,251		92	2,343
Senate 302(b) allocation:					
Budget authority		2,287		92	2,379
Outlays		2,337		92	2,429
President's request:					
Budget authority		2,386		92	2,478
Outlays		2,352		92	2,444
House-passed bill:					
Budget authority		2,261		92	2,353
Outlays		2,262		92	2,354
Senate-passed bill:					
Budget authority		2,286		92	2,378
Outlays		2,269		92	2,361
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority		−36			−36
Outlays		−86			−86
President's request:					
Budget authority		−135			−135
Outlays		−101			−101
House-passed bill:					
Budget authority		−10			−10
Outlays		−11			−11
Senate-passed bill:					
Budget authority		−35			−35
Outlays		−18			−18

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

The PRESIDING OFFICER. The question now occurs on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—90

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

NAYS—10

Allard	Gramm	Shelby
Brownback	Inhofe	Smith (NH)
Burns	Kohl	
Coats	Kyl	

The conference report was agreed to.

Mr. BENNETT. I move to reconsider the vote and I move to lay it on the table.

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1250

Mr. FAIRCLOTH. Madam President, I ask unanimous consent when the Senate resumes the Wyden amendment No. 1250, there be 20 minutes equally divided remaining, and following the conclusion or yielding back of time, the amendment be agreed to, and the motion to reconsider be laid upon the table, all without further action or debate.

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I do not intend to object. I have had a chance to discuss this with the majority leader who has been gracious in offering me his time on this matter.

I ask only that the further discussion of this amendment take place at a time when the majority leader could be on the floor and he and I could discuss this briefly. I believe the proposals he has made with respect to holds are constructive. This proposal goes one step further, to have public disclosure of holds.

I ask only that the majority leader, at a time convenient with his schedule, be allowed to participate in that 20-minute discussion so he and I could briefly discuss that.

With that, I have no objection.

The PRESIDING OFFICER. Is there further objection? If not, without objection, it is so ordered.

Mr. McCAIN. Madam President, I must applaud the actions of the chairman of the D.C. Appropriations Subcommittee, Senator FAIRCLOTH, for his restraint in putting together this bill.

The bill is the first step in implementing the National Capital Revitalization and Self-Government Improvement Act that Congress passed this

summer. This bill provides the funding necessary to carry out that act, and includes several provisions that will ensure fiscal responsibility and adherence to the act.

In reviewing this bill, I have found only one section in the report language that causes some concern. On page 31 of the report, the following language appears:

The Committee is aware of the need for an adult and pediatric heart transplant program at a not-for-profit academic medical center servicing this Nation's Capital. The D.C. metropolitan area is the only major metropolitan area that does not have an academic medical center with a heart transplant program. Since this not-for-profit medical center has recently enhanced its capabilities by the additional of a nationally and internationally renowned cardiovascular surgeon and a nationally known pediatric cardiologist, the Committee strongly recommends that the State health planning and development agency approve the certificate of need application for a nonprofit academic medical center in the District of Columbia that has an approved lung transplant program.

I am sure my colleagues are aware of the likely result of this type of language in an Appropriations Committee report. Although not bound to do so, I would expect that the State health planning and development agency will feel pressured to approve the application of this academic facility. Although that may not be an inappropriate decision, I continue to believe it is inappropriate for Congress to direct these types of decisions on a case-by-case basis, rather than assessing the broader requirements for health facilities in the District of Columbia. I would hope the committee would see fit to withdraw this near-directive and allow the agency to make decisions based on the criteria it has developed for all such matters.

Again, this bill is free of the types of earmarks that we have seen in virtually every other appropriations measure to come before the Senate this year.

As the last appropriations measure to come before the Senate for debate, perhaps this is a welcome sign of things to come as we turn to the appropriations conference reports.

Mr. FAIRCLOTH. Madam 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. FAIRCLOTH. 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—AMENDMENT NO. 1249

Mr. FAIRCLOTH. Mr. President, on behalf of the leader, I ask unanimous consent that debate on amendment No. 1249 begin at 12 noon on Thursday and the time between noon and 5 p.m. be equally divided in the usual form. I further ask that at 5 p.m. the amendment be laid aside until Tuesday, September 30, and a cloture vote occur on the amendment at 11 a.m. on Tuesday, September 30, with the mandatory quorum under rule XXII being waived, and the time between 10 a.m. and 11 a.m. on Tuesday be equally divided between Senators COATS and KENNEDY. I further ask that no second-degree amendments be in order to amendment No. 1249 prior to the cloture vote.

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

CLOTURE MOTION

Mr. FAIRCLOTH. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending COATS amendment numbered 1249 to S. 1156:

Senators Trent Lott, Dan Coats, Richard Shelby, Mitch McConnell, Connie Mack, Lauch Faircloth, James Inhofe, Alfonse D'Amato, Rod Grams, John Warner, Pat Roberts, Chuck Hagel, Ted Stevens, John McCain, Susan Collins, and Sam Brownback.

MORNING BUSINESS

Mr. FAIRCLOTH. Mr. President, on behalf of the leader, 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.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 23, 1997, the Federal debt stood at $5,382,650,076,978.81. (Five trillion, three hundred eighty-two billion, six hundred fifty million, seventy-six thousand, nine hundred seventy-eight dollars and eighty-one cents)

One year ago, September 23, 1996, the Federal debt stood at $5,192,406,000,000. (Five trillion, one hundred ninety-two billion, four hundred six million)

Five years ago, September 23, 1992, the Federal debt stood at $4,042,399,000,000. (Four trillion, forty-two billion, three hundred ninety-nine million)

Ten years ago, September 23, 1987, the Federal debt stood at $2,354,292,000,000. (Two trillion, three hundred fifty-four billion, two hundred ninety-two million)

Fifteen years ago, September 23, 1982, the Federal debt stood at $1,110,216,000,000 (One trillion, one hundred ten billion, two hundred sixteen million) which reflects a debt increase of more than $4 trillion—$4,272,434,076,978.81 (Four trillion, two hundred seventy-two billion, four hundred thirty-four million, seventy-six thousand, nine hundred seventy-eight dollars and eighty-one cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT OF THE NOTICE RELATIVE TO THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT—PM 68

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1997, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure

to UNITA to reduce its ability to pursue its aggressive policies of territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 871. An act 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.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 996. An act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts.

The message further announced that the House has passed the following bill, without amendment:

S. 1000. An act to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the "Robert J. Dole United States Courthouse."

The message further announced that the House agrees to the amendments of the Senate 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 message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. REGULA, Mr. MCDADE, Mr. KOLBE, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. MILLER of Florida, Mr. WAMP, Mr. LIVINGSTON, Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. SKAGGS, Mr. MORAN of Virginia, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to 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, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PORTER, Mr. YOUNG of Florida, Mr. BONILLA, Mr. ISTOOK, Mr. MILLER of Florida, Mr. DICKEY, Mr. WICKER, Mrs. NORTHUP, Mr. LIVINGSTON, Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, and Ms. DELAURO as the managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 29. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building."

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

H.R. 824. An act to redesignate the Federal building located at 717 Madison Place, N.W., in the District of Columbia, as the "Howard T. Markey National Courts Building."

H.R. 994. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station."

H.R. 1460. An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1683. An act to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

H.R. 2027. An act 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 on such revision.

H.R. 2343. An act to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

H.R. 2414. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

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.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

At 2:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

At 5:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2378) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill, and the Senate amendment, and modification committed to conference: Mr. KOLBE, Mr. WOLFE, Mr. LIVINGSTON, Mr. HOYER, and Mr. OBEY.

As additional conferees solely for consideration of titles I through IV of the House bill, and titles I through IV of the Senate amendment, and modifications committed to conference: Mr. ISTOOK, Mrs. NORTHUP, and Mrs. MEEK of Florida.

ENROLLED BILL SIGNED

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

H.R. 111. An act 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.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 29. An act to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building"; to the Committee on Environment and Public Works.

H.R. 643. An act to designate the U.S. courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, OH, as the "Carl B. Stokes United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 824. An act to redesignate the Federal building located at 717 Madison Place NW., in the District of Columbia, as the "Howard T. Markey National Courts Building"; to the Committee on Environment and Public Works.

H.R. 994. An act to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza United States Border Station"; to the Committee on Environment and Public Works.

H.R. 1460. An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1683. An act to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; to the Committee on the Judiciary.

H.R. 2027. An act 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 on such revision; to the Committee on the Judiciary.

H.R. 2343. An act to abolish the Thrift Depositor Protection Oversight Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2414. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

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–3026. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, five rules received on August 25, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3027. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, eighteen rules received on August 28, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3028. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules received on September 4, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3029. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, five rules received on September 8, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3030. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, thirteen rules received on September 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3031. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules received on September 15, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3032. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, three rules received on September 18, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3033. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, ten rules received on September 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3034. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice regarding encryption policies; to the Committee on Commerce, Science, and Transportation.

EC–3035. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule concerning disclosures regarding energy consumption; to the Committee on Commerce, Science, and Transportation.

EC–3036. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the National Transportation Safety Board for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–3037. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Motor Carrier Safety Act of 1997"; to the Committee on Commerce, Science, and Transportation.

EC–3038. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule received on September 8, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3039. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule received on September 10, 1997; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1216. An original bill to approve and implement the OECD Shipbuilding Trade Agreement (Rept. No. 105–84).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 738. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes (Rept. No. 105–85).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the Acts, and for other purposes (Rept. No. 105–86).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 2443. A bill to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

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

H. Con. Res. 99. A concurrent resolution expressing concern over recent events in the Republic of Sierra Leone in the wake of the recent military coup d'etat of that country's first democratically elected president.

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

S. Res. 123. An original resolution honoring the memory of former Peace Corps Director Loret Miller Ruppe.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 1211. An original bill to provide permanent authority for the administration of au pair programs.

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

S. Con. Res. 51. A concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees are submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

John C. Angell, of Maryland, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Mary Anne Sullivan, of the District of Columbia, to be General Counsel of the Department of Energy.

Ernest J. Moniz, of Massachusetts, to be Under Secretary of Energy.

Michael Telson, of the District of Columbia, to be Chief Financial Officer, Department of Energy

Dan Reicher, of Maryland, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Policy, Planning, and Program Evaluation).

(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. JEFFORDS. Mr. President, for the Committee on Labor and Human Resources, I report favorably two nomination lists in the Public Health Service which were printed in full in the CONGRESSIONAL RECORD of September 4 and 12, 1997, and ask unanimous consent, to save the cost of reprinting on the Executive Calendar, that this 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 4 and 12, 1997, at the end of the Senate proceedings.)

The following candidates for personnel action in the regular component of the Public Health Service Commissioned Corps subject to qualifications therefor as provided by law and regulations:

1. FOR APPOINTMENT:

To be assistant surgeon

Jennifer L. Betts
Matthew A. Clark
Gretchen M. Esplund
Philip T. Farabough
Laurie E. Olnes
Susannah Q. Olnes
Melissa A. Sipe
Joanette A. Sorkin
Rebecca J. Werner

The following candidates for personnel action in the regular component of the Public Health Service Commissioned Corps subject to qualifications therfor as provided by law and regulations:

1. FOR APPOINTMENT:

To be medical director

William E. Halperin

To be senior surgeon

Diane L. Rowley

To be surgeon

Jay C. Butler
Robert H. Johnson

To be senior assistant surgeon

Joseph M. Chen
Susan A. Lippold
Carlos M. Rivera
Thomas J. Vangilder
Steven S. Wolf
Priscilla L. Young
Stephanie Zaza

To be dental surgeon

Richard M. Davidson

To be senior assistant dental surgeon

Glen A. Eisenhuth
Mark S. Elliott
Clay D. Henning
Steven A. Johnson
Michael J. Mindiola
Donald L. Ross
James H. Tennyson

To be nurse director

Susan P. Hubbard

To be senior nurse officer

Elizabeth J. McCarthy

To be nurse officer

Veronica G. Stephens

To be senior surgeon nurse officer

Brian P. Asay
Amy V. Buckanaga
Deborah K. Burkybile
Thomas L. Doss
Deann M. Eastman-Jansen
Edwin M. Galan
Louis J. Glass
Nelson Hernandez
Richard G. Hills
Leonard L. Howell
Lenora B. Jones
Joan F. Kelley
Eric A. Lasure
Patricaia A. Lawrence
Lucienne D. Nelson
Susan M. Nord
Martha T. Olone
Judy L. Pearce
Juliana M. Sadovich
Carmelita Sorrelman
Mary T. Vanieuven
Daniel J. Weskamp
Vernon L. Wilkie

To be Assistant Nurse Officer

Karen E. Bikowicz
Guadalupe R. Demske
Robert T. Edwards
William C. Guinn
Michael J. Lackey
Richard N. Leland
Mark J. Martineau
Edward A. Sexton

To be engineer director

Richard R. Truitt

To be senior assistant engineer officer

David M. Apanian
Charles S. Hayden, II
Lee C. Jackson
John W. Longstaff
Kathy M. Poneleit
Stephen P. Rhodes
Carol L. Rogers
Hung Trinh
Richard S. Wermers
Andrew J. Zajac

To be assistant engineer officer

Michael S. Coene
Paul J. Ritz

To be scientist

Susan M. Caviness

To be senior assistant scientist

Drue H. Barrett
Roy A. Blay
Ann M. Malarcher
Robert L. Williams

To be sanitarian

Edwin J. Fluette

To be senior assistant sanitarian

Clint R. Chamberlin
Jeffrey A. Church
Nancy J. Collins
Eric J. Esswein
Wendy L. Fanaselle
Michael G. Halko
Diana M. Kuklinski
Joseph D. Little
Gina L. Locklear
Joe L. Maloney
Michael A. Noska
David E. Robbins
Sarath B. Seneviratne
Daniel C. Strausbaugh
Jessilynn B. Taylor
Timothy Walker

To be veterinary officer

William S. Stokes

To be senior assistant pharmacist

Lisa A. Cohn
Alison R. Dion
Cindy P. Dougherty
Thomas P. Gammarano
Robert W. Griffith
Jill D. Mayes
Paul J. Na
Cheryl A. Namtvedt
William A. Russell, Jr.
Donna A. Shriner
Pamela J. West
Rochelle B. Young

To be assistant pharmacist

Christopher A. Bina

To be senior assistant dietitian

Jo Ann A. Holland
Marilyn A. Welschenbach

To be senior assistant therapist

Cindy R. Melanson

To be assistant therapist

Michelle Y. Jordan
Jean E. Marzen

To be health services officer

Eugene A. Migliaccio

To be senior assistant health services officer

Debora S. Descombes
Michael J. Flood
Donald H. Gabbert
Denis L. Goudelock
Jane Martin
Doreen M. Melling
David J. Miller
Peggy J. Roys
William Tool

To be assistant health services officer

James A. Gregory
Trinh K. Nguyen

(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.)

By Mr. HELMS, from the Committee on Foreign Relations:

Robin Lynn Raphel, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Johnny Young, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

Susan E. Rice, of the District of Columbia, to be an Assistant Secretary of State.

Nancy Dorn, of the District of Columbia, to be Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2002.

Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator.

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1999.

Paula Dobriansky, of Maryland, to be a Member of the United States Advisory Commission of Public Diplomacy for a term expiring July 1, 1998.

R. Nicholas Burns, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: R. Nicholas Burns.

Post: Greece.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, R. Nicholas Burns, None.

2. Spouse, Elizabeth Allen Baylies, None.

3. Children and Spouses Names: Sarah; Elizabeth; Caroline, None.

4. Parents Names: Robert P. & Esther A. Burns—$25—1996—Newt Gingrich.

$100—1994—Romney for Senate in Massachusetts.

5. Grandparents Names: James & Delia Burns, deceased.

Richard & Helen Toomey, deceased.

6. Brothers and Spouses Names: Christopher & Nayla Burns, None; Jeffrey & Denise Burns, None.

7. Sisters and Spouses Names: Roberta Esther & Richard Hutchins, None; Stanton & Gigi Burns, None.

Barbara K. Bodine, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nominee: Barbara K. Bodine.

Post: The Republic of Yemen.

The following is a list of all members of my immediate family and their spouses. I have been able to ask only my father to inform me of the pertinent contributions made by him. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions	Amount	Date	Donee
1. Self	None	n/a	n/a
2. Spouse—none	n/a	n/a	n/a
3. Children None, spouses none.	n/a	n/a	n/a
4. Father: Robert J. Bodine	Low $100's each time.	Over several years.	Sen. Ashcroft Sen. Bond Sen. Mack Cong. Goss

Mother: Barbara Bode Bodine Red (NFI), Have not had any contact since Sept. 1982, Doubt any contributions of any note.

Step-mother: Joann Bodine—Have never met or spoken with my step-mother. Have no idea what donations/contributions she may have made.

Step-father: Alan (NFI)—Met once in summer '82. Do not recall surname; do not know address; do not know politics.

5. Grandparents: all deceased except maternal grandfather's fourth wife/widow. Does not make political contributions.

6. Half-brother: Jonathan B. Red (wife: Deborah Brockley), No contact since July, 1982.

7. Half-sister: Carol Bodine (married; husband's name unknown), No contact ever.

Half-sister: Gail Bodine (married; husband's name unknown), No contact ever.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Brian Dean Curran.

Post: Maputo, Mozambique.

The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self.
2. Spouse.
3. Children and Spouses Names.
4. Parents Names.
5. Grandparents Names.
6. Brothers and Spouses Names: Mr./Mrs. David Curran, $100, 1994, Harms for Congress.
7. Sisters and Spouses Names: Janice Curran, none.

[Brian Dean Curran, Post: Maputo, Mozambique]

Contributions	Amount	Date	Donee
1. Self	$50	3/3/92	Clinton for President.
	50	3/20/93	Democratic National Committee.
	50	8/8/93	Democratic National Committee.
	50	7/12/94	Citizens for Sarbanes.
	50	10/9/94	Friends of Tom Andrews.
	13	3/20/93	Human Rights Campaign Fund.
	155	9/29/94	Human Rights Campaign Fund.
	175	11/95	Human Rights Campaign Fund.
	50	10/96	Democratic National Committee.

5. Grandparents (all deceased) Wadsworth Harris Williams, none; Leila Williams, none; Winnefred Curran, none; Coleman Curran, none.

Corinne Claiborne Boggs, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

NOMINEE: Corinne Claiborne Boggs.

POST: Ambassador to the Holy See.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee.

1. Self: Corinne Claiborne Boggs.
2. Spouse: Thomas Hale Boggs (Deceased 1972).
3. Children and Spouses: Barbara Boggs Sigmund (Deceased 1990).

Thomas Hale Boggs Jr. m. Barbara Denechaud.

Corinne Boggs m. Steven V. Roberts. None.

4. Parents: Corinne Morrison (Deceased 1978), Roland Claiborne (Deceased 1918).
5. Grandparents: Rose Claiborne (Deceased 1935) m. Louis Claiborne (Deceased 1934), Eustatia Morrison (Deceased 1895) m. Edward S. Morrison (Deceased 1923).
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

LINDY BOGG'S FEDERAL CAMPAIGN CONTRIBUTIONS (JANUARY 1, 1993—PRESENT)

Date	Amount	Political organization	Name
Oct. 30, 1993	$250.00	Democratic Senatorial Campaign Committee	
Nov. 14, 1993	250.00	Catherine Baker Knoll	Catherine Baker Knoll.
May 28, 1994	250.00	Tom Foley	Tom Foley.
May 28, 1994	250.00	Jolene Unsoeld	Jolene Unsoeld.
July 27, 1994	1,000.00	Robb for the Senate	Charles Robb.
Aug. 5, 1994	250.00	Friends of Patrick Kennedy	Patrick Kennedy.
Aug. 23, 1994	200.00	D.C.C.C	
Oct. 9, 1994	250.00	Friends of Jim Cooper	Jim Cooper.
Oct. 22, 1994	500.00	Ted Kennedy	Ted Kennedy.
Oct. 24, 1994	250.00	Kathleen Townsend	Kathleen Townsend.
Oct. 24, 1994	100.00	Democratic National Committee	
Oct. 24, 1994	250.00	Diane Feinstein	Diane Feinstein.
Nov. 1, 1994	1,000.00	Democratic Leadership Council	
Jan. 30, 1995	500.00	Carol Moseley Braun for US Senate	Carol Moseley Braun.
Feb. 21, 1995	250.00	Feinstein for Senate '94	Diane Feinstein.
Dec. 29, 1995	250.00	President Clinton Dinner (D.N.C.)	
Dec. 31, 1995	240.00	Jim Chapman	Jim Chapman.
Dec. 31, 1995	500.00	Carol Moseley Braun for US Senate	Carol Moseley Braun.
Mar. 26, 1996	25.00	Joe Biden	Joe Biden.
Mar. 31, 1996	500.00	Mary Landrieu	Mary Landrieu.
May 6, 1996	500.00	Mary Landrieu	Mary Landrieu.
May 16, 1996	250.00	Barbara Kennelly	Barbara Kennelly.
May 28, 1996	250.00	D.C.C.C. of LA Federal	
June 6, 1996	200.00	D.C.C.C.	
Sept. 2, 1996	150.00	LA Democratic Victory Fund	
Feb. 16, 1997	200.00	D.C.C.C.	

THOMAS HALE BOGGS, JR.'S FEDERAL CAMPAIGN CONTRIBUTIONS (JANUARY 1, 1993–PRESENT)

Date	Amount	Political organization	Name
		1993	
Jan. 4, 1993	$500.00	Wilson for Chairman	John Wilson.
Feb. 2, 1993	1,000.00	Ed Markey for Congress Committee	Ed Markey.
Feb. 3, 1993	250.00	Friends of Paul McHale	Paul McHale.
Feb. 23, 1993	100.00	Epsy for Congress	Mike Epsy.
Mar. 9, 1993	250.00	Portman for Congress	Rob Portman.
Mar. 16, 1993	1,000.00	Bob Krueger Campaign	Bob Krueger.
Mar. 23, 1993	200.00	Simon for Senate	Paul Simon.
Mar. 24, 1993	1,000.00	The Jefferson Committee	William Jefferson.
Mar. 30, 1993	1,000.00	Citizens for Biden	Joseph Biden.
Mar. 30, 1993	500.00	Thornton for Congress	Ray Thornton.
Apr. 20, 1993	1,000.00	Murtha for Re-Election committee	John Murtha.
Apr. 28, 1993	500.00	Bliley for Congress Committee	Thomas Bliley.
Apr. 28, 1993	500.00	Jimmie Hayes for Congress	Jimmie Hayes.
May 14, 1993	1,000.00	DeConcini '94 Committee	Dennis DeConcini.
June 14, 1993	1,000.00	Committee to Re-elect Jack Brooks	Jack Brooks.
June 16, 1993	500.00	The Lautenberg Committee	Frank Lautenberg.
June 29, 1993	500.00	Wheat for Congress	Alan Wheat.
June 29, 1993	500.00	Kerrey for US Senate	Bob Kerrey.
July 20, 1993	1,000.00	Joseph M. McDade Legal Defense Fund	Joseph M. McDade.
Sep. 22, 1993	250.00	Paul Simon for Senate	Paul Simon.
Sep. 28, 1993	500.00	Friends of Neal Smith	Neal Smith.
Sep. 29, 1993	500.00	English for Congress Committee	Glenn English.
Oct. 13, 1993	500.00	Coloradans for David Skaggs	David Skaggs.
Oct. 14, 1993	310.51	Lieberman '94 Committee (in-kind)	Joseph Lieberman.
Oct. 27, 1993	250.00	Friends of Alan Wheat	Alan Wheat.
Oct. 27, 1993	1,000.00	Daniel K. Inouye in 98	Daniel K. Inouye.
Nov. 9, 1993	500.00	Citizens for David Mann	David Mann.
Nov. 10, 1993	500.00	Lynn Schenk for Congress Committee	Lynn Schenk.
Nov. 18, 1993	500.00	Citizens Committee for Ernest F. Hollings (aka the Citizens Committee)	Ernest Hollings.
Dec. 2, 1993	250.00	Sanford Bishop for Congress	Sanford Bishop.
Dec. 3, 1993	689.49	Lieberman '94 Committee	Joseph Lieberman.
Dec. 8, 1993	1,000.00	Jim Cooper for Congress Committee	Jim Cooper.
Dec. 9, 1993	1,000.00	The Lautenberg Committee/$500-Prim-500-Gen	Frank Lautenberg.
Dec. 16, 1993	500.00	Ed Markey for Congress	Ed Markey.
Dec. 16, 1993	500.00	Hoyer for Congress Committee	Steny Hoyer.
		1994	
Jan. 13, 1994	500.00	Hoyer for Congress	Steny Hoyer.
Jan. 25, 1994	1,000.00	Committee for Sam Gibbons	Sam Gibbons.
Jan. 26, 1994	11.60	The Lautenberg Committee (in-kind postage)	Frank Lautenberg.
Jan. 31, 1994	600.00	Mitchell for Senate Committee	George J. Mitchell.
Mar. 14, 1994	500.00	Moynihan Campaign	Daniel Moynihan.
Mar. 23, 1994	500.00	Hoyer for Congress Committee	Steny H. Hoyer.
Mar. 23, 1994	500.00	Hoagland for Congress Committee	Peter Hoagland.
Apr. 26, 1994	500.00	Friends of Congressman George Miller	George Miller.

THOMAS HALE BOGGS, JR.'S FEDERAL CAMPAIGN CONTRIBUTIONS (JANUARY 1, 1993–PRESENT)—Continued

Date	Amount	Political organization	Name
May 10, 1994	1,000.00	Laughlin for Congress	Greg Laughlin.
May 10, 1994	500.00	Committee for Congressman Charlie Rose	Charlie Rose.
May 17, 1994	350.00	Lancaster for Congress Committee	H. Martin Lancaster.
May 17, 1994	1,000.00	Robb for Senate Committee	Charles Robb.
May 18, 1994	100.00	Friends of Lem Chester	Lem Chester.
June 27, 1994	500.00	Friends of Patrick J. Kennedy for Congress	Patrick J. Kennedy.
July 7, 1994	250.00	Peter Deutsch for Congress	Peter Deutsch.
Aug. 11, 1994	500.00	Bill Wheeler for Congress	Bill Wheeler.
Sep. 20, 1994	50.00	Friends of Mark Takano for Congress	Mark Takano.
Sep. 26, 1994	1,000.00	Johnston Senate Committee	Bennet Johnston.
Nov. 30, 1994	1,000.00	Citizens for Harkin	Tom Harkin.
		1995	
Jan. 24, 1995	500.00	Friends of Senator Rockefeller	John D. Rockefeller.
Feb. 15, 1995	1,000.00	Nadler for Congress	Jerrold Nadler.
Feb. 28, 1995	1,000.00	Re-elect Senator Mark Hatfield	Mark O. Hatfield.
Feb. 28, 1995	1,000.00	Dole for President	Bob Dole.
Mar. 2, 1995	1,000.00	Friends of John Warner	John Warner.
Mar. 7, 1995	1,000.00	John D. Dingell for Congress Committee	John D. Dingell.
Mar. 8, 1995	500.00	Foglietta for Congress	Thomas M. Foglietta.
Mar. 8, 1995	500.00	Ackerman for Congress	Gary L. Ackerman.
Mar. 21, 1995	500.00	Louise Slaughter Re-election Committee	Louise Slaughter.
Mar. 28, 1995	500.00	Billy Tauzin Committee	W.J. (Billy) Tauzin.
Mar. 28, 1995	500.00	Ed Markey for Congress	Ed Markey.
Mar. 29, 1995	1,000.00	Arlen Specter '96	Arlen Specter.
Apr. 4, 1995	500.00	Martin Frost Campaign	Martin Frost.
Apr. 5, 1995	500.00	Greg Laughlin Campaign	Greg Laughlin.
Apr. 27, 1995	500.00	Friends of Chriss Dodd	Christopher J. Dodd.
May 2, 1995	1,000.00	The Kerry Committee	John F. Kerry.
May 31, 1995	1,000.00	Robb for Senate	Charles S. Robb.
June 13, 1995	250.00	Fazio for Congress	Vic Fazio.
June 19, 1995	300.00	Citizens Committee for Ernest Hollings	Ernest Hollings.
June 27, 1995	1,000.00	Matsui for Congress	Robert T. Matsui.
June 28, 1995	1,000.00	Friends of Joe Curran	Joe Curran.
June 29, 1995	500.00	Citizens for John Kasich	John Kasich.
June 29, 1995	500.00	Danner for Congress	Pat Danner.
July 15, 1995	1,000.00	Robb for Senate	Charles Robb.
July 18, 1995	1,000.00	Dick Molpus Campaign	Dick Molpus.
July 25, 1995	802.93	Richard Shelby Luncheon	Richard Shelby.
July 26, 1995	1,000.00	Friends of Barbara Boxer	Barbara Boxer.
Sep. 12, 1995	1,000.00	Clinton/Gore '96	Clinton/Gore.
Sep. 27, 1995	500.00	Riggs for Congress	Frank Riggs.
Sep. 28, 1995	1,000.00	Jesse Jackson Jr. for Congress	Jesse Jackson jr.
Oct. 2, 1995	1,000.00	The Freedom Project	Boehner Multi-Candidate PAC.
Oct. 10, 1995	500.00	Jesse Jackson Jr. for Congress	Jess Jackson Jr.
Oct. 20, 1995	700.00	Citizens Committee for Ernest Hollings $500-Gen, $200-Prim	Ernest Hollings.
Oct. 24, 1995	500.00	Glen D. Johnson	Glen D. Johnson.
Nov. 1, 1995	1,000.00	Citizens for Jim Hunt	Jim Hunt.
Nov. 9, 1995	500.00	Duncan for Congress	John J. Duncan, Jr.
Nov. 16, 1995	1,000.00	Wyden for Senate	Ron Wyden.
Nov. 16, 1995	1,000.00	The Kerry Committee	John Kerry.
Dec. 1, 1995	446.00	Nebraskans for Nelson	
Dec. 14, 1995	500.00	The Evan Bayh Committee	Evan Bayh.
		1996	
Jan. 31, 1996	1,000.00	Friends of Dick Durbin	Dick Durbin.
Feb. 6, 1995	1,000.00	Braun for US Senate	Carol Moseley-Braum.
Mar. 13, 1996	72.00	Coyne for Congress (in kind to La Brasserie)	William Coyne.
Mar. 20, 1996	1,000.00	Matsui for Congress Committee	Robert Matsui.
Mar. 28, 1996	129.75	Weiland for Congress (in kind to W. Millar & Co.)	Rick Weiland.
Apr. 17, 1996	154.00	Bryant for Congress (in kind to Le Bon)	John Bryant.
June 29, 1996	1,000.00	Gephardt's in Congress Committee	Richard Gephardt.
July 17, 1996	1,000.00	Citizens Committee for Ernest F. Hollings	Ernest Hollings.
Sep. 4, 1996	1,500.00	DNC Services Corporation/Democratic National Committee	
Oct. 18, 1996	(500.00)	Citizens Committee for Ernest F. Hollings	Ernest F. Hollings.
Oct. 18, 1996	562.74	Bedford for US Senate (in kind to Giant Food)	Roger Bedford.
Oct. 18, 1996	533.11	Tom Bruggere for US Senate (in kind to Giant Food)	Tom Bruggere.
Nov. 1, 1996	(600.00)	Johnston Senate Committee	Bennett Johnston.
Nov. 1, 1996	600.00	Jeff Coopersmith for Congress	Jeff Coopersmith.
Nov. 1, 1996	1,000.00	Congressman Bart Gordon Committee	Bart Gordon
Dec. 30, 1996	1,000.00	Leahy for U.S. Senator	Patrick Leahy.
		1997	
Jan. 14, 1997	400.00	DCCC	DCCC.
Feb. 11, 1997	1,000.00	Carol Mosely-Braun for US Senate	Carol Moseley-Braun.
Feb. 27, 1997	1,000.00	Shelby for Senate	Richard Shelby.
Feb. 27, 1997	5,000.00	DCCC	
Mar. 6, 1997	500.00	Alaskans for Don Young	Don Young.
Mar. 10, 1997	1,000.00	Friends of Kent Conrad	Kent Conrad.
Mar. 17, 1997	500.00	Friends of George Miller	George Miller.
Mar. 18, 1997	500.00	Frank Riggs for Congress	Frank Riggs.
Mar. 19, 1997	1,00.00	Friends of Barbara Boxer	Barbara Boxer.
Apr. 9, 1997	1,000.00	Gephardt in Congress Committee	Richard Gephardt.
Apr. 14, 1997	1,000.00	Murtha for Congress Committee	John Murtha.
May 7, 1997	1,000.00	Friends of Byron Dorgan	Byron Dorgan.
May 20, 1997	1,000.00	Hagle for Nebraska	Chuck Hagle.
June 4, 1997	500.00	Markey for Congress Committee	Ed Markey.
June 10, 1997	500.00	Pelosi for Congress	Nancy Pelosi.
June 10, 1997	250.00	Friends of Rosa DeLauro	Rose DeLauro.
June 10, 1997	250.00	Stenholm for Congress Committee	Charles Stenholm.
June 12, 1997	500.00	Luther for Congress	
June 24, 1997	500.00	Martin Frost Campaign	Martin Frost.

BARBARA DENECHAUD BOGGS'S FEDERAL CAMPAIGN CONTRIBUTION (JANUARY 1, 1994—PRESENT)

Date	Amount	Political organization	Name
		1994	
April 18, 1994	$1,000.00	Kerrey for U.S. Senate Committee	Bob Kerrey.
April 28, 1994	1,000.00	Citizens for Senator Wofford	Harris Wofford.
May 13, 1994	1,000.00	Laughlin for Congress	Greg Laughlin.
May 18, 1994	1,000.00	Murtha for Congress Committee	John Murtha.
June 14, 1994	1,000.00	Committee to Re-elect Jack Brooks	Jack Brooks.
June 21, 1994	1,000.00	Friends of Robert C. Byrd Committee	Robert C. Byrd.
June 28, 1994	500.00	Committee to Re-elect Tom Foley	Tom Foley.
June 29, 1994	1,000.00	Markey for Congress Committee	Ed Markey.

BARBARA DENECHAUD BOGGS'S FEDERAL CAMPAIGN CONTRIBUTION (JANUARY 1, 1994—PRESENT)—Continued

Date	Amount	Political organization	Name
July 25, 1994	1,000.00	Friends of Jim Sasser	Jim Sasser.
September 29, 1994	500.00	Friends of Sherrod Brown	Sherrod Brown.
September 29, 1994	1,000.00	Oberly Senate Committee	
September 30, 1994	250.00	Thurman for Congress	Karen Thurman.
October 6, 1994	500.00	New Mexicans for Bill Richardson	Bill Richardson.
October 7, 1994	1,000.00	Effective Government Committee	
October 7, 1994	500.00	Lancaster for Congress Committee	
October 7, 1994	1,000.00	Friends of Jerry Kleczka	Jerry Kleczka.
October 13, 1994	1,000.00	Akaka in 94	Daniel Akaka.
November 15, 1994	(380)	DeConcini '94 Committee	Dennis DeConcini.
		1995.	
March 31, 1995	500.00	Friends of Jane Harman	Jane Harman.
April 10, 1995	500.00	Laughlin for Congress	Greg Laughlin.
December 6, 1995	500.00	Friends of Rosa DeLauro	Rosa DeLauro.
		1996	
March 4, 1996	1,000.00	Friends of Jerry Kleczka	Jerry Kleczka.
April 18, 1996	1,000.00	Bonior for Congress	Daniel Bonior.
October 24, 1996	500.00	Friends of Senator Rockefeller	Rockefeller.
April 29, 1996	1,000.00	Gephardt in Congress Committee	Richard Gephardt.
May 1, 1996	250.00	Susan B. Anthony List Pac, Inc.	
May 23, 1996	1,000.00	Murtha for Congress Committee	John Murtha.
May 20, 1996	250.00	People for Weiland	
May 29, 1996	500.00	Peter Deutsch for Congress	Peter Deutsch.
May 31, 1996	1,000.00	Harvey Gantt for Senate Campaign Committee	Harvey Gantt.
June 27, 1996	1,000.00	Levin for Congress Committee	Sander Levin.
July 3, 1996	500.00	Friends of Congressman George Miller	George Miller.
September 13, 1996	250.00	Friends of John Warner 1996 Committee	John Warner.
September 25, 1996	1,000.00	Don Mooers for Congress Committee Inc.	Don Mooers.
September 26, 1996	1,000.00	Clinton/Gore '96 Gen Election Legal & Accounting Compliance	Clinton/Gore.
September 30, 1996	250.00	Friends of John Warner 1996 Committee	John Warner.
October 5, 1996	1,000.00	Friends of Max Cleland for the U.S. Senate Inc.	Max Cleland.
November 4, 1996	1,000.00	Kerry Committee	John Kerry.

Timberlake Foster, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Nominee: Timberlake Foster.

Post: Mauritania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Pamela Biolley, none.

3. Children and spouses names, Noel Foster (age 11), none.

4. Parents names, Lang and Clarice foster, none.

5. Grandparents names, Ira and Lillian Jones, deceased; Charles and Elberta Foster, deceased.

6. Brothers and spouses names, Lang Foster, Jr., none.

7. Sisters and spouses names, no sisters.

Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: Thomas J. Dodd.

Post: U.S. Ambassador to Costa Rica.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, N/A.

3. Children and spouses names, none.

4. Parents names, none.

5. Grandparents names, none.

6. Brothers and spouses names, Senator Christopher J. Dodd, none.

7. Sisters and spouses names, Martha Dodd Buonanno/Bernard V. Buonanno (see attached), $4,700, 1989–1997, Sen. Jack Reed; $2,000, 1989–1997, Sen. John Chafee.

BUONANNO CONTRIBUTIONS—1989–1997

Year	Reed	Chafee	Total
1989	$500.00	$200.00	$700.00
1990	100.00	—	100.00
1991	750.00	375.00	1,125.00
1992	500.00	—	500.00
1993	700.00	1,000.00	1,700.00
1994	550.00	425.00	975.00
1995	1,600.00	—	1,600.00
1996	—	—	—
1997	—	—	—
Total	4,700.00	2,000.00	6,700.00

Thomas M. Foglietta, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

Nominee: Thomas M. Foglietta.

Post: Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, no personal contributions. See attached schedule of campaign contributions.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names, Rosaria and Michael Foglietta, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, Theodore Michael Foglietta, deceased.

7. Sisters and spouses names, Bertha Foglietta Bruentti, Margaret Jacqueline Foglietta, none.

Federal Campaign Contributions Reporting—Foglietta for Congress

Candidate or Organization	Date	Amount
DCCC	4/7/92	$5,000.00
America 500	7/6/92	1,000.00
Russo for Congress	11/24/92	1,000.00
Kostmayer for Congress	1/14/93	1,000.00
Hayes for Congress	2/1/93	500.00
DCCC	2/3/93	5,000.00
Dem. Campaign Comm.	4/27/93	1,250.00
Gejdensen Re-Elect	9/21/94	1,000.00
Tucker for Congress	9/23/94	500.00
Mezvinsky for Congress	11/1/94	1,000.00
DCCC	4/10/95	5,000.00
DCCC	7/24/96	5,000.00
Hefner for Congress	8/7/96	1,000.00

Federal Campaign Contributions Reporting—Foglietta for Congress—Continued

Candidate or Organization	Date	Amount
Coles for Congress	8/7/96	500.00
Ruth Rudy for Congress	9/20/96	1,000.00
Hinchey for Congress	9/20/96	500.00
Price for Congress	9/20/96	500.00
Blagojevich for Congress	9/20/96	500.00
Turney for Congress	9/20/96	500.00
Carolyn McCarthy for Congress	9/20/96	500.00
Owens for Congress	9/20/96	500.00
McKinney for Congress	9/20/96	500.00
Coles for Congress	9/20/96	500.00
Peter Navarro for Congress	9/20/96	500.00
Gejdensen for Congress	9/20/96	500.00
Tauscher for Congress	9/20/96	500.00
George Brown for Congress	9/20/96	500.00
Capps for Congress	9/20/96	500.00
McHale for Congress	9/20/96	1,000.00
Ron DiNicola for Congress	9/20/96	500.00
Kucinich for Congress	10/1/96	500.00
Bentsen for Congress	10/1/96	500.00
Julia Carson for Congress	10/1/96	500.00
Michela Alioto for Congress	10/1/96	1,000.00
Loretta Sanchez for Congress	10/1/96	500.00
Bentsen for Congress	11/20/96	1,000.00
Lampson for Congress	11/20/96	1,000.00

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Nominee: Donna Jean Hrinak.

Post: Ambassador to La Paz.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Gabino M. Flores, none.

3. Children and spouses names, Wyatt A. Flores, none.

4. Parents names, John and Mary Hrinak, none.

5. Grandparents names, John and Anna Hrinak, Joseph and Julia Pukach, deceased.

6. Brothers and spouses names, David J. Hrinak, none.

7. Sisters and spouses names, none.

Curtis Warren Kamman, of the District of Columbia, a Career Member of the Senior

Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Nominee: Curtis Warren Kamman.

Post: Ambassador to Colombia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Mary Curtis Kamman, none.

3. Children and spouses names, Edward Kamman and spouse Esta Kamman, John Kamman, W. Stephen Kamman, none.

4. Parents names, father Glenn Kamman (deceased), mother Mildred Kamman (deceased), none.

5. Grandparents names, Horace and Bertha Kamman (deceased), Warren and Ella Merry (deceased), none.

6. Brothers and spouses names, Robert E. Kamman, Jon Kamman and spouse Beverly Medlyn, none.

7. Sisters and spouses names, no sisters.

Nancy Jo Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Nominee: Nancy Jo Powell.

Post: Kampala.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self.

2. Spouse.

3. Children and spouses, names.

4. Parents, names, Joseph William Powell, Jennie Maxine Powell.

5. Grandparents, names (deceased).

6. Brothers and spouses, names William Craig Powell.

7. Sisters and spouses names.

Tom McDonald, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: Tom McDonald.

Post: Ambassador to Zimbabwe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self (see attached list).

2. Spouse, $1,000, 1994, Sherrod Brown for Congress Comm.; $1,000, 1996, Sherrod Brown for Congress Comm.

3. Children and spouses names.

4. Parents, names.

5. Grandparents, names.

6. Brothers and spouses, names.

7. Sisters and spouses, names.

POLITICAL CONTRIBUTIONS OF TOM McDONALD

Federal contributions	Year	Contribution
Louis Stokes for Congress Committee	1993	$1,000
Rob Portman for Congress Committee	1993	500

POLITICAL CONTRIBUTIONS OF TOM McDONALD—Continued

Federal contributions	Year	Contribution
Sherrod Brown for Congress Committee	1993	250
Judy Hancock for Congress Committee	1993	500
Deborah Pryce for Congress Committee	1993	500
Deborah Pryce for Congress Committee	1993	250
Democratic National Committee	1993	1,000
Fingerhut for Congress	1993	350
Helen Smith for Congress	1994	250
11th Congressional District Caucus PAC	1994	70
Ted Strickland for Congress Committee	1994	500
Patrick Moynihan for U.S. Senate Committee	1994	1,000
Friends of John Glenn (Paying off 1984 Presidential debt)	1994	1,000
Friends of John Glenn (Paying off 1984 Presidential debt)	1994	1,000
The Hyatt Committee (Primary election contribution)	1994	1,000
The Hyatt Committee (General election contribution)	1994	1,000
Louis Stokes for Congress Committee	1994	1,000
Robert Matsui for Congress Committee	1994	1,000
Rob Portman for Congress Committee	1994	1,000
Friends of Eric Fingerhut	1994	1,000
Kennedy for Senate Committee	1994	1,000
Judy Hancock for Congress	1994	1,000
Democratic National Committee	1994	5,000
Rob Portman for Congress Committee	1995	100
Clinton/Gore '96	1995	1,000
Democratic National Committee	1996	5,000
Dennis Kucinich for Congress	1996	500
Kucinich for Congress	1996	250
Ted Strickland for Congress Committee	1996	250
Bill Richardson for Congress Committee	1996	200
Bob Torricelli for Senate Committee	1996	500
Tom Coyne for Congress Committee	1996	250
Stokes for Congress Committee	1996	250
Gephardt for Congress Committee	1996	1,000
Sherrod Brown for Congress	1996	1,000
Tom Sawyer for Congress Committee	1996	1,000
Democratic National Committee	1996	5,000
Judy Hancock for Congress Committee	1996	1,000
Rangel for Congress Committee	1996	1,000
Sherrod Brown for Congress Committee	1997	500
The Gephardt Committee	1997	1,000

Mark Robert Parris, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Nominee: Mark R. Parris.

Post: Ambassador to Turkey.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Mark Robert Parris, (none).

2. Spouse, Joan Gardner Parris, $25, 1992, DNC.

3. Children and Spouses, Names, Katherine Parris, (Not available—Peace Corps in Gabon), Christopher Parris (none).

4. Parents, Names, Robert L. Parris, (none), Anita M. Parris, (none).

5. Grandparents, Names, Ernest Parris (deceased), Warren Rutter (deceased), Lucille Parris (deceased), Mildred Rutter (deceased).

6. Brothers and Spouses, Names, See attached continuation sheet.

7. Sisters and Spouses, Names, no sisters.

Continuation sheet:

(A) Kevin Scott Parris, (none), m. Peggy Parris (none).

(B) Paul Ernest Parris, small amounts, up to $200 total, 1992–1996, DNC, m. Susan Parris, (none).

(C) Eric Warren Parris (none).

Nominee: Robin Lynn Raphel.

Post: Tunis, Tunisia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Robin Lynn Raphel.

2. Spouse, Leonard Arthur Ashton, none.

3. Children and Spouses, Names, Alexandra Raphel, none, Anna Ashton, none.

4. Parents, Names, Vera Johnson, My mother has over the years made very modest contributions (less than $50) on occasion to Washington state Congressional candidates. In 1996 she made no such contribution.

5. Grandparents, Names, deceased.

6. Brothers and Spouses, Names, I do not have any brothers.

7. Sisters and Spouses, Names, Karen Freeze, none, Deborah Johnson, none.

Amerlia Ellen Shippy, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Nominee: Amelia Ellen Shippy.

Post: American Embassy, Lilongwe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Amelia Ellen Shippy—see attached.

2. Spouse, none.

3. Children and spouses, names, none.

4. Parents, names, Homer Charles Shippy, none, Amelia Giles Shippy, deceased.

5. Grandparents, names, Leroy and Harriet Shippy, deceased, James Tandy and Sophia Amelia Giles, deceased.

6. Brothers and spouses, names, none.

7. Sisters and spouses, names, Jean Ann and Phil Witherspoon—see attached.

Amelia Ellen Shippy:

$100, February 15, 1993, Americans for Democratic Action (ADA).

$100, February 15, 1993, Democratic Senatorial Campaign Committee (DSCC).

$50, February 15, 1993, Schroeder for Congress Committee.

$100, February 28, 1993, National Committee for an Effective Congress (NCEC).

$100, March 13, 1993, Emily's List.

$100, March 13, 1993, Shipnuck for Congress.

$100, March 13, 1993, Blackwell for Congress.

$100, May 2, 1993, NCEC.

$10, May 31, 1993, Lynn Yeakel for U.S. Senate, Debt Retirement.

$100, September 20, 1993, NCEC.

$100, October 11, 1993, DSCC.

$100, December 5, 1993, Margolies-Mezvinsky for Congress.

$100, December 5, 1993, English for Congress.

$100, December 5, 1993, Clayton for Congress.

$100, December 20, 1993, DSCC.

$100, December 20, 1993, Emily's List.

$100, January 5, 1994, Schroeder for Congress Committee.

$100, January 18, 1994, Center for National Independence in Politics/Project Vote Smart (CNIP).

$100, January 23, 1994, ADA.

$100, March 8, 1994, NCEC.

$100, March 12, 1994, CNIP.

$100, September 26, 1994, NCEC.

$100, January 11, 1995, NCEC.

$50, October 15, 1995, Emily's List.

$50, November 12, 1995, CNIP.

$100, January 9, 1996, ADA.

$100, February 4, 1996, NCEC.

$100, September 15, 1996, McKinney for Congress.

$100, September 15, 1996, Rivers for Congress.

$50, November 14, 1996, CNIP.

$100, December 16, 1996, Emily's List.

Jean and Phil Witherspoon (sister and her spouse):

$15, April 1993, $10, June 1993, Jeff Bingaman Reelection Fund.

$30, June 1993, Kerry for Senate.

$10, September 1993, Jeff Bingaman Reelection Fund.

$50, September 1993, Democratic Campaign.

$10, December 1993, Jeff Bingaman Reelection Fund.

$40, January 1994, $10, March 1994, Kerry for Senate.

$50, June 1994, Jeff Bingaman Reelection Fund.

$50, July 1994, Democratic Party.

$25, August 1994, $25, October 1994, Kerry for Senate.

$50, October 1994, Jeff Bingaman Reelection Fund.

$50, October 1994, Bill Richardson Campaign.

$55, January 1995, Democratic Campaign Fund.

$30, February 1995, Democratic National Committee.

$30, April 1995, Jeff Bingaman Reelection Fund.

$30, June 1995, Democratic National Committee.

$100, June 1995, Clinton-Gore Campaign.

$10, October 1995, $35, November 1995, Jeff Bingaman Reelection Fund.

$25, November 1995, Clinton-Gore Media Campaign..

$10/month, March 1996 to the present, Democratic National Committee.

$10/quarter, April 1996 to the present, People for Bingaman.

$100, October 1996, Democratic Senatorial Campaign.

$100, October 1996, Clinton-Gore '96 GELAC.

Edward E. Shumaker, III, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Nominee: Edward E. Shumaker, III.

Post: Ambassador to Trinidad and Tobago.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, $20.00, 01/03/94, Verge for Congress, $500.00, 03/29/94, Swett for Congress, $500.00, 04/09/94, Citizens for Biden, $250.00, 07/01/94, Friends of Dave McCurdy, $250.00, 10/15/94, McCurdy for Senate, $100.00, 06/22/95, Wilhelm for Senate, $1,000.00, 11/08/95, Clinton/Gore '96, $250.00, 11/16/95, Jack Reed for Senate, $500.00, 12/22/95, Biden for Senate, $250.00, 06/03/96, Keefe for Congress, $250.00, 06/21/96, Arnesen for Congress, $100.00, 09/17/96, Keefe for Congress, $250.00, 09/19/96, Swett for Senate, $500.00, 10/28/96, Keefe for Congress.

2. Spouse, Polly D. Shumaker, none.

3. Children, Nathan D. Shumaker, none, Daniel E. Shumaker, none, Michael D. Shumaker, none.

4. Parents, Edward E. Shumaker, Jr. (deceased), Marie G. Shumaker, none.

5. Grandparents, Edward E. Shumaker (deceased), Josephine Mary Shumaker (deceased), John F. Gilliams (deceased), Mary E. Gilliams (deceased).

6. Brothers, John G. Shumaker (deceased).

7. Sisters, Linda M. (Shumaker) Vasso, none, George Vasso, none.

Nominee: Johnny Young.

Post: State of Bahrain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Johnny Young, N/A.

2. Spouse, Angelena V. Young, N/A.

3. Children and spouses, names, David J. Young, Michelle J. Young, N/A.

4. Parents names, Eva Grant, deceased, N/A, Lucille Pressy (adoptive) deceased, N/A, John Young, deceased, N/A.

5. Grandparents, names, Alice Young, deceased, N/A, Louis Young, deceased, N/A.

6. Brothers and spouses, names, N/A.

7. Sisters and spouses, names, Lottie Mae Young, deceased, N/A, Loretta Young, N/A.

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably one nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of September 4, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination 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 RECORD of September 4, 1997, at the end of the Senate proceedings.)

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class One, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Dominic Alfred D'Antonio, of Connecticut
Joseph J. Pastic, of Virginia

UNITED STATES INFORMATION AGENCY

Nancy R. LeRoy, of Florida

DEPARTMENT OF STATE

David F. Davidson, of Virginia

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Earell Edwin Kissinger III, of Colorado
Michael James Yates, of Virginia

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Charles S. Morgan, of Virginia
Susan Mutijima Page, of Illinois

UNITED STATES INFORMATION AGENCY

Frank J. Whitaker, of Virginia

For appointment as Foreign Service Officers of Class Four, Consular Officer and Secretaries in the Diplomatic Service of the United States of America:

U.S. INFORMATION AGENCY

Mary Jane Wolansky Bushnaq, of Virginia
Thomas E. Cooney, of Michigan
Nida A. Emmons, of Florida
Sheila R. Parkman, of Pennsylvania
Karyn Allison Posner-Mullen, of Florida
Aleta Fay Wenger, of Washington

DEPARTMENT OF STATE

Christopher D. Berlew, of Virginia
Betty A. Bernstein-Zabza, of the District of Columbia
Janine R. Boiarsky, of California
Russel John Brown, of Montana
Kelly Colleen Degnan, of California
Leslie Stephen deFraffenried, of Texas
Cynthia Ras Doell, of Nebraska
Mark Christopher Elliott, of Maryland
Karen Lynn Enstrom, of Pennsylvania
Gabriel Escobar, of Texas
Jonathan David Fritz, of Florida
J. Robert Garverick, of Ohio
Jonathan Hanick, of California
Barbara A.P. Hibben, of Maryland
Jan Krc, of the District of Columbia
Patricia J. Koetelancik, of Illinois
Margaret U. Kurtz-Randall, of Illinois
Adam Duane Lamoreaux, of Utah
Timothy A. Lenderking, of New Hampshire
Cheryl S. Lester, of Virginia
Brian R. Naranjo, of New Mexico
Helen Patricia Reed-Rowe, of Maryland
Joan Marie Richard, of California
Elizabeth Helen Rood, of Maryland
William Johann August Schmonsees III, of South Carolina
David Jonathan Schwartz, of Florida
Kenneth A. Thomas, of Oregon

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America, effective May 29, 1997:

DEPARTMENT OF STATE

Christine Anne Harold, of Maryland

The following-named Members of the Foreign Service of the Department of Commerce and the Departmetof State and the U.S. Information Agency to be Consular Officers and/or Secretaries in the Diplomatic Service of the U.S. of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Abigail Kessler Aronson, of New Jersey
Mark Andrew Assur, of Virginia
Brian S. Austin, of Virginia
Martha L. Austin, of Virginia
Alan M. Browning, of Virginia
Richard C. Bulman, Jr., of Florida
Don L. Brown, of Texas
Elaine A. Byers, of Virginia
Peter Callamari, of Virginia
John M. Cardwell, of Virginia
Florence Carson, of Virginia
Marc Walter Carson, of Virginia
Cheryl D. Comfort-Carter, of Virginia
Erin Crowe, of Michigan
Linda Elisa Daetwyler, of California
Gary A. Dziedzic, of Virginia
Cheryl L. Eichorn, of Virginia
Albert Elgamil, of Virginia
Jose M. Estevez, of Puerto Rico
Randolph Francis Fagan, Jr., of Virginia
Robert L. Farris, of Virginia
David Eric Fass, of Virginia
John Edward Friberg, Jr., of Virginia
Daniel T. Froats, of California
Stephen C. Galloway, of Virginia
Russell C. Gilger, of Virginia
Terry Arthur Ginsburg, of Virginia
Joshua D. Glazeroff, of New York
Caren F. Gordon, of Virginia
Christopher J. Green, of Virginia
Giselle C. Griggs, of Maryland
George K. Hale, of Washington

Sabina Ann Hasmi, of Virginia
James W. Hentschel, of Virginia
David Alan Higdon, of Texas
John J. Hill, of Alabama
Michelle M. Hopkins, of California
James C. Hsu, of Texas
Anthony N. Ieronimo, of New Jersey
S. George Imredy, of the District of Columbia
Christopher Lee Jaeger, of Maryland
Thomas T. Kim, of Virginia
Douglas Alan Kriesel, of the District of Columbia
Sanjai Kumar, of Virginia
Julie Lange, of Virginia
Betty Jo Little, of the District of Columbia
LizaBeth Lowell, of Florida
Kathleen A. Lundy, of Virginia
George W. Lynn, of Virginia
Jose Elias Merrero, of Florida
Jacques L. Massengill, of Virginia
Robert Peter McCarthy, of New York
John M. McCaslin, of Ohio
Francis M. McGuinness, of Virginia
Mitzi M. McNamara, of Virginia
Theresa M. Michaud, of Virginia
William L. Moyer, of Virginia
Barbara Beth Morrison, of New Jersey
Susan V. Naraine, of the District of Columbia
Martin A. Newell, of Maryland
David Roy O'Connor, of the District of Columbia
Darin K. Olson, of Virginia
Michael Andrew Ordonez, of Washington
Douglas L. Padget, of Virginia
Kenneth L. Parson, of Virginia
Rebecca Ann Pasine, of Indiana
Troy Eric Pederson, of Virginia
Rosetta Perri, of Pennsylvania
J. Philip Plowman, of Virginia
David B. Ponsar, of California
John David Radel, of Virginia
Hope C. Rawding, of Virginia
Scott Michael Renner, of Colorado
Deborah Carrie Rhea, of Virginia
Nicholas E. Reynolds, of Virginia
John P. Richardson, of Virginia
John C. Roberts, of Mississippi
Abigail Elizabeth Rupp, of Virginia
Cynthia M. Saddy, of Virginia
Luis A. Santos, of Maryland
Amy Wing Schedlbauer, of Texas
Michael B. Schneider, of Virginia
Brian G. Scott, of Virginia
James Semivan, of Virginia
Janet E. Seng, of Pennsylvania
Kathleen F. Seroskie, of Virginia
Scott A. Shaw, of Illinois
Rita M. Sheehan, of Virginia
Vincent P. Shugrue, of Virginia
David J. Smith, of Maryland
Lyn R. Sumner, of Virginia
Gavin Alexander Sundwall, of North Carolina
Andrew J. Tichava, of Virginia
Nancy E. Totten, of Virginia
William M. Totten, of Virginia
Dee B. White, of Virginia
Teresa Wilkin, of the District of Columbia
Sean Michael Wiswesser, of Virginia
Charles M. Wolf, Jr., of Virginia
Kristin Marie Wood, of Virginia
David Michael Zimov, of Ohio

(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.)

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. BINGAMAN:

S. 1210. A bill to authorize the acquisition of the geologic formation known as the Valles Caldera currently managed by the Baca Land and Cattle Company, and to provide for an effective management program for this resource within the Department of Agriculture, and consistent land management to protect the watershed of the Bandelier National Monument; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 1211. An original bill to provide permanent authority for the administration of au pair programs; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DORGAN:

S. 1212. 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 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.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. KERRY, Ms. SNOWE, Mr. INOUYE, Mr. BREAUX, Mr. MCCAIN, Mr. KENNEDY, Mrs. BOXER, Mr. BIDEN, Mr. LAUTENBERG, Mr. AKAKA, and Mr. MURKOWSKI):

S. 1213. A bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1214. A bill to amend the Line Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. ASHCROFT:

S. 1215. A bill to prohibit spending Federal education funds on national testing; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 1216. An original bill to approve and implement the OECD Shipbuilding Trade Agreement; from the Committee on Finance; placed on the calendar.

By Mr. HOLLINGS:

S. 1217. A bill for the relief of Olga Gorgiladze; to the Committee on the Judiciary.

By Mr. KERREY:

S. 1218. A bill to assure the integrity of information, transportation and telecommunications upon the arrival of the year 2000; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 123. An original resolution honoring the memory of former Peace Corps Director Loret Miller Ruppe; from the Committee on Foreign Relations; placed on the calendar.

By Mr. ROTH (for himself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. GRAMS):

S. Res. 124. A resolution to state the sense of the Senate that members of the Khmer Rouge who participated in the Cambodian genocide should be brought to justice before an international tribunal for crimes against humanity; to the Committee on Foreign Relations.

By Mr. MURKOWSKI:

S. Res. 125. A resolution commending Dr. Jason C. Hu, Representative of the Taipei Economic and Cultural Representative Office in the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1210. A bill to authorize the acquisition of the geologic formation known as the Valles Caldera currently managed by the Baca Land and Cattle Co., and to provide for an effective management program for this resource within the Department of Agriculture, and consistent land management to protect the watershed of the Bandelier National Monument; to the Committee on Energy and Natural Resources.

VALLE GRANDE VALLES CALDERA PRESERVATION LEGISLATION

Mr. BINGAMAN. Mr. President, this bill that I have just sent to the desk, in my view, gives us a chance in this Congress to grasp a historic opportunity to make a real difference for the American people for generations to come.

Most Americans can name various geologic treasures and places of wonder within our land. Places like Diamond Head in Hawaii, the Sawtooth Mountains in Idaho, the Grand Canyon in Arizona, and Rocky Mountain National Park in Colorado readily come to mind because our people have access to them. However, there is a place in New Mexico that rivals these areas in splendor and yet, few people know about, or fully appreciate its significance. It is called the Valles Caldera.

The Valles Caldera is one of the world's greatest volcanic features. A large circular crater 12–15 miles in diameter, the views from the rim are awe inspiring. As one looks across the vast green valleys and mountains that now sit within the ring of the caldera, and realizes that they are all merely the cooled workings of a resurgent lava dome, one is struck by the sheer magnitude of the natural forces that created the Jemez Mountains in north central New Mexico.

The explosions that created the caldera, some 1.2 million years ago, ejected over 100 cubic miles of earth, rock, and lava. It is estimated that if the original mountain had come to a peak that it would have been taller than Mount Everest.

However very few people, even in New Mexico, have ever been on this land. Since 1860, it has been in private

ownership. At that time it was granted by the United States to the heirs of Don Luis Maria Cabeza de Vaca as part of a settlement of Spanish land grant claims under the Treaty of Guadalupe Hidalgo, and has since been known as the Baca Land & Cattle Company.

It has passed through several owners since 1860, and about once in a generation the United States has tried to purchase the land. The first time was in the 1930's. Again, in the 1960's the late former Senator from New Mexico, Clinton P. Anderson tried to negotiate a deal for the land. Finally in 1980, the owner of the land, James "Pat" Dunigan, was in negotiations with the Government to sell the land when he died a premature death. Now, his family has come forward and said they would like to fulfill his dream of seeing this land move into public ownership.

Mr. President, this is an opportunity that we cannot let pass us by. In 1993, the Forest Service completed a study of this land which lays out the tremendous value it could have within public ownership:

First, the Valles Caldera is the classic example of a resurgent lava dome. The study of its features has helped geologists to understand volcanic processes throughout the world;

Second, the recreation potential is enormous. Hiking, camping, cross-country skiing, photography, horse back riding, hunting, and fishing are obvious possibilities.

The headwaters of the Jemez and San Antonio rivers are located on this land, and represent some of the best trout fishing streams in New Mexico. There are nearly 27 miles of trout streams on the ranch, most of which meander through grass meadows perfect for fly fishing.

Also over 6,000 elk live on this land, making it ideal for hunting.

Perhaps the most unique features of this land are the seven enormous open grassland valleys that are tailor made for horseback riding.

Third, finally, and perhaps most important, this land has been well preserved. Through careful management of their grazing land, selective timbering, and the use of proscribed fire, the current owners have maintained the caldera as an ecological jewel. With over 65,000 acres of conifer forests mixed with aspen, gamble oak, and broken rock known as felsenmeer, and 30,000 acres of lush grasslands, the Caldera supports an abundance of wildlife, including black bears and cougars.

Mr. President, words are a poor substitute for seeing this land, and although pictures cannot convey its grandeur, they may provide my colleagues with a sense of it:

First, to give people a sense of location, here is a map of north central New Mexico. To the south is Albuquerque and then Santa Fe above it. You'll notice that the Baca Ranch is nestled between the Santa Fe National Forest, and Bandelier National Monument, which many members of the public have visited.

Second, here is a satellite photo of the volcano. The black outline represents the Baca Ranch, approximately 95,000 acres. For perspective, on the right side of this photo is Los Alamos, NM, and just below it is the Bandelier National Monument. This large yellow spot on the bottom right corner of the caldera rim is known as the Valle Grande. It is the only part of the Ranch that most people have seen because state highway 4 comes through on the side, but it is only one of seven valleys on the property.

Third, here's a picture of the Valle Grande, it's about 4 miles wide and 6 miles long covering over 17,000 acres.

Fourth, and here is the upper Jemez river which originates and meanders through the Valle Grande.

Fifth, finally, here is a picture of the Valle Toledo the third largest valley on the property, about 4,000 acres.

Mr. President, the legislation I'm introducing today does two things: it gives the Forest Service the authority to start negotiating for the purchase of this land in good faith by authorizing appropriations, land exchanges, and the acceptance of donations; and it rationalizes the boundaries between the Santa Fe National Forest and Bandelier National Monument for consistent management of their respective watersheds.

Acquiring land of this quality and magnitude will not be cheap or easy. It will take a lot of work on the part of this body and our counterparts on the House, and on the part of the administration. However, if we don't close this deal this time, I'm not sure the American people will ever forgive us. Although the Dunigan's have been great stewards of the land, they want to sell it. Who knows how future owners may use this land.

When Senator Anderson tried to acquire this land for the United States 35 years ago, we could have bought this land for less than $5 million. Now the costs will be much, much greater, and if it is ever subdivided, the costs will go up exponentially.

Mr. President, I know that many people will want to argue about the management of this land. There are many, many uses that this land could be put to, but I would caution my colleagues that now is not the time to argue over future use. Let's worry about how we will acquire the land first. Management options can be worked out later.

I think it will take additional time before a full management plan can be put in place for the property. It would be an exercise in futility for us to try to work all of that out before we move to take advantage of this historic opportunity.

Mr. President, I understand that there is support for this effort to bring this property into public ownership by others in the delegation. I very much want to work with them and with people in the administration to see this happen. It is a very important initiative and a very important goal for us to pursue in the second session of this Congress. So I hope very much that we can make progress on it.

By Mr. DORGAN:

S. 1212. 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 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 REFORM AND IMMIGRANT RESPONSIBILITY ACT CLARIFICATION AMENDMENT ACT OF 1997

Mr. DORGAN. Mr. President, approximately 1 year ago the Illegal Immigration Reform and Immigrant Responsibility Act became law.

Next year at this time, September 30, 1998, section 110 of this act will be implemented and will adversely—and unintentionally—affect our neighbors in Canada. Section 110 requires the Immigration and Naturalization Service [INS] to develop an automated entry and exit system for the purpose of documenting the entry and departure of every alien arriving and leaving the United States. The United States has never had such an alien departure management system.

Unfortunately, section 110 as enacted fails to recognize the decades-long practice of not requiring most Canadian nationals to fill out INS documents—referred to as "I-94s" at the border.

In a December 18, 1996 letter to the Ambassador of Canada at the time, Raymond Chretien, Senator Alan Simpson, and Representative LAMAR SMITH, the chairmen of the Senate and the House Judiciary Subcommittees on Immigration, respectively, indicated to Ambassador Chretien that it was not the intention of the Judiciary Committee to impose any new requirements for border crossing cards—so-called I-94's—on Canadians who are not presently required to possess such documents.

The legislation which I am introducing today—which was introduced in the House on September 16 by Congressman JOHN LAFALCE of New York—would simply clarify the intent of Congress by exempting from the section 110 provisions of the act Canadian nationals who are not now required by law to possess a visa, passport, or border-crossing identification card to enter the United States.

There is no logical reason to inhibit the flow of traffic between the United

States and Canada. If the committee's intention is not clarified, and section 110 is implemented at the Canadian border, congestion would become intolerable.

According to U.S. Customs, the port in Pembina, ND, saw 963,665 individuals cross into North Dakota in fiscal year 1996, averaging 2,640 people a day. Customs estimates that if the entry/exit system had to be implemented on the Canadian border, providing the agent to spend just 1 minute per person entering it would take two customs workers a nonstop daily shift of 22 hours to process them.

An estimated 116 million persons cross into the United States at all land points on the Canadian border. Of these, 76 million are Canadian or United States permanent residents. More than $1 billion in goods and services trade crosses the United States/Canadian border each day. I urge the Judiciary Committee to consider soon mine or other legislation to clarify the intent of the 1996 act.

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. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FOR CERTAIN ALIENS FROM ENTRY-EXIT CONTROL SYSTEM.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXEMPTION FOR CERTAIN ALIENS.—The system under paragraph (1) shall not collect a record of arrival or departure for an alien—

"(A) who is—

"(i) a Canadian national; or

"(ii) an alien having a common nationality with Canadian nationals and who has his or her residence in Canada; and

"(B) who is not otherwise required by law to be in possession, for purposes of establishing eligibility for admission into the United States, of—

"(i) a visa;

"(ii) a passport; or

"(iii) a border crossing identification card.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546).

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. KERRY, Ms. SNOWE, Mr. INOUYE, Mr. BREAUX, Mr. MCCAIN, Mr. KENNEDY, Mrs. BOXER, Mr. BIDEN, Mr. LAUTENBERG, Mr. AKAKA, and Mr. MURKOWSKI):

S. 1213. A bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OCEANS ACT OF 1997

Mr. HOLLINGS. Mr. President, I rise today to introduce the Oceans Act of 1997. I am pleased to be joined in this endeavor by Senators STEVENS, KERRY, SNOWE, BREAUX, MCCAIN, INOUYE, KENNEDY, BOXER, BIDEN, LAUTENBERG, AKAKA, and MURKOWSKI. Mr. President, plainly and simply, this bill calls for a plan of action for the 21st century to explore, protect, and use our oceans and coasts.

This is not the first time we have faced the need for a national ocean policy. Three decades ago, our Nation roared into space, investing tens of billions of dollars to investigate the Moon and the Sea of Tranquility. During that golden era of science, some of us also recognized the importance of exploring the seas on our own planet. In 1966, Congress enacted the Marine Resources and Engineering Development Act in order to define national objectives and programs with respect to the oceans. That legislation laid the foundation for U.S. ocean and coastal policy and programs and has guided their development for three decades. I was elected to the Senate just 3 months after the 1966 act was enacted into law, but I am pleased that both Senators INOUYE and KENNEDY, the two cosponsors of the 1966 act still serving in the Senate, have agreed to join me today in introducing the Oceans Act.

One of the central elements of the 1966 act was establishment of a Presidential commission to develop a plan for national action in the oceans and atmosphere. Dr. Julius A. Stratton, a former president of the Massachusetts Institute of Technology and then-chairman of the Ford Foundation, led the Commission on an unprecedented, and since unrepeated, investigation of this Nation's relationship with the oceans and the atmosphere. The Stratton Commission and its congressional advisers—including Senators Warren G. Magnuson and Norris Cotton—worked together in a bipartisan fashion. In fact, the Commission was established and carried out its mandate in the Democratic administration of Lyndon Johnson and saw its findings implemented by the Republicans under President Richard Nixon. With a staff of 35 people, the commissioners heard and consulted over 1,000 people, visited every coastal area of this country, and submitted some 126 recommendations in a 1969 report to Congress entitled "Our Nation and the Sea." Those recommendations led directly to the creation of the National Oceanic and Atmospheric Administration in 1970, laid the groundwork for enactment of the Coastal Zone Management Act [CZMA] in 1972, and established priorities for Federal ocean activities that have guided this Nation for almost 30 years.

While the Stratton Commission performed its job with vision and integrity, the world has changed since 1966. Today, half of the U.S. population lives within 50 miles of our shores and more than 30 percent of the gross domestic product is generated in the coastal zone. Ocean and coastal resources once considered inexhaustible are severely depleted, and wetlands and other marine habitats are threatened by pollution and human activities. In addition, the U.S. regulatory and legal framework has developed over the years with the passage of a number of statutes in addition to CZMA. These include the Endangered Species Act, the Marine Mammal Protection Act, the Marine Protection, Research, and Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Coastal Barrier Resources Act, and the Oil Pollution Act. Finally, the United Nations has declared 1998 to be the International Year of the Ocean, focusing global attention on the state of the world's oceans. In short, it is time to reexamine our Nation's relationship to the sea.

The Oceans Act is vital to the continued health of the oceans and prosperity of our coasts. It is patterned after and would replace the 1966 act. Like that act, it is comprised of three major elements:

First, the bill calls for development and implementation of a coherent national ocean and coastal policy to conserve and sustainably use fisheries and other ocean and coastal resources, protect the marine environment and human safety, explore ocean frontiers, create marine technologies and economic opportunities, and preserve U.S. leadership on ocean and coastal issues.

Second, the bill establishes a 15-member Commission, similar to the Stratton Commission, to examine ocean and coastal activities and report within 18 months on recommendations for a national policy. Commission members would be appointed by the President and the Congress. In developing its recommendations, the Commission would assess Federal programs and funding priorities, ocean-related infrastructure requirements, conflicts among marine users, and technological opportunities. The bill authorizes appropriations of $6 million over 2 years to support Commission activities.

Third, the bill creates a high-level Federal interagency Council that is chaired by the Secretary of Commerce and includes the heads of the Departments of Navy, State, Transportation,

and the Interior, the Environmental Protection Agency, the National Science Foundation, the Office of Science and Technology Policy, the Office of Management and Budget, the Council on Environmental Quality, and the National Economic Council. This new Council will advise the President and serve as a forum for developing and implementing an ocean and coastal policy, will provide for coordination of Federal budgets and programs, and will work with non-Federal and international organizations.

By establishing an action plan for ocean and coastal activities, the Oceans Act should contribute substantially to national goals and objectives in the areas of education and research, economic development, and public safety. With respect to education and research, our view of the oceans 30 years ago was based on a remarkably small amount of information. When Jack Kennedy was in the White House, we were just beginning to develop the capability for exploring the oceans, and the driving factor was the military need to hide our submarines from the Soviets during the cold war. What we knew of the oceans at that time was based as much on what fishermen brought up in their nets as it was on reliable scientific investigation.

Today, we still have explored only a tiny fraction of the sea, but with the use of new technologies what we have found is truly incredible. For example, hydrothermal vents, hot water geysers on the deep ocean floor, were discovered just 20 years ago by oceanographers trying to understand the formation of the Earth's crust. Now this discovery has led to the identification of nearly 300 new types of marine animals with untold pharmaceutical and biomedical potential.

Many of our marine research efforts could have profound impacts on our economic well-being. For example, research on coastal ocean currents and other processes that affect shoreline erosion is critical to effective management of the shoreline. Oceanographers are working with Federal, State, and local managers to use this new understanding in protecting beachfront property and the lives of those who reside and work in coastal communities.

Development of underwater cameras and sonar, begun in the 1940's for the U.S. Navy, has led to major strides not only for military uses, but for marine archaeologists and scientists exploring unknown stretches of sea floor. Consumers have benefited from the technology now used in video cameras. Sonar has broad applications in both the military and commercial sector.

Finally, marine biotechnology research is thought to be one of the greatest remaining technological and industrial frontiers. Among the opportunities which it may offer are to: restore and protect marine ecosystems; monitor human health and treat disease; increase food supplies through aquaculture; enhance seafood safety and quality; provide new types and sources of industrial materials and processes; and understand biological and geochemical processes in the world ocean.

In addition to the economic opportunities offered by our marine research investment, traditional marine activities play an important role in our national economic outlook. Ninety-five percent of our international trade is shipped on the ocean and each year products valued at more than $220 billion are shipped within the United States via the water. In 1996, commercial fishermen in the United States landed almost 10 billion pounds of fish with a value of $3.5 billion. Their fishing-related activities contributed over $42 billion to the U.S. economy. During the same period, marine anglers contributed another $20 billion. Travel and tourism also contribute over $700 billion to our economy, much of which is generated in coastal areas. Last year, in South Carolina alone, the total impact of tourism in coastal areas was almost $6 billion. With a sound national ocean and coastal policy and effective marine resource management, these numbers have nowhere to go but up.

With respect to public safety, it is particularly important to develop ocean and coastal priorities that reflect the changes we have seen in recent years. Before World War II, most of the U.S. shoreline was sparsely populated. There were long, wild stretches of coast, dotted with an occasional port city, fishing village, or sleepy resort. Most barrier islands had few residents or were uninhabited. After the war, people began pouring in, and coastal development began a period of explosive growth. In my State of South Carolina, our beaches attract millions of visitors every year, and more and more people are choosing to move to the coast—making the coastal counties the fastest growing ones in the State. Seventeen of the 20 fastest growing States in the Nation are coastal States—which compounds the situation that the most densely populated regions already border the ocean. With population growth comes the demand for highways, shopping centers, schools, and sewers that permanently alter the landscape. If people are to continue to live and work on the coast, we must do a better job of planning how we impact the very regions in which we all want to live.

There is no better example of how our ocean and coastal policies affect public safety, than to look at the effects of hurricanes. Throughout the 1920's, hurricanes killed 2,122 Americans while causing about $1.8 billion in property damages. By contrast, in the first 5 years of the 1990's, hurricanes killed 111 Americans, and resulted in damages of about $35 billion. While we have made notable advances in early warning and evacuation systems to protect human lives, the risk of property loss continues to escalate and coastal inhabitants are more vulnerable to major storms than they ever have been. In 1989, Hurricane Hugo came ashore in South Carolina, leaving more than $6 billion in damages. Of that total from Hugo, the Federal Government paid out more than $2.8 billion in disaster assistance and more than $400 million from the National Flood Insurance Program. The payments from private insurance companies were equally staggering. In 1992, Hurricane Andrew struck southern Florida and slammed into low-lying areas of Louisiana, forever changing the lives of more than a quarter of a million people and causing an estimated $25 to $30 billion in damage. Hurricanes demonstrate that the human desire to live near the oceans and along the coast comes with both a responsibility and a cost.

The oceans are part of our culture, part of our heritage, part of our economy, and part of our future. Therefore, we need to be smart about ocean policy—we need the best minds to come together and take a look at what the real challenges are. It is not enough to sit back and assume the role of caretakers. We must be proactive and develop a plan for the future.

Mr. President, Members who doubt the need for this legislation need only pick up a newspaper and they will be face to face with pressing ocean and coastal issues: fish covered with lesions in the Chesapeake Bay and North Carolina; a powerful El Nino brewing in the Pacific; condemnation of vacation homes as the beaches beneath them erode; U.S. ships held hostage over fishing disputes; and the list could go on. Deciding how to manage these problems and use the seas is one of the most complicated tasks we can tackle. There are no boundaries at sea, no national borders with fences and checkpoints. The resources of the sea are a common heritage, shared by all. While our coastal waters are governed by the United States for all of us, there are few rules on the high seas and progress relies primarily on international cooperation.

The United Nations has declared 1998 to be the Year of the Ocean. One reason for launching the International Year of the Ocean is to wake up the governments and the public so we pay adequate attention to the need to protect the marine environment and to ensure a healthy ocean. This is an unprecedented opportunity to celebrate and enhance what has been accomplished in understanding and managing the ocean.

The Stratton Commission stated in 1969: "How fully and wisely the United States uses the sea in the decades

ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live." Those words are as true today as they were 30 years ago.

Mr. President, it is time to look toward the next 30 years. This bill offers us the vision and understanding needed to establish sound ocean and coastal policies for the 21st century. I thank the cosponsors of the legislation for joining with me in recognizing its significance and trust that this body will work quickly to enact it into law. 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. 1213

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 "Ocean Act of 1997".

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth's surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier to scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global climate patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast, ocean and coastal resources once considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of ocean and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(5) Marine research has uncovered the link between oceanic and atmospheric processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technology, have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In designating 1998 as "The Year of the Ocean", the United Nations highlights the value of increasing our knowledge of the oceans.

(6) It has been 30 years since the Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission) conducted a comprehensive examination of ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(7) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use sustainable ocean and coastal resources, protect the marine environment, explore ocean frontiers, protect human safety, and create marine technologies and economic opportunities.

(8) While significant Federal ocean and coastal programs are underway, those programs would benefit from a coherent national ocean and coastal policy that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships with State, private, and international entities engaged in ocean and coastal activities.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.

(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.

(3) The protection of the marine environment and prevention of marine pollution.

(4) The enhancement of marine-related commerce, transportation, and national security, and the resolution of conflicts among users of the marine environment.

(5) The expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) The continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Commission" means the Commission on Ocean Policy.

(2) The term "Council" means the National Ocean Council.

(3) The term "marine research" means scientific exploration, including basic science, engineering, mapping, surveying, monitoring, assessment, and information management, of the oceans, coasts, and Great Lakes—

(A) to describe and advance understanding of—

(i) the role of the oceans, coasts and Great Lakes in weather and climate, natural hazards, and the processes that regulate the marine environment; and

(ii) the manner in which such role, processes, and environment are affected by human actions;

(B) for the conservation, management and sustainable use of living and nonliving resources; and

(C) to develop and implement new technologies related to sustainable use of the marine environment.

(4) The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof.

(5) The term "ocean and coastal activities" includes activities related to marine research, fisheries and other ocean and coastal resource stewardship and use, marine aquaculture, energy and mineral resource extraction, national security, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard reduction.

(6) The term "ocean and coastal resource" means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities including, but not limited to, marine research, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, the marine aspects of national security, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean and coastal activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President and the Council may use such staff, interagency, and advisory arrangements as they find necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council which shall consist of—

(1) the Secretary of Commerce, who shall be Chairman of the Council;

(2) the Secretary of the Navy;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Administrator of the Environmental Protection Agency;

(7) the Director of the National Science Foundation;

(8) the Director of the Office of Science and Technology Policy;

(9) the Chairman of the Council on Environmental Quality;

(10) the Chairman of the National Economic Council;

(11) the Director of the Office of Management and Budget; and

(12) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one of the members of the Council to preside over meetings of the Council during the absence or unavailability of such Chairman.

(2) Each member of the Council may designate an officer of his or her agency or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavoidable absence of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be a permanent employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) For the purpose of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) serve as the forum for developing an ocean and coastal policy and program, taking into consideration the Commission report, and for overseeing implementation of such policy and program;

(2) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities;

(3) work with academic, State, industry, public interest, and other groups involved in ocean and coastal activities to provide for periodic review of the Nation's ocean and coastal policy;

(4) cooperate with the Secretary of State in—

(A) providing representation at international meetings and conferences on ocean and coastal activities in which the United States participates; and

(B) coordinating the Federal activities of the United States with programs of other nations; and

(5) report at least biennially on Federal ocean and coastal programs, priorities, and accomplishments and provide budgetary advice as specified in section 7.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) The President shall, within 90 days of the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 15 members including individuals drawn from Federal and State governments, industry, academic and technical institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 7 shall be appointed by the President of the United States, no more than 3 of whom may be from the executive branch of the Government.

(B) 2 shall be appointed by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(C) 2 shall be appointed by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 shall be appointed by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources and the Chairman of the House Committee on Science.

(E) 2 shall be appointed by the Minority Leader of the House of Representatives in consultation with the Ranking Member of the House Committee on Resources and the Ranking Member of the House Committee on Science.

(2) CHAIRMAN.—The President shall select a Chairman and Vice Chairman from Among such 15 members.

(3) ADVISORY MEMBERS TO THE COMMISSION.—The President shall appoint 4 advisory members from among the Members of the Senate and House of Representatives as follows:

(A) Two Members, one from each party, selected from the Senate.

(B) Two Members, one from each party, selected from the House of Representatives.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy;

(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate technologies and platforms;

(3) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for marine research, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(4) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory framework in which they occur, and their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to the use of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;

(6) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(7) identify opportunities for the development of or investment in new products, technologies, or markets that could contribute to the objectives of this Act;

(8) consider the relationship of the ocean and coastal policy of the United States to the United Nations Convention on the Law of the Sea and other international agreements, and actions available to the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for marine research, protection of the marine environment, and ocean and coastal resource management; and

(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this Act.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel

may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) Upon request of the Chairman of the Commission, the head of any Federal Agency shall detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) The Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) All meetings of the Commission shall be open to the public, except when the Chairman of the Commission or a majority of the members of the Commission determine that the meeting or any portion of it may be closed to the public. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject to the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER AGENCIES.—

(1) The Commission is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act. Each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.

(2) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—The Commission shall submit to the President, via the Council, and to the Congress not later than 18 months after the establishment of the Commission, a final report of its findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission a total of $6,000,000 for fiscal years 1998 and 1999. Any sums appropriated shall remain available without fiscal year limitation until expended.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President, through the Council, shall transmit to the Congress biennially a report, which shall include—

(1) a comprehensive description of the ocean and coastal activities and related accomplishments of all agencies and departments of the United States during the preceding two fiscal years; and

(2) an evaluation of such activities and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the Council shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations.

(2) Working in conjunction with the Council, each agency or department involved in such activities shall include with its annual request for appropriations a report which—

(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and

(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.

(3) Each agency or department that submits a report under paragraph (1) shall submit such report simultaneously to the Council.

(4) The President shall, in a timely fashion, provide the Council with an opportunity to review and comment on the budget estimate of each such agency or department.

(5) The President shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those elements of agency or department budget that contribute to the implementation of a national ocean and coastal policy.

SEC. 8. REPEAL OR 1966 STATUTE.

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

Mr. STEVENS. Madam President, I am pleased to be an original cosponsor of Senator HOLLINGS' bill to require a wholesale review of the Nation's oceans and coastal policies to prepare for the 21st century. We have not done this since the 1960's, and the time has come.

The bill has three important components: First, it calls for the development of a coherent national ocean and coastal policy; second, it establishes a 15-member commission similar to the Stratton Commission to make recommendations within 18 months on this national ocean and coastal policy; and third, it creates an interagency council of all the Federal agencies involved in oceans and coastal matters, chaired by the Secretary of Commerce, to coordinate the implementation of the national policy.

I applaud Senator HOLLINGS for developing this legislation. As has been pointed out, over half of the U.S. population lives within 50 miles of our shores. In my State, the oceans employ more people in the private sector than any other industry. The demands on our oceans and coastal resources continues to grow, and we must be prepared to meet these demands in the 21st century.

Mr. KERRY. Mr. President, I rise today to support the efforts of my esteemed colleagues, particularly the ranking member of the Commerce Committee, Senator HOLLINGS, and the chairman of the Appropriations Committee, Senator STEVENS, and to cosponsor the Oceans Act of 1997. I have great respect for Senators HOLLINGS and STEVENS and their stewardship of our ocean and coastal resources.

Since the day I first arrived in the Senate nearly 12 years ago, I have worked hard to address the many challenges confronting our common ocean and coastal resources. I have led this effort principally through my participation and leadership on the Commerce, Science, and Transportation Committee, and particularly as ranking member on the Oceans and Fisheries Subcommittee and as cochair of its predecessor, the national ocean policy study [NOPS].

Over the last 25 years, Congress has worked to develop innovative policy solutions to enable the long-term protection, conservation, utilization, and management of our vulnerable marine resources. We have acted to ensure strong coastal economies in Massachusetts and a clean, healthy coastal environment from the Gulf of Maine to the Gulf of Alaska.

In that vein therefore, I believe that it is time for us, like the Stratton Commission did over 30 years ago, to take an inventory of where our Nation has been and where we are going regarding the great responsibility of stewardship of our coastal resources. The Oceans Act of 1997 will provide the framework for that effort.

The bill contains three major provisions. First, it calls for development of a national ocean and coastal policy to

provide for protection from natural hazards, stewardship of fisheries and coastal resources, protection of the marine environment, enhanced marine transportation and security, continued investment in marine technologies, ocean monitoring and exploration, Government cooperation and coordination, and continued U.S. international leadership. Second, it establishes a Commission on Ocean Policy to complete an 18-month examination and evaluation of ocean and coastal activities and provide recommendations for national policy. Third, it creates an interagency National Ocean Council, headed by the Secretary of Commerce to advise the President and serve as a forum for developing and implementing ocean and coastal policy programs, designate funding responsibilities, provide coordination of Federal budgets, and work with non-Federal organizations to periodically review the Nation's ocean and coastal policy.

The time for this legislation is now, the world population will double to over 10 billion by the middle of the next century. Today over 50 percent of world population resides in coastal areas. The United States and its insular areas have more than 95,000 miles of coastline and the offshore U.S. Exclusive Economic Zone [EEZ] encompasses more than 3.4 million square miles, nearly equal to the land area of the United States.

Over the last 30 years the coastal area populations have increased from 80 to over 110 million and is projected to reach 127 million by 2010. If these trends continue, much heavier demands will be placed on ocean and coastal resources, that is, need for food from the sea for world protein requirements and energy and mineral production from offshore deposits. Ocean threats from this vast expansion include; sewage, chemical, and garbage disposal, runoff from agricultural and forested lands, exploitation of fisheries resources, development of energy and mineral resources, and coastal infrastructure development. Moreover, recent years have yielded a degradation of coastal water quality, loss of wetlands, closure of beach and recreational areas, pollution of fishery and shellfish management resources that diminish the resource base, contaminate seafood, and endanger human health. In fact over 70 percent of U.S. commercial and recreational fish and shellfish depend on estuaries at some point in their life cycle.

Toxic chemicals and sewage dumped have contaminated the Nation's harbors and waterways. More than 20,000 combined sewer overflows [CSO's], sewers that combine storm water and sanitary flows empty directly into rivers and coastal waters. In 1992 heavy rains and flooding caused severe CSO overflows in Los Angeles which forced the temporary closing of over 70 miles of adjacent coastal areas. Coastal area real estate development has accelerated to the point that over 50 percent of annual U.S. residential construction during the past two decades has occurred in coastal areas. This trend is expected to continue and is expected to stress coastal ecosystems even further mostly in California and Florida, two of the Nation's most productive coastal areas. This also increases risk to life and property due to hurricanes and other major storms. For example the price tag for Hurricane Andrew, one of the largest storms in history, was estimated to be $25 to $30 billion. Further sea level rise from global warming will exacerbate this already growing problem.

Further, as the world population grows, we will become more and more dependent on food from the sea. Since 1977 total fish harvest from the EEZ increased more than 325 percent to a peak of 6.65 billion pounds annually in 1986–88, but has subsequently declined—only 6.32 in 1993. Alaska pollock and Gulf of Mexico shrimp were the leading fisheries in 1993. Imported seafood comprised 57 percent of U.S. consumption during 1996, a 3 percent increase from 1995.

Many problems exist however in the way we manage the world's fisheries. A Time magazine article of August 11, 1997, on the world overfishing problem, stated that "fish of all kinds are being hauled from the sea faster than they can reproduce." We addressed many of those concerns with the passage of "Sustainable Fisheries Act" last year. With a focus on overfishing, we established National goals to rebuild most currently overfished stocks in 10 years, provided for the protection of fish habitats and Pacific Insular Areas, established a by-catch reduction program, and encouraged the development of underutilized species.

However, more can be done, particularly on an international level. Fish stocks migrate across jurisdictions. Nations approach fisheries conservation and manage differently. Development of conversation objectives of nations harvesting common fish stocks often clash, and overcapitalized fleets are over-harvesting the available resources in many areas.

Again, much work remains and we must be vigilant in our duty to preserve and protect the oceans and coastal resources as we start the next century.

Ms. SNOWE. Mr. President, I am pleased to join the ranking member of the Commerce Committee, Senator HOLLINGS, in the introduction of the Oceans Act of 1997. This bill will establish a commission like the Stratton Commission of 1966 to review the many ocean and coastal issues facing the United States, and to develop a comprehensive, coordinated, national ocean and coastal policy.

Prior to introduction, I raised a few concerns with Senator HOLLINGS on some provisions of the draft bill. Basically, I had recommended some language that made it clear that as we develop a new ocean and coastal policy for the Nation, we keep in mind the facts that our fiscal resources are limited, and that our Federal investments in ocean and coastal resources must be spent efficiently and wisely. I also raised some concerns about the fact that the original draft had the President appointing all of the members of this important commission.

Mr. President, Senator HOLLINGS has graciously agreed to make some changes to the bill pursuant to my recommendations. For instance, the bill now authorizes the Congress to appoint more than half of the commission members, and the commission is directed to identify opportunities to reform Federal ocean programs to improve efficiency and effectiveness. I commend Senator HOLLINGS for his willingness to work with me and other Republican Senators before introduction of the bill. After introduction, I look forward to working with the distinguished Senator from South Carolina, a Senator who worked on the original Stratton Commission bill 30 years ago and who is a true champion of ocean protection, in the Oceans and Fisheries Subcommittee on any further refinements along these lines that might be constructive.

Again, I thank Senator HOLLINGS and commend him upon introduction of this bill.

Mr. KENNEDY. Mr. President, it is an honor for me to join as a sponsor of the Oceans Act of 1997. Our goal in this legislation is to deal more effectively with one of the most important aspects of our overall policy for the environment—our efforts to preserve and protect our magnificent ocean and coastal resources.

I commend Senator HOLLINGS for his leadership on this important legislation.

By Mr. ALLARD:

S. 1214. A bill to amend the Line-Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

LEGISLATION TO STRENGTHEN THE LINE-ITEM VETO

Mr. ALLARD. Mr. President, today I am pleased to introduce legislation that will strengthen the recently enacted line-item veto.

Currently, the line-item veto can only be exercised by the President

when there is a deficit. This legislation would eliminate that restriction and provide for line-item veto authority whether there is a deficit or a surplus.

Mr. President, the purpose of the line-item veto should be to reduce wasteful Government programs, as well as reduce deficits.

Last year the Congress approved legislation that granted the President line-item veto authority beginning in 1997. The Congress did this out of principle. Members did not wait to see which candidate won the election before deciding whether to grant the new authority, and in August history was made when President Clinton became the first President to exercise the line-item veto.

While some Members of Congress may not agree with the specific provisions that the President selected to line-item veto, the important point is that any President should have this power as a check on narrow special interest spending and tax provisions. If Congress wishes to restore a vetoed provision it can do so with the requisite two-thirds vote.

I have long been a supporter of line-item veto authority for the President. In my view it will serve as a powerful check on Congress' ability to load up bills with wasteful provisions.

I think it is safe to say that the President's use of the line-item veto has created an environment in which narrow spending and tax provisions are going to be scrutinized much more carefully before they are loaded onto legislation.

I recognize that there have been court challenges concerning the constitutionality of the statutory line-item veto. I believe that this authority is constitutional and I certainly hope that the Supreme Court comes down on that side. However, this issue is important enough that we should amend the Constitution if necessary. That is why earlier this year I introduced a line-item veto constitutional amendment.

Today, however we should focus on the line-item veto that is before us and look for ways to improve that law. That is the purpose of this legislation.

In the last several years our economy has been very healthy and tax revenues have come in at much higher levels than previously forecast. This has created a situation where we may actually see a budget surplus at some point in the next several years. Does this mean we should rescind the line-item veto authority we have given the President? Of course not, but that would be the result as the law was drafted in 1996.

My view is that the line-item veto should be used in both deficit and surplus times. While we may have some surplus years on the horizon, it is clear that without entitlement reform massive deficits will return just after the turn of the century. This means that we must be constantly working to eliminate wasteful Government programs. A line-item veto is one way to help do that.

Mr. President, I cast my vote for a permanent line-item veto. The President and Congress cannot afford to take a vacation from the battle against wasteful Government programs.

By Mr. ASHCROFT:

S. 1215. A bill to prohibit spending Federal education funds on national testing; to the Committee on Labor and Human Resources.

NATIONAL TESTING LEGISLATION

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation to prohibit the Federal Government from developing and/or imposing new national individualized tests on students across the country.

During his State of the Union Address this year, President Clinton announced his intentions to establish national tests for students in fourth grade reading and eighth grade mathematics. Without waiting for congressional authority, the Department of Education surged ahead and began development of uniform national tests, with plans to administer them starting in 1999. In August, the Department announced the award of a $13 million contract for its national testing initiative, and plans to spend an estimated $50.6 million under the contract from fiscal year 1998 through fiscal year 2001, including $12.3 million for fiscal year 1998.

In response, Representative BILL GOODLING, chairman of the Committee on Education and the Workforce, offered an amendment in the House which prohibits the expenditure of fiscal year 1998 funds for a new national testing program. While the Senate failed to consider fully and vote on the Goodling approach during its debate of the Labor-HHS appropriations bill, the House embraced the Goodling amendment, approving it by a resounding vote of 295 to 125.

The House vote sends a clear and strong signal that Congress should prohibit Federal funds for national testing in education. In fact, the alliance of members from both sides of the political spectrum demonstrates the universal concern that the administration's proposal is besieged by problems. Here are just a few of the many reasons why national tests should be opposed:

First, education experts such as Dr. Donald J. Senese, former Assistant Secretary for Educational Research and Improvement during the Reagan administration, warn that national testing will lead to a national curriculum.

Second, Lynne Cheney, former chairperson of the National Endowment for the Humanities, reminds us that Federal efforts to set standards and tests have been disastrous. She points to the politically correct Federal history standards and the English-language arts standards, which were such an ill-considered muddle that even the Clinton Department of Education cut off funding for them after having spent more than $1 million in taxpayer funds.

Third, the proposed math test is steeped in the new, unproven whole math or fuzzy math philosophy, which encourages students to rely on calculators, discourages basic math skills, and has resulted in declines in math performance. For example, the median percentile computation scores on the Comprehensive Test of Basic Skills taken by more than 37,000 DODDS students one year after the Defense Department introduced whole math dropped 9 points for third graders, 12 for fourth graders, 11 for fifth graders, 10 for sixth graders, 10 for seventh graders, and 4 for eighth graders.

Finally, Federal testing takes away local control and parental involvement. The Federal Government should not impose its will on school boards, parents, and teachers about the education of their children. Rather, education should be controlled by school boards in local communities, where parents have the greatest opportunity to be involved in the education of their child, by participating in the development of school curriculum and testing. After all, research confirms that parental involvement is the single most important element in educating our children.

Mr. President, the big losers from national tests will be students, parents, teachers, and local school boards. Once Federal exams are in place, teachers and schools will teach the test. In other words, they will change their classes to fit the Federal tests, in order to get higher scores. Textbooks and instructional materials will follow suit, even in areas that attempt to avoid national tests. As a result, Washington bureaucrats who design the tests will shape local curriculum decisions. National control of curriculum is absolutely unacceptable to me. Once the Federal Government is using tests to shape curriculum, parental control through local school boards will be doomed.

Who should control local education? I believe our schools should remain under the control of parents, teachers, and school boards, in cooperation with the States. The flawed whole math approach which brought major losses in computation test scores demonstrates the central threat in national control: When the bureaucrats make a mistake, everybody pays, from coast to coast.

Parents are looking to Congress to protect their right and their ability to shape the education of their children. A national testing system would deprive parents of this vital opportunity. As Members of Congress, we can show our support for education by saying "no" to national testing and "yes" to

parental control of their children's learning.

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. 1215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON NATIONAL TESTING.

Part C of the General Education Provision Act (20 U.S.C. 1231 et seq.) is amended by adding at the end the following:

"SEC. 447. PROHIBITION ON NATIONAL TESTING.

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law, funds provided to the Department or for an applicable program may not be used to develop, plan, implement, or administer any national testing program.

"(b) EXCEPTION.—Subsection (a) shall not apply to the following:

"(1) The National Assessment of Educational Progress carried out under section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010).

"(2) The Third International Mathematics and Science Study (TIMSS).".

By Mr. HOLLINGS:

S. 1217. A bill for the relief of Olga Gorgiladze; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. HOLLINGS. Mr. President, I am introducing a bill today that will grant permanent residency in the United States to Olga Gorgiladze.

I serve as the ranking member of the Appropriations Subcommittee that has jurisdiction and oversight over both the Immigration and Naturalization Service and the Executive Office for Immigration Review. I can tell you that with respect to Mrs. Gorgiladze's case—they have missed the mark. They have done this woman an injustice. It is a wrong that this Senate and this Congress should make right.

Olga Gorgiladze's case is a special situation that involves the turmoil and changes that came with the fall of the Berlin Wall and the collapse of the Soviet Union. In September 1991, Mrs. Gorgiladze came to the United States to stay with her lifelong friend, Merilyn Hodgson. Three months later the Soviet Union was dissolved and civil and ethnic war broke out in Georgia, the Soviet Republic where Mrs. Gorgiladze's husband was from. She applied for asylum in this country in March 1992. INS and the Executive Office of Immigration Review finally got to her case in late 1995 and turned down her request. They instructed Mrs. Gorgiladze to obtain Georgian citizenship and to leave for that country. The irony, of course, is that Olga Gorgiladze is not now and never has been a Georgian citizen. In fact, quite the contrary she fears for her safety should she be forced to go to that nation. She loves the United States. She loves our democratic society that protects freedom of speech and religion. Most importantly, she feels safe in a nation that has racial and ethnic diversity. The reality is that Olga Gorgiladze wants to become an American, not a Georgian citizen.

Olga Gorgiladze is not even ethnically Georgian. She is half Chinese and half Russian. She was born in China in 1940 to a Russian father and a Chinese mother. Her father was a naval officer in the Tsarist navy and fought against the Bolsheviks during the Russian Revolution. Her mother met Mrs. Gorgiladze's father in Shanghai where he had fled after the war. Olga grew up in China, speaking Chinese. But, once again in 1954, her family had to flee another violent Communist takeover—and her father moved the family back to the Soviet Union. They were sent to work on the undeveloped desert lands of Kazakhstan. In 1959, after her father died of cancer she was given permission by the Soviet authorities to move to Sukhami, Georgia, near the Russian border.

In 1971, Olga graduated from the Teachers College of Foreign Languages where she majored in English. However, she was denied a teaching position because preference was given to Georgians. She finally got a job as a part-time teacher at the college from which she graduated, but was later fired when all classes for Russian speaking groups were terminated. Despite her advanced education—equivalent to a masters degree in this country—she has continually been forced to take low-paying clerk positions because of discrimination against her as a non-Georgian. Other discriminations displayed against her included housing which is controlled by the state and purchasing of food and supplies.

Since 1991, the Caucasus nations have been plagued by ethnic strife and warfare. We have all watched the violence and bloodshed in the Abkhaszia region of Georgia, between Armenia and Azerbaijan in Nagorno-Karabakh, and the war in Chechneya. Less well televised is the hostility and persecution of outsiders and ethnic minorities. In Georgia, there is hostility to anything or anyone affiliated with Russia. As a woman who looks Chinese, speaks only Russian and English, Olga Gorgiladze has been subject to countless incidents of verbal, physical, and mental abuse. Mrs. Gorgiladze does not and cannot blend into the Georgian population. She has been beaten, spit on, verbally and physically abused. Her safety and livelihood have always felt threatened every minute of every day while living in Georgia. For example, while riding the bus, Mrs. Gorgiladze has been beaten and threatened with knifes, chains, and various other weapons.

Her husband of 25 years, Malkhaz Gorgiladze, stayed in Georgia and warned Olga of the dangers posed to her if she returned to that country. He encouraged her to seek asylum in the United States and collected evidence for her hearing. He especially worked to document police inactivity and the Georgian officials' complicity in attacks on non-Georgians by violent nationalist groups. The police warned him to stop his efforts. Malkhaz Gorgiladze began to receive anonymous phone calls and threats and warnings to stop criticizing the police. In 1996, while returning home from a New Year's Eve gathering, his car was rammed by a Georgian police car and Olga's husband was killed.

When asked by the immigration judges at Justice, our State Department reported that Georgia is in a state of cease-fire and everybody is getting along with each other. Further, the Justice Department conjectured that if the Georgian police wanted Olga's husband killed, the would have used means other than an auto accident involving a police car. The INS and immigration judges down there at the Justice Department have used this information and conclusions to deny Mrs. Gorgiladze's request for asylum. Yet, there were numerous letters and affidavits by witnesses regarding Malkhaz Gorgiladze's murder. And, in Georgia, the ultranationalists blame non-Georgians, and in particular blame Russians, for all their misfortunes and lack of economic development. Friends and relatives of Olga Gorgiladze have warned her that she should not return. They tell her that she will never be able to get a job and always will be an outcast. They say she will be considered a traitor. And, Malkhaz will not be there to try and defend her as in the past. In short, they fear for her safety, as do I.

Mrs. Gorgiladze's case is truly heartwrenching. And, here is a woman I might add—that has worked for the last 5 years at MCI Customer Service Representative International Department and turned around and paid her taxes to the State of Virginia and the U.S. Government. In my view, she has been an outstanding resident in our Nation who serves as an example of the American dream. She has never broken any law and has never been on welfare or asked the Government for handouts. She has followed the immigration rules every step of the way. She is what America is all about. What astonishes me is why the Justice Department would want to deport this 57-year-old woman.

Mr. President, I have served in the U.S. Senate over 30 years. Every now and then we get an opportunity to stand up for someone who the Federal bureaucracy has mistreated. This is one of those times. Olga Gorgiladze's situation has touched me. Since her friend brought the case to my attention, I can't stop thinking about how

unfair it seems. I've sat in Senate hearing after hearing on the Immigration and Naturalization Service asking why action is not taken to deport illegal aliens who got into this country through deception. I have listened to this administration try to explain how in 1996 they naturalized thousands of aliens with criminal backgrounds. And, I find it astonishing, these very same Justice immigration judges have ruled in separate cases that homosexuality per se does constitute a legitimate claim for asylum. But, in this case we have a woman who came to the United States legally, who is not and never has been a citizen of Georgia, who had her husband killed by Georgian authorities, who legitimately fears for her safety if sent there, who has complied with all the United States immigration laws, and who has paid her own way and has not been a burden to taxpayers in this country—and this is who the Justice Department wants to deny asylum and deport? Maybe I should forgo this bill and simply tell Olga to pretend that she is homosexual. This is injustice. This is just simply wrong.

Mr. President, I am introducing this bill today because the system is not working. I believe that Olga Gorgiladze has legitimate reasons to fear being deported to Georgia. She is not Georgian and does not belong in that country. It is ludicrous for the United States Government to be ordering her to apply for Georgian citizenship. What she has demonstrated is that she does belong in this country. In her case the system has failed and I think it is incumbent upon the United States Senate to put things right. I am pleased to sponsor this bill. I intend to work with the Judiciary Committee, with Senators ABRAHAM, KENNEDY, HATCH, and LEAHY, to ensure that Mrs. Olga Gorgiladze is permitted to remain in the United States.

By Mr. KERREY.

S. 1218. A bill to assure the integrity of information, transportation, and telecommunications upon the arrival of the year 2000; to the Committee on Commerce, Science, and Transportation.

THE MILLENNIUM ACT

Mr. KERREY. Mr. President, one of the challenges of the 21st century is already upon us. It is commonly known as the year 2000 computer problem or the millennium bug. At issue is a programming technique that could lead to the malfunction of computer systems worldwide on January 1, 2000. It is essential that government, business, and personal computer users take adequate steps to fix this problem in advance of December 31, 1999, to ensure that cyberspace enters the next millennium without a hitch.

During the early years of computing, computer storage space was incredibly expensive. Storage space that costs only 10 cents per megabyte today, cost $36 per megabyte in 1972. In an effort to reduce storage costs, computer programmers commonly programmed date information using only two digits to indicate the year. For example, 1999 would be programmed as 99. This clever space saving trick saved computer users millions of dollars and became industry practice because programmers believed that by the time the year 2000 arrived any code they were working on would be obsolete and out of service. Unfortunately, the conventional wisdom was wrong and many computer systems still use these programs. Computers and computer software programmed in this fashion may misinterpret the year 2000 as 1900. This electronic confusion could lead to serious malfunction or collapse of computers and computer networks around the world.

Date information plays a significant role in almost all computer applications developed over the last 30 years. The year 2000 problem has many practical implications from the relatively benign to the very serious. Credit cards may be read as invalid, traffic lights may not operate, 99 years of bank records could be destroyed or the Nation's air traffic control systems could fail. The list of possible failures is nearly endless and can be found in systems used by the government, the business community, and personal computer users worldwide. Personal computers are less susceptible to the problem and in most cases can be quickly fixed. However, business and government leaders should be working night and day to ensure that the computer systems the country depends on are reprogrammed to correctly recognize the date in time for the arrival of New Year's Day 2000.

The time and financial commitment necessary to replace the problematic date code is stunning. The Gartner Group estimates that costs could exceed $600 billion. Newsweek magazine points out that this sum is enough to fund a year's worth of education costs, preschool through graduate school. Correcting the problem is technically simple, however in order to find the date information the entire program must be manually scanned line for line. Often, the programs are written in the outdated COBAL programming language and finding programmers skilled in older languages to solve the problem is very difficult because the demand for their services is sky rocketing. After a competent technician is hired and they have analyzed the code and made the necessary changes, the programs must go through a time consuming testing phase. In sum, it is a very complex task and it is quickly becoming too late to begin the reprogramming process.

Many companies and government offices have already taken steps to avert this problem and are well on their way to making their systems year 2000 compliant. Unfortunately, many others have not addressed the problem and the time needed to analyze, modify, and test the code used by these entities is quickly slipping away. I am very concerned that further delays will leave the government and many private companies unprepared to carry out normal transactions in the early days of the next century. In order to address this problem, I have joined Senator MOYNIHAN as a cosponsor of S. 22. S. 22 would create a commission that would be required to report to the President, by July 3, 1997, with proposals for new procedures or regulations to address the year 2000 computer problem for systems of Federal, State, and local governments and would make recommendations for funding levels that might be needed to address this problem.

In addition I am introducing a bill today that would instruct the Federal Communications Commission to initiate a proceeding to determine the integrity of the telecommunications networks as the year 2000 arrives. It also requires the National Institute of Standards and Technology to review the risks to personal computers and requires the Department of Transportation to assure that transportation safety is not compromised.

Inconvenience can be tolerated, but every effort must be taken to assure that the health and safety of humans and the security and integrity of networks and data are not compromised by what we know to be a significant weakness in our computer networks and software.

In conclusion, I am also very concerned by reports that small and midsize businesses are experiencing difficulty in determining if their computer systems are year 2000 compliant because some third-party systems vendors are not forthcoming with information about their products. An already difficult task is further complicated by uncooperative third party vendors who fail to help these companies understand how the year 2000 problem could affect their businesses. These companies have a responsibility to provide their customers with the information they need to make their systems year 2000 compliant.

There is still time to act and prevent dangerous disruptions in computer, transportation and computer networks and the loss of valuable data. If the private and public sector does that, then Americans can party, and not panic when the clock strikes midnight on New Year's eve 1999. Mr. President I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1218

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Millennium Act."

SEC. 101. TELECOMMUNICATIONS NETWORKS.

(a) The Federal Communications Commission shall initiate a proceeding to evaluate the potential dangers to the nation's telecommunications networks from to software and systems which are unable to effectively toll the passage of time from December 31, 1999 to January 1, 2000.

(b) The Commission shall make necessary and appropriate regulatory changes within their jurisdiction to ensure the integrity of the nation's telecommunications networks.

SEC. 102. PERSONAL COMPUTERS.

The National Institute of Standards and Technology shall evaluate the potential risks to information stored on personal computers from to software and systems which are unable to effectively toll the passage of time from December 31, 1999 to January 1, 2000 and shall take necessary and appropriate actions within its jurisdiction to propose solutions and inform the public.

SEC. 103. TRANSPORTATION NETWORKS.

The Secretary of Transportation shall initiate a comprehensive plan to assure that computer hardware and software in transportation systems which are unable to effectively toll the passage of time from December 31, 1999 to January 1, 2000 do not create a safety risk to transportation workers and the general public. Should a risk to safety be identified, the Department shall take necessary and appropriate measures to assure safety and inform the public of such risks.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from Oregon [Mr. WYDEN] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 67

At the request of Ms. SNOWE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 67, a bill to amend the Public Health Service Act to extend the program of research on breast cancer.

S. 489

At the request of Mr. KYL, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 489, a bill to improve the criminal law relating to fraud against consumers.

S. 830

At the request of Mr. JEFFORDS, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of 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.

S. 850

At the request of Mr. AKAKA, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 850, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 941

At the request of Mr. INOUYE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 941, a bill to promote the utilization of marine ferry and high-speed marine ferry services.

S. 1069

At the request of Mr. MURKOWSKI, the names of the Senator from Utah [Mr. HATCH], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Virginia [Mr. ROBB], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 1069, a bill entitled the "National Discovery Trails Act of 1997".

S. 1100

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1100, a bill to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1106

At the request of Mr. COATS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1106, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset based policy may be used to enable individuals and families with limited means to achieve economic self-sufficiency.

S. 1115

At the request of Mr. LOTT, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. BRYAN], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from Oregon [Mr. SMITH], the Senator from Alaska [Mr. STEVENS], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1194

At the request of Mr. KYL, the names of the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Iowa [Mr. GRASSLEY] 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 Tennessee [Mr. FRIST], and the Senator from Connecticut [Mr. DODD] 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 96

At the request of Mr. CRAIG, the names of the Senator from Utah [Mr. BENNETT], the Senator from California [Mrs. BOXER], the Senator from Georgia [Mr. CLELAND], the Senator from Indiana [Mr. COATS], the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Resolution 96, a resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week."

SENATE RESOLUTION 123—HONORING THE MEMORY OF FORMER PEACE CORPS DIRECTOR LORET MILLER RUPPE

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution; which was placed on the calendar:

S. RES. 123

Whereas the Members of the Senate were greatly saddened by the death of Loret Miller Ruppe, the longest-serving Director of the Peace Corps; and

Whereas Loret Miller Ruppe's inspirational vision, dedication, and leadership (1) revitalized the Peace Corps as she began or revived programs in Sri Lanka, Haiti, Burundi, Guinea-Bissau, Chad, Equatorial Guinea, and the Cape Verde Islands; (2) energized a new generation of Americans to accept the challenge of serving in the Corps; (3) refocused

the Corps on its mission of development to achieve world peace; and (4) did a great service to America and to the millions of the world's citizens touched by her efforts: Now, therefore, be it

Resolved, That (a) the Senate recognizes and acknowledges the achievements and contributions of the longest-serving Director of the Peace Corps, Loret Miller Ruppe, and the volunteers she inspired, not only for their service in other countries but also in their own communities.

(b) It is the sense of the Senate that the President should honor the memory of the Peace Corps' great leader Loret Miller Ruppe and reaffirm the commitment of the United States to international peace and understanding.

SENATE RESOLUTION 124—RELATIVE TO AN INTERNATIONAL TRIBUNAL FOR CRIMES AGAINST HUMANITY

Mr. ROTH (for himself, Mr. THOMAS, Mrs. FEINSTEIN and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 124

Whereas, the Khmer Rouge recently staged a show trial of Pol Pot, the reputed leader of the Khmer Rouge during the Cambodian genocide;

Whereas, the Khmer Rouge have been promoting their National Solidarity Party and proclaiming their support for "liberal democracy" as a means to legitimate their role in Cambodian politics;

Whereas, while the Khmer Rouge have been weakened since the Paris Peace Accords of 1991, they remain a key source of violence in Cambodia;

Whereas, Cambodian People's Party leader and Second Prime Minister Hun Sen staged a bloody and illegal coup against the First Prime Minister and leader of the FUNCINPEC Party, Norodom Ranaridhh;

Whereas, Hun Sen maintains that the coup was necessary because elements of FUNCINPEC were on the verge of consummating a deal to bring the Khmer Rouge military and political organization into the legitimate political arena;

Whereas, Norodom Ranaridhh, by contrast, has argued that FUNCINPEC had no plan to form an alliance with the Khmer Rouge and that this allegation was used as a pretext by Hun Sen for the coup;

Whereas, Norodom Ranaridhh asserts instead that he was on the verge of finally destroying the Khmer Rouge and bringing them to justice;

Whereas, Norodom Ranaridhh further asserts that the real reason for the coup was that Hun Sen fears that convening an international tribunal to bring the Khmer Rouge to justice would implicate Hun Sen in genocidal atrocities;

Whereas, Hun Sen has consistently argued that the top Khmer Rouge leadership—including, but not limited to Pol Pot—must be brought to justice before an international criminal tribunal;

Whereas, earlier this year, Norodom Ranaridhh and Hun Sen wrote to United Nations Secretary-General Kofi Annan asking for "the assistance of the United Nations and the international community in bringing to justice those persons responsible for genocide and crimes against humanity during the rule of the Khmer Rouge from 1975 to 1979";

Whereas, after the coup, troops loyal to Norodom Ranaridhh appear to have formed a military alliance with troops loyal to the Khmer Rouge leadership, thus reinforcing the fears of the Cambodia people that the Khmer Rouge will use any means necessary to regain power;

Whereas, peace, democracy, stability, the rule of law and national reconciliation in Cambodia are unlikely to be achieved until the Khmer Rouge are brought to justice;

Whereas, the Cambodian Genocide Justice Act states that it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, and in circumstances which the President deems appropriate, to encourage the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia and provide such tribunal with relevant information;

Resolved, That it is the sense of the Senate that:

(1) a primary objective of U.S. policy toward Cambodia should be the establishment of an international tribunal for the prosecution those responsible for the Cambodian genocide;

(2) in compliance with the Cambodian Genocide Justice Act and the objectives stated above, the President should immediately deem it appropriate to encourage the establishment of an international criminal tribunal for the prosecution of such members of the Khmer Rouge;

(3) in further compliance with the Cambodian Genocide Justice Act, the United States should support efforts to bring members of the Khmer Rouge—including Pol Pot—to justice for their crimes against humanity before an international tribunal, including providing that tribunal with any information available on such members' involvement in the Cambodian genocide;

(4) the Secretary of State should encourage all Member countries of the Association of Southeast Asian Nations, the People's Republic of China, Japan and other interested countries to support such a tribunal.

Mr. ROTH. Mr. President, I rise today on behalf of myself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. GRAMS to a sense-of-the-Senate resolution that the Khmer Rouge and other participants in the Cambodian genocide should be brought to justice before an international tribunal.

Just a couple of months ago, we witnessed the grotesque spectacle of a Khmer Rouge show trial of Pol Pot, the leader of the Khmer Rouge during its genocidal reign in the 1970's. In July, Cambodian People's Party leader and Second Prime Minister Hun Sen staged a bloody coup against the First Prime Minister and leader of the FUNCINPEC Party, Norodom Ranaridhh.

Hun Sen has claimed the coup was necessary because Norodom Ranaridhh was attempting to gain Khmer Rouge support for his party.

Norodom Ranaridhh, on the other hand, has labeled Hun Sen's allegations a false pretext for the coup. Norodom Ranaridhh has also asserted that Hun Sen fears an international tribunal on the Cambodian genocide would implicate Hun Sen for atrocities he committed during his tenure as a senior Khmer Rouge official.

Finally, troops loyal to Norodom Ranaridhh now appear to have formed a military alliance with troops loyal to the Khmer Rouge leadership, thus reinforcing the fears of the Cambodia people that the Khmer Rouge will use any means necessary to regain power.

These events and the assertions of the two Prime Ministers demonstrate that while the Khmer Rouge have been weakened since the Paris Peace Accords of 1991, they remain central to the continuing conflict in Cambodia. Recent events also demonstrate that the objectives of bringing peace, democracy, national reconciliation, and the rule of law to Cambodia are likely to remain out of reach until the Khmer Rouge are brought to justice.

What this resolution does, Mr. President, is make it clear that an international tribunal is essential if we are to achieve these objectives. It also points out that before the coup and before their allegations against one another about their respective involvement with the Khmer Rouge, Norodom Ranaridhh and Hun Sen wrote a joint letter to U.N. Secretary-General Kofi Annan asking for U.N. assistance in convening such a tribunal.

We should take them up on their request because removing the Khmer Rouge as a military and political force in Cambodia is essential if we are to avoid another slide toward authoritarianism and war. I believe an international tribunal will also prevent the Khmer Rouge from succeeding in their transparent attempt to emerge as a legitimate political force in Cambodia. Indeed, at the show trial of Pol Pol they staged, the Khmer Rouge loudly proclaimed their support for liberal democracy. Other members of the Khmer Rouge have been promoting the National Solidarity Party to give Khmer Rouge a legitimate voice in Cambodian politics.

According to the Yale Cambodian Genocide project, the principal organization documenting atrocities committed by the Khmer Rouge, such a tribunal "would soon return indictments against all or most of the current Khmer Rouge leadership.

Mr. President, the Cambodian tragedy will never end until the Khmer Rouge are brought to justice. I offer this resolution to move us closer to that goal and to demonstrate this body's continued interest in the development of a free, democratic, and peaceful Cambodia.

SENATE RESOLUTION 125—COMMENDING THE REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVES OFFICE IN THE UNITED STATES

Mr. MURKOWSKI (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 125

Whereas Dr. Jason C. Hu has served with distinction as Representative of the Taipei Economic and Cultural Representatives Office (TECRO) since June 1996, and has ably represented the interests of the Republic of China on Taiwan;

Whereas Dr. Hu has been a firm and consistent advocate to democratic principles throughout his distinguished career;

Whereas Dr. Hu has established many deep friendships with Members of Congress and other Americans during his tenure in Washington: and

Whereas Dr. Hu has been asked to return to Taiwan to serve as the Minister of Foreign Affairs of the Republic of China: Now, therefore, be it

Resolved by the Senate, That the Senate hereby—

(1) commends Dr. Jason C. Hu for his service as Representative of the TECRO office; and

(2) expresses to Dr. Hu and his family its best wishes for his continued success in the future.

AMENDMENTS SUBMITTED

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

FAIRCLOTH (AND BOXER) AMENDMENT NO. 1248

Mr. FAIRCLOTH (for himself and Mrs. BOXER) proposed an amendment to the bill (S. 1156) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 2, strike all after the word "Authority" on line 11, to the end of line 12.

On page 2, line 22, before the colon, insert: ", which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year".

On page 4, line 4, strike "$116,000,000" and insert in lieu thereof "$103,000,000".

On page 4, line 15, strike "$30,000,000" and insert in lieu thereof "$43,000,000".

On page 29, strike all after "the" on line 16, to the end of line 25, and insert: "District of Columbia Financial Responsibility and Management Assistance Authority (Authority). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans."

On page 33, strike all after "Financial" on line 19, and insert: "Responsibility and Management".

On page 41, strike all after "(B)" on line 24, through "$129,946,000" on line 25, and insert: "$4,811,906,000 (of which $118,269,000".

On page 42, line 16, after "Assistance," insert: "Authority".

On page 17, after the period on line 25, insert:

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $3,332,000 from other funds.

COATS (AND OTHERS) AMENDMENT NO. 1249

Mr. COATS, for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ASHCROFT, Mr. COVERDELL, and Mr. GREGG) proposed an amendment to the bill, S. 1156, supra; as follows:

At the end, insert the following:

TITLE ___—STUDENT OPPORTUNITY SCHOLARSHIPS

SEC. ___01. SHORT TITLE; FINDINGS; PRECEDENTS.

(a) SHORT TITLE.—This title may be cited as the "District of Columbia Student Opportunity Scholarship Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

(B) fostering diversity and competition among school programs for the children;

(C) providing the families of the children more of the educational choices already available to affluent families; and

(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than many of the public schools.

(4) Costs are often much lower in private schools than corresponding costs in public schools.

(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

(1) Wisconsin v. Yoder, 406 U.S. 205 (1972); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Meyer v. Nebraska, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

(2) Mueller v. Allen, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

(3) Witters v. Department of Services for the Blind, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

(4) Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

SEC. ___02. DEFINITIONS.

As used in this title—

(1) the term "Board" means the Board of Directors of the Corporation established under section ___03(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section ___03(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section ___04(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section ___04(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section ___04(c)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 03. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this title, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this title shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this title shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this title for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this title as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this title, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this title.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this title, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this title.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this title, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this title. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information

to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this title shall file an application with the Corporation for certification for participation in the scholarship program under this title that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this title;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this title.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTION.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this title for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this title; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this title unless the Corporation determines that good cause exists to deny certification.

(iii) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this title unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this title for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this title.

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this title shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this title not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this title, other than requirements established under this title.

SEC. ___04. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997–1998, 1998–1999, and 1999–2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students who are described in subsection (a), not described in paragraph (1), and otherwise eligible for a scholarship under this title.

(3) LOTTERY SELECTION.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this title for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this title for the fiscal year.

(c) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia; Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this title shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. ___05. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this title, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section ___06.

(b) NOTIFICATION.—Each eligible institution that receives the proceeds of a scholarship payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this title is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this title, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this title is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

SEC. __06. SCHOLARSHIP PAYMENTS.

(a) PAYMENTS.—The Corporation shall make scholarship payments to the parent of a student awarded a scholarship under this title.

(b) DISTRIBUTION OF SCHOLARSHIP FUNDS.—Scholarship funds may be distributed by check, or another form of disbursement, issued by the Corporation and made payable directly to a parent of a student awarded a scholarship under this title. The parent may use the scholarship funds only for payment of tuition, mandatory fees, and transportation costs as described in this title.

(c) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—If a student receiving a scholarship under this title withdraws or is expelled from an eligible institution after the proceeds of a scholarship is paid to the eligible institution, then the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any such proceeds received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

SEC. __07. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this title shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this title.

(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

(2) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

(3) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section __03(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. __08. CHILDREN WITH DISABILITIES.

Nothing in this title shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. __09. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the eligible institution is established or maintained.

(b) SECTARIAN PURPOSES.—Nothing in this title shall be construed to prohibit the use of funds made available under this title for sectarian educational purposes, or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

SEC. __10. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this title shall report to the Corporation not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. __11. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this title, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. __12. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the constitutionality of the scholarship program under this title and shall provide expedited review.

(2) STANDING.—The parent of any student eligible to receive a scholarship under this title shall have standing in an action challenging the constitutionality of the scholarship program under this title.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

SEC. __13. EFFECTIVE DATE.

This title shall be effective for each of the fiscal years 1998 through 2002.

On page 3, line 3, strike "$30,000,000" and insert "$23,000,000".

On page 3, line 4, before the period insert ": *Provided further*, That $7,000,000 of the funds made available under this heading shall be used to carry out the District of Columbia Student Opportunity Scholarship Act of 1997".

WYDEN (AND GRASSLEY) AMENDMENT NO. 1250

Mr. WYDEN (for himself and Mr. GRASSLEY) proposed an amendment to the bill, S. 1156, supra; as follows:

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.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of

the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 1, 1997, a 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 940 to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway; and H.R. 765 to ensure the maintenance of a herd of wild horses in Cape Lookout National Seashore.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 8, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1064 to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the committee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 9, 1997, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 24, 1997, beginning at 9 a.m., in room 106 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 1997, at 10 a.m., to hold a hearing, and at 2:15 p.m., to hold a business meeting.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, September 24, at 10 a.m., for a hearing on campaign financing issues.

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

ADDITIONAL STATEMENTS

TRIBUTE TO LT. COL. THOMAS R. MILLER

• Mr. SANTORUM. Mr. President, I would like to take this opportunity to recognize an outstanding citizen from Allison Park, PA. On October 3, Lt. Col. Thomas Miller will retire from his position as the joint program office site director at the Software Engineering Institute [SEI] of Carnegie Mellon University.

Thomas was born in Valley View, PA. He earned an undergraduate degree in computer science from Utah State University. Later, Thomas received a M.S. degree in systems management from the Florida Institute of Technology.

In 1974, Thomas received his Air Force Commission from the Reserve Officer Training Corps. Since then, he has had an exemplary military career. Lieutenant Colonel Miller has served as a computer systems acquisition engineer at the Air Force Electronic Systems Division for the Joint Tactical Information Distribution System Joint Program Office; the computer systems acquisition manager for the seismic portion of the Atomic Energy Detection System; the software division chief at the Joint Surveillance Target Attack Radar Systems [JSTARS] Joint Program Office; and the chief of the Advanced Medium Range Air-to-Air Missile Systems Division at Eglin AFB.

Lieutenant Colonel Miller became the joint program office site director at the Software Engineering Institute in 1992. During his tenure at SEI, Lieutenant Colonel Miller earned the respect and admiration of his colleagues. A proven leader, Thomas will be sincerely missed.

Mr. President, after many years of service to his country, Lieutenant Colonel Miller is retiring to private life. In honor of his service, I ask my colleagues to join me in extending the Senate's best wishes to Lt. Col. Thomas Miller, his wife Colleen, and their three children.•

FRANK LLOYD WRIGHT BUILDING CONSERVANCY ANNUAL CONFERENCE

• Mr. MOYNIHAN. Mr. President, this past weekend I was invited to speak at the annual conference of the Frank Lloyd Wright Building Conservancy which took place in Buffalo, NY. I promised some of the attendees that I would enter my keynote address in the CONGRESSIONAL RECORD. I ask that the full text of my address be printed in the RECORD.

The text follows:

KEYNOTE ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN

Not long ago I happened to be in Phoenix and took the opportunity to visit Taliesin West, Frank Lloyd Wright's desert commune. I was most generously received and shown everywhere, including the atelier where the plans were being drawn for Wright's splendid Monona Terrace Community and Convention Center, just now completed in Milwaukee. At length, I was shown the splendid, terraced dining room where, in the manner of the Englishman in the jungle, all communards, faithful to the Master's edict, dress for dinner on Saturday night.

We are less formal here in Buffalo, but no less welcoming, and greatly honored to be at the site of this year's Frank Lloyd Wright Building Conservancy Annual Conference.

Each of us, I cannot doubt, has a personal story of an encounter with the spiritual and physical force of architecture. As Americans, we tend to begin in Europe, but with time, more and more we return to our own.

I have two tales to tell.

The first is simple enough. In 1992, I was asked to address the convention of the American Sociological Association then meeting in Pittsburgh. I arrived in a fine new hotel in the Golden Triangle expecting all manner of posters and pronouncements as had been the fashion of a few decades earlier. Instead, I was greeted by a large sign announcing the times of departure for the tour of Fallingwater. American sociologists are finally getting their priorities straight.

My second tale, more personal and specific to Buffalo, took place some twenty-one years ago. I was then in a five-way primary contest for the Democratic nomination for United States Senator. In the manner of such campaigns, most of one's time is spent in strategy sessions in hotel rooms. One August day, having spent the morning and afternoon at the Statler Hotel in a seemingly endless succession of these consultations, I announced I was going out for a walk. An economist would call it a random walk. I had no direction in mind, save any that would get me away from that hotel room.

And so I wandered westerly to Church Street and reached Pearl. Glancing south along Church Street, of a sudden I saw something that did not exist. Couldn't exist. Certainly something I for certain had not known to exist. A Sullivan skyscraper. The Guaranty Building. The beginning of an American architecture that would come to be known as the International Style. Sure enough, on the east side of the street there were three tall skyscrapers (an American term, incidentally, the topmost sail of a clippership, save when the moonraker is rigged). One was by an old friend, Minoru Yamasaki. Each was an exact copy, if you would just look at the essentials, of Sullivan's building across the street, built fifty or sixty years earlier. (On closer examination, there had been a fire of sorts, and the building was all but abandoned.)

I then and there resolved to win the Democratic primary, become a United States Senator and save the Sullivan building.

My first task was to get the City of Buffalo interested. One day the Mayor agreed to walk over with me from City Hall. He was a fine new Mayor; if he had any weakness, it was that he agreed with you on everything. I mean everything. Well, most things. "Mr. Mayor," I proclaimed, "if we can save that building, the time will come when people will get on airplanes and fly to Buffalo just to see it." "Bull," said His Honor.

May I say, it was a special pleasure to see in Thursday's Buffalo News a picture of Eugenio De Anzorena of Alexandria, Virginia, one of your conferees, making videotapes of the designs on the wall of the Guaranty Building. "Appreciating Architecture" was the caption, although I should have preferred, "The Mayor Refuted!"

No matter. The Buffalo "Evening News," as it then was, got the point. I began to learn the history of this great achievement of the Prairie School, the first American architecture, soon to be seen world-wide.

We begin in middle of the 19th Century, in the village of Stockton in nearby Chautauqua, County. It was in Stockton where one Hascal L. Taylor, a carriage maker, had grown up. Taylor would in time make a great deal of money in the oil fields of western Pennsylvania. His vision was to build a monument, the largest office building in the city, in downtown Buffalo. Taylor immediately sought the prestigious Chicago firm of Dankmar Adler and Louis Sullivan, who had of course built the Wainright Building in St. Louis four years earlier—in 1892.

Adler, the engineer, and Sullivan, the designer, had created a new form. A form based on function. Taylor got it. He, however, died in 1894. Fortunately the Guaranty Company bought the plans for the building and the site. Note the brevity of the subsequent succession: The Guaranty purchased the land and plans in December of 1894. The constructors began laying the foundation for the new building in February of 1895. By July of 1895, the steel frame was complete, and in March of 1896, barely a year after laying the foundation, the first occupants were moving in. Incredible.

Using his "organic" philosophy, Sullivan, had created a 'sister' work to St. Louis's Wainwright Building. The new, taller building, a 13 story, 140,000 square foot structure was called the nation's second skyscraper. An ornate masterpiece, embellished with a warm terra cotta exterior but forceful in its verticality, was the new "American skyscraper." Let me say, that I would rather see Mount Vernon torn down, or even the White House. They are fine buildings, but they are copies. Copies of European buildings, which in turn were copies of Greek and Roman buildings. The skyscraper is ours. Invented by this man of singular American genius, Louis Sullivan. In architecture, as in much else, we had followed the rest of the world. Then came Sullivan, and ever since the world has followed us. Indeed, the Guaranty is our treasure, and yet remarkably it has not always been appreciated as such.

By the 1940s the building had already changed owners. In the 1950s the owners were concerned about the accumulation of dirt on the facade. They chose an unfortunately destructive solution: they hired sandblasters to clean the terra cotta on the first two stories. Other "improvements" included adding suspended acoustical ceilings and tile flooring, thereby altering the perspectives of Sullivan's rooms and hiding some of the exquisite interior decorations.

Even though it was located downtown, its facilities became "outmoded" and its rental space was in very little demand. Even though it was listed on the National Register of Historic Places in 1973 and designated a national historic landmark in 1975, a fire in 1974 forced much of the building to close, and placed the building's future in jeopardy.

In June of 1977, Progressive Architecture, reported: "Discreet inquiries have been made by owners of Louis Sullivan's Prudential Building (formerly Guaranty) in Buffalo, NY about steps to demolish a historic landmark." Thus by 1977, architects were speaking of the building in terms of how best to demolish it. In April of 1977 the City threatened to destroy the building.

In September of 1977, the Greater Buffalo Development Foundation established a volunteer task force of business and community leaders to study the possible renovation of the building. After concluding that it should be done, they came up with new financial strategies that included tax exempt financing rates, partial property tax abatement, and private loans. The cost was estimated to be around $12.4 million.

I wrote to the Secretaries of Housing and Urban Development, Commerce, and Interior seeking funds for the building. In October of 1977, I convinced Vice President Mondale to tour the building whilst visiting here. (He needed no persuading, having the Owatonna Bank back home.) In November of 1978, we got our first grant, small but symbolic—$50,000 from The Department of Interior's Historic Preservation Program. And in April of 1981, we secured a $2.4 million Urban Development Action Grant (UDAG) from the US Department of Housing and Urban Development (HUD). In addition, as a site on the National Register of Historic Places, the building was qualified to receive a 25 percent tax credit on the entire investment under the Economic Recovery Tax Act of 1981.

After a majestic renovation by the architectural and engineering firm Canon, the building re-opened in December of 1983.

But there is a lesson to be learned here. Fortunately, throughout the process of renovating the Guaranty building there were those of us, spurred on by the Buffalo News, who began to recover the memory, if you will, of one of the greatest tragedies of architecture in this nation—the demolition of Frank Lloyd Wright's Larkin building. An examination of that misguided chain of events tells us a little more about the dangers of neglect, and introduces New York to the mind of Louis Sullivan's greatest pupil.

As all of you know, Sullivan was Frank Lloyd Wright's "Lieber meister". In his book largely on Sullivan, Genius and the Mobocrocy, Wright wrote of his early days with Sullivan:

"'Wright,' the young draughtsman nineteen, he would often say to me with undisguised contempt: 'Wright! I have no respect at all for a draughtsman!' . . . His haughty disregard had already offended most of the Adler and Sullivan employees. His contempt may have been due to the fact that he was so marvelous a draughtsman himself. But I knew what he really meant . . . He taught me nothing nor did he ever pretend to do so except as he was himself the thing he did and as I could see it for myself. He ('the designing partner') was the educational document in evidence."

Wright then clarified Sullivan's genius and its relationship to the 'mobocrocy':

"Do you realize, that here in his [Sullivan's] own way, is no body of culture evolving through centuries of time but a scheme and 'style' of plastic expression which an individual, working away in the poetry crushing environment of a more cruel materialism than any seen since the days of the brutal Roman, has made out of himself? Here was a sentient individual who evoked the goddess whole civilizations strove in vain for centuries to win, and wooed her with this charming interior style—all on his own in one lifetime all too brief . . . [Sullivan's] language of self expression was as complete in itself" as that "of any of the great style which time took so many ages to perfect."

Yet, I do not want to mislead. They had their disagreements.

By 1902, Wright had perfected some of his outside commissions in the form of the Prairie house. On September 11, 1902, Darwin Martin—Secretary of the successful Larkin Company of Buffalo—visited his brother William in Chicago. William was looking for a site for a new home, and as they toured Oak Park they became intrigued with Wright's designs there. William met with Wright a month later and wrote his brother that he was most favorably impressed. William wrote:

"He would be pleased to design your house - & further he is the man to build your office - he has had large experience in the large office buildings with Adler and Sullivan . . . he says it is strange that he is only known as a residence architect - when his best and largest experience was in large buildings."

Meryle Secrest in his biography of Wright, A House Divided, wrote that Wright saw the Larkin Project as his chance to "break into the world of large building commissions,"

but that he "shamelessly exaggerated the importance of his role at Adler and Sullivan." For Martin later told Larkin that: "the $500,000 Wainwright Building and the Union Trust Building and the Union Trust Building of St. Louis; the Schiller Theater and the Stock Exchange in Chicago; the Seattle and Pueblo Opera Houses, all Adler and Sullivan's work, were, I inferred from Mr. Wright, largely his creations.'"

The Larkin Company of Buffalo commissioned him (at Mr. Darwin Martin's recommendation) to design its administrative building across from the soap factory and warehouse. For Wright, it was an opportunity to develop complex spatial ideas. His exterior was an expression of almost pure geometric form, with no ornamentation save for two piers topped by sculptures supporting globes to symbolize the company's international aspirations. Wright intended the reductive form to be a "genuine and constructive affirmation of the new Order of the Machine Age."

The Larkin Building was not at first widely praised in architectural circles. It began to exert a great deal of influence on European architects with the publication of Wright's work by Ernst Wasmuth in Berlin in 1910. By the mid-1920s the European appreciation of the Larkin Building had crossed the Atlantic. The building gained prominence in American surveys of modern architecture and does so to this day.

Yet, the proliferation of chain stores in small towns began to cut into the Larkin Company's mail order business. The Depression caused further problems. Assets were liquidated to pay creditors. By 1943 the Larkin Company had no assets other than the building, on which it owed $85,000 in back taxes.

In August, 1949 the Western Trading Corporation offered the Common Council $5,000 and promised to raze the Larkin Building and replace it with something that would improve the tax base. Two months later Mayor Dowd accepted the offer. The building was demolished to make way for a truck terminal, but Western Trading then petitioned to move the terminal to a larger lot. A vacant lot exists on the site today.

So too in downtown Chicago, one of Sullivan's first buildings was replaced by a multistory parking garage. Wright had warned of the "poetry crushing environment of a more cruel materialism" and both his and Sullivan's works were victims of this environment. The burden falls on men and women like you to remind us all of the value of these works.

It was just such a reminder that opened my eyes to the wonder, and neglect of the Darwin Martin House. It was Saint Patrick's Day, 1991, and Jason Aronoff, the head of the Landmark Society of the Niagara Frontier's Martin House Task Force had asked me to look into the condition of the Darwin Martin House. I was not prepared.

We first visited the splendidly maintained Heath House with its gracious young family. We then went across to see the Darwin Martin House, which was quite simply a ruin. The concrete was running away like sand. Two of the great ornamental urns were missing from the front step and were only later found discarded in the yard. On the front door and side windows thereof there was a printed sign which read:

NOTICE

"New York State's Current fiscal condition has caused the closing of the Darwin D. Martin House to the public until further notice. Queries about future opening date and restoration plans for the House should be Mailed to . . ."

I immediately wrote to the Buffalo News in an effort to alert all to the horrid state of this wonderful House. What had become of this masterpiece? Who was to blame? How can we avoid such a tragedy in the future?

In the Martin House, Wright showed what he could do with what became an almost unlimited budget. Construction on the Martin House began in early 1904 and ended in 1906 with 20 rooms and 11,000 square feet, at a cost of $160,000.

Because of, perhaps in spite of, their numerous dialogues over the plans for and the cost of the house, Martin and Wright became fast friends. Martin helped Wright get many other commissions through the years. Late in life Martin offered Wright one last commission, a monument for the family plot in the Forest Lawn Cemetery. Martin wanted a design to cover only the space for one grave. Typically, Wright produced a much larger design with a flight of marble steps climbing the slope of the lot to a single headstone bearing the family names. The stock market crash prevented the commission from being realized. On learning of Martin's death in 1935, Wright referred to him as "My best friend."

After Darwin Martin died the house stood vacant for the next 17 years. There is no clear explanation for his son's lack of appreciation for the house, no clear answer to why Darwin Jr. began to strip the house of its doors, lighting, wiring, moldings, heating, and plumbing systems and installing them in other buildings he owned. When he finally vacated the house, he left the doors unlocked. Neighborhood children would come in for roller skating, or to smash some windows or some of the remaining mosaic tiles over the fireplace. Eventually part of the roof fell in from the weight of snow.

In 1946 the City was the sole bidder on the Martin House at the foreclosure sale. In 1954 Buffalo architect Sebastian Tauriello bought the house, the pergola, the conservatory, and the garage for $22,000. He wrote to Wright for the original plans and received the following reply: "Dear Tauriello: Hope you treat the opus according to its merits. When we return to Wisconsin May first I will look up the plans and send you a set of prints with a bill for the prints. Frank Lloyd Wright."

Fearing an exorbitant fee, Tauriello proceeded without them. The doors, heating, and plumbing systems were replaced by August and the Tauriello's moved in. Part of his plan for financing the restoration of the house was the sale of a portion of the property. The pergola, conservatory, and garage were in varying stages of decay. They were demolished and the apartments you see today were built to Mr. Tauriello's design.

Mr. Tauriello was not wealthy, and was not in a position to restore the house to its 1908 condition. He also wanted to add modern conveniences and some individual touches. As he did not need a 20 room house and did need restoration funds, he created two five-room apartments inside. But regardless of the changes he made, he saved the house. Tauriello died in 1965. The next year his wife sold the house to SUNY Buffalo at the request of new president Martin Meyerson, a Wright aficionado. He left Buffalo in 1970. Several university offices were located in the house until 1980, when it again stood unused, as it was on the day of our visit in 1991.

There was a restoration plan in place, but next to no money. I went to ROBERT C. BYRD, chairman of the subcommittee that funds Federal historic preservation programs, and asked for his help. While there was no program that provides specific funds to restore specific buildings, he saw to it that the Darwin Martin House got $500,000 that year. In 1995 we were able to reprogram another $500,000, this time in funds from the Department of Housing and Urban Development, for the house. Last spring, at the urging of Stan Lipsey, I asked Senator GORTON of Washington State for another $500,000 in historic preservation funds, and the Senate bill, HR 2107, which we passed on Thursday night, includes that amount.

I should warn you not to look at these appropriations and think any deserving preservation project, even a Wright house, can count on Federal funds. None can. The $40 million we provide each year for preservation goes directly to the State Preservation offices. There is no "Save This Building" account. Is there support for one? I quote the Senate bill we just passed: "This will be the final year of appropriations to the National Trust for Historic Preservation." That is a battle for next year, but we have all we can do to keep what programs we have.

Thus on a couple of last notes, I hope you have had a chance to visit Kleinhans Music Hall, another of Buffalo's wonders. It is one of the great later works of Eliel Saarinen. It is also one of the first commissions on which son Eero worked side by side with him. The building's sense of balance is representative of, in Eliel's words, the structure's "masculine" and "feminine" traits as exhibited by "strongly indicative line" in the former and a "playful pattern of wall space" in the latter. But function was certainly important to the Saarinens; Kleinhans is a splendid hall in which to hear a concert. It is also one of but three examples of Eliel's work in the East.

In 1984 I secured a tax provision—a "sale-leaseback" provision, that could have been worth millions to the upkeep and restoration of Kleinhans. But one of the investors backed out at the last minute before the legal deadline and the deal fell through. A decade later the need for restoration funds had not diminished. I got $1.5 million for the effort in 1994.

Then, of course, there are the buildings by H. H. Richardson. Wright disclosed that Sullivan had a respect for Richardson, that he (Richardson) had for few others. Again from, Genius and the Mobocrocy: "Later I [Wright] discovered his [Sullivan's] secret respect, leaning toward envy (I am ashamed to suspect), for H.H. Richardson."

Eight of the original eleven buildings designed for the Buffalo State Hospital stand today. The most splendid being the twin towered centerpiece buildings. In 1990, the state spent $4.5 million to restore one of the seven remaining patient pavilions. However, these buildings were vacated in 1993 and 1995. Ominously, the state has designated the buildings "surplus property" and is looking to sell them on the open market. Thus our battle continues.

We restored the Guaranty—the soul of this city. We are on our way to restoring Darwin Martin—the treasure of scale, of form and of relationship of interior to exterior. Kleinhans Music Hall and the Roycroft Inn are also to be included in a tablet of success. However, Federal support is waning. As you state in the opening of the conference, Wright wrote that the "Prairie begins west of Buffalo." We must do our best to see that our treasures do not become dust on the prairie. It happened to the Larkin building. It may yet happen to those of Richardson. So again I say the burden is unduly forced on

men and women like you to remind us of the symphony that continues to play around us, like this great symphonic interplay we have here in Buffalo.•

NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT, S. 887

• Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to join me in cosponsoring legislation that will commemorate the physical as well as spiritual triumph over one of our Nation's most tragic legacies. This legislation is designed to help the National Park Service present a dramatic chapter in American history; the perseverance of the quest for liberty that saw hundreds of thousands risk their lives so that they might live free. The National Underground Railroad Network to Freedom Act, S. 887, will give, for the first time, Federal recognition and acknowledgment to this avenue of hope for those who sought freedom from tyranny and oppression.

The Underground Railroad was a loosely organized system of escape routes for hundreds of thousands of enslaved African-Americans. Average men and women, who shared a love of freedom and a hatred of the institution of slavery, committed themselves to help free a people by offering food, shelter, clothing, money, or whatever would assist passengers along the Underground Railroad. Typically, a stop along the Underground Railroad would be a farmhouse or a church where passengers would be hidden in the attic or the basement, or behind false walls or even under floorboards. A person on the railroad would be concealed until it was determined that it was safe to travel to the next site. This scenario was repeated over and over again until the passenger reached safety in the North or in Canada, Mexico, or the Caribbean.

Although largely clandestine, the Underground Railroad is a tangible example of the extent that resistance to slavery existed during the 18th and 19th centuries. Indeed, some 380 sites—28 of which are in New York—have been documented in a National Park Service study as sites potentially significant to the Underground Railroad movement. It is likely that there are more sites about which we will never know. Of the sites that do exist, it is important to highlight their role in abetting the elimination of the shameful practice of slavery.

It is important to our national heritage that we recognize and remember the bravery of those who risked their lives to make the journey along the Underground Railroad and those who provided sanctuary to them. This legislation will help raise awareness about these locations along the Underground Railroad, enhancing the chances that the sites will be maintained or restored. We must recognize and preserve these historic sites, which represent the extraordinary efforts, perils, sacrifices, and triumphs of those who risked their lives so that they might taste freedom. I urge my colleagues to join me in cosponsoring this important measure.•

TRIBUTE TO ENTREPRENEUR WALLY AMOS

• Mr. CLELAND. Mr. President, I come to the floor today to pay tribute to my good friend Wally Amos. "Famous Amos" known to many Americans as the founder of Famous Amos Cookies and the father of the gourmet chocolate chip cookie industry, is an example to all of us. He is an example because of his dedication to our country as a veteran of the U.S. Air Force, and for what he has accomplished as an entrepreneur and businessman. He is a citizen of this country who has reaped great success but has not neglected his responsibilities to the community. And even more than that, Mr. President, Wally Amos brings a powerful and inspirational message to people in all walks of life.

I have said over and over that I believe that small businesses and entrepreneurship are the foundation of the economic engine of this country. Wally Amos has for some time now written a monthly column subtitled "Grow Your Business," and I would like to take just a few moments to highlight several principals that he has offered as a result of good and bad experiences he has lived though: First, effort doesn't always equal results. You grow a business by assessing your personal strengths and contributing them to the efforts of the team. Second, some of the greatest personal growth comes as a result of some of the most challenging experiences. What you give attention to grows. Rather than give attention to what you don't have, focus on what you do have. Third, fear creates anger, resentment, anxiety, frustration, and worry, none of which will help you succeed in business. Fourth, be passionate about your business. Demonstrate that you care for your employees and business associates. People are your most important asset. Fifth, your employees have a vested interest in your success. Sixth, dogmatic behavior and stubbornness have not created long-term success. The quickest way to failure is to believe that your way is the only way.

Mr. President, in every job Wally Amos has had, he always started at the bottom and worked his way to the top. I hope that others will look to the example of citizenship and entrepreneurship of Wally Amos and be inspired as I am.•

ST. MONICA CATHOLIC CHURCH

• Mr. BOND. Mr. President, today I stand before you to pay tribute to the Saint Monica Catholic Church in Creve Coeur, Missouri. On Sunday, September 28, 1997, the St. Monica Catholic Church will celebrate its 125th anniversary with Archbishop Justin Rigali.

Among the several outstanding aspects of St. Monica Catholic Church is a school which has contributed to the community in service and education. The St. Monica Parish Family is the center of the Creve Coeur community and has always prided themselves in their family oriented approach in faith.

I commend the St. Monica Catholic Church staff and members for their spirit and energy throughout their many years of existence and hope they continue to enrich the Creve Coeur community for years to come.•

TRIBUTE TO SUSAN M. WOODWARD, OUTSTANDING TEACHER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Susan M. Woodward, the New Hampshire winner of the Sallie Mae First Class Teacher's Award, which recognizes the Nation's outstanding elementary and secondary school teachers in their first year of teaching. Susan was selected for her outstanding dedication to teaching and her love for her students in her first year at Mastricola Middle School in Merrimack, NH.

Ms. Woodward received her bachelor of arts degree from Rivier College in Nashua, NH, in 1995. She graduated summa cum laude and was valedictorian of her class. Ms. Woodward joined the staff of the Merrimack School District as a substitute, and is currently employed as a full-time French teacher at Mastricola Middle School.

Dedicated, creative, hard-working and inspirational are all words which describe Ms. Woodward. A perfectionist by nature, Susan uses a variety of instructional techniques, auditory and visual, so her students are always active participants in their learning. She makes her classes fun, employing a marvelous sense of humor, fairness and compassion. Ms. Woodward believes every student has potential, every student is special, and makes every effort to be available for her students.

Active inside and outside the classroom, Ms. Woodward is a good role model for her students. Whether staying after school helping her students or dancing at a school dance, Ms. Woodward is always available for advice and support.

The mark of a great teacher is one who cares, unconditionally, about the success and well-being of students. Mr. President, as a former teacher myself, I understand the challenges, responsibilities and dedication involved with teaching. I admire and respect Ms.

Woodward for establishing herself as an irreplaceable teacher in the school district of Merrimack. Most importantly, she is helping to shape the lives of the young students who are the future of New Hampshire and the country. I am very honored to have Ms. Woodward as a teacher in the Granite State. The Sallie Mae Award has indeed gone to a first-class teacher.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–31

Mr. FAIRCLOTH. As in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on September 4 by the President of the United States:

Tax Convention with Ireland (Treaty Document No. 105–31.)

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains, signed at Dublin on July 28, 1997, (the "Convention") together with a Protocol and an exchange of notes done on the same date. Also transmitted is the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention, with its Protocol and exchange of notes, and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

THE CALENDAR

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills en bloc: Calendar No. 147, S. 542; Calendar No. 148, S. 662; and Calendar No. 149, S. 880.

Mr. President, I further ask unanimous consent that any committee amendment be considered as agreed to, the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statement relating to the bills be printed at the appropriate point in the RECORD and that the proceedings all occur en bloc.

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

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "FAR HORIZONS"

The Senate proceeded to consider the bill (S. 542) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Far Horizons*.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS, United States official number 1044011.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "VORTICE"

The Senate proceeded to consider the bill (S. 662) to authorize the Secretary of Transportation issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Vortice*, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE (Bari, Italy, registration number 256), if the vessel meets the ownership requirements of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

The bill (S. 662), as amended, was passed.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "DUSKEN IV"

The Senate proceeded to consider the bill (S. 880) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV*, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV (United States official number 952645).

The bill (S. 880), as amended, was passed.

COMMENDING OF DR. JASON C. HU

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 125 submitted earlier today by Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 125) commending Dr. Jason C. Hu, Representative of the Taipei Economic and Cultural Representative Office in the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the resolution appear at this point in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 125), with its preamble, read as follows:

S. RES. 125

Whereas Dr. Jason C. Hu has served with distinction as Representative of the Taipei Economic and Cultural Representative Office (TECRO) since June 1996, and has ably represented the interests of the Republic of China on Taiwan;

Whereas Dr. Hu has been a firm and consistent advocate of democratic principles throughout his distinguished career;

Whereas Dr. Hu has established many deep friendships with Members of Congress and other Americans during his tenure in Washington; and

Whereas Dr. Hu has been asked to return to Taiwan to serve as the Minister of Foreign Affairs of the Republic of China: Now, therefore, be it

Resolved by the Senate, That the Senate hereby—

(1) commends Dr. Jason C. Hu for his service as Representative of the TECRO office; and

(2) expresses to Dr. Hu and his family its best wishes for his continued success in the future.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 246 and No. 258.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

FEDERAL TRADE COMMISSION

Sheila Foster Anthony, of Arkansas, to be a Federal Trade Commissioner for the term of seven years from September 26, 1995.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Air Force under the provisions of title 10, U.S.C., section 8033:

To be general

Gen. Michael E. Ryan, 9889.

STATEMENT ON THE NOMINATION OF MS. SHEILA ANTHONY TO BE FEDERAL TRADE COMMISSIONER

Mr. HOLLINGS. Mr. President, as the ranking Democratic member of the Senate Commerce Committee, I am proud to support the nomination of Ms. Sheila F. Anthony to serve as a Commissioner of the Federal Trade Commission [FTC]. The FTC is now functioning with only four Commissioners. Because of the Commission's myriad of responsibilities, it is imperative the agency operates with maximum participation of its designated Commissioners to ensure its efficiency.

The primary duties of the Federal Trade Commission are: First, to protect consumers from unfair and deceptive practices, and second to ensure the operation of an efficient and competitive market-place. As part of its administrative responsibilities, the Commission administers a number of Federal statutes, including the Federal Trade Commission Act, which provides the Commission its consumer protection authority, and the Sherman, Clayton & Robinson-Patman antitrust statutes, as well as the Fair Credit Reporting, Fair Debt Collection Practices, and Truth in Lending Acts. A few of the Commission's specific duties include safeguarding the public from false advertisement of goods and services, telemarketing fraud, unfair pricing of products, unfair mergers and acquisitions, illegal boycotts, and other unfair methods of competition.

Ms. Anthony's record reveals she is well qualified to serve as a Commissioner on the FTC. Her past experience includes serving as an Assistant Attorney General with the U.S. Department of Justice, as well as working as a private practice attorney on matters such as copyright, trademark, and antitrust.

Ms. Anthony has stated she is ready to take on the many present challenges of the FTC. I look forward to working with her and urge my colleagues to support her nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORIZING THE PRESIDENT TO AWARD A GOLD MEDAL

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2248 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2248) to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to support swift passage of H.R. 2248. This bill is identical to the bill that I introduced along with Senator SARBANES as original cosponsor. Both bills authorize the presentation of the Congressional Gold Medal to His All Holiness, the Ecumenical Patriarch Bartholomew, leader of the Orthodox Christian Church.

It is fitting that we recognize the tremendous leadership this religious figure provides to nearly 300 million people worldwide during his upcoming visit to our country.

While many consider countries such as Russia and Greece to be Orthodox Christian strongholds, the fact is that nearly 5 million United States citizens of Greek, Russian, Ukrainian, and Serbian descent are Orthodox Christians. The contributions of these Americans to our rich history and culture exemplify the values, ideals, and dreams of this great Nation.

The Patriarch Bartholomew has followed a calling in his life—to selflessly serve not only people of Greek origin, but millions of believers from all over the world, through his strong faith.

Patriarch Bartholomew was enthroned as the 270th spiritual leader of the Orthodox Christians in 1991. This new title came with enormous responsibilities and burdens. But, the Patriarch Bartholomew was prepared to meet the task. Not only has he fulfilled the demanding role as preeminent leader of Orthodox Christians, he has dedicated himself and used his station to promote worthy, noble causes.

Mr. President, in the name of religious unity and cooperation, Patriarch Bartholomew is working to promote interfaith dialog between the Orthodox Church, and the Roman Catholic Church, leading Protestant denominations, Muslim leaders, and various other faiths.

He has also sought to strengthen the bonds between Judaism and Orthodox Christianity. In 1994, the Patriarch worked side by side with Rabbi David Schneier and the Appeal of Conscience Foundation to cosponsor the Peace and Tolerance Conference, bringing together Christians, Jews, and Muslims for human and religious freedom.

And Patriarch Bartholomew's compassion is far-reaching. In the war-torn countries of the Balkans, he has helped to advance reconciliation among Catholic, Muslim, and Orthodox communities.

As a citizen of Turkey, Patriarch Bartholomew is deeply concerned about the need to sustain the cause of peace. He has been a dynamic leader in efforts to ease Greek-Turkish tensions and to promote international cooperation, adherence to international law, and respect for human rights of victims of aggression.

Mr. President, Patriarch Bartholomew, also referred to as the "Green Patriarch" has a sincere commitment to the environmental legacy we will one day leave to our children. Together with global leaders, he convened an international environmental symposium emphasizing the health and well-being of the world's oceans. The Patriarch is also a cosponsor of an annual conference addressing the protection of our global environment.

Mr. President, in October of this year, Patriarch Bartholomew will visit the United States to offer his spiritual message of unity, compassion, and brotherhood. It is my belief that Congress should honor the work of this great leader in recognition of his outstanding and enduring contributions to religious freedom, tolerance, world

peace, environmental protection, and human rights.

In closing, Mr. President, I call upon my colleagues to support bestowing the Congressional Gold Medal upon a visionary for our times, Ecumenical Patriarch Bartholomew. I would also like to take the opportunity to extend thanks to my 48 colleagues in the Senate who have lent their bipartisan support to this effort.

Mr. SARBANES. Mr. President, I am pleased to join Senator D'AMATO, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, in urging immediate passage of H.R. 2248.

Patriarch Bartholomew will be visiting the United States from October 19 through November 17, 1997. This bill awards the Congressional Gold Medal to Ecumenical Patriarch Bartholomew, the spiritual leader of approximately 300 million Orthodox Christians worldwide. The occasion of this legislation is to recognize Patriarch Bartholomew's outstanding contributions to world peace and understanding during his tenure as head of this ancient branch of Christianity and to honor Patriarch Bartholomew's first visit to the United States as Patriarch. As a Greek-Orthodox American and member of the Greek Orthodox Cathedral of the Annunciation in Baltimore, I am particularly gratified to join in this tribute.

During his American visit Patriarch Bartholomew will meet with thousands of Orthodox faithful and will take the opportunity to convey his message of reconciliation to Americans of all backgrounds and beliefs. His All Holiness has been a leader in ecumenical understanding and has convened important meetings which have brought together participants of all religious backgrounds. In 1994, in cooperation with Rabbi David Schneier and the Appeal of Conscience Foundation, he cosponsored a Peace and Tolerance Conference in Istanbul where Christians, Jews, and Muslims joined together to discuss important and pressing issues.

As spiritual head of world Orthodoxy, Patriarch Bartholomew has been a leader in the quest for peace throughout the world, particularly in Eastern Europe, the Balkans, and the Middle East. He has vigorously spoken out against extremists and those who would use violence to achieve their ends and has counseled respect for all peoples, irrespective of their nationality and religion; his ministry has been a call to our best virtues.

From his historical seat in Istanbul, Turkey, Patriarch Bartholomew has served as a mediator between East and West, Christians and Muslims, and as a force for openness and tolerance in the newly emerging independent countries of Eastern Europe.

As he pursues the goal of peace, Patriarch Bartholomew is equally vigorous in his desire to preserve and promote the Earth's environment as a reflection of God's creation. Working with the European Commission, the Worldwide Fund for Nature, and his Royal Highness Prince Philip, he has cosponsored significant international conferences on the environment, including one scheduled for this month on the future ecological health of the Black Sea.

I believe it is most fitting that the visit and the accomplishments of Patriarch Bartholomew should be recognized and honored by this Gold Medal as it will reflect the appreciation of the American people for his ministry of peace and reconciliation.

Mr. FAIRCLOTH. I ask unanimous consent that 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 be printed at the appropriate place in the RECORD.

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

The bill (H.R. 2248) was passed.

FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2443, which was reported by the Environment and Public Works Committee today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2443) to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

The Senate proceeded to consider the bill.

Mr. FAIRCLOTH. 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 be printed at the appropriate place in the RECORD.

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

The bill (H.R. 2443) was considered read the third time, and passed.

ORDERS FOR THURSDAY, SEPTEMBER 25, 1997

Mr. FAIRCLOTH. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Thursday, September 25. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 1156, the District of Columbia appropriations bill.

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

PROGRAM

Mr. FAIRCLOTH. Mr. President, tomorrow the Senate will resume consideration of S. 1156, the District of Columbia appropriations bill. Under the previous order, the Senate will debate the Coats amendment, No. 1249, regarding school vouchers, from 12 noon until 5 p.m.

As a reminder, a cloture motion was filed this evening on the Coats amendment with the cloture vote scheduled to occur Tuesday, September 30, at 11 a.m., with the mandatory quorum under rule XXII being waived. Following the debate tomorrow on the Coats amendment, the Senate will continue debating amendments to the D.C. appropriations bill. As Members are aware, this is the last of the 13 appropriations bills the Senate will consider. Therefore, all Members' cooperation is appreciated in notifying the managers of the legislation of their intent to offer amendments so we can have timely consideration of this legislation. In addition, the Senate may consider any other legislative or executive business that can be cleared for action.

ADJOURNMENT

Mr. FAIRCLOTH. Mr. President, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:10 p.m, adjourned until Thursday, September 25, 1997 at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 24, 1997:

THE JUDICIARY

ARTHUR J. TARNOW, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE JULIAN A. COOK, JR., RETIRED.

GEORGE CARAM STEEH III, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE BARBARA K. HACKETT, RETIRED.

DEPARTMENT OF STATE

SHAUN EDWARD DONNELLY, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

EDWARD S. WALKER, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 24, 1997:

FEDERAL TRADE COMMISSION

SHEILA FOSTER ANTHONY, OF ARKANSAS, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1995.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601, AND TO BE APPOINTED AS CHIEF OF STAFF, U.S. AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8033:

To be general

GEN. MICHAEL E. RYAN, 9689

HOUSE OF REPRESENTATIVES—*Wednesday, September 24, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HEFLEY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 24, 1997.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Commissioner Robert A. Watson, national commander, the Salvation Army, Alexandria, VA, offered the following prayer:

Let us all pray. Sovereign Lord, You invite Your children to come to You in prayer, so we do so just now in gratitude and faith.

You are the Creator, Preserver, and Governor of all things. We acknowledge and worship You today as "Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace." And when we address You as "Our Father," we acknowledge that we are brothers and sisters. Help us to care for each other and for those around us.

We thank You for the gifts of mind and heart which the Members of this House bring to their awesome task. Grant them sensitivity to the needs of the people they represent and the moral courage to stand for that which is right, honorable, and just.

In Your holy name. 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.

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

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Connecticut [Ms. DELAURO] come forward and lead the House in the Pledge of Allegiance.

Ms. DELAURO led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 111. An act 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.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes 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 59, nays 342, not voting 32, as follows:

[Roll No. 426]

YEAS—59

Allen	Furse	Miller (CA)
Andrews	Gejdenson	Mink
Barrett (WI)	Gephardt	Murtha
Becerra	Goode	Obey
Berry	Harman	Olver
Blumenauer	Hoyer	Owens
Bonior	Jefferson	Pallone
Brown (OH)	Johnson (WI)	Pelosi
Conyers	Kaptur	Sawyer
Coyne	Kennelly	Scott
Davis (FL)	Kilpatrick	Slaughter
DeFazio	Kind (WI)	Spratt
Delahunt	Levin	Strickland
DeLauro	Lewis (GA)	Stupak
Deutsch	Lowey	Tierney
Doggett	Maloney (CT)	Turner
Farr	Martinez	Vento
Fattah	McDade	Waxman
Fazio	McDermott	Wexler
Filner	McNulty	

NAYS—342

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

Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
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
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn

NOT VOTING—32

Bonilla
Bono
Burr
Crane
Crapo
Diaz-Balart
Dingell
Doyle
Foglietta
Forbes
Frank (MA)
Gonzalez
Graham
Granger
Gutierrez
Hastings (FL)
Hefner
Hostettler
Hunter
Hyde
McCrery
Moran (VA)
Riggs
Schiff
Schumer
Stokes
Thomas
Torres
Woolsey
Yates
Young (AK)
Young (FL)

□ 1023

Mr. ARCHER and Mr. CUMMINGS changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and on a division (demanded by Mr. DOGGETT) there were—yeas 157, nays 70.

RECORDED VOTE

Mr. FAZIO of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 81, not voting 28, as follows:

[Roll No. 427]

AYES—324

Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Horn
Houghton
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stokes
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Wicker
Wise
Woolsey
Wynn
Yates

NOES—81

Abercrombie
Ackerman
Aderholt
Barrett (WI)
Becerra
Bentsen
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Costello
DeFazio
DeLauro
Doggett
English
Ensign
Evans
Fazio
Filner
Fox
Furse
Gephardt
Gibbons
Gillmor
Gordon
Gutierrez
Gutknecht
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hulshof
Johnson (WI)
Kennelly
Kilpatrick
Kingston
Kucinich
LaFalce
Lewis (GA)
LoBiondo
Maloney (NY)
Martinez
McCarthy (NY)
McDermott
McGovern
McIntosh
McNulty
Meek
Menendez
Miller (CA)
Norwood
Oberstar
Olver
Pickett
Pombo
Poshard
Ramstad
Sabo
Salmon
Sanford
Sawyer
Schaffer, Bob
Shimkus
Snowbarger
Souder
Stearns
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson
Thune
Vento
Visclosky
Waters
Weller
Wolf

NOT VOTING—28

Armey
Bonilla
Bonior
Chenoweth
Collins
Conyers
Crane
Diaz-Balart
Foglietta
Forbes
Frank (MA)
Gonzalez
Hastings (FL)
Hefner
Hostettler
Hoyer
Hunter
Hyde
McCrery
Moran (VA)
Peterson (PA)
Riggs
Schiff
Schumer
Torres
Whitfield
Young (AK)
Young (FL)

□ 1043

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, I missed rollcall 419 through 425 because of the birth of a beautiful new grandson, Daniel Henry Luttway. Had I been present, I would have been delighted to vote "aye."

The SPEAKER pro tempore (Mr. HEFLEY). Please receive the congratulations of the House.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, earlier today I was unavoidably detained and missed

rollcall vote 427. Had I been here, I would have voted "yea."

IN APPRECIATION OF COMMISSIONER ROBERT A. WATSON

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

Mr. JONES. Mr. Speaker, I would like to extend my appreciation to Commissioner Robert A. Watson for his words and wisdom as he opened the House of Representatives in prayer this morning.

Commissioner Watson was born in eastern North Carolina. He has made invaluable contributions to our society. He has led a lifetime of service to his community and to his fellow man throughout the world.

Commissioner Watson and his wife, Alice, have served together as officers in the Salvation Army for more than 40 years. Since November 1995, they have served as the organization's national leaders for the United States. The Watsons' selfless work in both the Salvation Army and many other charitable organizations has helped countless individuals worldwide.

Commissioner Watson is an outstanding American, an invaluable asset to our society, and a true man of God. I thank him for his words this morning, for his inspiration, and for all that he does to make our world a better place.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

WE DO NOT NEED CAMPAIGN FINANCE REFORM

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is impossible for me to believe the hypocrisy coming from the White House on campaign finance reform and the way we have been treated on this floor. We just wasted 45 minutes.

Just days after Attorney General Janet Reno started a 30-day investigation into Clinton and GORE's fund-raising practices, he has the audacity to threaten to call Congress back into session if we adjourn without at least debating campaign finance reform.

I feel compelled to point out that we do not need campaign finance reform, we need elected officials who will follow the current law. If we enforce the laws, such as no foreign contributions, we would not need an independent counsel to tell us that President Clinton and Vice President GORE broke the law, plain and simple.

Mr. Speaker, the President should be using that phone in the White House to do his job, not line his pockets.

CAMPAIGN FINANCE REFORM

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

Mr. DOGGETT. Mr. Speaker, a meaningful reform of the way Federal campaigns are conducted has been obstructed by one Republican roadblock after another.

Yesterday, half of the route was cleared. It did take a letter from the President saying he would convene a special session to deal with this issue if necessary. It took the leadership of the minority leader to say that no committees would meet. And yet, the reform is proceeding in half this Capitol building in Washington. Outside the people's House, there is a giant "yield right of way sign." It says "yield right of way to the arrogance of a Republican leadership that will not schedule 1 minute of debate on this issue." It is a giant "yield right of way sign" to the special interests who keep dumping in more and more soft money to soften up this Republican leadership.

Well, today we are escalating the action for reform and demanding that this issue be considered not only in the Senate, but here in the House, so that there can be genuine bipartisan reform to address this arrogance.

PARLIAMENTARY INQUIRY

Mr. HINCHEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HINCHEY. Mr. Speaker, since the majority party in this House has not scheduled an opportunity for the House to debate and vote upon campaign finance reform, my inquiry is, why are we recessing tonight between 3 and 6 p.m. and then coming back for votes which will run later on into the evening?

The SPEAKER pro tempore. The Chair cannot respond to that. That is not a parliamentary inquiry.

TAX PACKAGE REINFORCES COMMITMENT TO EDUCATION

(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, back when I was growing up, my daddy taught me how to read a map; and the first thing he taught me is I had to know where I was before I could decide how I was going to get to where I was going to.

When we talk about campaign finance reform, I think the first thing we ought to do is make sure that the laws that are currently on the books are being enforced and understood by the people. So before we can figure out what needs to be changed, somebody ought to make sure that the laws that are already on the books are being enforced.

And in fact, that is what is going on right now. But the other side does not care to talk about that, because, of course, there have been some violations down the street on Pennsylvania Avenue as it comes to that.

So I think, just like my daddy taught me when I was growing up, we need to know where we are at first so that we should spend enough time making sure that those laws are being enforced.

I really rose this morning to reinforce how important education is to our side of the aisle and how it is reflected in the tax cut package. As a former math teacher and a father of three, two in college, and one in high school, I would just like to point out how the tax cut package reinforces our commitment to education. From the $500 per child education savings account opportunity for parents who want to save for their children growing up, they can put $500 a year per child into a savings account. That money accumulates tax free for their children when they need the education.

LORETTA SANCHEZ ELECTION

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

Mr. MENENDEZ. Mr. Speaker, 10 months ago the people of the 46th District of California spoke. They decided to elect the gentlewoman from California [Ms. SANCHEZ] as their Representative in Congress, an election certified by the Republican California Secretary of State.

Mr. Dornan and some Republicans do not like that. But in our system, they are not the ones that get to make that decision. The only people who get to make that decision are the people of California's 46th District.

Questions are not enough to overturn the election. Allegations are not enough. Innuendo is not enough. Confusion is not enough. But for 10 months, that is all we have gotten. Several hundred thousand taxpayer dollars have been used for a witch hunt to go through INS records and question the legality of voters simply on the basis of having an Hispanic surname.

Should Hispanic-Americans assume that they will first be considered illegal voters until they can disprove it? Is the assumption that all Hispanic voters must have voted for the gentlewoman from California [Ms. SANCHEZ]?

The Los Angeles Times reported Tuesday that almost halfway to the

next election there is, and I quote, "no evidence that Sanchez benefited from fraudulent votes." The L.A. Times is right, what we have is not evidence, it is an assault on every Hispanic-American.

END RELIGIOUS PERSECUTION WORLDWIDE

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

Mr. PITTS. Mr. Speaker, I urge all Americans and, in particular, every Member of Congress to join in recognizing the International Day of Prayer this coming Sunday for those persecuted for their faith around the world.

Our country was founded on the principles of inalienable rights. Central among them was the right to choose and practice one's faith in God. Today, thousands around the globe still must flee their home countries because of severe persecution for practicing their beliefs.

Many international human rights agencies report that in the 1990's severe religious persecution continues at an intolerable rate. In China and Vietnam, pastors have frequently been arrested and beaten. In Mexico, believers have been murdered by mobs. In Egypt and Pakistan, young women have been raped and beaten. In China, churches have been bulldozed. In Saudi Arabia, Christians have been tortured. In the Sudan, children have been forced to convert to Islam in order to receive food rations. All this because of their faith in God.

We who live in freedom cannot be idle spectators to such widespread injustice. I urge all Members to join in the work to end religious persecution worldwide.

AMERICANS ARE SPENDING, SPENDING, SPENDING

(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, White House economists say the economy is breaking all records. The proof is Americans are spending, spending, spending.

Let us check out the records. Credit card debt is at a record high, $2 trillion. Individual bankruptcies are at a record high, record high; and they are up a record 27 percent again this year.

Evidently, God made weathermen to make White House economists look good, Mr. Speaker. The truth is, the reason America is spending, spending, spending is because Americans are borrowing, borrowing, and borrowing. The truth is, these White House economists are so dumb they could fall out of bed and miss the floor.

I accuse them all of inhaling over there, No. 1. And No. 2, they have become spastic over plastic in this economy. I yield back all the lost jobs that are good paying. I yield back all the record debt. And I yield back all the record bankruptcies.

KYOTO NEGOTIATIONS

(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, as the Kyoto negotiations on global warming draw near, millions of Americans' jobs are on the chopping block. The Clinton administration seems to be willing to sign on to an agreement that places the entire burden of reducing carbon emissions on the industrialized nations.

In fact, the current language of the treaty exempts 132 of the world's 166 nations. Why is that troubling? Because the nations exempt from this U.N. treaty currently produce 50 percent, one-half, of carbon emissions and will account for 75 percent of such emissions over the next century.

Therefore, this treaty would provide almost no benefit at all, but the economic impact on the United States would be devastating. Placing the entire burden on complying with this treaty on countries like the United States could turn the Third World into an enterprise zone and create a giant sucking sound of American jobs going overseas.

Mr. Speaker, during the Kyoto negotiations, the Clinton administration must protect American workers, demand fairness, and reject any treaty that places the entire burden of reducing carbon emissions on the United States and on the other industrialized nations. Anything less would be like giving jobs away.

AMERICAN PEOPLE DEMAND CAMPAIGN FINANCE REFORM

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

Mr. PALLONE. Mr. Speaker, I have been listening to my Republican colleagues this morning. It is amazing to me that they are still trying to obstruct campaign finance reform.

Clearly, the time has come today for the House Republican leadership to bring up campaign finance reform for a vote on the floor. We know the Senate is doing it. Mr. LOTT has said that he is going to bring it up. The President has sent a letter saying he will have a special session if necessary.

But so far there is only silence by the Speaker and the House Republican leadership on the issue. They suggest it is for the future and certainly not for this session of Congress, and this has to change because the American people are demanding reform.

There is simply too much money in the system. The average American does not feel that he or she matters anymore because wealthy individuals and corporations have all the influence.

Mr. Speaker, bring up campaign finance reform for a vote on the House floor. We can move on bipartisan reform legislation. The American people demand it, and we should move on it immediately.

SCHOLARSHIPS AND TAX-FREE EDUCATION ACCOUNTS FOR CHILDREN

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

Mr. ROGAN. Mr. Speaker, I was raised by a mom who was a single mom with four children on welfare and food stamps. And the only reason I have had the privilege of coming from that background and now serving in the Congress of the United States is because my mother loved her children enough to make sure that they got the best education possible.

It is absolutely hypocritical for people to believe that poor children's mothers do not care about them enough to get a good education for them. And nowhere is that more evident than here in the District of Columbia, where thousands of children are condemned to ill-performing schools. Their parents want the same chance for their children that my mother wanted for her children. We Republicans are trying to give that to them.

We have two proposals. First, opportunity scholarships for 2,000 of the poorest children in the city of the District of Columbia. The second would be a proposal that would allow parents tax-free education accounts.

Today I read in the Los Angeles Times that the Secretary of Education is calling this a fad and urging the President to veto this proposal. That is a terrible mistake. I urge the Secretary to reconsider. These people want good educations for their children, and we have an obligation to make sure they get them.

CAMPAIGN FINANCE REFORM

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

Ms. DELAURO. Mr. Speaker, since the very first day of this Congress, Democrats have been urging our Republican colleagues to take action on campaign finance reform. Democrats believe that we need to stop the flow of money into politics, and we have used every single procedure at our disposal to attempt to force a vote on this issue.

But despite his famous handshake with President Clinton 2 years ago, the gentleman from Georgia [Mr. GINGRICH] has thus far refused to act on the issue, refused to schedule a hearing, refused to schedule debate. He has refused to schedule a vote on campaign finance reform.

Mr. Speaker, Democrats believe and the American people believe that our political system is broken and that it needs fixing. The Republican leader of the other body finally caved in to Democratic pressure and has promised to vote on campaign finance reform.

Mr. Speaker, I ask, "Where is our vote in the House of Representatives, in the people's House?"

□ 1100

OHIO ENERGY COMPANY SHOWS LEADERSHIP IN QUEST FOR CLEAN AIR

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

Mr. CHABOT. Mr. Speaker, I just want to take a moment to pay my compliments to a Cincinnati firm that is moving full speed ahead in an effort to bring cleaner air to southern Ohio and to the surrounding region. Cinergy Corp. announced yesterday that it will voluntarily reduce nitrogen oxide emissions from its plants by two-thirds from 1990 levels. The company will also conduct a demonstration of advanced technology at its plant in North Bend, OH, converting nitrogen oxide into harmless nitrogen gas and water. If successful, the technology could reduce nitrogen oxide emissions at the plant by 30 to 40 percent.

Mr. Speaker, Cinergy's leadership in the ongoing battle for a cleaner environment in the Ohio-Kentucky-Indiana region will hopefully encourage others in the energy-producing field to take similar positive steps on their own. I congratulate Cinergy, and I wish all of those involved in this critical environmental project the best of luck.

LET ELECTION IN 46TH DISTRICT OF CALIFORNIA STAND

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

Ms. MCKINNEY. Mr. Speaker, I know a little something about snatching victory from the jaws of defeat. All over this country, so-called folks in the know counted me out. And in the 46th District of California the same thing happened. Nobody gave LORETTA SANCHEZ a chance of beating the infamous Bob Dornan. But she won in an election fair and square. But stung by the fact that he lost to a woman, he has not given up the fight. One would think he would just declare his intention to run in the next election, but no, not this Bob Dornan. And no, not this Republican Party. They have conducted a well-organized witch-hunt that is insulting to America's values. They have targeted every Hispanic voter as if they did not have the right to vote. And the Republican leadership has sided with Dornan over the people of the 46th District. Could it be that they think that Hispanic voters do not count?

The Republicans would have us believe that they have changed, that they have mellowed. Unless they stop the race baiting now, they will prove themselves to be what we always suspected all along.

NATIONAL CONGRESSIONAL TEST

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

Mr. KINGSTON. Mr. Speaker, there is a lot of talk about national testing, so I designed one for Congress. Multiple choice. If a Federal official raises money from a taxpayer-funded office, he is:

A. Breaking the law.

B. OK if it is soft money.

C. OK if he does not remember doing it.

Number 2. A Buddhist temple is:

A. A place of worship.

B. A great spot for a fund-raiser.

C. I do not recall. I never went to one. I never heard of it. Anyway, it was not a fund-raiser.

True or false/Definitions. If you were subpoenaed by the Thompson committee, DNC stands for "did not come."

If you were a major TV network during the Thompson hearings, DNC stands for "did not cover."

If you are the Vice President, DNC stands for "did not call."

If you are a foreign national, DNC stands for "did not contribute."

Finally, Discussion Questions. What is the difference between "Find Waldo" and John Huang?

Answer: You can eventually find Waldo.

OPPOSE GORTON AMENDMENT IN INTEREST OF PUBLIC EDUCATION

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

Mr. BLAGOJEVICH. Mr. Speaker, Abraham Lincoln said that the most important commitment we as a people can make is to public education. Yet there are forces here in Congress who would undermine that commitment. Programs like the Safe and Drug-Free Schools Act, which provides local school districts with security guards, installs metal detectors and teaches children about the dangers of drugs and gangs are in jeopardy. If the Gorton amendment passes, not a single Federal dollar would be guaranteed to fund that program.

Mr. Speaker, college is not for everyone. The School To Work Program is designed to help students make the transition from high school to work. If the Gorton amendment passes, not a single Federal dollar would be guaranteed to help students make that transition.

More than ever, as we approach the 21st century, our children rely on computers to prepare them for the high-tech world. If the Gorton amendment passes, not a single Federal dollar would be there to help them have computers and technology in their classrooms.

We must not allow this to happen. Let us make our schools safe and drug-free, let us give our high school graduates employment options, and let us oppose the Gorton amendment and redouble our efforts to public education.

EDUCATION POLICY FROM A REPUBLICAN STANDPOINT

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

Mr. PAPPAS. Mr. Speaker, I was home in my district this past weekend and was introduced to someone by a friend. The person I met with told me something that I found very troubling. She told me, "Hi, I'm a strong conservative and an enthusiastic supporter of the Republican Party, but I'm also very pro-education."

"But?" I said.

She said that she had to admit that she was very upset by all the things she had heard about us cutting education. Then I had to admit that I was very troubled to hear her say this.

Mr. Speaker, it is Republicans who believe that education is primarily a task that is best handled by local school boards and not by the Federal Government. It is Republicans who believe that parents should have the most control over their children's education, not bureaucrats in Washington, DC. We must continue to stand up to the liberals who want to federalize education and bring Washington, DC into curriculum decisions that are best made by those in the local community, school boards, teachers, and parents.

CAMPAIGN FINANCE REFORM TRAILS HANDSHAKES

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

Mr. SNYDER. Mr. Speaker, in June 1995, the President and Speaker of the House made a commitment to campaign finance reform in this country. Since that time, there have been approximately 85 bills introduced in this session of Congress showing great interest in that topic. What has happened

since that time? How many hearings have we had? None. How many campaign finance reform bills have passed? None. Where does that leave the score right now, Mr. Speaker, at the end of the baseball season? It leaves the score currently handshakes one, campaign finance reform nothing.

The President has stated his commitment to campaign finance reform. The Republican leadership in this House needs to get on board and lead the American people, because currently, under current law, if we do not change it, you may make a legal donation to the party of your choice in this amount. I do not know what this number is, but I think it is big.

RELIGIOUS FREEDOM WEEK

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

Mr. ADERHOLT. Mr. Speaker, in September 1789, Congress proposed and sent to the States for ratification the 10 constitutional amendments known as the Bill of Rights. This morning I join my colleagues in celebrating Religious Freedom Week, designated as such by Congress and by Presidential proclamation in 1988 by President Ronald Reagan.

The first amendment guards Americans from persecution by protecting our right to expression, protecting our words, both secular and religious, whether spoken, written or sung. Freedom comes at a price, however. The gospel, the words of Jesus Christ, cost him his life. Those who signed the Declaration of Independence knew it could be their death sentence.

The freedoms we enjoy today as Americans are a precious gift of the generations who have gone before us. Religious Freedom Week is a great opportunity to express thanks for that gift and to celebrate the profound foresight that was given our Founding Fathers in protecting the free exercise of religion.

REPUBLICANS CAUGHT IN CONTRADICTION IN DISPUTED ELECTION

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

Mr. SERRANO. Mr. Speaker, once again we find the Republicans caught in a very big contradiction. On one hand they put out feelers to the Hispanic community saying, "Come into the party, join us, we want to serve you, we want to help you." On the other hand they launch the unprecedented attack on LORETTA SANCHEZ and Hispanics throughout the Nation, somehow insisting that every Hispanic in the country, perhaps including myself, participated on election day in some fraud to get LORETTA elected.

It is time that Americans realize that this is their way of not dealing with the truth. Self-denial is a very pitiful state to be in, and that is what Republicans find themselves in. Americans do not like it. Hispanics like it even less. It is time that Republicans got it through their right-wing, reactionary minds that this is not going to work. It is not going to work. LORETTA won fair and square, and it is time to let her go on with this work in this House and stop harassing Hispanics throughout this country.

GET BACK TO BASICS IN EDUCATION

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

Mr. TIAHRT. Mr. Speaker, somewhere in the education debate, we have lost the reason we send our children to school. If we ask parents, they want their kids to capture the ability to learn, something their children can take with them into higher education or into the work environment so that they can pursue the American dream. But the parents' wishes are ignored. Instead the debate is about national education standards that measure how much paper teachers can produce and how much money we can spend, not how well our children are learning.

This Nation is blessed with many wonderful teachers, but they have been betrayed. In most school systems, less than half the money actually makes its way into the classroom. The teachers are diverted from scholastics to social engineering, and the paperwork demanded by the education bureaucracy steals teaching time. Education is about learning, discipline, respect for authority, and scholastics. Let us get back to the basics in education.

AGAINST H.R. 856, PUERTO RICO STATEHOOD BILL

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

Mr. GUTIERREZ. Mr. Speaker, I rise to oppose H.R. 856, the Puerto Rico statehood bill. Supporters want us to believe the goal of H.R. 856 is to give Puerto Ricans a fair opportunity to decide their future relationship with the United States. Sadly, the only goal of H.R. 856 is to bring statehood to Puerto Rico, despite the clear and consistent opposition of the majority of Puerto Ricans.

I want to be an enthusiastic supporter of a true process of self-determination. That is why I am adamantly opposed to any efforts to force statehood on Puerto Ricans. This flawed bill distorts the definition of "commonwealth," the favored status of the plurality of the Puerto Rican people, threatening to deny U.S. citizenship to the children of Puerto Ricans if commonwealth is chosen. It threatens the Puerto Rican people with the loss of Federal benefits if they reject statehood. It denies Puerto Ricans on the mainland in the United States the right to participate in this vital process. It neglects our distinct Puerto Rican history as a people and a nation. It abandons the idea of democracy and embraces the imposition of the will of the few on the hopes and dreams of the many. I urge my colleagues to stand with the majority of the Puerto Rican people and oppose H.R. 856.

CENSUS SAMPLING

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

Mr. GIBBONS. Mr. Speaker, today this House will begin to address the year 2000 census and the adverse effect of sampling. Sampling is not about politics. It is about the Constitution. The Constitution clearly states that the actual enumeration shall be made within 3 years after the first meeting of Congress within every 10 years in such manner as Congress shall by law direct.

Further, title 13 of the U.S. Code authorizes sampling except for the determination of population for purposes of apportionment of Representatives in Congress shall be allowed. This exception was enacted because when determining congressional districts, guessing is just not good enough.

Nowhere in this country is the case against sampling any clearer than in my home State of Nevada. Nevada has only two Representatives in Congress, and it has nearly 2 million people. Nevada is the fastest growing State in the Nation. This sampling could greatly underestimate our State's growing population, costing Nevada residents their constitutional right of representation.

CALIFORNIA ELECTION AN ABUSE OF DISCRETION

(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, I am not sure how Bob Dornan appreciates the precious right to vote, but Americans understand how precious it is to exercise our rights to vote in this Nation. I would ask on behalf of the American people, let Congresswoman LORETTA SANCHEZ do the job that she was duly elected to do. No proof, no truth, no justice; only abuse of Hispanic voters and horrible immigrant terrorizing, reminding me of the Republican poll watchers who went into the deep South and watched black voters and intimidated them from voting.

That is right, Mr. Speaker. The process of determining the election of Congresswoman LORETTA SANCHEZ is an abuse of discretion. No fraud has been found, only a Republican runaway committee and a runaway Congress.

The voters of California's 46th Congressional District have spoken. These voters want you to stop harassing Hispanic surnames and Hispanic citizens and those who want to vote and those who will have justice and truth. Republicans, stop the abuse of Americans and our Hispanic citizens.

CALIFORNIA ELECTION AND EDUCATION

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

Mr. GRAHAM. Mr. Speaker, as to Mr. Dornan's case, I believe the procedures that the House has to review elections are being followed. It is a question of how many ineligible, illegal people voted. That is something we should take up, and I am confident that as a body we will do a good job of doing that when the time comes.

Education. A lot has been said about education. Apparently there is a great confrontation about the Nation. The President said he would veto the Labor-HHS bill if we do not agree to national testing. Mr. President, you just do that. If you want to federalize education, we will have a fight. It is a fight long overdue.

Your agenda has been since day one to take everything local and make it national. National testing is a $39 million farce, 90 to $100 million to implement the test in 1999. It is truly a local function being done in abundance. We need to stop testing children. We know the problems. We need to start educating children. If he wants to veto the bill and shut the Government down to federalize education, I think that is a debate that is long overdue, and I await that day.

□ 1115

BOB DORNAN'S TAXPAYER-FINANCED WITCH HUNT

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

Mr. BECERRA. Mr. Speaker, now almost 1 year and a half a million dollars later neutral observers are saying what everyone in this House has been saying for the longest of times. The people of the 46th Congressional District in California voted Bob Dornan out of office, and they voted the gentlewoman from California [Ms. SANCHEZ] in. Yet the Republican leadership continues to waste taxpayer dollars funding Bob Dornan's election witch hunt against the gentlewoman from California [Ms. SANCHEZ] and his customary tirades. Now we hear that the Republican leadership has a scheme to reject the vote of the people of the 46th Congressional District and to take away the job that the gentlewoman from California [Ms. SANCHEZ] earned from the voters. The leadership on the Republican side will allege that there were too many questionable votes in the 984-vote victory of the gentlewoman from California.

Who was the target of this so-called questionable voting campaign? Hispanics. Who was the target of the harassment in this investigation? Hispanic voters.

It is the people of America who vote people into office; it is the people of America who vote people out. It is not witch hunts that are paid for and financed by taxpayers at the expense of those people who vote and do so. Bob Dornan does not have the right to do this at taxpayer expense.

DEMOCRATS SHRED EVIDENCE, THEN ACT OUTRAGED ABOUT "THE SYSTEM"

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, sometimes we just have to sit back and admire the Democrats for their breathtaking audacity. Democrats have found themselves caught red-handed in more than one sense taking money from foreign sources. Let us make it very clear that is illegal. That is why the Democrat Party has already returned millions of dollars in contributions from foreign sources. Of course that is after they used the money to help the President get reelected.

So now they feel qualified to tell the American people how to do it and that they are the party that would be expert in raising money. Well, would that still be from foreign sources? Maybe they think that under a better system, a system that does not force them to break the law, it should be OK to raise money for political campaigns from Communist China, launder that money to conceal its source, shred evidence to conceal the criminal behavior and then act outraged about the system.

Or maybe they just want to change the subject.

FRESHMEN BIPARTISAN TASK FORCE ON FINANCE REFORM HAS PRODUCED A COMMON SENSE APPROACH

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

Mr. KIND. Mr. Speaker, we are now in day 83, 83 days after July 4, the day that the President asked this body to enact campaign finance reform.

I do not know what we are so concerned about, what we are so afraid of on this side of the congressional House. The Senate is starting to make some movement; I think it is time for us in the House of Representatives to do the same.

But I do not want to have a false debate or a false bill come before this floor. I do not want a bill that we are going to sit here and look at that contains a poison pill. A poison pill is something that is going to place one party at a distinct disadvantage of another party. That is why I am proud of the product that I and other Members of the freshman bipartisan task force on finance reform have produced and have introduced. It is a commonsense approach that gets rid of the biggest of the big money, a soft money ban, requires greater identification of groups trying to influence the outcome of elections, requiring greater disclosure of candidates and where the money sources are coming from, but we need to schedule this now: An honest debate, a bill that is receiving bipartisan support, something that us freshmen have produced together, working in a way that can receive support on both sides of the aisle.

The time to get to work is now.

WE DO NOT NEED NEW LAWS ON CHEATING

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

Mr. MCINNIS. Mr. Speaker, well, it is pretty clear somebody has been cheating out there. We do not need new laws, we already have laws against illegal campaign contributions. And let me remind those colleagues of mine who have been up here talking moment after moment about campaign cheating, look at the headlines on this morning's paper, and let me read it:

"Democratic National Committee Teamsters Traded Funds."

It reminds me in high school when one of my classmates got caught cheating. The first thing he told the teacher was everybody was. "Well, everybody is cheating." Well, not everybody was cheating; he was the only one in that classroom that was cheating. Then his next excuse to get out of trouble for cheating was, "Well, you know you need to make new rules, Mr. Teacher. You need to make new rules about cheating. And therefore let me off the hook."

Mr. Speaker, I will be one of the first to stand up and say we should not have cheating. That is exactly what the Democratic National Committee is doing. We have campaign laws in effect, we have an Attorney General that should investigate those, should appoint an independent investigator, and

we have a Democratic National Committee that should step forward immediately and let the American public know the scenario and the scheme they have got going with the Teamsters.

CALLING ON THE SPEAKER TO SCHEDULE A VOTE ON CAMPAIGN FINANCE REFORM TODAY

(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, the American people continue to wait for real campaign finance reform. The need for campaign finance reform is clear. Both parties raised millions and millions of dollars last year, twice as much as they raised just 4 years ago. The Senate is scheduling a vote on campaign finance reform; the President is waiting for a deal. Two years ago, just 2 years ago, the Speaker shook hands with the President on the promise of campaign finance reform. What happened to that promise? What happened to that vow? What happened to his word?

The American people deserve better, Mr. Speaker, than to be stonewalled, put down, put off and ignored. They deserve to be heard. They deserve to be respected. The Speaker is the only one in Washington standing in the way of campaign finance reform.

Mr. Speaker, it is time to end the delay. Schedule a vote on campaign finance reform today.

IF THEY CANNOT OBEY CURRENT LAW, WHY WOULD THEY OBEY FUTURE LAW?

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

Mr. WALSH. Mr. Speaker, listening to the other side get exercised about campaign finance reform would be hilarious if corruption of our political process were not such a serious matter. We can just see the White House now with their new slogan, "We've got four more years so let's change the rules." Does the other side really think that the American people think it is OK to break the rules? Then carry on about how we need to change them? Does the other side really feel comfortable defending deliberate attempts to violate the law and then blame the existence of the law as the real problem? Does the other side really think the White House is above the law, that all the little people have to obey the law but they are exempt from having to do so?

No matter how many times the other side wants to change the subject by talking about campaign finance reform the truth will finally come out. If they cannot obey the current law, what makes anybody think they will obey future law?

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. GEPHARDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

MOTION OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Speaker, I move to reconsider the ordering of the yeas and nays.

MOTION OFFERED BY MR. MCINNIS

Mr. McINNIS. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. McINNIS] to lay on the table the motion to reconsider offered by the gentleman from Texas [Mr. DOGGETT].

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 197, not voting 19, as follows:

[Roll No. 428]

YEAS—217

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

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer

Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Yates

NOT VOTING—19

Bliley
Bonilla
DeGette
Fawell
Frank (MA)
Gonzalez
Hastings (FL)
Hoyer
Hunter
Largent
Livingston
Oxley
Porter
Riggs
Saxton
Schiff
Schumer
Torres
Wynn

□ 1145

Messrs. ROEMER, LIPINSKI, CLYBURN, CUMMINGS, and KENNEDY of Massachusetts, and Ms. EDDIE BERNICE JOHNSON of Texas and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Messrs. HILL, COBLE, BOB SCHAFFER of Colorado, EVERETT, PICKERING, WATKINS and TAYLOR of North Carolina changed their vote from "nay" to "yea."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion to adjourn offered by the gentleman from Missouri [Mr. GEPHARDT] on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 124, nays 293, not voting 16, as follows:

[Roll No. 429]

YEAS—124

Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Bentsen
Berry
Bonior
Borski
Brown (FL)
Brown (OH)
Cannon
Cardin
Clay
Clayton
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Pallone
Payne
Pelosi
Pomeroy
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schumer
Scott
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Waters
Waxman
Wexler
Weygand
Woolsey
Yates

NAYS—293

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCarthy (MO)
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bonilla
Clement
Danner
Frank (MA)
Gilman
Gonzalez
Goodling
Hastings (FL)
Hunter
Hutchinson
Largent
McCollum
Riggs
Scarborough
Schiff
Wynn

□ 1203

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

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

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

REQUEST FOR PERMISSION TO SPEAK OUT OF ORDER

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute in order to pose a question to the majority leader or his designee.

The SPEAKER pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from New York?

Mr. MCINNIS. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman will suspend.

POINT OF ORDER

Mr. HINCHEY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York [Mr. HINCHEY] will state his point of order.

Mr. HINCHEY. My point of order, Mr. Speaker, is that the House is currently being operated in a disorderly fashion.

Mr. MCINNIS. That is not a point of order.

Mr. HINCHEY. The propensity of the majority to schedule long hiatuses day after day in the middle of the proceedings in order that some Members may socialize betrays not just a lack of consideration——

Mr. MCINNIS. Regular order.

Mr. HINCHEY. Of the Members, but it betrays also a deep-seated——

Mr. McINNIS. Mr. Speaker, regular order.

Mr. HINCHEY. The House is being operated in a disorderly manner.

Mr. McINNIS. Regular order.

The SPEAKER pro tempore. The gentleman from New York has not stated a proper point of order.

The gentleman from Colorado [Mr. McInnis] is recognized.

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 238

Resolved, That upon adoption of this resolution it shall be in order to consider 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. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. McINNIS] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 238 is a straightforward resolution. The proposed bill waives all points of order against the conference report and against its consideration. This resolution was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, this appropriation bill, which provides the funds for operations of the House, the Senate, and entities such as the Library of Congress, often serves as a lightning rod for partisan conflicts. However, during the course of the debate on House Resolution 238 I hope Members will keep in mind that we are debating a simple, plain vanilla, rule.

Mr. Speaker, I urge my colleagues to support this rule, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Colorado [Mr. McINNIS] explained, this resolution is a rule waiving all points of order against the conference report to accompany H.R. 2209, a bill making appropriations for the legislative branch for fiscal year 1998.

The bill appropriates a total of $2.2 billion for the operations of Congress and other agencies in the legislative branch. This amount is a modest 2-percent higher than last year's appropriation.

Too often consideration of the legislative branch funding bill becomes an opportunity to criticize Congress. However, I want to take this opportunity to point out our achievements. Congress is the most responsive agency in the Federal Government. More than any other agency, we are the ones who can act immediately to solve problems and make changes.

As the Federal Government expanded over the past two decades, Congress kept down the increase in its spending. The men and women who make up the Members and staff of this institution are honorable, they are hard-working public servants dedicated to making the country a better place.

This year we approved a plan to balance the budget, and this is an achievement that will be a lasting contribution to future generations of Americans. So as we take up the bill to fund Congress, I want to emphasize that this is money well spent for the American people.

Mr. Speaker, the rule was approved by the Committee on Rules on a voice vote with no objections. I urge adoption of the rule.

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

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, today, we are dealing with a rule on legislative appropriations for the House of Representatives. I rise to speak on this rule because I am also deeply concerned that while we are dealing with the funding of the formal operations of the Congress of the United States in terms of the nuts and bolts that keep this place going from year to year, I am deeply concerned that we are not addressing another problem of funding of the Congress of the United States. That is the manner in which Members of Congress fund their campaigns.

Somehow we are able to deal with those provisions of law that deal with the paper clips, the pencils, the paper, the notebooks, and everything else that goes into the Congress of the United States, but what we are not able to deal with is the issue of how we fund our campaigns, how Members of Congress get here and how Members of Congress stay here.

We now are witnessing across the entire Government of the United States, except for the House of Representatives, a commitment to debate and to propose campaign finance reform. The President of the United States has called for that. In fact, over 2 years ago, he shook hands with the Speaker of the House. Yesterday, he sent a letter to the Senate saying he would expect the Senate and would keep the Senate in session if a proper debate could not be had on campaign finance reform. Senator DASCHLE closed the Senate down yesterday, and finally Senator LOTT agreed that they would in fact schedule a full and open debate on campaign finance reform measures in the Senate.

Yet, we have had no response, in spite of bipartisan letters, in spite of calls from Members of the Republican Caucus, in spite of letters from the Democrats, in spite of a handshake with the President of the United States, an appeal by the President of the United States for campaign finance reform in a State of the Union Message, we have had no response except "no" from the Republican leadership of the House.

A far more serious question than the formal funding that this resolution makes in order in the legislative appropriations bill is the informal funding that goes on around here. We are now seeing the influence of soft money on the decisionmaking process within the Congress of the United States, how bills are scheduled, how amendments are scheduled, how bills are not scheduled and how amendments are not scheduled.

What we have learned in the hearings in the Senate is that soft money is about access; it is about access to committee chairmen, it is about access to the President of the United States, it is about access to the Vice President of the United States, it is about access to the leadership in the House and the Senate.

Letters go out on almost a monthly basis saying, if you give us $10,000 or $25,000, you can sit down with the chairman of your choice, the committee chairman of your choice of jurisdiction where you have legislation, you can have a private meeting, a private dinner, a private lunch.

That is unacceptable. That is unacceptable. That is the funding we should be discussing in the House of Representatives. But to date, unfortunately, in spite of all the public record that has been displayed, we are unable to address campaign finance reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members they should not refer to debate on actions or inactions of the other body.

Mr. HALL of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the rule that we are considering at this time concerns legislative appropriations and the expenditure of $2.2 billion of taxpayer money. But the American people should not labor under the misassumption that that is the only money involved in the operation of this body. The $2.2 billion pays for the actual operations of all aspects of this body. But a considerable additional amount of money is involved in what brings each Member of this body here to spend the $2.2 billion. That is, the hundreds of a million dollars that are being spent in the campaigns that bring Members to this legislative

branch where that $2.2 billion is involved.

□ 1215

This morning we have had a series of votes. We have had a series of objections. And undoubtedly, there are some Members of this body who view those as inconvenient, as troublesome. But I would emphasize that they are about very serious, substantive matters.

Unlike the other body, it is not possible under the rules of this House, under the rule that is being debated here this morning, for us to offer an amendment on campaign finance reform. Our hands are completely tied behind our backs in this House, unlike the other body, and our ability to come to this floor and say let us have a simple and direct ban on soft money which is being used to soften up the political leadership in this House, the corrupting influence of soft money, we cannot come forward and simply offer an amendment to this rule or to this bill to accomplish that objective. And, so, the only way to focus the attention of the American people on this issue is with the types of motions and objections that are being made, not out of any frivolity, indeed because they go to the heart of our democracy and the way that democracy is being corrupted by the soft money system.

We are in the course, given the total stonewall we have, even after the President says he will call this Congress back into special session, even after half the road is cleared thanks to the leadership of the minority leader and the Senate committees are stopped, even after all that we are told no vote, no consideration even of Republican proposals to deal with this campaign finance issue.

All that we can do is go to the Speaker and say it is going to take him more time not to consider campaign finance reform than it would to consider campaign finance reform and let all of these proposals come forward. The freshmen Members, in a bipartisan basis, say ban soft money, do something about these problems. There are Members of the Republican side and of the Democratic side who have ideas to advance. But the Speaker's response is, we do not need less money in our campaigns. We need more, more campaign ads, more television ads.

This bill deals with one part of the legislative process. But anyone who watches this process knows that it is much more than the $2.2 billion; it is the influence peddling going on outside; it is the "yield right of way" sign yielding to the special interests that influence this operation.

Today we have a chance to begin to change that, and that is why we will have more motions and more votes and more action, because we cannot let this matter be delayed. This is our last chance to influence the cleanup of the 1998 elections.

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

Mr. Speaker, I find the comments somewhat interesting from the gentleman from Texas [Mr. DOGGETT] and from the gentleman from California [Mr. MILLER].

First of all, I note, with some interest, that both of the gentlemen have voted twice today to adjourn the House. I understand that there is a golf game or something recreational that is necessary. But let me ask them this. We have got work to do here. Today we have spent hours of time wasted on procedural motions to adjourn the House. What our side of the aisle is asking, and by the way, a good portion of your side of the aisle agrees with us, we need to go to work. We have got a lot of work to do. We have got a lot of budgetary issues to consider, and we ought to do it.

Here is a perfect example. Mr. Speaker, this rule was noncontroversial. This rule was passed by voice vote out of the Committee on Rules last night. This rule is supported by the gentleman from Ohio [Mr. HALL]. In fact, the gentleman from Ohio [Mr. HALL] has encouraged a vote for it. But instead, we are now going to convert.

They have invited me to participate in a debate regarding campaign finance reform, and I will accept that invitation, although somewhat limited. First of all, I would hope that the gentleman who brought this issue will also devote a good deal of time to the article in the headlines today, "Democratic National Committee-Teamsters Traded Funds."

There are laws against that kind of thing. We have laws in the books right now. Listening to what my colleagues say out there, they give the perception to the American people that there are not laws regarding campaign finance reform. There are lots of laws out there.

The fact is, in my opinion, that they have been broken. So instead of trying to divert from the fact that the laws have been broken by saying we need more laws, let us enforce the laws that we have got.

I would hope that my colleagues put their energy and resources into going to the Democratic National Committee today and say, "Hey, fellas, even though I am a Democrat, even though I have a special interest in this party, I want us to lay out to the American people, let us be truthful, let us find out what we did with the Teamsters."

Furthermore, I would suggest that maybe they take a foreign trip. We have got a break coming up. Help us find some of these witnesses like Charlie Trie or John Huang and some of these people that have conveniently disappeared out of our reach so we cannot find out what went on. Let us find out what went on, determine what we have to stop that, and what laws were broken. And then if we find a hole in the law or a way around the law, then let us do something about it.

I also want to point out an article which I read in Roll Call. I think it was yesterday's Roll Call. "With support building in both Chambers for a complete ban on soft money, sources said that Democrats like FAZIO and Democratic Congressional Campaign Committee Chairman MARTIN FROST," your colleague from the State of Texas, "have been working furiously behind the scenes to reach a compromise that would save the currently unlimited and unregulated contributions from extermination."

Let us be serious about this. First of all, we have got work to do. Quit doing those motions to adjourn time after time. You know that every time, and I speak in a generic form, the people that support this motion, the people that make this motion to adjourn, the American people are out there, they do not vote to go home from work at 10 o'clock in the morning. We were wasting our time here on this House floor voting on a motion to adjourn.

By the way, on the first vote, only one Republican voted to go home at 10 o'clock in the morning. Every other Republican here said we ought to stay and work. But my colleagues from Texas and California voted to go home at 10 o'clock in the morning. And that was not good enough, the rest of the body said, no, we are not going to go home at 10 o'clock. We are going to work.

We have got work to complete in these Chambers What happens? Well, the clock gets close to 12 and apparently some of my colleagues feel we put in a complete workday, time to adjourn and go home or go to the golf course or down to the racquet club.

My colleagues, we have got business to do. Let us get on with our business, and let us focus on the subject at hand, which is a rule. If my colleagues want to debate the rest of the time we have this morning on this rule on campaign finance reform, I look forward to it.

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

Mr. MCINNIS. No, I will not yield. It seems to me, if I remember procedural order, I have the floor. Am I incorrect?

If my colleagues would like to proceed with the people's business, which is to get this rule out of the way and let us get to the bill, we have got a lot of work to do, then let us proceed. It is up to my colleagues.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] on the Committee on Rules for yielding me the time.

Since the gentleman from Colorado [Mr. MCINNIS] on the other side of the

aisle mentioned my name, I did want to take this opportunity to make it very clear that I support the efforts to pass campaign finance reform this year.

There is a difference of opinion as to what the content of that legislation should be. There are legitimate, honest differences of opinion on what should be in the bill. But I fully support the efforts of the gentleman from California [Mr. MILLER] and others to force a vote on this legislation this year. There should be no misunderstanding about that.

To the extent that the other side does not want this vote, does not want to have a vote on this issue this year, they are not serving the interest of the American public. There are legitimate differences of opinion about how we should reform the process. There is no difference of opinion about the fact that we should reform the process.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would just say that I appreciate that the gentleman from Colorado [Mr. MCINNIS] has raised the issue of procedural motions.

As the gentleman from Texas [Mr. DOGGETT] has pointed out, there is nothing else we can do. And he must understand what we have seen now throughout this entire session: If we do nothing, nothing will happen. Because the Republican leadership that controls the schedule, that controls the agenda has determined that we cannot have a debate on campaign finance reform.

So there is nothing left for us to do than to raise these procedural motions to try to raise the visibility in the public's mind and in the press as to what is going on on the Republican side. And that is the old four-corner stall in UCLA. They are hoping to play "beat the clock," that if they can pretend like they are doing the people's business, this is not about the people's business, but if they were doing the people's business, we would be reforming the campaign finance system.

That locks the people out of the election, allows a special interest, this allows special money in and huge contributions to overwhelm people who try to participate in elections. That is why we have the majority leader in the Senate and Speaker of the House proposing a $50 billion tax rebate for the tobacco companies, because the tobacco companies were the biggest contributors to the party, and in the middle of the night they got what they wanted.

But the people did not want a $50 billion tax cut for tobacco companies. It is rather interesting when we forced them to vote in the light of day, it was unanimous. Only three people voted against it in the Senate, unanimous in the House. That is the difference between doing the people's business and doing the special interest business.

We will continue to call these votes because the gentleman from Georgia [Mr. GINGRICH] leaves us no alternatives. We apologize for the inconvenience. But what is at stake here is the democratic institution of which we serve and the democratic process of electing people, whether or not we will turn that over to the special interests in this country, as opposed to the people from the constituencies which we are elected. That is what the struggle is here. That is what the debate is about.

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

Mr. Speaker, I am enthralled by the energy level of the gentleman from California [Mr. MILLER]. I like that kind of enthusiasm, and I hope that the gentleman from California [Mr. MILLER], No. 1, puts that enthusiasm to doing the people's business and quit supporting these motions to adjourn.

We have got work to do. Put the golf game aside, forget the racquet club. They can do that on Saturday and Sunday. But more importantly, I hope the gentleman from California [Mr. MILLER] finds time this afternoon to go back to the office and pursue this headline "Democratic National Committee-Teamsters Traded Funds."

What is going on? I hope that we have that kind of vigor and that kind of strength when he talks on the floor about saying we need to get to the bottom of what has happened to the Teamsters. We need to get the people's work done in this House.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I thank the gentleman from Colorado [Mr. MCINNIS] for yielding me the time.

Mr. Speaker, I was sitting in my office, and I wanted to kind of tell the people what I feel, whether they like it really or not. I think both sides are destroying this institution.

Your side ought to stop calling these votes, and our side ought to stop recessing between the hours of 6 and 9 so people can go to dinners downtown and then keep those of us who have families here in town locked in our rooms where we have to wait for people to come back.

Last night we recessed from 6 until 9, we did no business. And we stayed here until 10:30. Tonight we are not going to do any business and votes between the hours of 6 and 9. Those of us who have families, those of us who live here, the staff, these people out here, the staff, the guards, the restaurants, and everybody else, they stay here when we stay here.

Your side is destroying this institution, and our side is destroying this institution. Stop calling the votes. Stop calling the votes. Let me just tell the gentleman, I do not take money from the tobacco interests and I come from a tobacco State, And I am for abolishing soft money. And for this side, stop calling and recessing between the hours of 6 and 9. Let us work like regular people.

My closing comment is, and I hope they do not take the time from me, we are living a dysfunctional life in a dysfunctional institution, and dysfunctional things come out of living it. Both sides ought to stop what they are doing.

Mr. MCINNIS. Mr. Speaker, reclaiming my time, to the gentleman from Virginia [Mr. WOLF], let me just tell him, if I were the majority leader, we would work 24 hours a day. Every time they put up a motion to adjourn this House in the middle of the day or beginning of the day, and I used to be a majority leader in the State of Colorado, we will just work, we will just work around the clock. We have got business to do, and we ought to get it done.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume to respond to what my friend the gentleman from Virginia [Mr. WOLF] said.

The gentleman from Virginia [Mr. WOLF] is my best friend in the Congress of the United States. I, 100 percent, endorse what he had to say. I think that we have had enough conversation on issues relative to campaign finance at this particular time. I think it is time to pass the rule.

As I said before, this legislative branch funding is a very modest increase. I think that I have tried to point out the achievements of this Congress from the standpoint of some of the bills and some of the things that we have passed. I just want to say that there are tremendous people here in the Congress, both Republican and Democrat. I think that they are doing their best, people of good character. They work hard. And I think that sometimes we tear each other down to the point where it reflects upon us.

□ 1230

I am sick and tired of it, too, like the gentleman from Virginia [Mr. WOLF]. I want to see us start to stand up for what we are all about. We do good things here. We have good staffs. I would say 99 percent of the people here are people of good character. Yet if you were to ask the people in the country about us, the way we fight, squabble, and jump up and down sometimes, we do not do ourselves justice. I think it is time to get on and pass this rule and get over with the bill.

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. I think that the gentleman from Ohio, who, by the way, in my opinion, is one of the most respected Members of the House, is certainly a professional, he is a gentleman, and his points are well taken. I should point out, though, contrary to what the gentleman from Virginia [Mr. WOLF] said, the gentleman from Virginia lives close to the Capitol. I live a long way from the Capitol. My district geographically is larger than the State of Florida. It takes me a long time to get there. It takes me a long time to get across there. I would rather work late hours at night so I can get back to my district.

I think in defense of the majority leader, the fact that last night we scheduled votes so we had a bunch of votes at 10 o'clock instead of votes between 8 and 10 o'clock in the evening was to accommodate Members and their families so that they can go out and have dinner and know that we will delay the votes; or not delay them from voting, the debate still continues, the House still has action, but we will move the votes to a period of time. So I think the criticism here, while I understand the frustration of what is going on, I must say that some of this scheduling is done for the convenience of Members so they can have dinner with their families.

Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for yielding me this time. I listened with great interest to the debate. I do respect the gentleman from Ohio a great deal, the minority member who is managing his side's debate on this rule.

I have just one point to clear up with the gentleman from California. Rather than some sort of sports tactic involving basketball, sadly what we are seeing from some intense partisans on the other side is more of a football technique called the misdirection play, where you try to draw attention away from misdeeds and causes of concern.

I believe it is especially important for us to go on record in this Congress as saying that everyone who runs for political office, including those in the executive branch, should obey existing law. There is the point from whence the problem stems, not any far-flung notion or vision of new campaign reform. And the question comes, sadly, as questions develop as relevant as today's headlines, what type of influences are out there? We should answer those questions with existing law.

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

First of all, Mr. Speaker, again I want to express that I consider it a privilege to work with the gentleman from Ohio [Mr. HALL] in these kind of things. Again I appreciate his comments.

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

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

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

Mr. 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.

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

The vote was taken by electronic device, and there were—yeas 237, nays 186, not voting 10, as follows:

[Roll No. 430]

YEAS—237

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

NAYS—186

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

NOT VOTING—10

Bonilla
Dellums
Flake
Foglietta
Gonzalez
Hastings (FL)
Hunter
Kennelly
Redmond
Schiff

□ 1252

Mr. CLYBURN and Mr. SPRATT changed their vote from "yea" to "nay."

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 5, not voting 20, as follows:

[Roll No. 431]

AYES—408

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
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
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
Delahunt
DeLauro
DeLay
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
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
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
Hulshof
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)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
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
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
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
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
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—5

Green
Largent
Meehan
Scarborough
Strickland

NOT VOTING—20

Berman
Bonilla
Boucher
Brown (CA)
Buyer
DeGette
Dellums
Flake
Foglietta
Gonzalez
Gutierrez
Hastings (FL)
Hoyer
Hunter
Kennelly
Redmond
Schiff
Skaggs
Smith (MI)
Watkins

□ 1301

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 431. I was detained presiding over a Budget Committee meeting on Social Security. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. REDMOND. Mr. Speaker, on rollcall No. 430 and 431 I was not present. Had I been present, I would have voted "yes" for both votes.

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 238, I call up the conference report on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 238, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 18, 1997, at page 19348.)

The SPEAKER pro tempore. The gentleman from New York [Mr. WALSH] and the gentleman from New York [Mr. SERRANO] each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 2209.

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

There was no objection.

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

Mr. Speaker, it is a pleasure to present today the conference report on the fiscal year 1998 legislative branch appropriations bill, H.R. 2209. Before I proceed with my summary of the report, let me take a brief moment to thank my colleague, the gentleman from New York [Mr. SERRANO] for his help throughout this process. The gentleman is a friend and someone of the highest integrity. We would not be here today without his tremendous leadership and skill.

My counterpart in the other body, Senator BENNETT, was also very helpful as we worked to achieve this conference report. I consider him to be a person of the highest character.

Last, to the majority and minority staff members in both bodies, their work is deeply appreciated. I speak for every Member of the House in recognizing their contributions. Their hard work reflects the dedication of all the

employees in the Congress. As I said on this floor several weeks ago, Members need to look around their work environment every day and recognize those who work with us in this legislative body. These are good people who serve with pride and deserve our respect.

Mr. Speaker, to summarize the conference agreement, the agreement appropriates $2.25 billion in the new budget authority to the Congress and the support agencies and offices of the legislative branch. This amount is approximately $146 million below the request of the President, which is a 6.1 percent reduction over what the President asked for.

The actual funding level for 1998 is about a 2-percent increase over 1997. This appropriation level is below the amount appropriated for legislative branch in 1994 and 1995, so we are still below 1994's level. So the downsizing program begun in the 104th Congress is still intact.

The highlights of the conference report: Operations of the Senate are $461 million, operations of the House are $708 million; joint items, including Capitol police, et cetera, joint committees, $12.7 million; Architect of the Capitol, $179 million. This includes the Botanic Garden and the library buildings. Library of Congress, $346 million, including Congressional Research Service; Congressional Budget Office, just under $25 million. Office of Compliance, $2.5 million; Government Printing Office is about $100 million, plus a transfer of $11 million from the Government Printing Office revolving fund. General Accounting Office, which received an increase this year, will be at about $347 million.

I will include a table showing details and a list of the highlights of the conference agreement. It may be of some interest to compare the conference agreement to the bill that passed the House on July 28.

As is customary, that bill did not contain funds for the operations of the Senate. The House bill, without the Senate, was $1.711 billion. For those same items, the conferees agreed to a level of $1.735 billion. The House came up about $24 million, the Senate came down about $37 million, so the House conferees did well.

The result is an increase of just about $13.7 million over the current year. That is an eight-tenths of 1 percent increase above 1997, well below even the modest rate of inflation in the economy. In addition, full-time equivalent positions have been reduced; in other words, we have reduced staff again by about 200 jobs.

The adjustment to House-passed items agreed to includes: In the conference the conferees added $8 million over the current level for the General Accounting Office. This level will allow price level adjustments in travel, training, and begin a technology upgrade delayed the past 3 years. For the Architect, the roofing project at the library, an additional $1.5 million, adjustments to electricity and fuel costs at the Capitol powerplant, funds for the design of a new chiller system at the powerplant, funds for staff of the Conservatory and for the Library of Congress an additional $3.8 million to begin the $40 million replacement of the Library's bibliography records and a $1.25 million increase to begin a program to replace an additional 10,000 playback machines for blind and physically handicapped readers.

Mr. Speaker, the other item of concern to the conferees was the funding for the Joint Committee on Taxation. For Joint Committee on Taxation, the conferees agreed to fund an increase of 2.5 FTE's. In addition, the Senate agreed to remove from the bill the provision that requires operational adjustment in their workload. Instead report language was inserted in the joint explanatory statement that addresses the problem to direct the Joint Tax Committee to be more responsive to Members who are not in the committees of jurisdiction for taxation, House Committee on Ways and Means, Senate Committee on Finance.

Mr. Speaker, several legislative matters were agreed to in conference. Under the Capitol police, there is a provision providing authority for the Capitol Police Board to establish a unified pay and leave schedule for the police. For congressional printing, a longstanding provision carried in the House bill on availability of funds to pay printing costs has been retained.

There is language under the Library of Congress specifying the amount available for the integrated library system project, along with report language directing the Library to secure approval before obligating the funds.

Two administrative provisions were added under the Library. One establishes a revolving fund for reimbursable work at the Library. The other permits the investment of Library gift funds in the same manner as trust funds.

Under the Government Printing Office revolving fund, $1.5 million is made available for management audit. Under title III of the bill, all the provisions in the House-passed bill were retained. In addition, the conferees agreed to a provision relating to Senate restaurant employees and a provision which will allow cost of living allowances for senior level staff in the Office of the Architect.

Three House housekeeping provisions were also added at the request of Committee on House Oversight.

In summary, Mr. Speaker, the bill provides $2.2 billion for the funding for the legislative branch. It is 6 percent below the request of the President. FTE levels have been reduced by just over 200. The bill retains a smaller legislative branch as established by the policy set in the 104th Congress and provides stability to those operations that must support our legislative needs. I urge the adoption of the conference report.

Mr. Speaker, I include the following for the RECORD:

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Expense Allowances						
Expense allowances:						
Vice President	10,000	10,000		10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000		10,000	10,000	
Majority Leader of the Senate	10,000	10,000		10,000	10,000	
Minority Leader of the Senate	10,000	10,000		10,000	10,000	
Majority Whip of the Senate	5,000	5,000		5,000	5,000	
Minority Whip of the Senate	5,000	5,000		5,000	5,000	
Chairman of the Majority Conference Committee	3,000	3,000		3,000	3,000	
Chairman of the Minority Conference Committee	3,000	3,000		3,000	3,000	
Subtotal, expense allowances	56,000	56,000		56,000	56,000	
Representation allowances for the Majority and Minority Leaders	30,000	30,000		30,000	30,000	
Total, Expense allowances and representation	86,000	86,000		86,000	86,000	
Salaries, Officers and Employees						
Office of the Vice President	1,513,000	1,612,000		1,612,000	1,612,000	+99,000
Office of the President Pro Tempore	325,000	371,000		371,000	371,000	+46,000
Offices of the Majority and Minority Leaders	2,195,000	2,388,000		2,388,000	2,388,000	+193,000
Offices of the Majority and Minority Whips	1,156,000	1,221,000		1,221,000	1,221,000	+65,000
Conference committees	1,992,000	2,122,000		2,122,000	2,122,000	+130,000
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	384,000	409,000		409,000	409,000	+25,000
Policy Committees	1,930,000	2,155,000		2,155,000	2,155,000	+225,000
Office of the Chaplain	234,000	265,000		260,000	260,000	+26,000
Office of the Secretary	12,714,000	13,431,000		13,306,000	13,306,000	+592,000
Office of the Sergeant at Arms and Doorkeeper	34,037,000	35,126,000		33,037,000	33,037,000	-1,000,000
Offices of the Secretaries for the Majority and Minority	1,135,000	1,215,000		1,165,000	1,165,000	+30,000
Agency contributions and related expenses	17,000,000	19,208,000		19,208,000	19,208,000	+2,208,000
Total, salaries, officers and employees	74,615,000	79,523,000		77,254,000	77,254,000	+2,639,000
Office of the Legislative Counsel of the Senate						
Salaries and expenses	3,447,000	3,635,000		3,605,000	3,605,000	+158,000
Office of Senate Legal Counsel						
Salaries and expenses	936,000	966,000		966,000	966,000	+30,000
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate						
Expenses allowances	12,000	12,000		12,000	12,000	
Contingent Expenses of the Senate						
Inquiries and investigations	69,561,000	75,300,000		75,600,000	75,600,000	+6,039,000
Expenses of United States Senate Caucus on International Narcotics Control	305,000			370,000	370,000	+65,000
Secretary of the Senate	1,511,000	1,511,000		1,511,000	1,511,000	
Sergeant at Arms and Doorkeeper of the Senate	65,931,000	78,163,000		64,400,000	64,833,000	-1,098,000
Miscellaneous items	6,791,000	7,905,000		7,905,000	7,905,000	+1,114,000
Senators' Official Personnel and Office Expense Account	208,000,000	231,736,000		228,600,000	228,600,000	+20,600,000
Stationery (revolving fund)	13,000	13,000		13,000	13,000	
Official Mail Costs						
Expenses	10,000,000	9,000,000		300,000	300,000	-9,700,000
Total, contingent expenses of the Senate	362,112,000	403,628,000		378,699,000	379,132,000	+17,020,000
Total, Senate	441,208,000	487,850,000		460,622,000	461,055,000	+19,847,000

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	267,200					-267,200
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,535,000	1,625,000	1,590,000	1,590,000	1,590,000	+55,000
Office of the Majority Floor Leader	1,526,000	1,566,000	1,626,000	1,626,000	1,626,000	+100,000
Office of the Minority Floor Leader	1,534,000	1,574,000	1,652,000	1,652,000	1,652,000	+118,000
Office of the Majority Whip	957,000	983,000	1,024,000	1,024,000	1,024,000	+67,000
Office of the Minority Whip	949,000	975,000	998,000	998,000	998,000	+49,000
Speaker's Office for Legislative Floor Activities	376,000	378,000	397,000	397,000	397,000	+21,000
Republican Steering Committee	664,000	680,000	736,000	736,000	736,000	+72,000
Republican Conference	1,130,000	1,161,000	1,172,000	1,172,000	1,172,000	+42,000
Democratic Steering and Policy Committee	1,191,000	1,222,000	1,277,000	1,277,000	1,277,000	+86,000
Democratic Caucus	603,000	619,000	631,000	631,000	631,000	+28,000
Nine minority employees	1,127,000	1,133,000	1,190,000	1,190,000	1,190,000	+63,000
Subtotal, House Leadership Offices	11,592,000	11,916,000	12,293,000	12,293,000	12,293,000	+701,000
Members' Representational Allowances						
Expenses	363,313,000	405,450,000	379,789,000	379,789,000	379,789,000	+16,476,000
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	80,222,000	90,310,000	86,268,000	86,268,000	86,268,000	+6,046,000
Committee on Appropriations (including studies and investigations)	17,580,000	18,276,000	18,276,000	18,276,000	18,276,000	+696,000
Subtotal, Committee employees	97,802,000	108,586,000	104,544,000	104,544,000	104,544,000	+6,742,000
Salaries, Officers and Employees						
Office of the Clerk	15,074,000	14,715,000	16,804,000	16,804,000	16,804,000	+1,730,000
Office of the Sergeant at Arms	3,638,000	3,598,000	3,564,000	3,564,000	3,564,000	-74,000
Office of the Chief Administrative Officer	55,209,000	59,688,000	50,727,000	50,727,000	50,727,000	-4,482,000
Office of Inspector General	3,954,000	4,344,000	3,808,000	3,808,000	3,808,000	-146,000
Office of the Chaplain	126,000	126,000	133,000	133,000	133,000	+7,000
Office of the Parliamentarian	1,036,000	1,129,000	1,101,000	1,101,000	1,101,000	+65,000
Office of the Parliamentarian	(786,000)	(861,000)	(852,000)	(852,000)	(852,000)	(+66,000)
Compilation of precedents of the House of Representatives	(250,000)	(268,000)	(249,000)	(249,000)	(249,000)	(-1,000)
Office of the Law Revision Counsel	1,767,000	1,881,000	1,821,000	1,821,000	1,821,000	+54,000
Office of the Legislative Counsel	4,687,000	4,824,000	4,827,000	4,827,000	4,827,000	+140,000
Corrections Calendar Office		441,000	791,000	791,000	791,000	+791,000
Other authorized employees	768,000	1,024,000	780,000	780,000	780,000	+12,000
Former Speakers	(594,000)	(855,000)	(594,000)	(594,000)	(594,000)	
Technical Assistants, Office of the Attending Physician	(174,000)	(169,000)	(186,000)	(186,000)	(186,000)	(+12,000)
Subtotal, Salaries, Officers and Employees	86,259,000	91,770,000	84,356,000	84,356,000	84,356,000	-1,903,000
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	2,374,000	2,977,000	2,225,000	2,225,000	2,225,000	-149,000
Official mail (committees, leadership, administrative and legislative offices)	1,000,000	1,000,000	500,000	500,000	500,000	-500,000
Document management system		1,500,000				
Reemployed annuitants reimbursements	71,000	71,000				-71,000
Government contributions	120,779,000	128,451,000	124,390,000	124,390,000	124,390,000	+3,611,000
Miscellaneous items	641,000	662,000	641,000	641,000	641,000	
Subtotal, Allowances and expenses	124,865,000	134,661,000	127,756,000	127,756,000	127,756,000	+2,891,000
Total, salaries and expenses	683,831,000	752,383,000	708,738,000	708,738,000	708,738,000	+24,907,000
Total, House of Representatives	684,098,200	752,383,000	708,738,000	708,738,000	708,738,000	+24,639,800

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
JOINT ITEMS						
Joint Committee on Inaugural Ceremonies of 1997	950,000	.....	.....	.....	.....	-950,000
Joint Economic Committee	2,750,000	2,750,000	2,750,000	2,750,000	2,750,000	.....
Joint Committee on Printing	777,000	807,000	804,000	807,000	804,000	+27,000
Joint Committee on Taxation	5,470,000	6,126,000	5,907,000	5,724,000	5,815,500	+345,500
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,225,000	1,266,000	1,266,000	1,266,000	1,266,000	+41,000
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	33,437,000	35,507,000	34,118,000	35,507,000	34,118,000	+681,000
Sergeant at Arms and Doorkeeper of the Senate	35,919,000	38,428,000	36,837,000	38,428,000	36,837,000	+918,000
Subtotal, salaries	69,356,000	73,935,000	70,955,000	73,935,000	70,955,000	+1,599,000
General expenses 1/	6,032,000	5,401,000	3,099,000	5,401,000	3,099,000	-2,933,000
Subtotal, Capitol Police	75,388,000	79,336,000	74,054,000	79,336,000	74,054,000	-1,334,000
Capitol Guide Service and Special Services Office	1,991,000	1,991,000	1,991,000	1,991,000	1,991,000	.....
Statements of Appropriations	30,000	30,000	30,000	30,000	30,000	.....
Total, Joint Items	88,581,000	92,306,000	86,802,000	91,904,000	86,710,500	-1,870,500
OFFICE OF COMPLIANCE						
Salaries and expenses	2,609,000	2,600,000	2,479,000	2,600,000	2,479,000	-130,000
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	24,532,000	24,995,000	24,797,000	24,995,000	24,797,000	+265,000
ARCHITECT OF THE CAPITOL						
Office of the Architect of the Capitol						
Salaries	8,454,000	.....	.....	.....	.....	-8,454,000
Travel (limitation on official travel expenses)	(20,000)	.....	.....	.....	.....	(-20,000)
Contingent expenses	100,000	.....	.....	.....	.....	-100,000
Subtotal, Office of the Architect of the Capitol	8,554,000	.....	.....	.....	.....	-8,554,000
Capitol Buildings and Grounds						
Capitol buildings, salaries and expenses 2/	23,505,000	42,064,000	36,827,000	39,554,000	36,977,000	+13,472,000
Capitol grounds	5,020,000	6,818,000	4,991,000	6,203,000	5,116,000	+96,000
Senate office buildings 3/	40,290,000	52,021,000	.....	50,922,000	52,021,000	+11,731,000
House office buildings	32,556,000	39,403,000	37,181,000	37,181,000	36,610,000	+4,054,000
Capitol Power Plant	34,749,000	37,771,000	36,032,000	37,645,000	37,932,000	+3,183,000
Offsetting collections	-4,000,000	-4,000,000	-4,000,000	-4,000,000	-4,000,000	.....
Net subtotal, Capitol Power Plant	30,749,000	33,771,000	32,032,000	33,645,000	33,932,000	+3,183,000
Subtotal, Capitol buildings and grounds	132,120,000	173,877,000	111,031,000	167,505,000	164,656,000	+32,536,000
Total, Architect of the Capitol	140,674,000	173,877,000	111,031,000	167,505,000	164,656,000	+23,982,000
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	62,641,000	66,830,000	64,603,000	65,134,000	64,603,000	+1,962,000
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	81,669,000	84,025,000	70,652,000	82,269,000	70,652,000	-11,017,000
(Transfer from revolving fund)	.....	.....	(11,017,000)	.....	(11,017,000)	(+11,017,000)
Total, title I, Congressional Operations	1,526,012,200	1,684,866,000	1,069,102,000	1,603,767,000	1,583,690,500	+57,678,300

1/ FY 1997 enacted includes $3,250,000 provided in P.L. 104-208, Title V.

2/ FY 1997 enacted includes $250,000 provided in P.L. 104-208.

3/ FY 1997 enacted includes $650,000 provided in P.L. 104-208.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209) continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses 1/	36,402,000	11,662,000	1,771,000	3,228,000	3,016,000	-33,386,000
LIBRARY OF CONGRESS						
Salaries and expenses	216,007,000	232,056,000	223,507,000	229,904,000	227,016,000	+11,009,000
Authority to spend receipts	-7,869,000	-7,869,000	-7,869,000	-7,869,000	-7,869,000	.....
Net subtotal, Salaries and expenses	208,138,000	224,189,000	215,638,000	222,035,000	219,147,000	+11,009,000
Copyright Office, salaries and expenses	33,402,000	35,787,000	34,361,000	34,567,000	34,361,000	+959,000
Authority to spend receipts	-22,269,000	-22,507,000	-22,426,000	-22,426,000	-22,426,000	-157,000
Net subtotal, Copyright Office	11,133,000	13,280,000	11,935,000	12,141,000	11,935,000	+802,000
Books for the blind and physically handicapped, salaries and expenses	44,984,000	48,025,000	45,936,000	47,870,000	46,581,000	+1,597,000
Furniture and furnishings	4,882,000	4,882,000	4,178,000	4,178,000	4,178,000	-704,000
Total, Library of Congress (except CRS)	269,117,000	290,378,000	277,687,000	286,224,000	281,821,000	+12,704,000
ARCHITECT OF THE CAPITOL						
Library Buildings and Grounds						
Structural and mechanical care	9,753,000	15,755,000	10,073,000	14,699,000	11,573,000	+1,820,000
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	29,077,000	30,477,000	29,264,000	29,077,000	29,077,000	.....
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	338,425,000	368,828,000	330,924,000	354,155,000	346,903,000	+8,478,000
Offsetting collections	-5,905,000	-7,404,000	-7,404,000	-7,404,000	-7,404,000	-1,499,000
Total, General Accounting Office	332,520,000	361,424,000	323,520,000	346,751,000	339,499,000	+6,979,000
Total, title II, Other agencies	676,869,000	709,894,000	642,315,000	679,979,000	664,986,000	-11,883,000
Grand total	2,202,881,200	2,394,580,000	1,711,417,000	2,283,746,000	2,248,676,500	+45,795,300
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	441,208,000	487,850,000	.....	460,622,000	461,055,000	+19,847,000
House of Representatives	684,098,200	752,383,000	708,738,000	708,738,000	708,738,000	+24,639,800
Joint items	88,581,000	92,308,000	86,802,000	91,904,000	86,710,500	-1,870,500
Office of Compliance	2,609,000	2,600,000	2,479,000	2,600,000	2,479,000	-130,000
Congressional Budget Office	24,532,000	24,995,000	24,797,000	24,995,000	24,797,000	+265,000
Architect of the Capitol	140,674,000	173,877,000	111,031,000	167,505,000	164,656,000	+23,982,000
Library of Congress: Congressional Research Service	62,641,000	66,630,000	64,603,000	65,134,000	64,603,000	+1,962,000
Congressional printing and binding, Government Printing Office	81,669,000	84,025,000	70,652,000	82,269,000	70,652,000	-11,017,000
Total, title I, Congressional operations	1,526,012,200	1,684,866,000	1,069,102,000	1,603,767,000	1,583,690,500	+57,678,300
TITLE II - OTHER AGENCIES						
Botanic Garden	36,402,000	11,662,000	1,771,000	3,228,000	3,016,000	-33,386,000
Library of Congress (except CRS)	269,117,000	290,378,000	277,687,000	286,224,000	281,821,000	+12,704,000
Architect of the Capitol (Library buildings and grounds)	9,753,000	15,755,000	10,073,000	14,699,000	11,573,000	+1,820,000
Government Printing Office (except congressional printing and binding)	29,077,000	30,477,000	29,264,000	29,077,000	29,077,000	.....
General Accounting Office	332,520,000	361,424,000	323,520,000	346,751,000	339,499,000	+6,979,000
Total, title II, Other agencies	676,869,000	709,894,000	642,315,000	679,979,000	664,986,000	-11,883,000
Grand total	2,202,881,200	2,394,580,000	1,711,417,000	2,283,746,000	2,248,676,500	+45,795,300

1/ FY 1997 includes $33,500,000 provided in P.L. 105-18.

CONFERENCE AGREEMENT—FISCAL YEAR 1998 LEGISLATIVE APPROPRIATIONS, H.R. 2209

Total appropriation: $2.2 billion ($2,248,676,500); in addition, $158,189,000 will be available from receipts and reimbursements collected by the General Accounting Office and Library of Congress.

Appropriations compared to budget request: A reduction of $145.9 million ($145,883,500) under the amounts contained in the President's budget.

Compared to fiscal year 1997: An increase of $45,795,300 above the amount appropriated in fiscal year 1997.

Highlights:

Operations of the Senate: $461,055,000 plus $52 million for office building maintenance;

Operations of the House: $708,738,000 plus $36.6 million for office building maintenance;

Joint items (Joint committees, Capitol police, guide service, etc.): $12,656,500;

Architect of the Capitol: $127,224,000, including the Botanic Garden;

Library of Congress: $346,424,000, including the Congressional Research Service;

Congressional Budget Office: $24,797,000;

Office of Compliance: $2,479,000;

Government Printing Office: $99,729,000, plus a transfer of $11,017,000 from the GPO revolving fund; and

General Accounting Office: $346,903,000 total funds available, including $7,404,000 from offsetting collections.

Specific items:

The $24.6 million increase for House operations is primarily for staff COLA's, employee benefits, and other staff salary mandatory increases;

There is an additional $31.6 million for Senate operations and buildings;

Several capitol budget projects are funded in the Capitol buildings and grounds accounts under the Architect of the Capitol:

Dome repair: $1,500,000; various improvements in House and Senate chambers: $1,230,000; renovations to the canine facility: $200,000; physical security: $625,000; design of chiller plant: $1,000,000; additional fuel and electricity costs: $1,700,000; vertical roof replacement, Thomas Jefferson Building: $1,500,000; fire, safety, and telecommunication improvements; and grounds and buildings improvements for physically challenged staff and visitors: $6.6 million; and $550,000 for cooling the Botanic Garden and National Garden learning center.

For the General Accounting Office, the FY98 level is an increase of $8,478,000 over FY 1997 and achieves a stable resource base coming after the 25% reduction in FY 1996 and FY 1997:

Funding for 3450 FTE's, an increase of 137 jobs over the 3313 currently on board; and funds are provided for increased travel, training, technology upgrades, and incentive salary payments.

For the Library of Congress, the funding for current programs is maintained. In addition:

$5.6 million is provided for an integrated library system (ILS) to replace outmoded bibliographic systems, the initial stage of a multi-year $40 million project; an increase in the number of replacement playback machines from 48,000 to 55,000 for use by blind and physically handicapped readers; authorization for the cooperative acquisitions program which provides assistance to research and academic libraries throughout the U.S.; and authority to reinvest gift fund receipts.

For the Joint Tax Committee, $5,818,500 is provided, including funds for an additional 2.5 FTE's;

For the Government Printing Office, level funding is provided including authority to transfer from the revolving fund; and

A $1.5 million management audit of GPO will be conducted by the General Accounting Office.

FISCAL YEAR 1998 LEGISLATIVE APPROPRIATIONS, H.R. 2209—DIFFERENCES BETWEEN CONFERENCE AGREEMENT AND HOUSE ADOPTED BILL

On July 28, 1997, the House passed H.R. 2209, the fiscal year 1998 appropriations bill. The bill appropriated $1.7 billion ($1,711,417,000) for the salaries and expenses of the House of Representatives, various joint items (Capitol Police, Joint Committees, the Guide Service, etc.), Congressional Budget Office, Office of Compliance, Architect of the Capitol (excluding Senate office buildings), the Library of Congress, Government Printing Office, and General Accounting Office.

On July 29, 1997, the Senate passed H.R. 2209 after adding funds for Senate operations and amending the items contained in the House bill for other legislative agencies. That bill totaled $2.3 billion ($2,283,746,000).

On September 17, the committee of conference reported an agreement on H.R. 2209 which appropriates $2.2 billion ($2,248,676,500). In addition, $158 million in offsetting receipts and reimbursements are authorized.

DIFFERENCES BETWEEN HOUSE BILL AND CONFERENCE AGREEMENT

	House bill	Conference agreement	Difference
New items not contained in House bill due to traditional House-Senate comity:			
Senate and Senate office buildings		$513,076,000	+$513,076,000
Senate items in Capitol buildings and grounds		500,000	+500,000
Subtotal		513,576,000	+513,076,000
Comparable items contained in both House and Senate bills:			
House and House office buildings	$745,919,000	745,348,000	−571,000
Joint items	86,802,000	86,710,500	−91,500
Office of Compliance	2,479,000	2,479,000	
Congressional Budget Office	24,797,000	24,797,000	
Architect of the Capitol (excl. office buildings)	85,694,000	90,114,000	+4,420,000
Library of Congress (incl. CRS)	342,290,000	346,424,000	+4,134,000
Government Printing Office	99,916,000	99,729,000	−187,000
General Accounting Office	323,520,000	339,499,000	+15,979,000
Subtotal	$1,711,417,000	$1,735,100,500	[1] +23,683,500

[1] Plus 1.4 percent.

The conferees added funds to the House bill in three programs: The Architect of the Capitol, the Library of Congress, and the General Accounting Office.

Architect of the Capitol:

The conferees added $4.4 million above the House bill. Primarily, the increase was for high priority projects that cannot be delayed:

$775,000 for additional fuel costs at the power plant necessitated by the conversion of the 2 coal-fires burners to natural gas. The need for this conversion was identified after consideration of the House bill when the Architect was notified by local authorities that power plant emissions are exceeding legal standards;

$1,500,000 was added to finish the roofing replacement at the Thomas Jefferson Building. The additional funds will be used to augment the current work underway so that the vertical copper components of the roof are included in the job;

$1,000,000 was added for the design of the chiller replacements necessary at the east refrigeration plant. Replacement units are needed because the chlorofluorocarbon coolant is no longer available and will require an extensive replacement project; and

The balance of the increase, $1,145,000, includes several small projects and funds for the Conservatory staff who will be needed during the Conservatory renovation project.

Library of Congress:

The conferees added $4.1 million above the House bill, for two essential items:

$3.8 million was added for the integrated library system project, which will replace the currently outmoded bibliographic records. This project is ready for bid and the General Accounting Office is monitoring progress. Delaying this project will result in added costs to the $40 million now estimated, and will reduce or stretch out the savings and benefits expected; and

$625,000 was added to accelerate a replacement program for playback machines being used by blind and physically handicapped users of the Library's talking book collections.

General Accounting Office:

The conferees added $16 million to the House bill in order to stabilize the GAO program. GAO has been downsized by 25 percent in funding in two years and 33 percent in staff over a three year period. The conferees have provided an $8 million increase over 1997 ($16 million above the House bill) to cover the "mandatory" increase necessary for the COLA's and related employee benefits for the remaining 3,450 FTE's. There should be sufficient funds for additional training, travel (much of GAO's work is done in the field), technology upgrades, and incentive salary payments which have been curtailed for several years.

FISCAL YEAR 1998 LEGISLATIVE APPROPRIATIONS, H.R. 2209—DIFFERENCES BETWEEN CONFERENCE AGREEMENT AND ENACTED AMOUNTS FOR FISCAL YEAR 1997

On July 28, 1997, the House passed H.R. 2209, the FY 1998 appropriations bill. The bill appropriated $1.7 billion ($1,711,417,000) for the salaries and expenses of the House of Representatives, various joint items (Capitol police, joint committees, the guide service, etc.), Congressional Budget Office, Office of Compliance, Architect of the Capitol (excluding Senate office buildings), the Library of Congress, Government Printing Office, and General Accounting Office.

On July 29, 1997, the Senate passed H.R. 2209 after adding funds for Senate operations and amending the items contained in the House bill for other legislative agencies. That bill totaled $2.3 billion ($2,283,746,000).

On September 17, the committee of conference reported an agreement on H.R. 2209 which provides $2.2 billion ($2,248,676,500).

CHANGES BETWEEN HOUSE-CONSIDERED ITEMS IN THE FISCAL YEAR 1997 AMOUNTS AND FISCAL YEAR 1998 CONFERENCE AGREEMENT

	Enacted fiscal 1997	Conference agreement	Difference
New items not contained in House bill due to traditional House-Senate comity:			
Senate and Senate office buildings	$481,498,000	$513,076,000	$+31,578,000
Senate items within Capitol buildings and grounds	350,000	500,000	+150,000
Subtotal	481,848,000	513,576,000	+31,728,000
Comparable items contained in both House and Senate bills:			
House and House office buildings	716,654,200	745,348,000	+28,693,800
Joint items	88,581,000	86,710,500	−1,870,500
Office of Compliance	2,609,000	2,479,000	−130,000
Congressional Budget Office	24,532,000	24,797,000	+265,000
Architect of the Capitol	113,633,000	90,114,000	−23,519,000
Library of Congress (incl CRS)	331,758,000	346,424,000	+14,666,000
Government Printing Office	110,746,000	99,729,000	−11,017,000
General Accounting Office	332,520,000	339,499,000	+6,979,000
Subtotal	1,721,033,200	1,735,100,500	[1] +14,067,300

[1] Plus 0.8 percent.

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

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

Mr. Speaker, I rise in support of the conference report on H.R. 2209, the Legislative Branch Appropriations Act for 1998. This has not been an easy year for this bill, but the gentleman from New York, Chairman WALSH, has worked exceptionally hard to keep the bill moving and to forge a decent compromise in conference. He deserves great praise for his work, and I personally also wanted to thank the gentleman for the way he has treated me with dignity and respect and our staff.

Mr. Speaker, it is our responsibility on this subcommittee to provide the people's branch of our Government with the resources needed to carry out our legislative and oversight functions effectively, although some in this House do not seem to understand that. We must also consider the health and safety of all who work in and visit the Capitol complex and the physical integrity of this Capitol building and the other historic structures on our campus. Again, we sometimes run into the problem of some Members do not seem to care about that. There are necessary investments that still cannot be made within the spending limits of this bill. However, on balance the conferees have moved the bill in the right direction.

For the House alone, the conference report is about $25 million, or 3.6 percent, above fiscal year 1997, which is not an unreasonable increase.

□ 1315

Not counting Senate items, the conference report totals not quite $14 million, or less than 1 percent above fiscal year 1997. Levels in the conference report are modestly increased from the House bill for the Architect of the Capitol and the Library of Congress. The biggest difference between the House bill and the conference report is in GAO, which would receive the funding necessary to stabilize its staffing after 2 years of major downsizing.

I should also mention the Joint Committee on Taxation. Some have characterized House Democrats' efforts to reduce a requested increase of 12 staff positions, or 20 percent, for Joint Committee on Taxation for the year after the historic tax bill as partisan. Let me point out that Senators are, at least, as dissatisfied with JCT, and, at least, as insistent on reining it in as we are.

The concerns about the committee's role in making tax policy, its chief of staff, remember, acknowledged that tobacco lobbyists wrote the secret tobacco tax break that surfaced in the bill, and its responsiveness to Members are completely bipartisan. Indeed, the chairman of the Senate subcommittee was harshly critical of the Joint Committee on Taxation in conference. He was the author of bill language that would have cut the JCT increase to 1 staff position and required JCT to use that position to assist Members who are not on the Tax Committees.

In conference, the Senate gave in on this bill language, but pressed very hard for compromise report language found on page 26 of the conference report that puts joint tax on notice with the following: That both House and Senate Members expect timely and responsive assistance with revenue estimates, regardless of the committees they sit on; the conferees will monitor the committee's responsiveness, and, if improvements are not evident, the conferees may take statutory action next year.

So, we see the frustrations are real and held on both sides of the aisle and on both sides of the dome. The leadership of the Tax Committee should take note of this.

Mr. Speaker, in closing, I support this conference report and urge my colleagues to support it so we can get the bill enacted before the start of fiscal year 1998 next week.

Mr. ADERHOLT. Mr. Speaker, I rise today to speak out against an increase in pay for Members of Congress.

The Federal Government is still spending more than it takes in. Despite the fact that we have passed the historic balanced budget bill which will balance the budget by 2002, until that date, we are still adding to the national debt that we will pass onto the next generation of Americans. I believe to allow a pay raise for Members of Congress at this point in time is not the responsible thing to do.

Congress should not be increasing its pay while we have such a large national debt, especially when we are adding to that debt every day. This is one reason I am cosponsoring H.R. 632, the Balance the Budget First Act of 1997, introduced by Congressman JON CHRISTENSEN. This legislation not only repeals the automatic pay increase for Members of Congress, but it also expresses the sense of the Congress that pay of Members of Congress should not be increased until the Federal budget has been balanced.

I appreciate that under current law, the pay increase for Members of Congress is tied to the pay increase for the Federal Judiciary. That is why I am an original cosponsor of H.R. 2517, introduced by my colleague from Alabama, Congressman BOB RILEY. This legislation, like H.R. 632, would eliminate the automatic pay increase only for Members of Congress, not for Members of the Federal Judiciary.

I hope that we will have the good sense to listen to the American people and prevent this pay increase for Members of Congress.

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

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

The SPEAKER pro tempore (Mr. BEREUTER). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 309, nays 106, not voting 18, as follows:

[Roll No. 432]

YEAS—309

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Collins
Combest
Cook
Cooksey
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lowey
Lucas
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Sessions
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spence
Stokes
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—106

Barcia
Barr
Barrett (WI)
Barton
Becerra
Berry
Bilirakis
Blunt
Brady
Bryant
Bunning
Burr
Carson
Chabot
Chenoweth
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Cox
Davis (IL)
DeFazio
Deutsch
Doggett
Ensign
Eshoo
Fox
Gejdenson
Gibbons
Goode
Goodling
Green
Gutierrez
Hall (TX)
Harman
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hooley
Hostettler
Hulshof
Hutchinson
Johnson, E. B.
Jones
Kind (WI)
Kucinich
Lampson
Largent
Lewis (KY)
LoBiondo
Lofgren
Luther
Maloney (CT)
McHale
Miller (CA)
Minge
Moran (KS)
Myrick
Neumann
Nussle
Paul
Pease
Poshard
Radanovich
Ramstad
Riley
Roemer
Roukema
Royce
Rush
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Shadegg
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (MI)
Smith, Linda
Souder
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Traficant
Turner
Watkins
Watts (OK)
Weller

NOT VOTING—18

Armey
Bonilla
Coble
Emerson
Flake
Foglietta
Gonzalez
Graham
Hastings (FL)
Hunter
Inglis
Kasich
Parker
Peterson (MN)
Portman
Schiff
Smith (OR)
Spratt

□ 1341

Ms. SLAUGHTER, Mrs. MYRICK, Mrs. TAUSCHER, and Messrs. BRYANT, DAVIS of Illinois, RILEY, SKELTON, GIBBONS, and HILLEARY, Ms. EDDY BERNICE JOHNSON of Texas, Ms. ESHOO, and Messrs. COX of California, BARR of Georgia, LAMPSON, SMITH of Michigan, FOX of Pennsylvania, CLEMENT, and HAYWORTH changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

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

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Massachusetts [Mr. TIERNEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 82, noes 325, not voting 26, as follows:

[Roll No. 433]

AYES—82

Ackerman
Allen
Andrews
Barrett (WI)
Bartlett
Becerra
Berry
Blumenauer
Bonior
Borski
Brown (OH)
Cardin
Clay
Clyburn
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Harman
Hefner
Hostettler
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lampson
Levin
Lewis (GA)
Lowey
Maloney (NY)
McDermott
McGovern
McNulty
Meehan
Miller (CA)
Mink
Moakley
Myrick
Nadler
Neal
Obey
Olver
Pallone
Pascrell
Pelosi
Rodriguez
Sawyer
Scott
Slaughter
Stark
Strickland
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Visclosky
Waters
Waxman
Woolsey
Yates

NOES—325

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth

Hefley	John	LaTourette
Herger	Johnson (CT)	Lazio
Hill	Johnson, Sam	Leach
Hilleary	Jones	Lewis (CA)
Hilliard	Kanjorski	Lewis (KY)
Hinchey	Kasich	Linder
Hinojosa	Kelly	Lipinski
Hobson	Kildee	Livingston
Hoekstra	Kim	LoBiondo
Holden	King (NY)	Lofgren
Hooley	Kingston	Lucas
Horn	Kleczka	Luther
Houghton	Klink	Maloney (CT)
Hoyer	Klug	Manton
Hulshof	Knollenberg	Manzullo
Hutchinson	Kolbe	Mascara
Inglis	Kucinich	Matsui
Istook	LaFalce	McCarthy (MO)
Jackson (IL)	LaHood	McCarthy (NY)
Jackson-Lee (TX)	Lantos	McCollum
	Largent	McCrery
Jenkins	Latham	McDade
McHale	Portman	Smith (MI)
McHugh	Poshard	Smith (NJ)
McInnis	Price (NC)	Smith (OR)
McIntosh	Pryce (OH)	Smith (TX)
McIntyre	Quinn	Smith, Adam
McKeon	Radanovich	Smith, Linda
McKinney	Rahall	Snowbarger
Meek	Ramstad	Snyder
Menendez	Rangel	Solomon
Metcalf	Redmond	Souder
Mica	Regula	Spence
Millender-McDonald	Reyes	Spratt
	Riggs	Stabenow
Miller (FL)	Riley	Stearns
Minge	Rivers	Stenholm
Mollohan	Roemer	Stokes
Moran (KS)	Rogan	Stump
Moran (VA)	Rogers	Sununu
Morella	Rohrabacher	Talent
Murtha	Ros-Lehtinen	Tanner
Nethercutt	Rothman	Tauzin
Neumann	Roybal-Allard	Taylor (MS)
Ney	Royce	Thomas
Northup	Rush	Thornberry
Norwood	Ryun	Thune
Nussle	Salmon	Thurman
Oberstar	Sanchez	Tiahrt
Ortiz	Sandlin	Traficant
Owens	Sanford	Turner
Oxley	Saxton	Upton
Packard	Scarborough	Velázquez
Pappas	Schaefer, Dan	Walsh
Parker	Schaffer, Bob	Wamp
Pastor	Schumer	Watkins
Paul	Sensenbrenner	Watt (NC)
Paxon	Serrano	Watts (OK)
Payne	Sessions	Weldon (FL)
Pease	Shadegg	Weller
Peterson (MN)	Shaw	Weygand
Peterson (PA)	Shays	White
Petri	Sherman	Whitfield
Pickering	Shimkus	Wicker
Pickett	Shuster	Wise
Pitts	Sisisky	Wolf
Pombo	Skaggs	Wynn
Pomeroy	Skeen	Young (AK)
Porter	Skelton	Young (FL)

NOT VOTING—26

Baesler	Gekas	Roukema
Berman	Gonzalez	Sabo
Bonilla	Greenwood	Sanders
Burr	Gutierrez	Schiff
Buyer	Hastings (FL)	Taylor (NC)
Cooksey	Hunter	Vento
Flake	Hyde	Weldon (PA)
Foglietta	Markey	Wexler
Frost	Martinez	

□ 1402

Mr. THUNE and Ms. HOOLEY of Oregon changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 239

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment numbered 1 in part 2 of the report of the Committee on Rules, if offered by the Member designated in the report, which may amend portions of the bill not yet read for amendment. The amendments printed in part 2 of the report of the Committee on Rules may be offered only by a Member designated in the report and, except for the amendment numbered 1, may be offered only at the appropriate point in the reading of the bill. The amendments in part 2 of the report of the Committee on Rules shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 2 in part 2 of the report of the Committee on Rules are waived. Points of order against the amendments numbered 1 and 3 in part 2 of the report of the Committee on Rules for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, OH [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order H.R. 2267, the Departments of Commerce, Justice and State, and related agencies appropriations bill for fiscal year 1998 under an open rule. It waives all points of order against provisions of the bill as amended by this rule, containing unauthorized appropriations or constituting legislation in appropriations bills.

The rule self-executes the adoption of an amendment contained in the Committee on Rules report providing for judicial review of census sampling. It also makes in order three additional amendments contained in the report and provides the appropriate waivers. The rule also contains the standard procedures for priority recognition of amendments and the rolling of votes on amendments, as the reading clerk has outlined.

Mr. Speaker, this is a very reasonable rule that allows the House to work its will on a number of very contentious issues. It provides several options for dealing with the issue of reimbursing individuals paid by the Clerk of the House for legal expenses in conjunction with an unjustified Department of Justice prosecution.

It provides for the consideration of compromise language in the form of an amendment by the gentleman from Indiana [Mr. BURTON], the chairman of the Committee on Government Reform and Oversight, dealing with the Legal Services Corporation.

The rule also provides for a Mollohan-Shays alternative on funding for Census 2000 and the use of funds for activities related to sampling.

At the request of the minority, the Committee on Rules increased the debate time on that amendment from 30 minutes to 80 minutes.

Mr. Speaker, we have every right to be concerned about the Census Bureau's proposal to use statistical sampling to determine our Nation's population, especially since our U.S. Constitution very specifically states actual enumeration should take place. Statistical sampling is fraught with the potential for abuse.

One can only imagine how an administration policy which has actually led to the registration of noncitizens with criminal records to vote could also potentially lead to the abuse of statistical sampling.

I would like to commend the gentleman from Kentucky [Mr. ROGERS], the chairman, for his tremendous effort in putting together a bill that reflects our Nation's values and priorities. It provides additional funding for State and local law enforcement, juvenile crime control, State prison grants and drug enforcement, including efforts to stop drug trafficking across our borders.

The bill recognizes the ongoing financial burden that States bear for incarceration of illegal aliens. States such as my State of California and others heavily impacted by illegal immigration will be able to finally get additional relief from those burdens.

The bill also contains very important funding for the National Endowment for Democracy, which has played a key role in the peaceful transitions to democracy in Poland, Chile, and South Africa. On a budget of just $30 million, Mr. Speaker, the National Endowment for Democracy works in over 90 countries helping democratic forces. Countries like China, Cuba, Burma, Iraq, the Sudan, Nigeria, and the Republics of the former Yugoslavia have benefited from programs of the National Endowment for Democracy.

In China, the International Republican Institute, an organization with which I am happy to be affiliated, has made tremendous strides in bringing real democratic reforms in village elections across that country. By educating over 500 million Chinese people in the principles of democracy, the International Republican Institute and the National Endowment for Democracy are creating the foundations for a more prosperous and democratic China.

Mr. Speaker, since history shows that nations living under freely elected democracies are not military aggressors, spending a few million dollars for democracy building today will save billions of dollars later in defense spending because there will be fewer threats to our national security or our interests.

The bill also reduces funding for the Department of Commerce while maintaining the necessary resources to monitor and enforce our trade agreements, preserve core scientific programs, and refocus the Department toward its basic functions of trade promotion and public safety.

Mr. Speaker, this rule does not attempt to hide the fact that there are a number of, as I said earlier, contentious issues in this bill, but it deals with those issues in a fair and balanced way that allows all sides to be heard, and ultimately the House will work its will.

□ 1415

So, Mr. Speaker, I urge my colleagues' support of both the rule and of the bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from California [Mr. DREIER] for yielding me the time. This is an open rule. It will allow full and fair debate on H.R. 2267, which is a bill that makes appropriations for the Department of Commerce, Justice, and State and related agencies.

Under the rule, germane amendments will be allowed under the 5-minute rule and the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments as long as those amendments do not violate House rules.

Also the rule itself executes an amendment by the gentleman from Illinois [Mr. HASTERT] substituting new language for a provision in the bill regarding statistical sampling in the 2000 census.

In addition, the rule waives points of order against three proposed floor amendments. One of these, to be offered by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Connecticut [Mr. SHAYS], is a bipartisan effort to resolve a conflict over statistical sampling in the census. I appreciate the Committee on Rules making this amendment in order. Unless this amendment passes to change the bill's census provision, the administration will consider vetoing the bill.

Also, the rule also makes in order an amendment by the gentleman from Illinois [Mr. HYDE] concerning the payment of litigation expenses when a defendant prevails in Federal prosecution. The administration also here has threatened to veto the bill if this amendment is included because of the chilling effect it could have on Federal prosecutions.

I want to point out that the bill includes $2 million for Small Business Development Center defense economic transition initiatives. This assists small businesses that make the transition to a peaceful economy after the end of the cold war. And one of the centers is located in Kettering, OH, which is in my district. It has a very successful record of helping former employees of the Defense Electronics Supply Center of Kettering which was closed through the defense base closure process. It has also helped with transition of the Energy Department's Miamisburg Mound plant which shut down its nuclear weapons operation.

Mr. Speaker, the Committee on Rules reported this rule in a voice vote, and I would urge adoption of this open rule and of the bill.

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

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], my very good friend from Lincoln, the chairman of the Subcommittee on International Economic Policy and Trade.

Mr. BEREUTER. Mr. Speaker, I do rise in support of the rule, and I thank the gentleman for yielding me this time, but I wanted to take this opportunity to speak about a subject that will be covered by the legislation which this rule makes in order, and that is the growing problem of alien smuggling facing Nebraska and other Midwestern States.

Mr. Speaker, Nebraska and Iowa are a major destination today for illegal aliens and alien smugglers due to extremely low unemployment rates, the number of meat packing plants and other labor-intensive industries, and the two major interstate highways which cross our two States, I–80 and I–29. The Immigration and Naturalization Service, the INS district office in Omaha which covers all of Nebraska and all of Iowa, has responded to 25 alien smuggling cases, and I say responded because there are many that they have not been able to respond to, and they have arrested 754 illegal aliens since October 1, 1996. As I said, they could not respond to some approximately 55 possible instances of alien smuggling involving 382 suspected illegal aliens in Nebraska and Iowa because the resources needed to respond were unavailable.

The INS Omaha district office has a staff of 19 special agents who handle all the enforcement responsibilities in the States of Iowa and Nebraska. The INS office in Denver has, on the other hand, 44 special agents, and the INS office in Kansas City has 32 special agents. While several of the larger districts in the INS central region have anti-smuggling units in place, the district covering Nebraska and Iowa does not.

September 3 to September 5 the INS district office responded to 2 cases of suspected alien smuggling, apprehending 2 groups, one containing 33 illegal aliens and one containing 18 illegal aliens. However, it did not respond to a third incident concerning 14 suspected illegal aliens. The reason given by the INS district office was to respond to groups of illegal aliens smaller than 15 is discretionary, given its limited capability, and on that day the Omaha office did not have the necessary staff available due to the fact

that some of those personnel from the Omaha office were on assignment in Guatemala, El Salvador, and south Texas.

This is a prime example, I believe, of the limitations placed on this district office's enforcement duties because of limited resources. It is clear that the Omaha INS district office needs more personnel and specifically designating an antismuggling unit; this problem is not being addressed.

In closing, this statement is intended to provide additional information explaining the reason for a colloquy that will be conducted with the chairman of the appropriation subcommittee, the gentleman from Kentucky [Mr. ROGERS], by the gentlemen from Iowa, Nebraska. It is an important issue for my constituents and the States of Nebraska and Iowa, and it cannot be overlooked.

I thank the gentleman for yielding me this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply want to make certain that Members on both sides of the aisle understand that if they are interested in either party's position on the census question and on sampling, there is absolutely no reason whatsoever to vote against this rule. The rule provides on a self-executing basis for the insertion of what will be considered the Republican preference on the issue. It also provides a straight opportunity for the gentleman from West Virginia [Mr. MOLLOHAN] to offer an amendment which would in essence allow sampling to go forward, as is the Democratic preference.

So, on either side of the aisle there is no reason to oppose this rule. Both sides have been accommodated fully.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], the chairman of the Subcommittee on Legislative and Budget Process and, of course, the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from greater San Dimas, CA, and the surrounding metropolitan area, the gentleman from California [Mr. DREIER], the vice chairman of the Committee on Rules, for yielding time. I rise in support of this open rule. This continues a trend of fair and responsible rules to get us through this year's appropriation process in an orderly fashion despite perhaps what some might call some dilatory tactics now and then.

I would like to begin by congratulating the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their work on this important package. It is not a perfect bill, as we all know, but given some very fiscal and political constraints that are real I think they have done an extraordinary job.

This appropriations bill, probably more than any other that we have, demonstrates the importance of making tough choices when we are spending our precious tax dollars. There are obviously many national priorities housed in the agencies and programs funded by this particular legislation. Fighting crime, winning the war on drugs, representing our interests overseas, securing our national borders are just prime among many others. There are also clearly some wasteful programs and agencies that come under the Commerce-Justice-State label that need to be trimmed back, perhaps phased out altogether, something we shall no doubt discuss through the debate under this open rule.

As a starting point for that discussion this bill does a good job of increasing our commitment in the highest priority areas while scaling back expenditures on what many consider lower priority items. For example, the bill provides $300 million for a new juvenile crime block grant that helps States attack a growing threat of crime in our communities. I think that will be well received. The incredible rise in crimes committed by young people is known everywhere. This trend has hit hard in my district, too, in southwest Florida. These dollars will enable local folks to develop local solutions, and they seem to work.

I am especially pleased that the bill provides a $100 million increase for the State criminal alien assistance program. By fully funding this program we have acknowledged the dilemma that States like Florida face every day in a big way, how to pay for the incarceration of criminal illegal aliens, and unfortunately we have too many in Florida. Securing our borders is a Federal responsibility. So when we fail to do that, live up to that responsibility, we need to face up to the consequences and provide the States with the necessary resources to do the job we could not do in Washington.

The bill also makes a strong case about our commitment to winning the war on drugs rather than just accepting stalemate. I am fully supportive of the $34 million allocation for a new Caribbean antidrug initiative as part of the overall increase in funding for drug enforcement.

Mr. Speaker, we know this bill is not perfect. The Economic Development Administration, a relic of what I would call the Great Society, remains intact despite mountains of testimony to its ineffectiveness, and to that end I support the gentleman from Colorado [Mr. HEFLEY] in his effort to scale back the EDA to the Senate-passed level.

But overall this is a good bill, it deserves our support, and as we have heard testimony from both sides of the aisle, there is no reason not to support the rule. So let us pass the rule and get on with the debate and finish this appropriations bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me.

Mr. Speaker, I rise in support of the rule. I would like to take this opportunity to thank the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], and the distinguished ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], for their fair consideration of the issues and for this rule. I am pleased that the Committee on Rules recommended an open rule for consideration of this bill that allows all Members on both sides of the aisle the opportunity to debate these serious issues thoroughly.

Although this rule self-executes the Hastert amendment related to judicial review of the 2000 census, it also makes in order a substitute to be offered by myself and the gentleman from Connecticut [Mr. SHAYS]. While I am strongly opposed to the Hastert language, I appreciate the Rules Committee making the Mollohan-Shays amendment in order and providing for such a generous time for debate. Let me also thank my chairman, the gentleman from Kentucky [Mr. ROGERS] for supporting my request for the Committee on Rules. It is in keeping with his overall constructive approach to legislating.

I will not address the details of the sampling amendment at this time; however, I do want to let my colleagues know that both Chairman ROGERS and I worked diligently in good faith to try to reach an acceptable compromise on this issue. However, in the end we were unable to reach an agreement, and the Hastert language has at least two fatal flaws which have forced us to offer this substitute Mollohan-Shays amendment.

It is important to note that the President's senior advisers will recommend that he veto this bill if it is passed in its current form. The new fiscal year is almost upon us, Mr. Speaker, and it is time that we pass this bill and send it to the President for his signature. If the Mollohan-Shays amendment is not adopted, we jeopardize the future of all funding provided in this important measure.

The rule before us today also allows for a consideration of an additional amendment that I, along with the gentleman from Pennsylvania [Mr. FOX], intend to offer. It will increase funding for Legal Services by $109 million, and I urge my colleagues to support this amendment. It is very similar to the one that was proposed and adopted last year.

In conclusion, this is a fair rule which allows for an open debate on the merits of sampling on the floor, and other important issues, and I urge my

colleagues to support the rule, Mr. Speaker.

Mr. GOSS. Mr. Speaker, we do not at this time have any additional speakers. I do not know what the status of the other side is.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I stand to support the Mollohan-Shays amendment and the rule.

Today I think this is a good rule. It permits the Census Bureau to continue planning for use of sampling.

The census always fails, Mr. Speaker, to count some people, but the under count is always higher among blacks and minorities, and if my colleagues can look at these data here which show the last six censuses and the under count that occurred at that time, they will note here beginning in 1940 each census, in each census the under count for blacks was more than 3 percent larger than it was for the whites.

□ 1430

The difference between the black undercount and the white undercount, Mr. Speaker, was greater, as you can see, in the 1990 census, which is here. In the 1990 census, 4.4 percent among blacks, more than any other census since the beginning of the count of the census. The 1990 census failed to count 1.4 million African-Americans. It also failed to count 2.6 million. So I am here to say to Members that this particular rule hopefully will support later on a greater accountability in our census. But the percentage of blacks that were not counted in 1990, 5.7 percent, was much larger than the percentage of whites not counted in 1990, which was 1.3 percent, as we can see from the chart. If we look here, those of us who can see the chart here, it was much greater in 1990.

Not counting, Mr. Speaker, African-Americans in the census did not originate recently; it originated with the Founders of the Constitution when they put in Article I, section 2 of the Constitution, way back in 1788.

To summarize, I am showing here that more blacks than non-blacks have been missed in the census. This rule is a good rule. It is a rule that understands that every American should be counted. The undercount has been significant. Let us be sure this time that we have an appropriate count.

Mr. HALL of Ohio. Mr. Speaker, I yield two minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Speaker, I am here today to express my support for the rule that will in fact permit us to have hopefully a rational discussion dealing with the year 2000 census. I am afraid that part of this discussion that we have been subjected to is a very clear example of the cold hand of partisan politics on something that needs to be enshrined, I think, in a very positive and constructive fashion.

The census is clearly designed to get an accurate count of the Nation's population. But according to the director of the census under President Bush, the current enumeration methods fall far short and simply "cannot count everybody."

Minorities and low income populations in cities are often underrepresented as a result, meaning that people who often need help the most are often not counted by their Government and are denied their fair share of government funding. It means billions in States like Texas and California.

Rather than wasting taxpayer money and pouring millions of dollars into a census effort trying to deal with a head count which ultimately will in fact fail, we propose a commonsense solution to save the taxpayers money and come up with a more accurate count.

Under the sampling plan, 90 percent of the population would still be counted using traditional methods. Sampling would only be used in those areas where the census response rate is dramatically lower than normal, and any adjustment would rely as much as possible on existing statistical information.

The scientific community is overwhelming in their endorsement of this approach. The Justice Department in the last three administrations, Reagan, Bush, and Clinton, has held that sampling is in fact constitutional. If we rely on old census methods, millions of Americans will be missed in the next census, tax dollars will continue to be wasted. Including census sampling in the next census will ensure we have the fairest, most accurate census in our Nation's history.

The irony is that the politicians, who when the chips are down spend hundreds of thousands of dollars based on sampling techniques, are not willing to allow this methodology to be used to guarantee an accurate and fair census. That is an outrage.

Mr. HALL of Ohio. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule because the rule allows this bill to be amended freely and this bill needs to be amended. It allows an amendment to increase funding for the Legal Services Corporation, which we need to do, and it allows an amendment to have a fair census, which we need to do.

We are going to hear arguments about which party benefits maybe from a revised census count, but this is not a partisan issue. It is really about fairness to every single citizen in the United States. And to the extent that we fail to count any one individual in our Nation, we do a disservice to our process.

We make it possible for some people to have greater representation than other people, and we should make sure that that does not happen.

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

Mr. Speaker, we continue to have no speakers from here, but I did want to point something out, that this is the debate on the rule, and we all agreed this was a very important subject, the question of how we do the census constitutionally and accurately. It matters to everybody in this country.

We had therefore almost tripled the amount of time at the request of the gentleman from the Commonwealth of Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, my former chairman and good friend, and I thought we provided for ample debate.

I suggest we take this noncontroversial rule and support it and get it passed and then get to the orderly process.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I will be voting for the amendment offered by the ranking member of the subcommittee.

The effort to get a Supreme Court decision on the census before we take the census simply will not work. The American Constitution is very clear. For once I wish some of my colleagues paid more attention to the very clear writing of Justice Scalia. You cannot by statute constitute the U.S. Supreme Court as an advisory body to tell us in advance of what happens.

There is an amendment that says you cannot go forward with the census sampling until the Supreme Court has decided it, but the Supreme Court will disregard this. Have we not learned from what happened with the line-item veto? The requirement that there be an actual case or controversy and an aggrieved party is something that is strictly enforced by the U.S. Supreme Court.

Mr. Speaker, if Members want to ban sampling, they ought to offer that as a vote. I would not be for it. But no one should console themselves that we can vote to have the Supreme Court by our instruction take a case which constitutionally they will not take and then have solved the problem.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me time, and rise in support of the rule and the Mollohan-Shays amendment.

Mr. Speaker, we have never performed a census that did not contain

an undercount. As long ago as George Washington, Thomas Jefferson lamented the inability to perform an accurate census. As a result, the Census Bureau has constantly reviewed the practices and worked with scientists to develop the most accurate census possible.

Years of work and years of scientific advancements have led this Census Bureau and the National Academy of Sciences to conclude that using sampling in addition to enumeration is the best possible option for an accurate census.

We spent in 1995 as a Nation $33 million to test the value of sampling. Where is the logic in appropriating $33 million to test the science of sampling, and then throw out the results afterwards? There is no logic. It is convoluted.

In my own city of Patterson, NJ, the census did a sampling and increased in 1995, because there were three cities involved, 8,000 the number of people there.

Think of how many people are undercounted throughout America. Think in those areas where there are overcounts as well. The experiment of 1995 proved quite clearly the value and necessity of sampling. We cannot count noses by simply counting noses.

Some have argued that sampling is unconstitutional. The counsels of three separate administrations have ruled to the contrary.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the rule, because it will allow this body to have an opportunity to listen to the debate on the Mollohan-Shays amendment, which will rectify the severe injustice contained in the bill itself. I speak of the question of the census and the necessity of making it possible for the undercount that occurred in the last census to be corrected.

It was a very serious, inaccurate count, and requires that this body pay attention to it and correct it. Ten percent of the count of the census was wrong. GAO estimates an error rate of 26 million, including people who were missed, counted twice, or in the wrong place.

Equally disturbing is the undercount of the number of racial and ethnic groups in the last census that were not counted. Hundreds of thousands of Asian-Pacific Americans were not counted in the census, an estimated rate of 2.3 percent; for Hispanics, a rate of 5 percent; and African-Americans, a rate of 4 percent.

Mr. Speaker, I urge that this rule be adopted and a serious debate on the Mollohan-Shays amendment occur.

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

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

Mr. Speaker, I am willing to say that the majority is prepared to stipulate that this is a good rule; in fact, a very good rule. The majority is prepared to stipulate that it is noncontroversial. The majority is prepared to stipulate that we could get on with the debate and we will, therefore, reserve the balance of our time.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–134)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1997, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA to reduce its ability to pursue its aggressive policies of territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

□ 1445

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

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

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes 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 66, nays 348, not voting 19, as follows:

[Roll No. 434]

YEAS—66

Allen	Ford	McDermott
Andrews	Frank (MA)	McGovern
Barrett (WI)	Furse	McNulty
Becerra	Gejdenson	Miller (CA)
Berry	Gephardt	Mink
Bonior	Gutierrez	Moakley
Borski	Harman	Neal
Brown (OH)	Hefner	Obey
Cardin	Hinchey	Olver
Conyers	Hostettler	Pallone
Coyne	Hoyer	Pelosi
Davis (FL)	Jefferson	Sawyer
DeFazio	Johnson (WI)	Slaughter
Delahunt	Johnson, E.B.	Solomon
DeLauro	Kaptur	Strickland
Dellums	Kennelly	Stupak
Deutsch	Kind (WI)	Tauscher
Doggett	Lampson	Tierney
Eshoo	Levin	Torres
Evans	Lewis (GA)	Towns
Fazio	Lowey	Waxman
Filner	Martinez	Woolsey

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Abercrombie	Bono	Clyburn
Ackerman	Boswell	Coble
Aderholt	Boucher	Coburn
Archer	Boyd	Combest
Armey	Brady	Condit
Bachus	Brown (CA)	Cook
Baesler	Brown (FL)	Cooksey
Baker	Bryant	Costello
Baldacci	Bunning	Cox
Ballenger	Burr	Cramer
Barcia	Burton	Crane
Barr	Buyer	Crapo
Barrett (NE)	Callahan	Cubin
Bartlett	Calvert	Cunningham
Barton	Camp	Danner
Bass	Campbell	Davis (IL)
Bateman	Canady	Davis (VA)
Bentsen	Cannon	Deal
Bereuter	Capps	DeGette
Bilbray	Carson	DeLay
Bilirakis	Castle	Diaz-Balart
Bishop	Chabot	Dickey
Blagojevich	Chambliss	Dicks
Bliley	Chenoweth	Dingell
Blumenauer	Christensen	Dixon
Blunt	Clay	Dooley
Boehlert	Clayton	Doolittle
Boehner	Clement	Doyle

Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
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
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—19

Berman
Bonilla
Collins
Cummings
Foglietta
Gonzalez
Hastings (FL)
Hunter
Markey
Nadler
Norwood
Rangel
Riggs
Roukema
Scarborough
Schiff
Stokes
Vento
Weldon (PA)

□ 1503

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct the conferees on H.R. 2378, and that I may include tabular and extraneous material.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2378, be instructed to insist on the House position providing $514,000 for the fourth year of operation of the Exploited Child Unit of the National Center for Missing and Exploited Children.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] is recognized for 30 minutes.

PARLIAMENTARY INQUIRY

Mrs. LINDA SMITH of Washington. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I would ask, is the gentleman from Arizona [Mr. KOLBE] opposed to the motion?

Mr. KOLBE. Mr. Speaker, I am not opposed to the motion to instruct conferees.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I say I am opposed to this motion not because of its content, but I am opposed because in the present form it is missing an addition I think is important to be before this House, the addition of language relating to a pay raise.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. KOLBE] will be recognized for 20 minutes, the gentlewoman from Washington [Mrs. SMITH] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

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

Mr. Speaker, I thank the Chair for that ruling. Mr. Speaker, on May 24, 1993, a 10-year-old little boy, Stanley Burdynski, Junior, was abducted in suburban Prince Georges County, just a few miles from where we stand. Four and one-half years later he is still missing. We must never forget little Stanley. I am sure that every one of the Members has a Stanley or a Mary in their district, a child who has been abducted by a demented criminal person in their districts and in mine.

What this motion to instruct says is that we need to make sure that the fourth year of the program directed at the operation of the Exploited Child Unit of the National Center for Missing and Exploited Children is fully funded.

Mr. Speaker, we need to do everything in our power to ensure the fact that we, to the greatest extent possible, can protect our children from exploitation, from being taken from their families, from their neighborhoods, from their playgrounds, from their schools, by those demented souls of which I spoke, subjecting those children to abuse and, yes, even to death. That is what we will vote on in this motion.

I would hope that the House would stand united and unanimous in its commitment to speaking out and acting out and putting our money where our mouth is in the fight against the abusers of children in America.

In 1996 I worked with other concerned Congress men and women to gain funding to create the Exploited Child Unit at the Center for Missing and Exploited Children in the Treasury-Postal bill. John Walsh of America's Most Wanted spoke out and came to Capitol Hill, and had a press conference on this very issue, and said he needed to have every one of us, as he was doing on television every week, committed to the fight against abusers of our children.

This unit creates a greater awareness and generates leaders for law enforcement to combat child sexual exploitation. There are many efforts underway at the Federal level to combat child sexual exploitation that I want to tell the Members about.

□ 1515

Under the leadership of the FBI, each of the seven major law enforcement

agencies are coordinating efforts with the National Center to bring a priority approach to such child exploitation cases.

Through the 1994 crime bill, the Secret Service is working closely with the National Center, using unique forensic technology to track abductors. The Customs Service has established the International Pornography Investigation and Coordination Center. The U.S. Postal Service continues its aggressive efforts to crack down on child pornography. The FBI has also established a child abduction and serial killers unit.

Mr. Speaker, I hope that through these efforts we can create a new awareness throughout the land and make America's children safer and more secure. I urge my colleagues to support this very important effort to protect our children against exploitation, sexual abuse, and yes, even murder.

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

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

Mr. Speaker, I rise in support of the motion of the gentleman from Maryland [Mr. HOYER] to instruct conferees. I think he has outlined very well the importance of the National Center for Missing and Exploited Children. It is a very small part of our bill, it is a very small part of the funding, but it is a critical part.

A few months ago, during our hearing process, I went over to Virginia and visited this office. It breaks my heart when I see some of the posters that are on the wall, some of the letters that are there from families who have lost their child, who desperately want help in trying to find that child, and turn in sheer despair, with no other place to go to but to the National Center for Missing and Exploited Children.

Sometimes it is hard for us in Congress to take a lot of credit or a lot of pride in the things we do. But if there is anything we can take pride in, it is the fact that we have funded this National Center.

It is one, as the gentleman from Maryland [Mr. HOYER] pointed out, that had its beginnings with John Walsh, whose son, Adam, was brutally kidnapped and murdered in Florida more than a decade ago. John Walsh started a private foundation. Due to the work of some other people, we came along a few years ago and we joined hands and created the National Center for Missing and Exploited Children.

We provide about $2 million to the Secret Service to assist in the investigations of missing children, mostly for fingerprinting, identification, handwriting analysis. The $514,000 that is the subject of this motion here is earmarked specifically for the exploitation unit which has been established.

We think it is absolutely critical that we deal not only with the children who are missing, but those who are being exploited by, as the gentleman from Maryland [Mr. HOYER] said, the demented souls who would use them, use children for pornography, who would abuse them mentally, who would abuse them physically.

That is what this Center for Exploitation deals with. We have never had a specific unit in the National Center dedicated to this before. We would earmark these funds in order to be sure that this is adequately funded and that we really can focus on this issue. That is really the subject of what we are debating here today.

I certainly hope that we will go to conference with a strong message urging our conferees to stand by our language on this so that we can go to the Senate and say "This is something we strongly believe in."

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

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think it is very important that the first thing that we say is "We like this amendment." It makes sense. It made sense when we passed it. The protection of exploited children is a national issue important to all Americans' hearts.

But confidence in this Congress to handle fairly all issues vital to citizens is clouded by previous procedures used to allow a salary increase for Members of Congress to go through just last week without a vote. We are just going to ask to oppose the motion in its present form, not the content. We just want to add something. We would like to add that we would like to take the Senate language, they already voted against a salary increase, so we would say that to slow down a couple of minutes on this floor, to add this salary increase motion to this other vital motion is not much to ask to restore the confidence in America in Congress, in what we are doing.

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

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

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

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. HAYWORTH.]

Mr. HAYWORTH. Mr. Speaker, I thank the gentlewoman from Washington [Mrs. LINDA SMITH], for yielding me the time.

I would like to commend my colleagues on both sides of the aisle, the gentleman from Maryland [Mr. HOYER] and the gentleman from Arizona [Mr. KOLBE], for again bringing our attention to this vital issue.

Again, Mr. Speaker, it is important to reiterate that we agree on making sure that resources are there to make sure that we reach out to find those children who are missing, who are abducted.

But there is another question dealing with resource allocation, dealing with the finances of this country, which we must deal with in this very House, and it has to do with pay for Members who serve here in the Congress of the United States.

It is a vexing question and a unique question for those of us who sit in this Chamber who are charged, if you will, with the country's bank account, who have seen time and again overdrafts on that account, overdrafts that would not be countenanced for a single nanosecond outside the halls of Government. But because Government can make the rules, Government can engage in creative accounting.

Sadly, that has been the case all too often. Members here work hard. That is not the issue. But public service is a privilege rather than a career. Many Members of this institution have made financial sacrifices. That is something that at times is the price of freedom.

Another real world standard that seems to have left this debate is the notion of performance. In education, in business, in athletics, indeed in every endeavor in life, work or play, there is a performance criteria that must be accepted.

Speaking for myself and the people I represent in the Sixth District of Arizona, my constituents have made it crystal clear to me, and indeed I believe people from coast to coast and in Alaska and Hawaii as well, wanted those of us who serve in this Congress to work for fiscal accountability, to balance the budget, just as families around the kitchen table are forced to do. And at the very least, my colleagues, at the very least, Mr. Speaker, any increase in pay should be tied to performance.

I do not believe, in good conscience, that we who serve representing the citizens of the United States from a variety of walks of life, that we in good conscience can accept a cost of living adjustment or a pay hike, or whatever we want to call it, so long as we fail to balance the budget. That is the sole requirement I believe necessary for the American people to reward us, in their judgment, with a pay increase.

And indeed, Mr. Speaker, as we look from coast to coast and beyond to those who wear the uniforms of this Nation, who would put themselves in harm's way, we have read the accounts, we have heard the situation where some of those who defend America are forced to apply for food stamps to feed their families. How in good conscience can we rise even for a minimal cost of living adjustment when those needs still exist for those who would put their lives on the line?

Mr. Speaker, those who gathered at the structure we now call Independence

Hall in Philadelphia, in drafting that remarkable document that declared our independence from England in the Declaration of Independence, in those final key lines, our Founders said, "and to this we pledge our lives, our fortunes, and our sacred honor."

I would suggest, Mr. Speaker, that we can do no less. Vote "no" on the previous question.

Mr. KOLBE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I just want to give a little history. The gentleman from Arizona [Mr. HAYWORTH], my colleague and friend, spoke about performance and that we at this time should not receive any kind of a cost-of-living adjustment. I think it is worth the time for Members to understand where we have been legislatively with this.

It goes back before some of the Members who will speak on this were here. Because of the very great difficulty that we had with the issue of the pay raise, in 1989 this Congress passed a provision to permanent law, I want to underscore that, "permanent law," which took it out of the hands of Congress so that we would not engage in the kind of demagogic debate that sometimes goes on in this body over this particular issue. And we said that there would be a committee that would survey private sector wage rates for the previous year and the Federal employees would get an increase, a cost-of-living adjustment equal to that and that those at the very top of the scale, Cabinet officers, SES judges, executive service judges, and Members of Congress would get a cost-of-living adjustment that was half a percent below that, so that Members of Congress get a cost-of-living adjustment half a percent below what all other Federal employees would get.

Subsequent to that, of course, this Congress has entered into a number of debates on the subject. Despite the fact that we took it out of our own hands, we have entered into this debate and we have denied ourselves even the cost-of-living adjustment that was going to all other Federal employees.

It was specifically in order to avoid this debate of having Congress vote on whether it was raising its own salaries or giving itself a cost-of-living adjustment that we created that provision, that we adopted that procedure. I think it is important for Members of this body to know that that is the procedure that this body adopted.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, how wonderful it is to hear the same old speeches about how rotten a job the Members of Congress have done for the American people.

In the last 20 years, I have seen a moderate economy expand exponentially and then collapse. We have gone through various recessions. I have seen moderate inflation go to rampant inflation, 14, 15 percent rates of inflation, interest rates go to 21 percent. I have seen the Soviet empire, collapse. I have seen policies implemented to bring interest rates down, bringing inflation down, bringing unemployment down.

American people today are probably as well off as they have been in a generation. Interest rates are at a generational low. Inflation rates are at a generational low. The United States is not at war, hot or cold. I think we are doing pretty well. For the first time in 30 years, we have reached a balanced budget agreement, only a month ago. For the first time in 16 years, we have passed legislation for a tax cut for the American people.

For the speaker that was here two times ago to come before the House floor and say that the American people have been ill-served by the U.S. Congress is a disservice to the performance of this body and the other body.

□ 1530

The U.S. Congress is performing well, in bipartisan fashion, with conservatives and liberals and Republicans and Democrats alike working together. And to condemn the work product and say that we are lesser than all employees of the United States who all want a pay raise, to say that we are lesser than all Federal employees who have not missed a beat, or lesser than anybody else who gets an automatic cost-of-living adjustment does a disservice to the work product of this body.

I do not like to see the work product of the U.S. Congress denigrated when I believe that the last 20 years that I have witnessed have been some of the most productive years of American legislative history. The Congress found of its own self that practices of the past were questionable and should be abolished. The honoraria was given up in 1989 under the agreement that the Congress would be subject to the cost-of-living adjustment for every single year, but at a half point less than Federal employees. That agreement held for 2 years. In 1992, the Congress gave itself the last cost-of-living adjustment.

I daresay inflation has not kept constant, but the Congress has not had a cost-of-living increase, the Congress has not had any pay increase, and for Members to get on the floor and demagog and say they do not deserve any pay increase is for them to say that the American people do not deserve to keep up with the cost of living or that Federal employees do not deserve a cost-of-living adjustment.

It is not politically wise for me to stand here and make this speech. I will be roundly chastised in my district and around the country. But I believe strongly that for Members to demagog and say we are not worth what every other American citizen is worth, for Members to say that if you are a millionaire, you are better off, or you do not have to worry about pay raises, you only have to face up to the votes, the tough votes, is for Members simply to say the U.S. Congress is not worth the people's attention and their investment, and I do not believe that.

I believe that we are a productive, good body, and I believe that this cost-of-living adjustment is worth it. I believe that anybody that does not want the cost-of-living adjustment can do one thing: Say he does not want it and donate it to charity. That is all you have got to do.

I just put my last kid through college. All I have got to do is pay the bills. I am not independently wealthy. For those of our Members that do not have to worry about college bills or paying any bills, I am proud of you, because that is America. America is doing better. But I believe in public service, and I believe in equal pay for equal work, and I believe that if you do not believe it, you are wrong.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, if there is any belief that our constituents cling to with stubborn resolve, it is that each of us have come here to either enrich ourselves financially or advance ourselves politically. Frankly, in the last few days we have done very little to acquit ourselves of any of these charges. We have a continuing refusal to bring campaign finance reform to the floor of the House despite the fact that the public is clamoring for such a debate and such change. We will soon debate a bill on the floor that carves out a whole new category of citizenship just for Members of Congress. And then we have the pay raise, a pay raise that was disguised in a bill by parliamentary sleight of hand. And last night when an attempt was made to make in order a revisitation of that pay raise, it was ruled out of order by the Committee on Rules and described in today's paper as frivolous. Whatever good will this body has built up over the past few months given our bipartisan budget decision and other proposals that the public supports, it is being eroded quickly.

Benjamin Disraeli, when he came into the government in Britain, said, "I was told that the privileged and the people form two nations." That is interesting, because when I got involved in government in the United States, I was told just the opposite. But it appears that our actions of the last few days suggest there are, in fact, the privileged and the people. That needs to change. This is the people's House. Let us return to the people's business, and let us restore some of the people's trust in this institution. Defeat the previous question. Have the debate.

Discuss the pay raise. Vote for it if you believe in it. Vote against it if you do not. But do not let the highest legislative body in this democracy shun public scrutiny.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have been listening to some of those who favor this motion by the gentlewoman which seeks to void the cost-of-living adjustment for Congress. I think that they are very far removed from the realities here. Our constituents, in my opinion, oppose efforts by Congress to carve out special treatment for themselves, for example, subsidizing activities here or perhaps special services that other Americans do not receive. But I think that they understand the concept of a COLA. It is an inflation factor. It is a cost-of-living adjustment. It is the same type of COLA or inflation factor that other Federal employees get, that members of the judiciary get, that Social Security recipients get, and many others get. In fact, it is a little less, a half percent even less than those.

I think that we are really not relaying, if you will, to the American people what is really going on here if we continue to talk about it as somehow something privileged or something very special. It is not. That is the difference. I know that when I talk to my constituents, if I told them that we were going to vote ourselves a 15,000 or 20,000 or $25,000 pay raise, they would say, that's outrageous. You don't deserve it. But when we tell them that we are just giving ourselves a COLA and we proceed in the fashion just like other Federal employees, just like Social Security, just like so many other Americans, I think they understand that. I think they understand that all of us have to make a living and that over the years, inflation and costs go up, and that we are justified in doing so.

I know that there has been some argument here about the way that we have gone about it. There is no question in my mind that the gentlewoman is perfectly justified in bringing up this motion today and having us vote on it and articulating what she is all about. But the basic philosophy behind the COLA makes sense. I think that if we settled with it, if we said, "OK, we're going to have the COLA, and it's going to go on every year," we would get away from this whole idea of having to come to the floor and in some cases disguise what we are actually doing. It should be no different than other Federal employees. I understand why she is bringing up the motion, but I would urge that we defeat her motion.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I voted against the bill that would have a pay increase. In our own conference when the veterans' COLA came up, I fought against my own Republican Party because they wanted to cut a veterans' COLA. Why? Veterans sign on a dotted line that if they serve the amount of time in the service of this country, and at the end of that time that is the contract they operated under, they would have a retirement; and that that retirement, should it lose money each year because of inflation, that was not the intent. I chastised my own party for that. We turned that around.

If you had a pay increase that gave you more money than just maintaining parity, it is a parity issue, does the dollar maintain the same value that you came with, then I think Members have got the right to chastise what we are doing here. But in an amendment that maintains parity, that is a half a percent below actual parity, then I do not think the Members have a complaint as far as a COLA, because most of us support a COLA for Social Security. We support it for our veterans. We support it for Federal employees, because it maintains the dollar value that those individuals have in their paycheck. It is not meant to get less and less and less with inflation, depending on what it is. That is the same reason most of us support indexing of capital gains, because it indexes the value of that dollar right along with inflation.

I think it is disingenuous, maybe with good intention, but disingenuous, to suggest that this was a pay increase. It is not. Because I will vote against a pay increase, a COLA that is more than just meeting parity. I think that is wrong. I think it is wrong, and most of us this day will not vote for a pay increase. I ask my colleagues to vote against the motion.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Speaker, a lot of people in America have lost faith in the institution of Congress. It did not happen overnight. It has been building for many years. All they want us to do in honest, open debate is to listen to issues and do the right things for the right reasons.

Last week was not one of our brighter moments, because we did not do any of that. Rather than having an honest, open debate on a pay raise—and we respectfully disagree; I oppose it and some Members support it—rather than standing on the principle of honest, open government, we hid behind a procedure. That was a loss for Congress, and it was a loss for America. Last week we spent more time commemorating the life of Jimmy Stewart than we did debating a $28 billion bill and a pay raise for Congress. That is wrong. The issue is not the pay raise. It is how we are going about it and what we stand for.

We have Members that I have been very impressed with in my short 9 months here, and I do not deny their strong feelings for a pay raise. We are not going to get a straightforward, open vote on this. This is as close as we are going to get, but we are going to make every effort to at least tell the American public on this vote how we feel as a Congress about a pay raise.

And a final thought. I served in the Texas Legislature before coming to Congress. At one time we had a proposal to give the biggest tax increase in Texas history as a growing State, and we were told that it took courage and guts to vote for a tax increase, that the easy thing was to hold the line on the budget and to live within our means, but if we had courage and guts, we would vote for a tax increase. That was a silly argument then, and it is a silly argument to believe that it is difficult and courageous to vote yourself a pay raise. Ask any family in America, and that is an easy decision.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I rise in support of the motion to instruct offered by the gentleman from Maryland [Mr. HOYER] and in opposition to the motion of the gentlewoman to forgo the cost-of-living adjustment. I may be in a minority here among people who in 1992 took about a $25,000 cut when I was elected to the Congress of the United States. I had a successful law practice. I believe if I had been in the law practice for the 5 years that I have been here, I would probably have made by now $100,000 or $150,000 or $200,000 more than I have made as a Member of Congress. That to me is unimportant, because I signed on for this job with an expectation that we would maintain a level of parity in our salaries.

□ 1545

What is a lot more important than that to me is the judges who each year have contacted me and said, "Please, give us our cost-of-living adjustment so that we don't continue to lose good qualified people from our judiciary."

It is absolutely important in a democracy such as ours that we have qualified members of the judiciary, qualified members of the legislative branch, and qualified members of the executive branch.

I believe we have done a good job during the period that I have been in this body, and I encourage my colleagues to give up on this notion that we should browbeat ourselves and not maintain parity in our salaries.

Mr. KOLBE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me just cover once again what this bill is and what it is

not, what this motion is and what it is not.

The Treasury, Postal Service and general government appropriations bill that is before us does not have any provision dealing with Members' pay; it does not have any provision dealing with Federal employees' compensation or cost-of-living adjustments or Member's cost-of-living adjustments. There is, let me repeat, no provision in this bill dealing with compensation for Members or Federal employees. There is no provision dealing with this at all in our bill.

I think it is important that we keep that in mind because a lot of people have been saying that a vote on this bill has to do with a cost-of-living increase, a pay increase, increase in compensation for Members. It does not. And that is because this body and the other body, the Congress of the United States, decided in 1989 to take this issue out of our own hands and to make it that Members of Congress would get a cost-of-living adjustment and nothing else based on the increase in the ECI index, and that index with complicated formula which is different for Federal employees than Members of Congress because of the locality pay, but it is established that Members of Congress can never get beyond what a Federal employee gets in an increase in the cost-of-living adjustment.

That is the permanent law. That is the permanent law, and if Members of Congress do not like that, where are the bills to repeal that section? Why do we not have bills introduced? Why do we not get that debate on that issue? It is not an appropriation issue. There is no account in Treasury, this appropriation bill, for Members' salaries because Members are constitutional officers. There is no reason for us to vote on this bill and assume that we are in any way voting for an increase in Members' compensation.

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

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out that the Senate does have a provision to strike the pay raise, and that is all the gentleman from Indiana [Mr. MCINTOSH] wanted to say, that they have struck the pay raise.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I rise with somewhat mixed feelings on this whole issue, and I would like to start by joining the gentleman from Maryland in supporting what he is trying to do, and the protection of children is certainly very important to all of us, but I do think we need to add a provision that allows us a "yes" or "no" vote on the pay raise issue. And let me make it clear that I would oppose a pay raise at this point in time myself. Personally I am opposed to any elected body giving itself a pay raise, but that is not really why I am rising to speak on this particular issue.

What I am really opposed to is the way the bill was passed last week, brought up unexpectedly with virtually no notice and not giving the Members of this body the opportunity to have a "yes" or "no" vote on this very, very important issue. This type of action is what makes our constituents back home so angry, the idea that we are going to try and slide something through with people unaware. That is what makes the American people angry, and that is why I am rising to speak today.

I would like to speak specifically to some of my colleagues who believe the cost-of-living adjustment is acceptable. I understand where they are coming from, and I honestly believe there are many, many people in America that would concur that a cost-of-living adjustment is appropriate, and I would like to also align myself with comments of the gentleman from Louisiana [Mr. LIVINGSTON]. He is absolutely right. Good things have been done by this Congress. We are having the first balanced budget since 1969, the first tax cut in 16 years, and the responsibility for much of that credit should go to the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Ohio [Mr. KASICH] for bringing us to this point.

But to my colleagues that think the cost-of-living adjustment is acceptable and what their constituents would want them to vote for I simply say, "Stand up, cast your vote, let your constituents know where you stand and why you stand there." There will be a lot of people in America who say it is acceptable in the view of our first balanced budget and taxes coming down and Medicare restored, that a cost-of-living adjustment is acceptable. All we are asking for is an up-or-down vote. Just give us a vote so that the American people do not think we are breaking their trust because, my colleagues, that is what this is all about.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentlewoman from New Jersey.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I would like to associate myself with the gentleman's remarks. This is a question of accountability. I myself am for the COLA. But the point is we have to be accountable to the public on either side of the issue.

Mr. Speaker, I want to associate myself with the remarks of my colleague, Representative NEUMANN and to urge that we defeat the previous question and to oppose the procedure that allows Members to collect an automatic COLA and shields them from public accountability without an upfront vote.

When I took my seat in Congress in 1981, among the first pieces of legislation I introduced was a bill injecting a new degree of sunlight into the Members' compensation process. My legislation was straightforward:

Every increase in Member's salary or benefits or a favorable change in their tax treatment must withstand a recorded vote in this Chamber and the other body. Once approved, that pay raise or tax change could not take effect until after the next congressional election.

Our logic was simple. If Members' felt they deserved a pay raise, they should be willing to stand up and vote for it publicly. Furthermore, to allow their constituents to determine if their Member was deserving of that pay raise, that Member would have to stand for election before collecting the larger paycheck.

Mr. Speaker, the keystone here is accountability—something that has been completely lacking around here lately.

Like many of my colleagues, I was appalled at the "fast track" consideration of the Treasury-Postal appropriations bill last week. Despite all the protestations to the contrary, it is clear that the Treasury-Postal bill was rammed through this House in record time in an effort to avoid a vote on a pay raise amendment.

Is it any wonder that the American people are growing more cynical about Congress and the political process every day?

First come the headlines that we have slipped in to the tax bill a secret $50 billion tax break for big tobacco.

Now, we refuse to find a way to vote on an amendment that would prevent Members from collecting an automatic pay increase.

And here we are today. I urge my colleagues to defeat the previous question so that our colleague, LINDA SMITH, can offer a new motion to instruct the conferees to kill the pay increase. And I do not argue that we cannot justify a COLA—I think we can but not by hiding it and avoiding an upfront vote.

Mr. NEUMANN. Mr. Speaker, I will conclude my remarks by saying for goodness sakes, colleagues, just when we are starting to restore the trust of the American people in this institution by fulfilling our promises to reach a balanced budget, by bringing their taxes down for the first time in a generation, restoring Medicare for our senior citizens, we are just starting to restore the trust of the American people, let us not go and do something like this that they perceive to be a move behind closed doors and behind their back trying too slide something through. For goodness sakes, we are starting to restore that trust, let us have an up-or-down vote on this. If my colleagues believe a COLA is acceptable, vote "yes," and if my colleagues think their constituents do not want a COLA, well then for goodness sakes vote "no," but let us have the vote.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I rise to oppose any motion to delete the COLA for us as citizens and as workers in this government.

First of all, I resent the self-flagellation that I am hearing against Members of Congress and this institution which we so ably represent. I think I among others work as hard as anyone in this government, harder than some, so I am not ashamed to come to this podium today to say we deserve a cost-of-living increase. I give no excuses for having to ask this Congress to do this. If we are not ashamed of the work we do, then we should not be ashamed to stand up and say, yes, we believe, we do believe, in the cost-of-living.

Soap costs me as much as it does anyone else. I pay the same money for soap as the woman out there on Pennsylvania Avenue pays. I work just as hard as she does, and I say to this Congress we deserve to do this, and I just want to say to my colleagues, "You need some pride in the institution which you represent. If you're not proud of it, then think of David McCullough's words as he spoke to us in the bipartisan retreat and we were finding, what he said, some type of pride in what we do, and the willingness to go forward to speak up for this wonderful institution which was brought to us by our Founding Fathers."

And I quote Mr. McCullough and I do not have a lot of time, but he said it has been the will of heaven that we, the Members of Congress, should be thrown into existence in a period when the greatest philosophers and law givers of antiquity have wished to have lived. Right away we see he is saying it is the will of heaven, there are larger forces than we ourselves, and he is applying the moment against the standard of the past, and that is antiquity.

It is a very large degree, a lesson in propulsion, a period when a coincidence of circumstances without an example has afforded to 13 colonies at once, and he goes on and on, Mr. Speaker. What he is trying to say to us, that there should be pride in those of us who represent this institution.

I give no excuses for being a Member of Congress. I am proud of it, and I say that every Member of this Congress works hard enough for a cost-of-living increase. We deserve it.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in opposition to the most intellectually vapid and vacuous arguments I have heard in opposition to the COLA. The fact is there is no logical argument to be made against the COLA other than those people who enjoy self-flagellation, who enjoy pandering and do not have the guts to stand up for what they believe in. If they do not have the pride to accept a COLA which was set in law then, quite frankly, I do not think they deserve to be in the House of Representatives.

What are they ashamed of? We are talking about an American economy which is stronger than any economy in the history of the world. We are talking about an American Government which right now is not at war. There is not one American soldier losing his life or her life anywhere in the world today, and yet we have people coming before the House and saying the American people are outraged at the Congress. The only reason the American people have a reason to be outraged at the Congress is they listen to some of the ridiculous arguments that were made here today by people who want to pander, who want to appeal to the least common denominator and who want to tear down this institution.

I am proud to be a Member of Congress; I will be very proud to accept the COLA because I believe I earn my money. I also believe that the position of a Member of Congress deserves the increase, whether or not that person happens to be qualified or not qualified, and quite frankly listening to some people today, I can see why they do not want to take a pay raise, because they have a good self-analysis, and maybe they believe, as individuals, they do not deserve the pay raise.

But in spite of that I believe that the institution as itself, as an institution, deserves to have a COLA, deserves to keep in line with the American people and with the cost of living, because if my colleagues follow their logic, when would there have been a COLA; during the Depression? During World War II? During the Korean war? During Watergate? During the cold war? There would never have been a raise, and we would end up having what we are coming close to having today, a Congress of wackos and millionaires reaching a situation where working people, and I am talking about the gentleman from New York [Mr. ACKERMAN].

But in any event, very seriously, if we are to be proud of ourselves as an institution, if we are going to have enough self pride to stand up for what we believe in, let us have the guts to accept the COLA and not be pandering, not be yielding to the lowest common denominator.

So, Mr. Speaker, I rise in strongest opposition to the motion of the gentlewoman from Washington, and I ask my colleagues to show some guts, show some courage, stand up for what they believe in.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield a minute and a half to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, I rise here acknowledging the fact that people work very hard in Congress, but what I think we have to remind ourselves is the fact that we are not veterans, some of us are, we are not farmers, we are not teachers, all of whom deserve a COLA, but what we are is the elected representative Government of the United States of America, and as such I think we have to in essence be held to a higher standard because what the American public expects of us is that we lead by example.

When Washington crossed the Delaware 200 years ago he did not say to the folks, "You guys get in the boat, and I'll meet you on the other side." He got in the boat with them. And if my colleagues look at our budget, 73 percent of the cuts, the savings, whatever they want to call them, still come in the last 2 years of the budget, so there is much savings still expected from our American public, and as such I think we need to lead by example.

The second reason I rise in support of this amendment is for the simple reason of sunshine. The gentleman from Wisconsin [Mr. NEUMANN] already suggested this but just in terms of process I think it is very important, whether we think it is a good thing or think it is a bad thing, that we take an up-or-down vote.

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. FAZIO], who probably has taken more heat and shown more courage and more intellectual honesty on this issue than anybody in the House.

Mr. FAZIO of California. Mr. Speaker, I thank my good friend and colleague for those glowing remarks; I hope I live up to them. He certainly deserves a lot of credit for all the leadership he has provided on this issue.

Let me say that I want to speak more than anything else to the Members who have come here in the last 3 elections because I think they have overlooked a lot of history that this Congress struggled with throughout most of the 1980's and into this decade.

In 1989 a bipartisan task force was created and reported to this Congress a package of ethics reforms that I think are historic. Certainly that is what President Bush said when he signed them into law. They prohibited Members from accepting honoraria for speeches, a practice that was very prevalent here, and played into charges of special interest dominance; we severely restricted the ability of Members to receive outside income, in other words we could no longer put our name on the door of a law firm and draw down an income; we provided stricter financial reporting requirements which cover not only Members but all high-paid employees of this branch of government and others in the other two branches; we repealed the loophole that said we could take our campaign funds with us when we left Congress as income and live off them, and regrettably some had taken large sums with them; we restricted the ability to lobby in post-employment periods; and we also made a number of other changes that were fundamental and much acclaimed.

□ 1600

We took action to increase compensation, and, by the way, the gentlewoman from Washington was wrong in a press release she issued. It was not a midnight pay raise. It was debated and voted in the light of day, a majority of both parties supported it, and we were proud not only of our courage in dealing with the pay issue, but in our ability to reform ourselves in a way that was long overdue.

We dealt also with the conflict of interest that we all have. We are blamed if we vote ourselves a pay raise, and we are blamed if we create a mechanism which absolves us of that responsibility if it is a COLA and not a pay raise.

We took the employment cost index, which is the measure of private sector pay, and said in the year following, we would take whatever our constituents earned, reduce it by half a percent, and take that as a cost-of-living adjustment, not as a pay raise. In fact, a court in the District of Columbia, an appellate court, ruled that this COLA is not a pay raise. If it were a pay raise, like the increase we took in 1989 and 1990, we would have to vote on it by law. This reform required it. But we believe and polls confirm that a cost-of-living adjustment is acceptable to the American people. Otherwise, if we fail to take COLA's we will be back in the position of having to vote ourselves, periodically, a large pay raise—one we cannot defend to the public.

We wanted to avoid doing that, and yet at the same time compensate our judges, our executive officers, our top staff, yes, ourselves, by providing not what others were getting on average something less but making an attempt to keep pace with the cost of living. No more, no less.

It was, and I believe still is, the recommendation of a bipartisan, unanimous task force. Congress approved this as a way of avoiding the conflict of voting ourselves a pay raise.

Now, I realize that accountability is important. Credibility is also, just as it was then. I would urge every Member to either take the raise and be public about it as a cost-of-living adjustment, or not take it and be public about that, if that is what serves your personal needs or political interests. But do not come to the floor and prevent this mechanism which we agreed to in a bipartisan way from being implemented.

This is the key vote on whether or not Members have enough self-respect to adequately represent their constituents. I ask for an aye vote on the previous question and final passage.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I wanted to make a point that actually the majority voted against the pay increase last week, 102 to 112, so they would not have passed it had they been the only people here.

Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I am still trying to decide if I am a wacko or a millionaire. It is probably a wacko.

But as a businessman, for the last 32 years, the one thing that I do realize is if my company was $5 trillion in debt and still losing money, the last thing I would do is give management a pay raise. If we do that, we are sending the wrong message to this country.

That is why yesterday I introduced a bill that will for once and for all do away with COLA's. We do not need COLA's in this body. The people of this country want us to stand up like men and women, representing our own constituencies; they want us to stand up and vote on whether or not we should give that.

Is that too much to ask for the people of this country? My bill basically does away with COLA's, and if we want a pay raise, let us come to the floor, let us ask for the pay raise, let us vote on it, vote it up or down, and then we can go home and be accountable to our people.

But without that, Mr. Speaker, I think we will continue to go through this every year, as we have for the last 3 or 4 years, and every year the same debate comes up. So let us once and for all do away with the COLA's. If we want a pay raise, let us be up front about it, let us bring it before this body, and let everyone vote on it, and vote it up or down.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker, I rise to speak about the children, not the 27 pictures that I hold in my hand right now, whose pictures were printed in the Houston Chronicle on Sunday, all of whom were abducted and most of whom have been found, unfortunately, dead.

We have got to speak to the lives of the 114,500 children that the National Center for Missing and Exploited Children are trying to be the strong voice for and having them returned to their families. I think it is wrong for us to be playing politics with an issue as major as that of protecting our children. I find it very interesting that this is a day that we have so much interest on such a totally different issue.

We need to put our kids first, Mr. Speaker.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I would like to identify myself with the remarks of the previous speaker. I agree. And today's debate would not be needed if last week's event would not have occurred during the Treasury-Postal debate.

It was last week that we were supposed to be debating this type of motion and this issue. I walked onto the floor ready to talk about the issue, and whether you believe in the COLA or whether you disagree with the COLA, what we were talking about was a vote on the issue.

I was here, ready to talk about it. I stepped into the cloakroom and made a phone call, and by the time I came out, it had been slipped through and we voted on it, and it passed.

What we are talking about here is open, honest government. It is not about whether we deserve or do not deserve a COLA. What we are talking about is integrity in the institution. Like the gentleman from Wisconsin talked about earlier, whether you believe in it or do not believe in it, it is not right to be deceitful and deceiving the American people.

Mr. Speaker, I urge strong approval of this motion. Vote against the rule.

Mr. HOYER. Mr. Speaker, I yield myself 5 seconds to inform Members that the bill was on the floor for over three-quarters of an hour.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, there are two issues before us: One, do you favor or oppose an automatic pay raise; and the second is do you believe or do you not believe in accountability?

This first vote is are you willing to stand up for what you believe in? I have heard a lot of people talk about courage and principle here, and then tell everybody here that they want to cast a vote that is going to use procedure to avoid being counted for where they stand. Now, I do not think that is accountability and I do not think that is responsibility.

Mr. Speaker, I want to remind all Members in this Chamber, only by voting no on the previous question will we get the opportunity to give these people who profess courage the opportunity to actually cast a vote that they are claiming courage for.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of the Smith amendment. I ask my colleagues to consider the senior citizens living on fixed incomes, the American working families trying to make ends meet while holding down two to three jobs, working 7 days a week, and consider our young people, hoping to achieve the American dream, while paying off thousands of dollars in school loans and car payments. I ask Members to vote against the cost-of-living adjustment.

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

Mr. Speaker, before I yield the balance of my time to the distinguished majority whip, let me respond to a comment made a moment earlier about

this bill being slipped through. It was done in the middle of the afternoon. It had been on the whip notice for 2 weeks that it was coming up when we finished the interminable debate over Labor-HHS.

If in 48 minutes Members cannot find their way to the floor and offer an amendment, I do not know why. Maybe it says something. Maybe the cost of living adjustment is not justified under those circumstances. There was no attempt to be deceitful. There was no attempt to do anything that was not above board.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. DELAY], the distinguished Majority Whip.

The SPEAKER pro tempore [Mr. LAHOOD]. The gentleman from Texas is recognized for 4½ minutes.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to say if this were a pay raise, as so many have portrayed it, I would oppose it, what we are talking about here today. This is not a pay raise; this is about an inflation adjustment. It is about upholding a law that was passed in 1989.

I know Members have deep feelings on this issue. I just disagree with them. What is really sad to me in the press reports, because many journalists have gotten it wrong and they got it wrong mainly because they were told wrong. I was on the floor the entire time this bill was debated last week, and there were Members who were against the COLA that were on the floor and did not offer an amendment, even though it was germane, and chose not to use the procedure by which they could as Members of the House effect what they want.

This bill does not even speak to inflation adjustment. No appropriation bills do. In fact, to the gentleman from Montana, if you want to use procedure, you have to use procedure in order to have an amendment to change the law of 1989.

So I just say that if Members want sunshine and they want a vote on the law of 1989, then learn the legislative process. Introduce a bill and repeal or amend the 1989 law that set up the pay process that we go through.

The 1989 law that we passed, as many have said, is a law that tried to deal with this terrible issue of making sure that Members of Congress have a standard of living by which they can raise their families and live decently while they serve. No outside income is allowed. We eliminated outside income, except in certain cases.

Now, millionaires that serve here and people with previous businesses are able to supplement their income when they find out that they cannot live on this salary. Well, I challenge them to live on this salary and then come down here and oppose a cost of living adjustment.

We eliminated honoraria, which was a terrible practice, and instituted a pay raise that brought us into parity with the kind of purchasing power that Members had back in the 1970's. We did not have this huge pay raise. We just came back to that purchasing power.

Mr. Speaker, do you know what the purchasing power of the pay for Members of Congress was in 1969 if you use 1997 dollars? It is $186,676 in today's money. Yet we raised pay to $133,600. Now, where is the pay raise in that? So if you are going to be on this floor and talk about pay raises, at least get it in perspective about what we are talking about.

We passed a constitutional amendment, the Madison amendment, that was ratified in 1992, that said no pay raise would go into effect until there is an intervening election. I think that is the kind of reform that we should have done.

Now, where we shot ourselves in the foot is constantly allowing procedure to be used in order to bring an amendment to the floor nongermane to the bills, so we could all stand up and beat our chest and say "I am going to refuse the cost of living adjustment."

Mr. Speaker, I will tell you something: Members of this House have families.

□ 1615

They have two homes, in most cases. Some Members are living in their offices, because they cannot afford a second residence. The Members of this House are at the age when they have their children in college, and I have to tell my colleagues, and I am not making excuses or apologizing, it is difficult to raise a family and serve in Congress under these conditions, not to speak of the times that we spend away from our wives and children and the sacrifices they make to allow us to be here.

Well, I tell my colleagues, my wife, and my children sacrifice enough. They deserve a decent living, and I am going to give it to them, because I am going to vote for the previous question and vote for the motion to instruct.

Mrs. SMITH of Washington. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, first of all, let me point out that legislation has been introduced to end this automatic pay increase for Congress. In fact, one of my good friends, the gentleman from New York [Mr. SOLOMON], is a cosponsor of that, but for some reason, it has not been on the floor of this House for a vote. So to say that there are other ways to do this, I think, is somewhat disingenuous.

For the record, Members of Congress earn $133,000 each year. The COLA that we are talking about is a $3,000 pay increase that would go into effect next year, and my problem with this process is that there is too much unfinished business in this House for us to vote a pay increase for ourselves.

Many said it is merely a COLA, just like Social Security has a COLA. Well, Social Security still is not secure, because we are stealing from that trust fund to pay for the cost of Government.

They say it is just like the COLA in capital gains, but we failed to pass a COLA for capital gains. It was not indexed in our tax cut. They say it is just like the COLA for veterans, but we still have not made up the lost ground to our veterans from the Clinton cut in their COLA. So there is too much unfinished business in this Congress for us to be passing a pay raise.

Let me tell my colleagues exactly what will happen in a few minutes. We will be asked to vote on the previous question. I urge my colleagues to vote "no." What that does is say we will not have a gag process; we will let a vote come forward on whether or not this Congress should have a pay increase, and then one can vote up or down as to whether we should agree to the Senate position, and the Senate position is that there should be no pay increase until we have finished our business.

I urge my friends and colleagues to think of this as a matter of unfinished business for this Congress, to do what is right, act correctly, and let us have a vote on this pay increase issue. Vote "no" on the previous question when it comes up in a few minutes.

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

Mr. Speaker, my colleagues, this is a vote about what we think of ourselves, what we think of this institution, and the trust and confidence we have in those who send us here; a vote on whether we believe that they believe we are worth what they pay us.

This issue is about staying even; not about raises, about staying even. Ask any of our Social Security recipients or our veterans when they get a cost-of-living adjustment if they got a raise, and they will say, my friend, you do not understand. My grocery costs went up, my prescription drugs went up, my oil heat bill went up. Yes, perhaps even my college tuition for my child went up. This is about staying even.

Let me reiterate what the gentleman from California [Mr. FAZIO] said. In 1989, the Members of this House, in a courageous and honest vote, said to their constituents, we are not going to take outside income. We will rely only on our salary, not on the payment of special interest gussied up to be honoraria for speeches. In 16 out of 28 years, or 18 out of 26 years, we said we were going to take no cost-of-living adjustment, and as a result, the pent-up needs of our families led us to invoke, from time to time, raises of very substantial proportions, as much as 27 percent.

Our constituents and our public were outraged, because they did not know that we had not gotten a raise the 6 previous years. They did not know that we were catching up. They thought that we were taking some outrageous pay. Can you blame them? Of course not.

So what the gentleman from California [Mr. FAZIO] and the Republican leadership proposed was a mechanism whereby we would not do that to ourselves, to this institution, or, very frankly, to add to the cynicism of our public, and that all we would take is a cost-of-living adjustment, which, as I reiterate, keeps us even with the increased costs that we are confronted with on an annual basis. That increased cost would be less by half a point than the private sector increase.

Now, my friends, let me say, so we do not feel badly about what I hope we are going to do, that since 1970, the CPI has increased by 292 percent. Military pay has increased by 320 percent. All private sector pay has increased by 264 percent. Manufacturing blue collar workers, I tell my friends, has increased by 281 percent. Federal retiree pensions increased by 291 percent, just about the CPI Federal civilian pay by 243 percent, and Members of Congress by 207 percent; I tell my friends, again, some 70 percent below manufacturing jobs.

Mr. Speaker and my colleagues, the gentleman from Arizona talked about our Founding Fathers who pledged their lives, their fortunes, and their sacred honor. Most of us in this body do not have fortunes to pledge, but if, as the chairman of the Committee on Appropriations said, we do not on a regular basis stay even, not a raise, stay even with the increased costs confronted by our families, then, of necessity, we will become a body of those who only have fortunes.

Our honor. I ask every one of my colleagues who has come up to me over the last 10 years and said, I hope you effect a pay raise, to vote for this, for if that is true, there will be about 375 of my colleagues who will vote "yes" on the previous question. Vote for exploited children's protection, vote "yes" on the previous question, vote "yes" on the amendment to instruct the Senate to protect exploited children.

Mr. BONILLA. Mr. Speaker, I strongly object to the motion being considered today and urge may colleagues to oppose it and vote no. Simply put, this congress has not had the opportunity to vote on stopping the automatic cost-of-living increase for Members of Congress. I believe that it is wrong to increase congressional pay at a time when we must make further cuts in Government spending to balance the budget. At the very least, the American people are entitled to a vote so that they know their Member of Congress' position on increasing their own salaries. I want to make it very clear that I would vote no if there was such a vote. Should we fail in our effort to stop the pay raise I will donate the entire amount to charity. I will only accept the salary I was elected to receive.

Mr. LAMPSON. Mr. Speaker, as we proceed in this debate, and as chairman of the Congressional Missing and Exploited Children's Caucus, I would like to remind my colleagues of the importance of the National Center for Missing and Exploited Children. The National Center has helped locate 114,600 missing children. We should not play politics with its funding. Missing children and frightened families should be held sacred by this body.

Just last Sunday, the Houston Chronicle printed the pictures of 27 girls who have been abducted in the area in and around the Ninth Congressional District. Our most recent tragedies include 12-year-old Laura Smither of Friendswood. Laura was abducted while on her morning jog. Her body was found 2 weeks later. She had been murdered. And now we are searching for 17-year-old Jessica Cain of Tiki island. Jessica never came home after a party on August 19. Her truck was found with the engine running and her wallet still on the front seat. I have met the Smither and Cain families. I have searched through woods looking for their daughters. Most importantly, in becoming involved with this issue, I have come to know and respect the excellent work done by the National Center for Missing and Exploited Children on behalf of these children and their families.

We need to give our full support to the National Center for Missing and Exploited Children and give the issue our full attention and respect. I ask my colleagues to protect the funding for the National Center for Missing and Exploited Children and to untie any provision affecting the National Center from the COLA. I oppose the COLA, but I am deeply saddened that Members of this body may have to cast a vote against the National Center to express their opposition to the COLA.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

The question is on ordering the previous question on the motion to instruct offered by the gentleman from Maryland [Mr. HOYER].

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the motion to instruct.

The vote was taken by electronic device, and there were—yeas 229, nays 199, not voting 6, as follows:

[Roll No. 435]

YEAS—229

Ackerman
Archer
Armey
Bachus
Ballenger
Barr
Barton
Bateman
Becerra
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cox
Coyne
Crane
Crapo
Cummings
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Fowler
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gephardt
Gilchrest
Gilman
Gingrich
Goodlatte
Goss
Greenwood
Hall (OH)
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lowey
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHugh
McKeon
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne
Pelosi
Pickering
Pickett
Pombo
Porter
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schaefer, Dan
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stokes
Stupak
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson
Torres
Towns
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Aderholt
Allen
Andrews
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berry
Blagojevich
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Canady
Cannon
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Combest
Cook
Cooksey
Costello
Cramer
Cubin
Danner
Davis (FL)
Davis (IL)

DeFazio
DeGette
DeLauro
Deutsch
Duncan
Emerson
English
Ensign
Etheridge
Evans
Everett
Forbes
Ford
Fox
Franks (NJ)
Gejdenson
Gekas
Gibbons
Gillmor
Goode
Goodling
Gordon
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hayworth
Herger
Hill
Hilleary
Hinojosa
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kucinich
Lampson
Largent
Leach
Lewis (KY)
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McGovern
McHale
McInnis
McIntosh
McIntyre
McKinney
Meehan
Metcalf
Mica
Minge
Mink
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Pappas
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Radanovich
Ramstad
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Taylor (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weller
Weygand
White
Whitfield
Wise

NOT VOTING—6

Bonilla
Foglietta
Gonzalez
Hastings (FL)
Hunter
Schiff

□ 1643

Ms. CARSON and Messrs. ADAM SMITH of Washington, LUCAS of Oklahoma, MINGE, WHITFIELD, and SCHUMER changed their vote from "yea" to "nay."

Ms. PELOSI, Ms. WOOLSEY, and Mr. KANJORSKI changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

□ 1645

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to instruct offered by the gentleman from Maryland [Mr. HOYER].

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

RECORDED VOTE

Mr. HOYER. 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 412, noes 2, answered "present" 6, not voting 13, as follows:

[Roll No. 436]

AYES—412

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
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
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
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
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
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
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)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—2

Coburn
Shimkus

ANSWERED "PRESENT"—6

Goode
Salmon
Scarborough
Shadegg
Smith, Linda
Souder

NOT VOTING—13

Bonilla
Foglietta
Gonzalez
Hastings (FL)
Hunter
Kaptur
McHale
Miller (CA)
Ney
Pastor
Schiff
Spence
Weldon (PA)

□ 1651

Mr. SALMON changed his vote from "aye" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, on rollcall No. 436, I was in a meeting and the beeper did not work, and I missed the vote. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. KOLBE, WOLF, LIVINGSTON, HOYER, and OBEY.

As additional conferees solely for consideration of titles I through IV of the House bill, and titles I through IV

of the Senate amendment, and modifications committed to conference: Mr. ISTOOK, Mrs. NORTHUP, and Mrs. MEEK of Florida.

There was no objection.

MOTION TO ADJOURN

Ms. ESHOO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from California [Ms. ESHOO].

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

RECORDED VOTE

Ms. ESHOO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 342, not voting 21, as follows:

[Roll No. 437]

AYES—70

Andrews
Barrett (WI)
Becerra
Berry
Bonior
Borski
Brown (OH)
Capps
Cardin
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Eshoo
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Harman
Hinchey
Hostettler
Hoyer
Jefferson
Kaptur
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Largent
Lewis (GA)
Lowey
Maloney (NY)
Martinez
McDermott
McGovern
McNulty
Meehan
Meek
Miller (CA)
Mink
Moakley
Nadler
Oberstar
Obey
Olver
Pallone
Salmon
Sawyer
Scarborough
Shadegg
Slaughter
Souder
Strickland
Stupak
Tauscher
Tierney
Torres
Towns
Vento
Visclosky
Waxman

NOES—342

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

NOT VOTING—21

Allen
Bonilla
Bono
Buyer
Doolittle
Fawell
Foglietta
Forbes
Gonzalez
Hall (OH)
Hastings (FL)
Hunter
McHale
Pelosi
Sabo
Sanders
Schiff
Smith (MI)
Woolsey
Yates
Young (AK)

□ 1716

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF PROCEDURES FOR DEBATE TONIGHT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

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

Mr. ROGERS. Mr. Speaker, shortly we will be calling up the appropriations bill for the Commerce, Justice, and State Departments when we go into the Committee of the Whole. It is our intention, and we have conferred with the minority on this point, it is our intention to have general debate tonight, and debate the Hyde amendment to title 6, but postpone any vote on that matter until tomorrow. Then we would read through title I of the bill and debate any amendments thereto until 9 o'clock, or if we finish title I before 9 o'clock, stop at the conclusion of title I, roll any votes that may occur to title I until tomorrow, and then pass over any amendments in title I dealing with Legal Services Corporation until tomorrow. We would debate and vote LSC tomorrow.

That is our general intention, and I have conferred with my dear colleague, the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member of the subcommittee, and if he would like to discuss it, I will yield to him at this time.

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

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, we have discussed this. I think it is a good way to proceed tonight, and I have no objection.

Mr. ROGERS. So, Mr. Speaker, Members would be advised that barring a motion to adjourn or some such very important matter there would be no further votes this evening.

Mr. MOLLOHAN. Mr. Speaker, if the gentleman would continue to yield, it is my understanding that after general debate the gentleman from Kentucky will be asking unanimous consent to pass over Legal Services?

Mr. ROGERS. That is correct, until tomorrow or later in the bill, to take it out of order.

Mr. MOLLOHAN. And we consider Mr. HYDE's amendment and not vote on it until tomorrow?

Mr. ROGERS. I am sorry; I did not hear the gentleman.

Mr. MOLLOHAN. We would consider Mr. HYDE's amendment tonight.

Mr. ROGERS. We would consider Mr. HYDE's amendment tonight but roll any vote on that until tomorrow.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore [Mr. LAHOOD]. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2267.

The Chair designates the gentleman from Washington [Mr. HASTINGS] as Chairman of the Committee of the Whole, and requests the gentleman from Nebraska [Mr. BARRETT] to assume the chair temporarily.

□ 1722

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, H.R. 2267, the Commerce, Justice, State, and Judiciary appropriations bill for fiscal year 1998, is the centerpiece of action by the Congress this year to: First, continue the war on crime and drugs; second, make our neighborhoods safer for families and children; third, bring our borders under control; and fourth, address skyrocketing rate of juvenile crime with an aggressive new initiative in this bill.

Mr. Chairman, the determination of this Nation to reduce crime is paying off. The Nation's crime rate today is lower than any time since 1985. In 1996 serious reported crime in the United States declined 3 percent, including an 11 percent decline in murder rates.

The Congress deserves substantial credit for beginning to turn the corner on crime after many years of effort. Over the past 2 fiscal years, this subcommittee and the Congress have increased funding for law enforcement programs by $4.5 billion, a 30 percent increase, and this year we redouble those efforts.

Overall, our bill provides $31.7 billion. That is an increase of $750 million or 3 percent over fiscal 1997 in discretionary spending, and another $750 million from the Violent Crime Reduction Trust Fund. But 90 percent of the increase in this bill is for law enforcement programs.

For the Department of Justice the bill provides $17.6 billion, an increase of $1.2 billion, 7 percent over current year, $339 million more than was requested by the administration for law enforcement. We provide an increase of $726 million for State and local law enforcement, $738 million more than the President asked of us.

We restore the Local Law Enforcement block grant at $523 million to provide direct funding to our communities for their most pressing needs. The President proposed to eliminate it. We disagreed.

This bill attacks the growing problem of juvenile crime, a crisis that must be addressed by the country. Twenty percent of those arrested for violent crime are less than 18 years of age, 70 percent higher than it was 10 years ago. Weapons offenses and homicides are two of the fastest growing crimes committed by juveniles.

This bill faces that issue straight on. We include a total of $538 million for new juvenile crime initiatives. We provide $300 million for new juvenile crime block grants, compared to $150 million requested by the White House to fund H.R. 3 that passed the House by a 2 to 1 margin. Another $238 million in the bill is for juvenile crime prevention programs, $64 million over last year, $7 million more than we were requested, and that funds H.R. 1818, the bipartisan bill that passed the House in July, an initiative again of the Congress.

For violence against women programs we provide $306 million. That is a $109 million increase over current spending, $57 million more than the President requested.

For the war on drugs we provide a $200 million increase, including a $134 million increase for the Drug Enforcement Administration; a $34 million initiative in the Caribbean, a main route into our Nation from South America of hard drugs; a $51 million increase for the Southwest border, the other big avenue for drugs coming into our country; and $46 million to combat heroin and the reemergence of methamphetamines as a scourge on our young people.

To control our borders that are still allowing 300,000 more illegal immigrants into the country each year, we provide a $272 million increase for the Immigration and Naturalization Service. That includes a thousand new border patrol agents, which is twice what we were asked for by the White House.

We provide $25 million to restore integrity to the naturalization process, ending the fingerprint scam that has contributed to felons receiving the most precious grant that we have, citizenship in the United States. We require criminal record checks before they are granted citizenship, and we revoke citizenship wrongfully granted to criminals by the dozens of thousands just last year.

The bill also authorizes and directs the Attorney General to fire on the spot any INS employee who does not follow department policy on granting citizenship or who willfully deceives the Congress, as has occurred in the past year.

□ 1730

Six hundred million dollars goes to States for their costs in jailing illegal aliens, a $100 million increase over last year and over the President's request.

This bill, Mr. Chairman, does not let up in the war on crime, drugs, and illegal immigration, and we break new ground on juvenile crime and juvenile crime prevention.

For the balance of the bill, with very few exceptions, funding is provided at or below current levels. For the Commerce Department, the bill provides $4.1 billion, a $332 million increase, and that is related to the ramp-up for the decennial census in the year 2000.

On the 2000 census, Mr. Chairman, the issue is whether to spend more than $4 billion in the next three years for a census that abandons for the first time in our history an actual head count before we know whether or not such a procedure is constitutional and legal, or whether to do the most prudent and logical thing and get the courts to tell us beforehand whether or not sampling, if you will, is constitutional and legal.

The bill provides $382 million for the census. That is an increase of $298 million over current spending and $27 million more than we were asked, so there can be no question of our willingness to spend what it takes to conduct the census in the right way, in the way it has always been done, every 10 years in the history of this Nation.

The Administration wants us to abandon our history and take off on a new, untested, and many of us think, illegal, or unlawful, and unconstitutional process. The issue is what is required by our Constitution and the laws on the books. It is a legal question, and the bill assures there is a fair and impartial answer from the only body that can provide that, the Supreme Court.

The legislative branch and the executive branch of government differ on this point. They say it is legal; we say it is not. The third branch, the Judiciary, under our Constitution, is the only body that can deliberate that question and answer it.

Before billions of dollars of taxpayers' monies are put at risk for the first time in a sampling process that we think is unconstitutional, the Congress, the Administration, and, most importantly, the public deserve to have the dispute resolved beforehand, and that is what we do in the bill.

For the international programs in the bill, State Department operations, the United States Information Agency, the Arms Control and Disarmament Agency, for all practical purposes, the bill level funds them.

The only new initiative is $40 million to fund a 24 hour broadcasting operation to China through Radio Free Asia and Voice of America, an initiative proposed by the Speaker and endorsed by the President.

For international organizations and peacekeeping the bill provides $3 million less than in fiscal 1997. Within that reduced amount, we provide $100 million for United Nations arrearages, but only if an authorization bill passes the Congress and only if that authorization bill contains real and substantial reforms of the United Nations as a condition for release of the money. It has been this Subcommittee all these years that has been the driving force in pushing for reform of the United Nations, and it is beginning to work. Reforms first, and only then the first step toward payment of the arrearages.

For the Legal Services Corporation, the bill provides $141 million, which is half of the current level. We keep the restrictions on these funds to ensure that they are spent only to provide civil legal assistance to the poor, and adds a new one to give LSC more authority to sanction grantees that violate those important restrictions.

I want to thank my very able ranking minority member, the very able gentleman from West Virginia [Mr. MOLLOHAN], who has been a very helpful and wise helpmate in drafting of the bill. I want to thank our full committee chairman, the gentleman from Louisiana [Mr. LIVINGSTON], who has been especially helpful, as well as the ranking full committee minority member, the gentleman from Wisconsin [Mr. OBEY], for being very helpful, and, of course, all the members of our subcommittee who have been able and helpful workmates in preparing this bill. We appreciate their help and support, more than we can say.

Mr. Chairman, this bill will give the American people a stronger domestic defense against crime, while exercising restraint and insisting on reform in the balance of the bill. It is a bill that I commend highly to our colleagues, and urge their support.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	75,773,000	79,959,000	76,199,000	+426,000	-3,760,000
Emergency appropriations	3,600,000			-3,600,000	
Total, salaries and expenses	79,373,000	79,959,000	76,199,000	-3,174,000	-3,760,000
Counterterrorism fund	9,450,000	29,450,000	20,000,000	+10,550,000	-9,450,000
Emergency appropriations	20,000,000			-20,000,000	
Total, Counterterrorism fund	29,450,000	29,450,000	20,000,000	-9,450,000	-9,450,000
Administrative review and appeals:					
Direct appropriation	62,000,000	70,007,000	66,700,000	+4,700,000	-3,307,000
Emergency appropriations	1,000,000			-1,000,000	
Crime trust fund	48,000,000	59,251,000	59,000,000	+11,000,000	-251,000
Total, Administrative review and appeals	111,000,000	129,258,000	125,700,000	+14,700,000	-3,558,000
Office of Inspector General	31,960,000	33,211,000	33,211,000	+1,251,000	
Total, General administration	251,783,000	271,878,000	255,110,000	+3,327,000	-16,768,000
Appropriations	(179,183,000)	(212,627,000)	(196,110,000)	(+16,927,000)	(-16,517,000)
Emergency appropriations	(24,600,000)			(-24,600,000)	
Crime trust fund	(48,000,000)	(59,251,000)	(59,000,000)	(+11,000,000)	(-251,000)
United States Parole Commission					
Salaries and expenses	4,845,000	4,799,000	4,799,000	-46,000	
Legal Activities					
General legal activities:					
Direct appropriation	420,793,000	466,557,000	445,000,000	+24,207,000	-21,557,000
Emergency appropriations	1,719,000			-1,719,000	
Crime trust fund	7,750,000	7,969,000	7,969,000	+219,000	
Total, General legal activities	430,262,000	474,526,000	452,969,000	+22,707,000	-21,557,000
Vaccine injury compensation trust fund	4,028,000	4,028,000	4,028,000		
Independent counsel (permanent, indefinite)	3,000,000	9,500,000	9,500,000	+6,500,000	
Antitrust Division	92,447,000	97,542,000	94,542,000	+2,095,000	-3,000,000
Offsetting fee collections - carryover	-16,000,000	-10,000,000	-10,000,000	+6,000,000	
Offsetting fee collections - current year	-58,905,000	-70,000,000	-70,000,000	-11,095,000	
Direct appropriation	17,542,000	17,542,000	14,542,000	-3,000,000	-3,000,000
United States Attorneys:					
Direct appropriation	923,340,000	1,018,617,000	973,000,000	+49,660,000	-45,617,000
Emergency appropriations	10,900,000			-10,900,000	
Crime trust fund	43,876,000	50,828,000	62,828,000	+18,952,000	+12,000,000
Total, United States Attorneys	978,116,000	1,069,445,000	1,035,828,000	+57,712,000	-33,617,000
United States Trustee System Fund	107,950,000	116,721,000	107,950,000		-8,771,000
Offsetting fee collections	-49,869,000	-116,721,000	-107,950,000	-58,081,000	+8,771,000
Direct appropriation	58,081,000			-58,081,000	
Foreign Claims Settlement Commission	953,000	1,226,000	1,226,000	+273,000	
United States Marshals Service:					
Direct appropriation	457,495,000	475,244,000	462,944,000	+5,449,000	-12,300,000
Crime trust fund	25,000,000	25,553,000	25,553,000	+553,000	
Total, United States Marshals Service	482,495,000	500,797,000	488,497,000	+6,002,000	-12,300,000
Federal Prisoner Detention	405,262,000	462,831,000	405,262,000		-57,569,000
Fees and expenses of witnesses	100,702,000	75,000,000	75,000,000	-25,702,000	
Community Relations Service	5,319,000	7,500,000	5,319,000		-2,181,000
Assets forfeiture fund	23,000,000	23,000,000	23,000,000		
Total, Legal activities	2,508,760,000	2,645,395,000	2,515,171,000	+6,411,000	-130,224,000
Appropriations	(2,419,515,000)	(2,561,045,000)	(2,418,821,000)	(-694,000)	(-142,224,000)
Emergency appropriations	(12,619,000)			(-12,619,000)	
Crime trust fund	(76,626,000)	(84,350,000)	(96,350,000)	(+19,724,000)	(+12,000,000)
Radiation Exposure Compensation					
Administrative expenses	2,000,000	2,000,000	2,000,000		
Advance appropriation		2,000,000	2,000,000	+2,000,000	
Payment to radiation exposure compensation trust fund	13,736,000	4,381,000	4,381,000	-9,355,000	
Advance appropriation		29,000,000	29,000,000	+29,000,000	
Total, Radiation Exposure Compensation	15,736,000	37,381,000	37,381,000	+21,645,000	
Interagency Law Enforcement					
Interagency crime and drug enforcement	359,430,000	294,967,000	294,967,000	-64,463,000	

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Federal Bureau of Investigation					
Salaries and expenses	2,257,880,000	2,482,267,000	2,475,463,000	+217,583,000	-6,804,000
Anti-terrorism activities (emergency appropriations)	115,610,000			-115,610,000	
Counterintelligence and national security	147,081,000	147,081,000	147,081,000		
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000		
Advance appropriation, FY 1999		47,800,000			-47,800,000
Health care fraud enforcement	-38,000,000			+38,000,000	
Subtotal	2,566,971,000	2,761,548,000	2,706,944,000	+139,973,000	-54,604,000
Crime trust fund	169,000,000	179,121,000	179,121,000	+10,121,000	
Telecommunications carrier compliance fund		50,000,000			-50,000,000
Defense function		50,000,000	50,000,000	+50,000,000	
Emergency appropriations	60,000,000			-60,000,000	
Construction	41,639,000	49,006,000	38,506,000	-3,133,000	-10,500,000
Total, Federal Bureau of Investigation	2,837,610,000	3,089,675,000	2,974,571,000	+136,961,000	-115,104,000
Appropriations	(2,493,000,000)	(2,862,754,000)	(2,795,450,000)	(+302,450,000)	(-67,304,000)
Advance appropriations		(47,800,000)			(-47,800,000)
Emergency appropriations	(175,610,000)			(-175,610,000)	
Crime trust fund	(169,000,000)	(179,121,000)	(179,121,000)	(+10,121,000)	
Drug Enforcement Administration					
Salaries and expenses	798,212,000	740,293,000	872,731,000	+74,519,000	+132,438,000
Diversion control fund	-52,824,000	-58,268,000	-58,268,000	-5,444,000	
Direct appropriation	745,388,000	682,025,000	814,463,000	+69,075,000	+132,438,000
Emergency appropriations	5,000,000			-5,000,000	
Crime trust fund	220,000,000	400,037,000	310,037,000	+90,037,000	-90,000,000
Construction	30,806,000	5,500,000	5,500,000	-25,306,000	
Total, Drug Enforcement Administration	1,001,194,000	1,087,562,000	1,130,000,000	+128,806,000	+42,438,000
Appropriations	(776,194,000)	(687,525,000)	(819,963,000)	(+43,769,000)	(+132,438,000)
Emergency appropriations	(5,000,000)			(-5,000,000)	
Crime trust fund	(220,000,000)	(400,037,000)	(310,037,000)	(+90,037,000)	(-90,000,000)
Immigration and Naturalization Service					
Salaries and expenses	1,590,159,000	1,651,463,000	1,609,441,000	+19,282,000	-42,022,000
Emergency appropriations	15,000,000			-15,000,000	
Immigration initiative (crime trust fund)	500,000,000	732,251,000	690,957,000	+190,957,000	-41,294,000
Subtotal, Direct and crime trust fund	(2,105,159,000)	(2,383,714,000)	(2,300,398,000)	(+195,239,000)	(-83,316,000)
Fee accounts:					
Immigration legalization fund	(1,893,000)	(1,259,000)	(1,259,000)	(-634,000)	
Immigration user fee	(388,664,000)	(419,296,000)	(419,296,000)	(+30,632,000)	
Land border inspection fund	(11,054,000)	(8,888,000)	(8,888,000)	(-2,166,000)	
Immigration examinations fund	(567,550,000)	(646,916,000)	(667,477,000)	(+99,927,000)	(+20,561,000)
Breached bond fund	(6,613,000)	(104,471,000)	(104,471,000)	(+97,858,000)	
Immigration enforcement fines		(13,800,000)	(13,800,000)	(+13,800,000)	
Subtotal, Fee accounts	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(+239,417,000)	(+20,561,000)
Construction	8,841,000	73,831,000	70,959,000	+62,118,000	-2,872,000
Total, Immigration and Naturalization Service	(3,089,774,000)	(3,652,175,000)	(3,586,548,000)	(+496,774,000)	(-65,627,000)
Appropriations	(1,599,000,000)	(1,725,294,000)	(1,680,400,000)	(+81,400,000)	(-44,894,000)
Emergency appropriations	(15,000,000)			(-15,000,000)	
Crime trust fund	(500,000,000)	(732,251,000)	(690,957,000)	(+190,957,000)	(-41,294,000)
(Fee accounts)	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(+239,417,000)	(+20,561,000)
Federal Prison System					
Salaries and expenses	2,858,316,000	3,015,642,000	2,959,642,000	+101,326,000	-56,000,000
Prior year carryover	-90,000,000	-50,000,000	-90,000,000		-40,000,000
Direct appropriation	2,768,316,000	2,965,642,000	2,869,642,000	+101,326,000	-96,000,000
Crime trust fund	25,224,000	26,135,000	26,135,000	+911,000	
Total, Salaries and expenses	2,793,540,000	2,991,777,000	2,895,777,000	+102,237,000	-96,000,000
Buildings and facilities	395,700,000	252,833,000	255,133,000	-140,567,000	+2,300,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(+448,000)	(-440,000)
Total, Federal Prison System	3,189,240,000	3,244,610,000	3,150,910,000	-38,330,000	-93,700,000
Office of Justice Programs					
Justice assistance:					
Direct appropriation	101,429,000	166,665,000	162,500,000	+61,071,000	-4,165,000
Emergency appropriations	17,000,000			-17,000,000	
Total, Justice assistance	118,429,000	166,665,000	162,500,000	+44,071,000	-4,165,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants (discretionary)	60,000,000		46,500,000	-13,500,000	+46,500,000
Byrne grants (formula)	301,000,000		491,500,000	+190,500,000	+491,500,000
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)	40,000,000	+40,000,000	+40,000,000
Subtotal, Direct appropriations	361,000,000		578,000,000	+217,000,000	+578,000,000
Crime trust fund:					
Byrne grants (direct/formula)	199,000,000	580,000,000	13,500,000	-185,500,000	-566,500,000
Community oriented policing services	1,400,000,000	1,400,000,000	1,400,000,000		
Police corps	20,000,000	20,000,000	20,000,000		
Law enforcement scholarship program		20,000,000			-20,000,000
Police recruitment grants program		5,000,000			-5,000,000
Procecutorial initiatives targeting crime and violent juveniles program		100,000,000			-100,000,000
Juvenile crime block grant			300,000,000	+300,000,000	+300,000,000
Local law enforcement block grant	523,000,000		523,000,000		+523,000,000
Boys and Girls clubs (earmark)	(20,000,000)		(20,000,000)		(+20,000,000)
Drug courts	30,000,000	75,000,000	30,000,000		-45,000,000
Upgrade criminal history records	50,000,000	45,000,000	45,000,000	-5,000,000	
State prison grants	670,000,000	710,500,000	722,500,000	+52,500,000	+12,000,000
State criminal alien assistance program	330,000,000	350,000,000	420,000,000	+90,000,000	+70,000,000
Violence Against Women grants	196,500,000	248,750,000	305,500,000	+109,000,000	+56,750,000
State prison drug treatment	30,000,000	63,000,000	63,000,000	+33,000,000	
State courts assistance		50,000,000			-50,000,000
Other crime control programs	7,650,000	30,605,000	14,650,000	+7,000,000	-15,955,000
Subtotal, Crime trust fund	3,456,150,000	3,697,855,000	3,857,150,000	+401,000,000	+159,295,000
Total, State and local law enforcement	3,817,150,000	3,697,855,000	4,435,150,000	+618,000,000	+737,295,000
Juvenile justice programs	174,500,000	230,422,000	237,922,000	+63,422,000	+7,500,000
Public safety officers benefits program:					
Death benefits	30,126,000	31,003,000	31,003,000	+877,000	
Disability benefits	2,200,000	2,264,000		-2,200,000	-2,264,000
Federal law enforcement education assistance		2,000,000	2,000,000	+2,000,000	
Total, Office of Justice Programs	4,142,405,000	4,130,209,000	4,868,575,000	+726,170,000	+738,366,000
Appropriations	(669,255,000)	(432,354,000)	(1,011,425,000)	(+342,170,000)	(+579,071,000)
Emergency appropriations	(17,000,000)			(-17,000,000)	
Crime trust fund	(3,456,150,000)	(3,697,855,000)	(3,857,150,000)	(+401,000,000)	(+159,295,000)
Total, title I, Department of Justice	16,425,003,000	17,264,021,000	17,602,841,000	+1,177,838,000	+338,820,000
Appropriations	(11,680,174,000)	(12,006,221,000)	(12,353,091,000)	(+672,917,000)	(+346,870,000)
Advance appropriations		(78,800,000)	(31,000,000)	(+31,000,000)	(-47,800,000)
Emergency appropriations	(249,829,000)			(-249,829,000)	
Crime trust fund	(4,495,000,000)	(5,179,000,000)	(5,218,750,000)	(+723,750,000)	(+39,750,000)
(Limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(+448,000)	(-440,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	21,449,000	22,092,000	21,700,000	+251,000	-392,000
International Trade Commission					
Salaries and expenses	40,850,000	41,980,000	41,400,000	+550,000	-580,000
Total, Related agencies	62,299,000	64,072,000	63,100,000	+801,000	-972,000
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	270,000,000	271,636,000	279,500,000	+9,500,000	+7,864,000
Export Administration					
Operations and administration	36,000,000	43,126,000	41,000,000	+5,000,000	-2,126,000
Emergency appropriations	3,900,000			-3,900,000	
Total, Export Administration	39,900,000	43,126,000	41,000,000	+1,100,000	-2,126,000
Economic Development Administration					
Economic development assistance programs	328,500,000	319,000,000	340,000,000	+11,500,000	+21,000,000
Emergency appropriations	25,000,000			-25,000,000	
Emergency appropriations (1997 supplemental)	50,200,000			-50,200,000	
Subtotal	403,700,000	319,000,000	340,000,000	-63,700,000	+21,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Salaries and expenses	20,036,000	24,028,000	21,000,000	+964,000	-3,028,000
Emergency appropriations (1997 supplemental)	2,000,000			-2,000,000	
Total, Economic Development Administration	425,736,000	343,028,000	361,000,000	-64,736,000	+17,972,000
Minority Business Development Agency					
Minority business development	28,000,000	27,811,000	25,000,000	-3,000,000	-2,811,000
Total, Trade and Infrastructure Development	825,935,000	749,673,000	769,600,000	-56,335,000	+19,927,000
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	45,900,000	52,196,000	47,000,000	+1,100,000	-5,196,000
Bureau of the Census					
Salaries and expenses	135,000,000	138,056,000	136,499,000	+1,499,000	-1,557,000
Periodic censuses and programs	210,500,000	523,126,000	550,126,000	+339,626,000	+27,000,000
Total, Bureau of the Census	345,500,000	661,182,000	686,625,000	+341,125,000	+25,443,000
National Telecommunications and Information Administration					
Salaries and expenses	15,000,000	18,074,000	17,100,000	+2,100,000	-974,000
Public broadcasting facilities, planning and construction	15,250,000		16,750,000	+1,500,000	+16,750,000
Information infrastructure grants	21,490,000	36,000,000	21,490,000		-14,510,000
Total, National Telecommunications and Information Administration	51,740,000	54,074,000	55,340,000	+3,600,000	+1,266,000
Patent and Trademark Office					
Salaries and expenses	61,252,000	27,000,000	27,000,000	-34,252,000	
Fees collected	(601,723,000)	(629,320,000)	(664,000,000)	(+62,277,000)	(+34,680,000)
(Prior year carryover)	(30,000,000)		(18,000,000)	(-12,000,000)	(+18,000,000)
Total, Patent and Trademark Office	(692,975,000)	(656,320,000)	(709,000,000)	(+16,025,000)	(+52,680,000)
Total, Economic and Information Infrastructure	504,392,000	794,452,000	815,965,000	+311,573,000	+21,513,000
SCIENCE AND TECHNOLOGY					
Technology Administration					
Salaries and expenses	9,500,000	9,230,000	8,500,000	-1,000,000	-730,000
National Institute of Standards and Technology					
Scientific and technical research and services	268,000,000	276,852,000	282,852,000	+14,852,000	+6,000,000
Industrial technology services	313,000,000	399,000,000	298,600,000	-14,400,000	-100,400,000
Construction of research facilities		16,692,000	111,092,000	+111,092,000	+94,400,000
Total, National Institute of Standards and Technology	581,000,000	692,544,000	692,544,000	+111,544,000	
National Oceanic and Atmospheric Administration					
Operations, research and facilities	1,854,067,000	1,476,245,000	1,406,400,000	-447,667,000	-69,845,000
Offsetting collections - fees	-3,000,000	-3,000,000	-3,000,000		
Direct appropriation	1,851,067,000	1,473,245,000	1,403,400,000	-447,667,000	-69,845,000
(By transfer from Promote and Develop Fund)	(66,000,000)	(62,381,000)	(62,381,000)	(-3,619,000)	
(By transfer from Damage assessment and restoration revolving fund, permanent)	6,000,000	5,000,000	5,000,000	-1,000,000	
(Damage assessment and restoration revolving fund)	-6,000,000	-5,000,000	-5,000,000	+1,000,000	
Total, Operations, research and facilities	1,851,067,000	1,473,245,000	1,403,400,000	-447,667,000	-69,845,000
Capital assets acquisition		503,464,000	460,600,000	+460,600,000	-42,864,000
Advance appropriations, FY 1999 - 2010		3,485,517,000			-3,485,517,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)		
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)		
Construction	58,250,000			-58,250,000	
Emergency appropriations (1997 supplemental)	10,800,000			-10,800,000	
Fleet modernization, shipbuilding and conversion	8,000,000			-8,000,000	
Fishing vessel and gear damage fund	200,000			-200,000	
Fishermen's contingency fund	1,000,000	953,000	953,000	-47,000	
Foreign fishing observer fund	196,000	189,000	189,000	-7,000	
Fisheries finance program account	250,000	238,000	250,000		+12,000
Total, National Oceanic and Atmospheric Administration	1,929,763,000	5,463,606,000	1,865,392,000	-64,371,000	-3,598,214,000
Total, Science and Technology	2,520,263,000	6,165,380,000	2,566,436,000	+46,173,000	-3,598,944,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
General Administration					
Salaries and expenses	28,490,000	30,085,000	28,490,000		-1,595,000
Office of Inspector General	20,140,000	21,677,000	20,140,000		-1,537,000
Working capital fund (by transfer)	(3,000,000)			(-3,000,000)	
Total, General administration	48,630,000	51,762,000	48,630,000		-3,132,000
National Institute of Standards and Technology					
Construction of research facilities (rescission)	-16,000,000			+16,000,000	
National Oceanic and Atmospheric Administration					
Operations, research and facilities (rescission)	-20,000,000		-5,000,000	+15,000,000	-5,000,000
Total, Department of Commerce	3,800,921,000	7,697,195,000	4,132,531,000	+331,610,000	-3,564,664,000
Total, title II, Department of Commerce and related agencies	3,863,220,000	7,761,267,000	4,195,631,000	+332,411,000	-3,565,636,000
Appropriations	(3,807,320,000)	(4,275,750,000)	(4,200,631,000)	(+393,311,000)	(-75,119,000)
Rescissions	(-36,000,000)		(-5,000,000)	(+31,000,000)	(-5,000,000)
Advance appropriations		(3,485,517,000)			(-3,485,517,000)
Emergency appropriations	(91,900,000)			(-91,900,000)	
(By transfer)	(69,000,000)	(62,381,000)	(62,381,000)	(-6,619,000)	
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,704,000	1,654,000	1,654,000	-50,000	
Other salaries and expenses	25,453,000	27,624,000	27,624,000	+2,171,000	
Total, Salaries and expenses	27,157,000	29,278,000	29,278,000	+2,121,000	
Care of the building and grounds	2,800,000	3,997,000	3,400,000	+600,000	-597,000
Total, Supreme Court of the United States	29,957,000	33,275,000	32,678,000	+2,721,000	-597,000
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	1,898,000	1,887,000	1,887,000	-11,000	
Other salaries and expenses	13,115,000	14,269,000	13,620,000	+505,000	-649,000
Total, Salaries and expenses	15,013,000	16,156,000	15,507,000	+494,000	-649,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,447,000	1,483,000	1,483,000	+36,000	
Other salaries and expenses	9,667,000	9,995,000	9,995,000	+328,000	
Total, Salaries and expenses	11,114,000	11,478,000	11,478,000	+364,000	
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	225,956,000	227,674,000	227,674,000	+1,718,000	
Other salaries and expenses	2,330,044,000	2,614,166,000	2,472,395,000	+142,351,000	-141,771,000
Emergency appropriations	10,000,000			-10,000,000	
Direct appropriation	2,566,000,000	2,841,840,000	2,700,069,000	+134,069,000	-141,771,000
Crime trust fund	30,000,000	50,000,000	40,000,000	+10,000,000	-10,000,000
Total, Salaries and expenses	2,596,000,000	2,891,840,000	2,740,069,000	+144,069,000	-151,771,000
Vaccine Injury Compensation Trust Fund	2,390,000	2,450,000	2,450,000	+60,000	
Defender services	308,000,000	329,529,000	329,529,000	+21,529,000	
Fees of jurors and commissioners	67,000,000	69,651,000	66,196,000	-804,000	-3,455,000
Court security	127,000,000	170,304,000	167,214,000	+40,214,000	-3,090,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,100,390,000	3,463,774,000	3,305,458,000	+205,068,000	-158,316,000
Administrative Office of the United States Courts					
Salaries and expenses	49,450,000	54,108,000	52,000,000	+2,550,000	-2,108,000
Federal Judicial Center					
Salaries and expenses	17,495,000	18,425,000	17,495,000		-930,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	30,200,000	32,200,000	34,200,000	+4,000,000	+2,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Sentencing Commission					
Salaries and expenses	8,490,000	9,480,000	9,000,000	+510,000	-480,000
Total, title III, the Judiciary	3,262,109,000	3,638,896,000	3,477,816,000	+215,707,000	-161,080,000
Appropriations	(3,222,109,000)	(3,588,896,000)	(3,437,816,000)	(+215,707,000)	(-151,080,000)
Emergency appropriations	(10,000,000)			(-10,000,000)	
Crime trust fund	(30,000,000)	(50,000,000)	(40,000,000)	(+10,000,000)	(-10,000,000)
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	1,700,900,000	1,291,277,000	1,715,577,000	+14,677,000	+424,300,000
Registration fees	700,000	700,000	700,000		
Emergency appropriations (security)	23,700,000			-23,700,000	
Security			23,700,000	+23,700,000	+23,700,000
Fee proposal		595,000,000			-595,000,000
Total, Diplomatic and consular programs	1,725,300,000	1,886,977,000	1,739,977,000	+14,677,000	-147,000,000
Salaries and expenses	352,300,000	363,513,000	363,513,000	+11,213,000	
Capital investment fund	24,600,000	64,600,000	50,600,000	+26,000,000	-14,000,000
Office of Inspector General	27,495,000	28,300,000	28,300,000	+805,000	
Representation allowances	4,490,000	4,300,000	4,300,000	-190,000	
Protection of foreign missions and officials	8,332,000	7,900,000	7,900,000	-432,000	
Security and maintenance of United States missions	364,495,000	373,081,000	373,081,000	+8,586,000	
Emergency appropriations	24,825,000			-24,825,000	
Total, Security and maintenance of United States missions	389,320,000	373,081,000	373,081,000	-16,239,000	
Emergencies in the diplomatic and consular service	5,800,000	5,500,000	5,500,000	-300,000	
Repatriation Loans Program Account:					
Direct loans subsidy	593,000	593,000	593,000		
Administrative expenses	663,000	607,000	607,000	-56,000	
Total, Repatriation loans program account	1,256,000	1,200,000	1,200,000	-56,000	
Payment to the American Institute in Taiwan	14,490,000	14,490,000	14,000,000	-490,000	-490,000
Payment to the Foreign Service Retirement and Disability Fund	126,491,000	129,935,000	129,935,000	+3,444,000	
Total, Administration of Foreign Affairs	2,679,874,000	2,879,796,000	2,718,306,000	+38,432,000	-161,490,000
International Organizations and Conferences					
Contributions to international organizations, current year assessment	892,000,000	969,000,000	924,952,000	+32,952,000	-44,048,000
Prior year assessment		54,000,000	54,000,000	+54,000,000	
Subtotal	892,000,000	1,023,000,000	978,952,000	+86,952,000	-44,048,000
Contributions for international peacekeeping activities, current year	302,400,000	240,000,000	215,000,000	-87,400,000	-25,000,000
Prior year assessment	50,000,000	46,000,000	46,000,000	-4,000,000	
Subtotal	352,400,000	286,000,000	261,000,000	-91,400,000	-25,000,000
International conferences and contingencies		4,941,000	1,500,000	+1,500,000	-3,441,000
Total, International Organizations and Conferences	1,244,400,000	1,313,941,000	1,241,452,000	-2,948,000	-72,489,000
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	15,490,000	18,490,000	17,490,000	+2,000,000	-1,000,000
Construction	6,463,000	6,463,000	6,463,000		
American sections, international commissions	5,490,000	5,660,000	5,490,000		-170,000
International fisheries commissions	14,549,000	14,549,000	14,490,000	-59,000	-59,000
Total, International commissions	41,992,000	45,162,000	43,933,000	+1,941,000	-1,229,000
Other					
Payment to the Asia Foundation	8,000,000	8,000,000	8,000,000		
Total, Department of State	3,974,266,000	4,246,899,000	4,011,691,000	+37,425,000	-235,208,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	41,500,000	46,200,000	41,500,000		-4,700,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Information Agency					
International information programs	440,000,000	434,097,000	430,597,000	-9,403,000	-3,500,000
Emergency appropriations	1,375,000			-1,375,000	
Total, salaries and expenses	441,375,000	434,097,000	430,597,000	-10,778,000	-3,500,000
Technology fund	5,050,000	7,000,000	5,050,000		-1,950,000
Educational and cultural exchange programs	185,000,000	197,731,000	193,731,000	+8,731,000	-4,000,000
Eisenhower Exchange Fellowship Program, trust fund	600,000	600,000	600,000		
Israeli Arab scholarship program	400,000	400,000	400,000		
International Broadcasting Operations	325,000,000	366,750,000	391,550,000	+66,550,000	+24,800,000
Broadcasting to Cuba (direct)	25,000,000			-25,000,000	
Radio construction	35,490,000	32,710,000	40,000,000	+4,510,000	+7,290,000
East-West Center	10,000,000	7,000,000		-10,000,000	-7,000,000
North/South Center	1,495,000	1,500,000		-1,495,000	-1,500,000
National Endowment for Democracy	30,000,000	30,000,000	30,000,000		
Total, United States Information Agency	1,059,410,000	1,077,788,000	1,091,928,000	+32,518,000	+14,140,000
Total, related agencies	1,100,910,000	1,123,968,000	1,133,428,000	+32,518,000	+9,440,000
Total, title IV, Department of State	5,075,176,000	5,370,887,000	5,145,119,000	+69,943,000	-225,768,000
Appropriations	(5,025,276,000)	(5,370,887,000)	(5,145,119,000)	(+119,843,000)	(-225,768,000)
Emergency appropriations	(49,900,000)			(-49,900,000)	
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(-97,400,000)	(-83,970,000)
Maritime Security Program	54,000,000	52,400,000	35,500,000	-18,500,000	-16,900,000
Operations and training	65,000,000	70,000,000	65,000,000		-5,000,000
Maritime Guaranteed Loan Program Account:					
Guaranteed loans subsidy	37,450,000	35,000,000	35,000,000	-2,450,000	
Administrative expenses	3,450,000	4,000,000	3,450,000		-550,000
Total, Maritime guaranteed loan program account	40,900,000	39,000,000	38,450,000	-2,450,000	-550,000
Total, Maritime Administration	159,900,000	161,400,000	138,950,000	-20,950,000	-22,450,000
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	206,000	206,000	250,000	+44,000	+44,000
Commission on the Advancement of Federal Law Enforcement					
Salaries and expenses	2,000,000			-2,000,000	
Commission on Civil Rights					
Salaries and expenses	8,740,000	11,000,000	8,740,000		-2,260,000
Commission on Immigration Reform					
Salaries and expenses	2,196,000	500,000	496,000	-1,700,000	-4,000
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,090,000	1,090,000	1,090,000		
Equal Employment Opportunity Commission					
Salaries and expenses	239,740,000	246,000,000	239,740,000		-6,260,000
Federal Communications Commission					
Salaries and expenses	188,079,000	219,079,000	187,079,000	-1,000,000	-32,000,000
Offsetting fee collections - current year	-152,523,000	-162,523,000	-152,523,000		+10,000,000
Direct appropriation	35,556,000	56,556,000	34,556,000	-1,000,000	-22,000,000
Federal Maritime Commission					
Salaries and expenses	14,000,000	14,300,000	13,500,000	-500,000	-800,000
Federal Trade Commission					
Salaries and expenses	101,930,000	108,000,000	105,000,000	+3,070,000	-3,000,000
Offsetting fee collections - carryover	-16,000,000	-10,000,000	-10,000,000	+6,000,000	
Offsetting fee collections - current year	-58,905,000	-70,000,000	-70,000,000	-11,095,000	
Direct appropriation	27,025,000	28,000,000	25,000,000	-2,025,000	-3,000,000
Gambling Impact Study Commission					
Salaries and expenses	4,000,000			-4,000,000	

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Legal Services Corporation					
Payment to the Legal Services Corporation	283,000,000	340,000,000	141,000,000	-142,000,000	-199,000,000
Marine Mammal Commission					
Salaries and expenses	1,189,000	1,240,000	1,000,000	-189,000	-240,000
National Bankruptcy Review Commission					
Salaries and expenses	494,000			-494,000	
Ounce of Prevention Council					
Direct appropriation	500,000			-500,000	
Crime trust fund		9,000,000			-9,000,000
Securities and Exchange Commission					
Salaries and expenses	305,400,000	317,412,000	315,000,000	+9,600,000	-2,412,000
Offsetting fee collections	-222,622,000	-249,523,000	-249,523,000	-26,901,000	
Offsetting fee collections - carryover	-45,000,000	-32,000,000	-32,000,000	+13,000,000	
Direct appropriation	37,778,000	35,889,000	33,477,000	-4,301,000	-2,412,000
Small Business Administration					
Salaries and expenses	239,547,000	246,100,000	235,047,000	-4,500,000	-11,053,000
Offsetting fee collections	-4,500,000			+4,500,000	
Direct appropriation	235,047,000	246,100,000	235,047,000		-11,053,000
Office of Inspector General	9,000,000	10,600,000	9,490,000	+490,000	-1,110,000
Business Loans Program Account:					
Direct loans subsidy	1,691,000			-1,691,000	
Guaranteed loans subsidy	179,700,000	173,235,000	187,100,000	+7,400,000	+13,865,000
Micro loan guarantees	2,317,000			-2,317,000	
Administrative expenses	94,000,000	94,000,000	94,000,000		
Total, Business loans program account	277,708,000	267,235,000	281,100,000	+3,392,000	+13,865,000
Disaster loans program account	191,932,000	173,200,000	199,100,000	+7,168,000	+25,900,000
Emergency appropriations	135,000,000			-135,000,000	
Total, Disaster loans program account	326,932,000	173,200,000	199,100,000	-127,832,000	+25,900,000
Surety bond guarantees revolving fund	3,730,000	3,500,000	3,500,000	-230,000	
Total, Small Business Administration	852,417,000	700,635,000	728,237,000	-124,180,000	+27,602,000
State Justice Institute					
Salaries and expenses 1/	6,000,000	13,550,000	3,000,000	-3,000,000	-10,550,000
Total, title V, Related agencies	1,675,831,000	1,619,366,000	1,369,036,000	-306,795,000	-250,330,000
Appropriations	(1,540,831,000)	(1,610,366,000)	(1,369,036,000)	(-171,795,000)	(-241,330,000)
(Liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(-97,400,000)	(-83,970,000)
TITLE VI - GENERAL PROVISIONS					
DEPARTMENT OF JUSTICE					
Congressional legal expenses (sec. 616)			1,000,000	+1,000,000	+1,000,000
GOVERNMENT-WIDE					
Defense function (by transfer)		(34,025,000)	(34,025,000)	(+34,025,000)	
International function (by transfer)		(47,089,000)	(47,089,000)	(+47,089,000)	
Domestic function (by transfer)		(31,845,000)	(31,845,000)	(+31,845,000)	
Total, title VI, general provisions			1,000,000	+1,000,000	+1,000,000
Appropriations			(1,000,000)	(+1,000,000)	(+1,000,000)
(By transfer)		(112,959,000)	(112,959,000)	(+112,959,000)	
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working capital fund (rescission)	-36,400,000			+36,400,000	
Immigration and Naturalization Service					
Immigration Emergency fund (rescission)	-34,779,000			+34,779,000	
Total, title VII, Rescissions	-71,179,000			+71,179,000	

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Grand total:					
New budget (obligational) authority	30,230,160,000	35,654,437,000	31,791,443,000	+1,561,283,000	-3,862,994,000
Appropriations	(25,275,710,000)	(26,852,120,000)	(26,506,693,000)	(+1,230,983,000)	(-345,427,000)
Advance appropriations	.....	(3,564,317,000)	(31,000,000)	(+31,000,000)	(-3,533,317,000)
Emergency appropriations	(536,629,000)	.....	.....	(-536,629,000)	.....
Rescissions	(-107,179,000)	.....	(-5,000,000)	(+102,179,000)	(-5,000,000)
Crime trust fund	(4,525,000,000)	(5,238,000,000)	(5,258,750,000)	(+733,750,000)	(+20,750,000)
(By transfer)	(69,000,000)	(175,340,000)	(175,340,000)	(+106,340,000)	.....
(Limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(+448,000)	(-440,000)
(Liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(-97,400,000)	(-83,970,000)

1/ President's budget proposes $5,000,000 for State Justice Institute.

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

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

Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman, for his kind remarks. I want to echo my remarks from the full committee markup regarding the fine job that our chairman has done on this bill. Chairman ROGERS characteristically has done an exemplary job with regard to this bill. He has worked diligently, he has taken excellent testimony from the agencies, from outside witnesses, and he has put together a document at the same time, including the concerns of the minority and certainly our input. We are very appreciative of that attitude and that way of proceeding and think it is very constructive and thank him for it.

I also want to commend at the beginning the fine work and hard work of some awfully good staff, Mr. Chairman. First of all, I want to note the excellent work that two members of my personal staff have done, Liz Whyte and Sally Gaines. I appreciate their tireless efforts throughout the fiscal year 1998 appropriations bill. It has been tremendous and the minority, we sometimes we work harder because we have less staff and they have done a tremendous job, both of my personal staff, and I am very appreciative.

Likewise, I am especially appreciative to the minority appropriations staff, Mark Murray, David Reich, and Pat Schlueter, for the excellent job they likewise have done in conjunction with the hard working committee staff, Jim Kulikowski, Therese McAuliffe, Jennifer Miller, Mike Ringler, and Jane Weisman. The committee is certainly well served by all these dedicated staff personnel.

Mr. Chairman, as the chairman has indicated in his remarks, much of which I associate myself with, there are a lot of things to like about this bill. Few will find fault with the robust funds that have been provided for the Department of Justice and law enforcement in general. Funds are provided in excess of those requested by the administration in many accounts.

Clearly law enforcement is an important priority of the Congress. It is an important priority of this administration, it is an important priority of the Nation, and the bill certainly rises to the occasion.

Members will be pleased to know that generous increases are provided over fiscal year 1997 spending levels for the FBI, for U.S. attorneys, for the U.S. Marshal Service, and for the Immigration and Naturalization Service. We have doubled the administration's requests for border patrol agents and provided more funds than requested by the President for the Drug Enforcement Administration.

Such funds will enable us to continue our important work in combating terrorism, illicit drug trafficking, and illegal immigration. Of particular note with regard to curbing the flow of illicit drugs into the United States, funds are provided for both a Southwest border initiative and a Caribbean initiative. In the area of State and local enforcement, I am pleased to report that full funding is provided for the COPS Program and the Byrne grant program. We see no debate on those issues on the floor this year.

Members of this committee will also be pleased to know the Violence Against Women's Act Program is funded above the President's request in this bill. I am happy to note that particular focus has been given to funding for juvenile justice delinquency prevention programs. We have provided a small increase above the President's request for juvenile crime prevention programs; $300 million has been provided for a new block grant program and funds for the local law enforcement block grant program are also included.

With respect to our international commitments, this bill represents the beginning of a bipartisan effort to eliminate our U.N. arrearages, and I am hopeful we will continue on this track in the future. I know there are some amendments addressing this issue. I hope that they are not seriously entertained by the Congress and that they are defeated.

Also, I want to mention that this bill provides increases over fiscal year 1997 for a number of State Department operating accounts.

Lastly, I feel that this bill in most instances deals fairly with the Commerce Department. The chairman has continued his commitment to such important programs as the public works grant program, PTFP, manufacturing extension partnership program, trade adjustment assistance, and the International Trade Administration.

Additionally, this bill provides more than the administration's request for the critical missions of the National Weather Service, being responsive to the concerns that were expressed during markup and during the summer and spring about the National Weather Service and its ability to perform its mission.

As pleased as I am with the funding levels, Mr. Chairman, for these programs that I have just mentioned, I want my colleagues to understand that this bill, like everything else, is not perfect. There are several issues which I would like to improve. I wanted to mention just a few of those that stand out.

First, although this bill provides more than the administration has requested for the 2000 census, I am deeply concerned with the restrictions placed on sampling, the most contentious issue in this bill, and restrictions on the Census Bureau in general.

The gentleman from Connecticut [Mr. SHAYS] and I plan to offer an amendment on this issue, which I hope my colleagues from both sides of the aisle will consider supporting. Sampling is the solution that the National Academy of Sciences has come up with to speak to the concerns expressed by many Members of this body after the 1990 census, when we were expressing doubts about the accuracy of the census. We asked experts to look at this issue and to recommend to the Congress how we could make the census more accurate, how we could count more people, how we could include more of the population in the process, and the answer was sampling.

Sampling is not new in the census process. It has been used for a number of the censuses, I am advised going back some 30 years, but the sophistication of the process and the extent of incorporating it into the census would be new, and the Census Bureau, regardless of what we do with sending it to the courts or sending it to the authorizers for legislative disposition of the issue of sampling, we need to be able to plan to incorporate sampling in the process.

Under the language in the bill, we cannot do that because of the delays inherent in the bill language. We would be so far into the process that the Census Bureau could not bring sampling into the census taking.

We need to fix that, and the Mollohan-Shays amendment does it. If the Mollohan-Shays amendment is not adopted, Mr. Chairman, the President will likely veto this bill.

This bill provides $185 million for the advanced technology program. While I am pleased that the chairman is providing some funding, it still is significantly below what was requested by the administration, and I hope we can increase that funding as time goes on.

Finally, Mr. Chairman, I regret that a 50 percent reduction was made to the funding for the Legal Services Corporation. As many know, the Legal Services Corporation is the only place many impoverished individuals in our Nation can turn to in times of legal need. The funding level provided in this bill will ensure that many, many of our most vulnerable citizens will not have legal representation in times of crisis. That is unacceptable in America.

I plan to offer an amendment later in the debate to restore $190 million in funding to this vital agency. We are going to destroy the language in the bill and replace it with the language in my amendment.

This will also be a bipartisan amendment, Mr. Chairman. The gentleman from Pennsylvania [Mr. FOX], who was a cosponsor of the amendment last year to restore funds to Legal Services, will also be the cosponsor on this bipartisan amendment.

This list is not exhaustive, but highlights a number of areas which I hope

can improve the bill as it proceeds. I want to thank the chairman for his cooperation, leadership, good faith efforts, and responsiveness to our concerns.

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

□ 1745

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume to join the gentleman from West Virginia [Mr. MOLLOHAN], my ranking member, in also thanking staff on the subcommittee and our personal staffs for the excellent work that they have done in getting us to this point. Were it not for them, we would not be here, obviously.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA], one of the very able and hard-working members of this subcommittee, who also is chairman of one of the subcommittees of the Committee on Appropriations, the Subcommittee on Interior, and who also does a wonderful job there.

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

I will summarize. There are three important points I would like to make. First, this bill has an initiative to combat juvenile delinquency. This is a growing problem in our society, and we recognize it by increasing the appropriation for this program by 63 plus million dollars. How does it work? It works very well in terms of getting out and developing partnerships.

Recently the Attorney General of Ohio, Betty Montgomery, and myself participated in unveiling Ohio's OASIS project: Ohio's Accelerated School-based Intervention Solution. This is designed to establish a partnership among the State officials, the local officials, the schools, the private sector to deal with juvenile problems, and it focuses on early intervention, recognizing that the best medicine is preventive medicine, and if we can reach these young people early on, there is a good chance of helping them avoid trouble later down the road. This program is funded by the monies in this bill.

Secondly, there is money in this bill to promote U.S. exports abroad and to enforce U.S. trade laws at home. The Commerce Department's merchandizing export sales statistics from Canton-Massillon, which is part of my district, have increased 50 percent from 1993 to 1995. I think it indicates the importance of exports and ensures that these are done on a fair basis, that they are encouraged, and likewise, to prevent dumping into our own markets. Thus, it is important that we support the International Trade Administration. This bill contains an increase for the Commerce Department to ensure that the ITA will have adequate funds to ensure that trade laws are enforced correctly.

The last item is the "made in USA" label. Some thought that this could be reduced to 75 percent and still qualify on goods produced in the United States. I think that is wrong. If it is made in the USA, it should be made in the USA.

Mr. Chairman, I rise in support of the Fiscal Year 1997 Commerce, Justice, State and the Judiciary Appropriations Act. I would like to commend Chairman ROGERS and ranking member Mr. MOLLOHAN for balancing the many different functions and programs that are funded in this bill. You have worked hard, Mr. Chairman, to accommodate many diverse and competing interests in the bill.

One of the highlights of this bill is the initiative to combat juvenile delinquency. It is disturbing to note that since 1989, arrests of Ohio juveniles for violent crimes have risen 62 percent, and 20 percent of all violent crimes nationally are committed by youths under the age of 18.

But, there are many solutions being sought, and this bill contains a $63.4 million increase in funding for Juvenile Justice programs to fund many of these programs. The increased funding is directed not only toward law enforcement initiatives to punish violent juvenile offenders, but also toward quality intervention and prevention programs to help our youth from falling into the delinquency trap.

Earlier this month, I joined Ohio Attorney General Betty Montgomery in unveiling Project OASIS (Ohio Accelerated School-based Intervention Solution), an innovative new youth delinquency intervention and prevention program in Ohio. The program will provide intensive supervision for youth in grades 5–7 who are at-risk for increased delinquent behavior.

Project OASIS, which receives funding from the Justice Department's Office of Juvenile Justice and Delinquency, represents an effective solution crafted by a Federal, State and local partnership. I continue to strongly support this and other programs that provide specific solutions that work in a particular State or locality to help our youth stay on track and finish their educations.

Another issue of importance to north-east Ohio is the important work that the Commerce Department is doing to promote U.S. exports abroad and to enforce U.S. trade laws at home to ensure that U.S. companies have a level playing field in the global marketplace.

In recent statistics released by the Commerce Department, merchandise export sales from the Canton-Massillon area in my district have increased 50 percent from 1993 to 1995. We are further told by federal officials that, on average, jobs supported by exports pay 13 to 16 percent more than other U.S. jobs.

Therefore, I support the $9.5 million increase for the Commerce Department's International Trade Administration because expending exports, as well as protecting domestic companies against unfair foreign trade practices, are both crucial to creating and maintaining high wage jobs in the U.S.

Finally, I would like to highlight report language with respect to recent proposed changes to the "Made in the USA" label made by the Federal Trade Commission (FTC). These proposed new guidelines would allow the "Made in the USA" label to be used on products for which U.S. manufacturing costs are as low as 75 percent of the total manufacturing costs. The Committee report urges the FTC to retain the current standard for "Made in the USA" which requires that "all or virtually all" of the product must be made in America. U.S. consumers should not be misled and U.S. workmanship should not be undersold.

I urge my colleagues to support this important bill and I look forward to working with the Chairman when the bill reaches conference.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS], a very excellent member of the subcommittee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me this time. I want to express my thanks to the gentleman from Kentucky [Mr. ROGERS], our chairman, and the gentleman from West Virginia [Mr. MOLLOHAN], and our excellent staff for their usual good work in putting this bill together. It really is an incredibly rich array of important funding for vital programs that this Government undertakes in behalf of all of our citizens. Many of them have already been mentioned: from law enforcement to crime prevention; border enforcement, immigration control and naturalization; the criminal and civil justice systems and our courts, all funded in this bill; important funding for the regulation of commerce, securities and communications; protection of intellectual property; the funding for research into the atmosphere and the oceans; cooperative efforts between government and private industry in cutting-edge technology through the ATP program; developing absolutely essential standards for commerce and industry through the National Institute for Standards and Technology; supporting this country's presence around the world in diplomacy and arms control and many other important international efforts; as the chairman pointed out, making major progress in resolving our U.N. funding arrearage issue; international trade, funding for the U.S. Trade Representatives all vital services.

In addition to the good work in these areas, we do have some serious problems. We have to raise the funding for legal services if our goal of equal justice under law is to be a meaningful one. We have to deal with the census sampling matter if we are honest about our desire to have an accurate count of the people in this country, and not using this as a passive aggressive technique for avoiding adding Representatives in this House from certain areas that are undercounted. Finally, there are some needs to reinforce funding in some vital trade areas and research areas, where I look forward to working with the chairman of the subcommittee as the bill moves through the process.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FORBES], a very hard-working member of our subcommittee.

Mr. FORBES. Mr. Chairman, I grew up on the eastern end of Long Island around Montauk Point. It is a beautiful part of the world, and needless to say, I have spent many a day during my youth swimming and fishing and boating on the Atlantic and Long Island Sound. Like so many, I possess a great respect for our natural coastal heritage.

I want to commend and sincerely thank my chairman, the gentleman from Kentucky [Mr. ROGERS], and of course the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], and the subcommittee staffs on both sides of the aisle, and, of course, my colleagues for crafting what I believe is an equitable, bipartisan bill that among so many good public policy issues addresses some of the problems facing the coastal areas, like my own on Long Island.

Brown Tide is a micro-algae bloom that was first reported in the bays along Rhode Island in 1985, devastating our shellfish industry, a multimillion-dollar industry, and reducing the harvest from a high of 278,000 pounds back in 1984 to just 250 pounds in 1988.

This Brown Tide is a phenomenon that has gripped many coastal areas around the country, and like its related kin, the Red Tide that the gentleman from Florida [Mr. MILLER], my good friend, has been struggling to fight down in the Florida area, this phenomenon has created quite a lot of havoc. So I want to commend the subcommittee for its sensitivity in making sure that the Brown Tide and the Red Tide phenomena are dealt with in this legislation.

Billions of dollars in economic growth and thousands of jobs, much less the countless recreational opportunities, are being wasted as a result of overfishing, and this bill deals in a good way with that problem. I support the committee's recommendation of $108.5 million for the National Marine Fisheries Service Conservation Management and Operations Program. It is an increase of about $5 million over existing funding, and it will provide the National Marine Fisheries with the kind of tools that it needs to deal with this very serious problem of overfishing in our waters.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. DIXON], a distinguished member of the subcommittee.

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

I rise in support of H.R. 2267. I would like to compliment the staff for their fine work, but, most important, the Members that serve on this committee. They are dedicated; they worked very hard to reach a consensus, and they deal with some problems that really confront America.

This bill is very important to California. The issue of incarceration of illegal aliens has been a major problem for the budgetary constraints of the State of California, and I am pleased that, on a bipartisan basis, we have increased that fund from $500 million to $600 million this year, and I thank my colleagues for that.

As the chairman indicated, the bill provides for an additional 1,000 Border Patrol people. If we are to get a handle on people that come across the border illegally, it is important to increase the personnel, and we have provided $125 million to do so. The COPS Program that has provided new employment for law enforcement officers in so many communities is funded at last year's level, but most importantly, the COPS technology program has earmarked $30 million for programs to fight the war against drugs and, in particular, the methamphetamine program. California is the capital of the manufacturing of methamphetamine, and I am pleased that myself and the gentleman from California [Mr. LEWIS] were able to encourage the committee to mark $18 million to fight that drug war.

While I support this bill, there are serious problems with the bill that I hope will be modified and rectified as we move along on the floor and in conference. One is the limitation on sampling. I recognize that the chairman of the committee has come a long way in his effort to try to accommodate everybody on this issue, but I would urge my colleagues to listen to the debate and adopt and support the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Connecticut [Mr. SHAYS].

As the gentleman from Colorado [Mr. SKAGGS] points out, it is very important that poor people have access to the civil courts of our society. This bill contains a 50 percent cut below last year's level of funding for the Legal Services Corporation, and I would ask my colleagues to support the Mollohan-Fox amendment that will raise it at least to $258 million.

In all, I think this is a good job, but it is certainly proof that as we move along on the floor and in conference, that we can improve this bill, and I look forward to working with my colleagues.

Mr. Chairman, I rise today in support of H.R. 2267, the Commerce, Justice, State Appropriations Act for fiscal year 1998. I commend Chairman ROGERS and Ranking Member MOLLOHAN for their work in bringing what can be a difficult bill to the floor. I want to thank the chairman and his staff for their openness and willingness to consider the concerns of all the subcommittee members. While I support H.R. 2267 and many of the important spending priorities reflected in the bill, I have very serious concerns about several provisions of this legislation, which I hope will be addressed on the floor and in conference with the Senate.

The bill continues to bolster our control over the southwest border; increases funding to fight illegal drugs and crime; funds crime prevention programs; and begins to address the serious issue of U.S. arrears to international organizations.

Controlling our southwestern border is of paramount importance to this Nation, my State of California, and particularly Los Angeles County. H.R. 2267 provides $125 million for 1,000 new Border Patrol agents, continuing the expansion of a force that has increased by 85 percent between fiscal year 1993 through fiscal year 1997. I applaud the 20-percent increase over fiscal year 1997 funding of State criminal alien assistance—from $500 million to $600 million—to reimburse States and localities for the cost of incarcerating illegal aliens who commit criminal offenses. These costs impose an enormous burden on States and localities as a result of the Federal Government's inability to control the border.

Control of the border is crucial also to our fight to stem the tide of illegal drugs coming into the United States. The State Department estimates that in 1996, 50–70 percent of cocaine, up to 80 percent of foreign grown marijuana, and 20–30 percent of heroin entered the United States from Mexico, across our southwestern border.

In addition to controlling the importation of illegal drugs, this bill also addresses production within our borders. Methamphetamine is the fastest growing abused drug in the Nation. Emergency room admissions related to "meth" more than tripled between 1991 and 1994. Unfortunately, my State is so active in meth production that the DEA has listed California as a source country for the drug. H.R. 2267 earmarks $30 million in COPS grants to States to combat meth production, including $18.2 million to the California Bureau of Narcotics Enforcement to assist its work in shutting down clandestine meth labs.

We continue to fund the COPS Program, working toward the goal of putting 100,000 more police officers on the street by 2000. Already COPS grants have funded the hiring of 61,000 new officers, including over 3,000 new or redeployed officers in Los Angeles. We are seeing results from this and other anticrime efforts, with violent crime dropping 12.4 percent in 1995. Additionally, the subcommittee has recognized the need for increased flexibility in the application of grant money, providing $35 million for COPS technology grants to help law enforcement use officers more efficiently in investigating, responding to, and preventing crime.

It is important to reiterate that addressing the Nation's crime problem requires a two-pronged approach involving both tough law enforcement and programs to prevent crime. While criminals must face sure punishment for their crimes, we must also be proactive. Once a crime is committed—once a person has been a victim of a crime—we have lost half the battle. H.R. 2267 provides over $280 million to help prevent crime, including nearly $238 million for juvenile justice and delinquency prevention. I strongly support this funding to steer our young people away from involvement with crime.

I am pleased that H.R. 2267 adequately funds most State Department accounts and

fully funds current year dues owed to international organizations. In the post-cold-war environment, U.S. diplomatic engagement is essential to world stability, economic growth, and democratization.

This bill also begins to address the payment of U.S. arrears to the United Nations and other international institutions. These arrears are eroding both our credibility in the world community and our ability to press for important U.N. reforms. H.R. 2267 contains $54 million for international organizations arrears and $46 million for international peacekeeping arrears. These payments are an essential step toward fulfilling our obligations to international organizations.

Notwithstanding my support today for moving H.R. 2267 forward, there are provisions of the bill I oppose and which I hope can be rectified. While the bill generously funds all law enforcement agencies, the agency that enforces our civil rights laws—the EEOC—is flat funded. This bill generously funds the legal activities of the Justice Department, but severely underfunds the agency that guarantees access to legal representation for the poor—Legal Services Corporation funding has been cut from $283 million to $141 million. Finally, I believe that the provision related to the Census Bureau unnecessarily jeopardizes their ability to effectively administer Census 2000 by restricting its preparations.

The Equal Employment Opportunity Commission has been denied the small increase it requested. The EEOC is charged with enforcing our Nation's civil rights laws as they pertain to employment in both the private and public sectors. I share the committee's view that the agency's backlog is creating unacceptable delays in the resolution of discrimination cases. Although the agency under Chairman Gilbert Casellas has made significant progress in reducing its backlog, we need to ensure that these reductions were not one-time benefit. While I believe that the EEOC needs to more effectively track staff and resource usage, denying the agency a modest inflationary increase may only exacerbate the delay in resolution of these cases.

This bill provides only $141 million for Legal Services Corporation, just over 40 percent of its $340 million request for fiscal year 1998 and less than 50 percent of their $283 million fiscal year 1997 appropriation. These cuts seriously damage the ability of poor people to seek redress through the legal system.

In 1995 and 1996 the Congress placed restrictions on LSC's activities to address the concerns of members. LSC has also instituted reforms in its granting procedures that have resulted in more efficient delivery of its services. The agency is a model of efficient spending of scarce federal resources; its administrative costs represent a mere 3 percent of its appropriations. I urge my colleagues to adopt the Mollohan/Fox amendment, to increase Legal Services Corporation funding to $250 million.

Finally H.R. 2267's census provisions could seriously undermine preparation for the 2000 census. The bill, which allows the Census Bureau to spend only $100 million on census activities until an authorizing bill is enacted, may very well leave the Bureau unable to perform necessary activities such as dress rehearsals.

We know that the 1990 census had an undercount. We know that minorities, people in rural areas, and the homeless were disproportionately undercounted. We know that the sampling methods developed by the Bureau of the Census to get a more accurate count have the support of respected scientific organizations—including the National Academy of Sciences. I urge my colleagues to support the Mollohan-Shays amendment and not block efforts to obtain the most accurate count possible.

I urge my colleagues to support H.R. 2267 and look forward to continuing our work on problematic areas of this legislation.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], one of the new members of our subcommittee who has done a great amount of work in formulating this legislation.

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding me this time and for the opportunity to speak. It has been a real privilege to be on this subcommittee under the chairman's leadership and to work in a bipartisan way to really address a lot of very, very critical problems that we have nationwide, but in particular for me in Iowa.

The gentleman from California [Mr. DIXON] mentioned methamphetamines, and to me, this is a horrible problem that is exploding in the Upper Midwest, and the work that we are doing in this bill will help us tremendously as far as enforcement, when we look at the tri-State drug task force we have in Sioux City and being able to beef up those efforts to deal with this problem that is going to be devastating to our young people and really change the whole fabric of society in our area. This is something that I am very proud that this bill addresses.

Also, the question of more INS agents in our part of the country. A lot of people do not think Iowa has much of a problem. Well, the fact of the matter is we have a dramatic increase of illegals brought in by the attraction of certain industries, and we have been able to in this bill, after the completion of this bill, will have 12 INS agents in the State of Iowa where previously we have had none, and it is a severe problem. We will have a colloquy later on talking about INS and the problems we have.

But this bill goes a long way toward addressing other concerns we have, obviously, with agriculture, as far as trade and small business; extremely important to us, and obviously, with the State Department, too, and our relationships around the world to be able to continue fair and equal trade is very important.

Just maybe a second about the census. I believe that we have to have an actual count, that that is what the Constitution says, and this bill certainly follows what is constitutionally mandated.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, there are a lot of people who are afraid of the political costs of an accurate census. I think most Americans are afraid of the costs overall of an inaccurate census. As a result, there has been a great deal of misinformation about what the plans are for 2000.

Let me just take a moment tonight to try to set the record straight. Some opponents of sampling have said the census will not even try to count everyone. That is simply not true. The Bureau will make an unprecedented effort to count more people than ever before in the history of the Nation directly. The Bureau will send four pieces of mail to every household; first a letter explaining the census, and then the form itself, and then the postcard reminding people to fill out the form, and finally a second form just in case the first one was missed, and that is just for starters.

□ 1800

People can pick up census forms in hundreds of thousands of locations, post office, stores, libraries, churches, and they can turn in their responses by phone for the first time. This will be supplemented by a huge advertising campaign using television, radio, billboards and newspapers, outreach and promotion through schools and with community-based organizations. We will use people hired from within the community. For the first time, the Bureau is working with local governments to make sure the address lists are correct before the census starts.

The Bureau is in the process of contacting all 39,000 local governments in this country asking for their help. Then and only then, after this unprecedented effort to count everyone by mail, will the census start going door-to-door, seeking those who still have not responded.

But going door-to-door is not the most accurate way to count everybody. In fact, in 1990 the door-to-door effort resulted in a census that was wrong over 10 percent of the time. To count 35 percent of the country that did not mail back the census form 10 years ago, the Bureau had to hire over 400,000 people. Just the size of that work force alone guarantees that there will be some mistakes because of inexperience and lack of adequate training.

More importantly, door-to-door work asking questions is a difficult and sometimes dangerous job. The Bureau has been working on this since 1950. Morris Hanson and W. Edwards Demming did some experiments that showed that knocking on doors was less accurate than mail-out mail-back, and the GAO agreed. Its evaluations of 1990 found that the error rate for people counted by mail was less than 3

percent compared to a rate nearly 10 times that for people who counted the census going door-to-door.

To overcome these problems, the Bureau developed a plan to improve the basic mail count and to improve the count of those who do not mail back their forms. That is the first time the sampling and statistical methods that I just described come in.

The Bureau plans to conduct a sample to complete the count of nonresponding households in a process known as direct sampling. The process will allow the Bureau to make direct contact with 90 percent of the households in every census tract in every neighborhood across the country, an unprecedented level of direct counting.

The Bureau will then apply the characteristics to the remaining 10 percent of households based on information it has gathered on all the other households it has counted directly. In census tracts where the mail response was lower, the size of the sample will be higher.

After the field work is complete and 100 percent of households have been included in the census, then the Bureau will conduct a second super-survey 5 times larger than ever before, 750,000 households, covering targeted census blocks in all 50 States, in order to check its previous work. It will use its best enumerators, with a new set of independent address lists, to make a final check of undercounts and overcounts. The results of that very precise, very fine-grained second survey will then be applied block by block to demographically similar areas across the country.

It is this combination of methods, the old with the new, the outdated with the modern, the conventional with the more accurate, that stands the only chance to produce a better census in 2000. Without these methods, they can only fall back on prior procedures that in the past have failed to count everyone.

Mr. Speaker, without the new methods, the Census Bureau can only fall back on procedures that have in the past failed to count everybody and that have failed to make the count more accurate. If we effectively keep the Bureau from using these methods, by preventing the Bureau from testing them in the dress rehearsal next year and cutting off the funds for them for an indeterminate period into the future, we will be saying to every community across the country that we do not care if the census misses people, and that is not an outcome that I think most Americans can support.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the distinguished chairman of the Appropriations Subcommittee.

Mr. Chairman, this bill appropriates $70 million for NOAA's interannual and seasonal climate and global change research program, a $2 million increase over the current level, but at $4.9 million below the request. Concerns have been expressed that the committee's action did not include funding to continue the tropical ocean global atmosphere observing system known as TOGA. The TOGA observing system funds buoys across the equatorial Pacific to perform measurements that have proven invaluable to El Nino researchers. Scientists performing this research are concerned that the bill would prevent NOAA from continuing this critical program.

Can the chairman assure us that the $4.9 million funding is included in this bill for the TOGA array?

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

Mr. CALVERT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman raising this issue so that I can eliminate any confusion over the matter. There has been some confusion.

The bill provides $70 million for climate research and prediction activities. Of that amount, $4.9 million has been provided to continue the TOGA observation system, as well as a $2 million increase over the current funding level for additional climate research, including research into the El Nino phenomenon.

Mr. CALVERT. I thank the gentleman for clarifying this matter.

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

Mr. CALVERT. I yield to the gentleman from California.

Mr. BILBRAY. I thank the gentleman for yielding to me, Mr. Chairman.

I want to take this opportunity to thank Chairman ROGERS for clarifying the funding for this important program, TOGA, which not only predicted the El Nino but also predicted the massive floods that we saw last year in the Northwest.

I would also take this opportunity to thank you for including an increase of $2 million in your bill fro NOAA's climate research programs, including additional funds requested for the International Research Institute for Climate Prediction [IRI].

The IRI is cohosted by the Scripps Institute of Oceanography at U.C. San Diego, and the Lamont Doherty Earth Laboratory at Columbia University.

The IRI provides experimental forecasts on seasonal-to-long-term time scales of changing physical conditions, such as ocean temperature, to predict rainfall. It then assesses the regional impacts of these variations. This information is then used to support practical decisionmaking in critical sectors such as agriculture, emergency response, and public health and safety.

This funding increase will be used to improve regional forecasts, and to increase regional research and demonstration projects to explore impacts of these forecasts on specific areas. This information is increasingly important, as we are now learning with the onset of El Niño. However, the IRI does not focus on such applications here in the United States.

Mr. Chairman, I would like to work with you to explore how we might find additional support within the bill for the important research, separate from the IRI itself, which underlies the Climate Research Program. I recognize and appreciate the tight restrictions which you have had to work with in crafting your bill, and know the difficulties you face.

However, given the importance of this forward-looking research, and the benefits which our own Nation can derive as a result down the road, I believe it is important that we take every advantage of this opportunity to expand our understanding in this field.

As you are aware, Mr. Chairman, there are three specific functions within this program which would benefit from the additional funding which was originally requested by NOAA: Additional research to do seasonal-to-long-term forecasting for all of North America; beginning a regional applications process in the United States to make this forecasting useful to climate-sensitive regions, such as agricultural areas; and intensify the research effort into understanding long-term climate variability. Scientists now believe that long-term variability has as great an impact on North America as the El Niño.

As the chairman knows, I originally was prepared to offer an amendment, along with my colleague, the gentlelady from San José, to add $4.9 million to this bill for the purpose of ensuring that the TOGA Program would continue. Given the chairman's earlier clarifications of the TOGA Program, however, I would not seek to offer the amendment at this time.

But if the gentleman would be agreeable, I would like to work further with the chairman and our colleagues between now and the conference to ensure the stability of the underlying research base on this important topic.

Mr. ROGERS. I would be happy to work with the gentleman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 30 seconds to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I acknowledge the hard work of the gentlemen from California, Mr. BILBRAY and Mr. CALVERT. I do have concerns about the impact on other NOAA research. El Nino must be funded. I am eager to further understand the implications of what has been done here between now and tomorrow, in hopes that I can rise tomorrow in support of what has been outlined here.

I look forward to some further clarification from staff between now and tomorrow morning. I thank the gentleman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I strongly support the Mollohan-Shays

amendment to permit the Census Bureau to continue planning for the 2000 census. I would just like to remind the House that the history of this Nation shows that the census has always failed to count some people, but, of course, we want to be sure that there is no significant undercount this time. But the undercount is always higher for African-Americans than for any other group.

Mr. Chairman, I would ask Members to look at the data for the last six censuses, which we will see is being brought to our attention now. If Members will look at this particular chart, they will see that beginning in 1940, in each census the undercount has been more than 3 percent larger than it was for whites. The undercount for blacks or African-Americans has been always more than 3 percent larger than it was for whites.

If we look at these data all across, from 1940 up until now, there has been this very serious undercount, but it was greater in 1990 than any other time. It was like 4.4 percent higher among African-Americans at that time in 1990, here, if Members will note, than at any other time. The 1990 census failed to count 1.4 million African-Americans.

I do not think anyone in this country wants an undercount. They want the very best. They want everyone counted. It appears that the only way that can be done is to do sampling. History has proven this undercount, so why should we go back to some of the same flaws that we had in the 1990 census?

It also failed in 1990 to count 2.6 million whites, but the percentage of blacks that was not counted in 1990 was 5.7 percent, more so than with whites. It was much larger than the percentage of whites not counted; 1.3 percent more were not counted during the 1990 census.

Not fully counting African-Americans in the census originated a long time ago with the Constitution. Article 1, section 2 of the Constitution that was ratified in 1788 provided African-Americans as three-fifths of a man. As a result, we were not counted correctly, even back then. But that was changed, so now we do have that corrected, the earlier misconception of the census.

But this is really a debate about political power. We do not want the undercount to happen again. This was repealed in 1868 by the 14th amendment. We must continue now to be sure that this old legacy that was brought to us a long time ago does not repeat itself.

Failing to count certain groups is not limited to blacks. I am appealing to the Congress, to the chairman and to the Members to be sure that the undercount we had in 1970, that we had in 1980, that we had in 1990, will not be repeated in the year 2000. We want everyone counted.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. SMITH], the distinguished chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 2267, the 1998 Commerce-State-Judiciary appropriations bill. My colleague, the gentleman from Kentucky [Mr. ROGERS] and my colleague, the gentleman from West Virginia [Mr. MOLLOHAN] have worked hard to draft a fair bill, and I commend them for their efforts.

As chairman of the Subcommittee on Immigration and Claims, I would like to highlight just a few of the specific programs which this bill funds within the Immigration and Naturalization Service and which I strongly support.

First, the bill, for the second year, provides funding for 1,000 additional Border Patrol agents for fiscal year 1998 instead of the 500 requested by the President. These new Border Patrol agents are vital to efforts to stem the flow of illegal drugs, aliens, criminals, and terrorists into the United States.

The bill also recognizes that the Border Patrol is not the only key to apprehending and removing illegal and criminal aliens. Additional funds need to be applied to interior enforcement: more investigators and special agents to apprehend illegal and criminal aliens, additional funding for the alien removal process, the expansion of detention space to hold aliens waiting to be removed, and additional funding of the special criminal alien removal program designed to remove criminal aliens as soon as they are released from prison.

All of these functions need to be better executed by the INS. I share the hopes of the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary that by providing the INS with these additional funds, as this bill does, there should no longer be any doubt that these programs are top priority matters to Congress and should also be top priority matters to the INS.

The bill also recognizes and responds to the serious problems within INS's naturalization program. The program, known as Citizenship U.S.A., gave citizenship to criminals and aliens who were in deportation proceedings. These results were clearly the result of bad procedures and insecure fingerprint checks.

H.R. 2267 eliminates non-law enforcement entities who formerly were able to take fingerprints. Businesses such as Pookies Parcel and Post and Juanita's Beauty Salon should not be in the business of taking fingerprints used to obtain the most valuable thing the United States could give, that of citizenship.

The bill also requires that criminal checks be completed before naturalization takes place, a procedure too often overlooked in the first years of Citizenship U.S.A. I support this requirement. I also hope that as the naturalization procedures are improved and electronic fingerprint checks are implemented, items which my colleague, the gentleman from Kentucky [Mr. ROGERS] has agreed to fund, that the waiting time for processing naturalization applications is significantly reduced.

Also, the bill funds the Justice Department's audit of past improprieties in Citizenship U.S.A. and its efforts to denaturalize criminal aliens and aliens already in deportation proceedings. I thank my colleagues on the Committee on Appropriations for their great efforts on funding the INS, and I ask my colleagues to support this bill.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SOLOMON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–267) on the resolution (H.Res. 242) waiving points of order against the conference report to accompany the bill (H.R. 2267) making appropriations for the Department of Defense 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 RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 901, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–268) on the resolution (H.Res. 243) providing for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, which was reported to the

House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. ROGERS. 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 (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, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. SOLOMON). Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the gentleman from Kentucky [Mr. ROGERS] had 7 minutes remaining and the gentleman from West Virginia [Mr. MOLLOHAN] had 8½ minutes remaining.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to thank the distinguished gentleman from West Virginia [Mr. MOLLOHAN] for all of his hard work and the chairman of this committee as well.

Let me acknowledge the importance of the moneys that have been included in this particular bill for the juvenile prevention program or effort that was initially started by the Riggs-Scott amendment. Let me also acknowledge that we would like to see and hope to see Legal Services Corporation fully funded, and I will be looking to support the Fox-Mollohan amendment.

I also wanted to note that I look forward to working with both the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Kentucky [Mr. ROGERS] on the Senate version of this bill, which includes $500,000 for the establishment of a National Center for Study and Prevention of Juvenile Crime and Delinquency, located at Prairie View A&M University, located near Houston, TX.

We believe that prevention is worth a pound of cure, if you will, if that is the correct metaphor, or in other words, it is worth spending money for juvenile crime prevention. So I thank the gentlemen for considering this funding for Prairie View A&M and working with me to make sure that these funds are funded.

I listened to my colleague, the honorable gentlewoman from Florida [Mrs. MEEK] and I have to also comment on the census. I am really disturbed that an amendment by the gentleman from Illinois [Mr. HASTERT] will ban sampling and is included in this legislation.

Statistical sampling is a scientific methodology that will make the 2000 census more accurate. Over 4,000 people were missed in the last census, particularly those living in rural areas, children, and minorities.

Mr. Chairman, this is not a political question "How many people will come to the United States Congress?" This is a question of how many Americans will we be able to serve as we work in the climate of a balanced budget. How many do we know that are in need, that need scholarships, that need education? How should the Government do its business? By guessing? Or should it do it by accurate counting?

The Academy of Sciences, the American Statistical Association, the GAO, and the census director under the Bush administration have all recommended the use of statistical sampling to make the census more accurate.

I urge my colleagues to join me in signaling their concerns over this provision of H.R. 2267 by supporting the Mollohan-Shays amendment. This amendment strikes the language added late last night by the Committee on Rules and in its place adds language prohibiting use of any 1998 funds to make irretrievable plans or preparations for the use of sampling or any other statistical method in taking the census for purposes of congressional apportionment.

It is important to recognize that this amendment will also create a board of observers for a fair and accurate census charged with the function of observing and monitoring all aspects of the preparation and execution of census 2000 to determine whether the process had been manipulated in any way that biases the results in favor of any geographic region, population growth, or political party.

How fair can we get, Mr. Chairman? This is a fair amendment in the instance of having an oversight board. We are fair in the instance of treating the American people fairly by saying every single person deserves to be counted, the homeless person deserves to be counted, a child needs to be counted. How can we serve this country if we do not have the kind of results that sampling will bring about?

My colleagues, please vote to be able to have sampling in the year 2000.

Mr. Chairman, I rise today to share my thoughts and concerns regarding H.R. 2267, the Commerce-Justice-State appropriations bill.

Let me first raise my objections to the census provisions of this bill. Last night, the Rules Committee adopted a rule that automatically adopted into the text of this bill an amendment offered by Representative HASTERT that will ban sampling and make the Census Bureau's funding contingent on a full judicial review of its methods. My colleagues, statistical sampling is a scientific methodology that will make the 2000 census more accurate. Over 4 million people were missed in the last census, particularly those living in rural areas, children, and minorities. The Academy of Sciences, the American Statistical Association, the GAO, and the census director under the Bush administration have all recommended the use of statistical sampling to make the census more accurate.

I urge my colleagues to join me in signaling their concerns over this provision of H.R. 2267 by supporting the Mollohan-Shays amendment. This amendment strikes the language added late last night by the Rules Committee and in its place adds language prohibiting use of any 1998 funds to make irretrievable plans or preparations for the use of sampling or any other statistical method in taking the census for purposes of congressional apportionment. This same language is included in the Senate-passed version of the bill.

Additionally, the Mollohan-Shays amendment will create a board of observers for a fair and accurate census, charged with the function of observing and monitoring all aspects of the preparation and execution of census 2000 to determine whether the process has been manipulated in any way that biases the results in favor of any geographic region, population group, or political party. The Mollohan-Shays amendment provides a fair and reasonable resolution to the controversy surrounding the 2000 census.

Further, I must raise my strong objections to the provisions in H.R. 2267 which cut funding for the Legal Services Corporation in half, leaving only $141 million for the entire program. A cut of this magnitude would cripple the program and undermine the Federal commitment to ensure that all Americans, regardless of income, have access to the judicial system.

The third issue that I must raise with respect to H.R. 2267 is an amendment that I will offer requiring the Justice Department to contract with the National Research Council of the National Academy of Sciences to conduct a

study of computer-based technologies and other approaches that could help to restrict the availability of child pornographic images through electronic media, including the Internet and on-line services. My amendment would also provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such photographic images to children.

The goal of this study is to understand the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

While this amendment was not made in order by the Rules Committee, I hope that my colleagues will join with me in its support to eliminate the growing threat of pornographic images faced by our children today.

Finally, I hope to draw my colleagues' attention to funding for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, TX. The Senate has included $500,000 for this center in its version of the bill.

The National Center would fill some very important functions: First, conducting academic programs, including continuing education and training for professionals in the juvenile justice field; second conducting policy research; and third, developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

Studies show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corp., titled "Diverting Children From a Life of Crime, Measuring Costs and Benefits," is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year.

Children hurting children on the streets of our Nation is costly for the moral fabric of our society and the burden on our government. Public safety is now becoming one of the most significant factors influencing the cost of State and local governments. We can begin to bring those costs down and make both short-term and long-term positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the historically black colleges and universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will become a State and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime, delinquency, and disorder. The university will provide comprehensive teaching, research, and public service programs. There is no single answer to this problem, but this center will be a start to bridging the programs that work for the State of Texas and other States.

It is my understanding, through conversations that my staff have held with committee staff, that Chairman, ROGERS and ranking member MOLLOHAN agree that funding for the Juvenile Justice Center at Prairie View should be incorporated into the conference report. I would like very much to thank both the chairman and the ranking member for their support of this important Juvenile Justice Prevention Center.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], the very able and hard working chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding me the time, and I want to take the opportunity to commend him on the bill that the gentleman has produced along with the gentleman from West Virginia [Mr. MOLLOHAN].

Overall, it is an excellent product. I particularly am concerned and happy with the portion of it that deals with the criminal justice system and specifically want to talk for a few minutes about the juvenile crime moneys that are in this bill.

For the very first time, there is a new program being created that is going on in concert with H.R. 3, that was passed by this body in May, to help repair the juvenile justice systems that are broken in this country in the very States.

This is a $300 million grant program which is in this bill that would go to the States to use as they see fit to work with their juvenile authorities and to spend what they need for more detention centers or for more prosecutors or judges or whatever they want to, prevention, whatever it might be that is involving the juvenile justice system itself.

What we have seen all too much in the last few years is that juveniles are committing a lot of the violent crime in this country. In fact, they are the highest, as a group, the highest percentage of violent crimes committed by juveniles. More murders by 18-year-olds, more rapes by 17-year-olds, and a lot of shocking numbers on the increase in violent crime in this group.

The experts have told us that the reason why a lot of this is occurring right now is because there are no consequences in most of the juvenile justice systems around the country. Kids will go and commit misdemeanor crimes, vandalism, going into the homes or stores or spray painting graffiti on a warehouse wall. And then because of an overworked juvenile justice system, in many, many jurisdictions, they do not get the kind of punishment that they should be getting for that, community service or whatever it may be. In fact, many times the police do not even take the kids in before the juvenile justice system because they know nothing is going to happen to them.

So repairing this broken system is very, very important. What we have proposed in the underlying law is that if you pass muster, if the State assures the Attorney General of the United States that they have done four things, then they can get this money to spend as they want to on their juvenile justice system.

Those four things are very simple: That they assure the Attorney General that if a juvenile is 15 years of age or older in that State and has committed a murder or a rape or an assault with a gun, that they will permit, not require, but permit the prosecutor to prosecute the juvenile as an adult; No. 2, and I think this is the most important thing, that the State has established a system of graduated sanctions and that it will punish juveniles for the very first delinquent act and for every one thereafter in a graduated sanction fashion to put consequences back into the system; that the State assures the Attorney General that it will have a recordkeeping system if the juvenile has committed a felony and it is the second offense the juvenile has committed so we can keep those records instead of destroying them and know if the juvenile is a really bad apple, as unfortunately many of them are; and that there is a system to assure the accountability of parents in terms of those orders the juvenile court may give to them to help supervise the child.

If that is the case, then, as I said, the $300 million could be spent on just about anything that anybody wants to, for more prosecutors, or whatever it is.

I am just exceedingly pleased with this bill and this provision in the bill, and I strongly support it. Again, I want to thank the chairman for his work and thank him for the opportunity to let me speak about it tonight.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise to add my voice of support for the Mollohan-Shays amendment. I think it is very important for us to examine the question of the census and the count that we do to ensure the constitutional mandate of an accurate census count.

Why would we be involved in a debate about whether or not we count or want

to count all Americans? Why would we be in a debate about whether or not we would use the best method to do that? I certainly do not understand why anybody would want to deny the most accurate count as mandated by the Constitution of the United States.

It is no question that this is constitutional, that we can use this statistical method that has been used in the past. The Department of Justice, under Presidents Carter, Bush, and Clinton, have all concluded and it has been confirmed by our court system, that we can use sampling as a way of ensuring an accurate count.

Why do we need to use sampling? Because 10 percent of the count was wrong in 1990, an error rate of 26 million people who were either missed, counted twice, or counted in the wrong place. So it is very important that we do not repeat what happened in 1990, but we use statistical sampling so that we can get that accurate count that is mandated.

Then it is a civil rights issue. The undercount is unfair to some groups because some groups are missed more than others. The African-Americans are 7 times as likely to be missed as whites, and it showed in the undercount in 1990, the highest ever recorded of people missed or miscounted. Equal representation is extremely important for African-Americans because it is a civil rights issue. If in fact we are undercounted, we are not counted, we will not be able to exercise our rights under the law.

Three separate panels that were convened by the National Academy of Sciences recommended the use of sampling to supplement their traditional counting. Some may have concluded that this is a political question, that there are those who believe that if we do an accurate count, we are going to get those people in the cities, those people in the rural communities that some would rather not have counted. I just cannot imagine anybody that would conclude it is in the best interest of America to have anybody not counted.

We know that in the final analysis, if we are about the business of justice, freedom, and equality, if we are about the business of wanting equal representation for all of our people, if we truly want to do the job that the Constitution mandates, we will do everything that we can to ensure an accurate count. One can only do that with sampling.

The CHAIRMAN. The Chair will inform Members that the gentleman from Kentucky [Mr. ROGERS] has 4 minutes remaining and the right to close and that the gentleman from West Virginia [Mr. MOLLOHAN] has 2½ minutes remaining.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding. I very much appreciate the Commerce, State, Justice appropriations bill. There are several things in there of special interest to me.

One is $5 million for the National Center for Missing and Exploited Children, which is truly critical funding for the Nation's primary resource for child protection.

Also, something else I was interested in is "no frills" prison language restricting Federal funds from being spent on prisoner amenities such as martial arts instruction, weight rooms, in-cell television, expensive electrical instruments.

I also appreciate the NOAA funding as it pertains to the Chesapeake Bay Restoration Program, which I think is vitally important for that area and some of the troubled water areas we have on the East Coast at the present time.

Finally, the manufacturing extension program, which is sort of a new program, but it is the program which has become I think a cost effective, Federal-State, public-private partnership that helps small and midsized American manufacturers to become modernized to compete in the demanding global marketplace.

These are just four different measures which this committee listened to and which I think can improve life in America. And I am very thankful to all the members of the committee who helped put this together.

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Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from New York [Mrs. MALONEY].

The CHAIRMAN. The gentlewoman from New York is recognized for 2½ minutes.

Mrs. MALONEY of New York. I thank the gentleman for yielding me this time. Mr. Chairman, I rise in strong support of the bipartisan Mollohan-Shays amendment. I rise to talk about and point out to this House what I think is the civil rights issue of the 1990's, the right to be counted in the census.

The majority leadership has expressed concern that the data obtained in the census might be manipulated. The Mollohan-Shays amendment addresses that concern by setting up a three-member panel which would ensure that the results are tamperproof.

The new language of the gentleman from Illinois [Mr. HASTERT] which was added last night, I must point out, is no solution. Allowing the Supreme Court to rule on Census 2000 may sound like a just resolution, after all, who can argue with the Supreme Court, but what might look like a fair compromise is really a wolf in sheep's clothing.

Even an expedited Court decision could take up to a year, and that is much too much time. When a year has passed and the Court rules, as courts have in the past, that statistical sampling is constitutional, it will be too late. When the Court was asked to make an expedited review on the line-item veto, it took 14 months. The flag burning expedited review took 10 months. An expedited review on the census would push preparations for the most fair and accurate count ever far past important deadlines.

My colleagues who oppose an accurate count know that a lengthy delay means certain death. A fair and accurate count is the cornerstone of our democracy. I urge my colleagues to support the bipartisan Mollohan-Shays amendment to ensure a fair and accurate census count for the year 2000.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for his consideration and also the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member.

The fiscal year 1997 House report and conference report on Justice Department appropriations included language urging the Department of Justice within funds available for Byrne grants to give favorable consideration to funding for the community security program of the Local Initiative Support Corporation. As a result, Justice is now working with LISC to form partnerships in a number of communities in which local community-based organizations are willing to work with law enforcement officials to promote a more livable neighborhood. Using funds from private philanthropic organizations and corporations, LISC has had great success in promoting local community security efforts in New York and Seattle. There is great interest in this program in my State, and I am particularly pleased that LISC is working in Toledo, OH. It is my hope that Justice will once again be asked to give proposals from LISC favorable consideration.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank the gentlewoman for bringing this to the attention of the committee. I support community-based initiatives to crime prevention and urge the Department to give favorable consideration to continue funding this program.

Mr. BROWN of California. Mr. Chairman, I rise in opposition to the amendment.

Over the last 3 years, the ATP and other public-private partnerships have been at the center of partisan legislative debates over the proper role of Government in technology development—despite the fact that the vast majority of these programs were begun in the

Reagan administration and strongly supported in the Bush administration. In the past few months, we have once again returned to a consensus on the Advanced Technology Program [ATP]. This bipartisan consensus was clear in May of this year when the House passed a noncontroversial 2-year authorization of the ATP program as part of H.R. 1274, the NIST Authorization Act. This amendment, unfortunately, threatens to shatter consensus once again.

There was bipartisan agreement on the authorization bill because of a number or reforms made to the ATP. Some of these reforms were initiated by the Science Committee in the authorization bill and others were initiated by Secretary Daley in response to congressional concerns.

These changes include: First, putting more emphasis on joint ventures and consortia—this has advantaged small- and medium-size single applicants and deemphasized awards to large companies. Already almost half of ATP awards have gone to small business; and more than 100 universities are involved in about 150 ATP projects. Second, increasing the cost-share ratio for large, Fortune 500, single applicant companies to 60 percent—ATP now has one of the highest cost-share ratios of any Government/industry program. Third, ensuring that ATP does not fund projects which can be wholly supported by private capital. Fourth, encouraging State participation in ATP awards—ATP joint ventures can now be led by States and State-sponsored nonprofit institutions. Fifth, building upon the Experimental Program to Stimulate Competitive Technology—EPSCoT will improve technology development and diffusion in the 18 States underrepresented in Federal R&D funding.

These changes preserve the fundamental mission of the program—providing funding for the breakthrough ideas whose commercialization horizon often fails to attract the attention of capital markets. These changes make ATP stronger and more viable by encouraging a greater diversity of partnerships. And I want to stress that ATP always has been and will continue to be a wholly merit-driven program based on peer-review.

In short, the House has already voted to support the authorizing committee in reforming and strengthening the ATP. No amendments to reduce ATP funding were offered during either the committee's or the House's consideration of the authorizing legislation. An appropriations bill is not the place to destroy this carefully crafted consensus.

I urge my colleagues to vote no on this amendment.

Mr. CAPPS. Mr. Chairman, I rise in support of this bill, which includes increased funding for crucial initiatives like the COPS program, juvenile crime and prevention programs, and Violence Against Women Grants.

But I am disappointed that the bill does not fully fund the President's request for the Federal Bureau of Prisons. This issue is particularly important to me because of a horrible tragedy that occurred in my district earlier this year.

On April 3, 1997, Correction Officer Scott Williams, a decorated marine who served in Desert Storm, was brutally attacked and killed at the U.S. penitentiary in Lompoc, CA. His death has forever changed the lives of his wife, Kristy, their two very small children, Kaitlin and Kallee, and this small hardworking community.

Scott's tragic death is a constant reminder to his fellow officers of the terrible danger in which they work every day. This Congress must do all that it can to ensure that these brave men and women are given the resources they need to do their jobs safely.

I have been out to the Lompoc penitentiary numerous times and I have spoken with Warden Rardin and many of the correctional officers and staff. We should be doing more to support these hardworking men and women who are charged with keeping America's most dangerous criminals locked up and off our streets.

These heroic men and women work in some of the most dangerous working environments in the country. We must pay them a decent salary, provide that there is a sufficient number of officers on duty at all times, and give them the tools to do their jobs in a safe and humane manner. To do otherwise is irresponsible.

As our prison population continues to rise, adequate funding for the salaries, benefits, and protection of correctional officers has never been more important. Scott and his fellow officers protected us and continue to protect us day after day. It is now our turn to protect them. I will continue to support these dedicated men and women and I urge my colleagues to do the same.

Mr. SANDERS. Mr. Chairman, I rise today in support of a provision within the fiscal year 1998 Commerce, Justice, State, Judiciary appropriations bill which provides full funding for the Small Business Administration's Small Business Development Center [SBDC] Program.

Mr. Chairman, it is clear that in my State of Vermont, and all across the country, small businesses are creating the lion's share of new jobs. And we should be doing more to help those who are most ready to create and invest here at home in our national economy.

The SBDC Program is one example where a small Federal investment has paid for itself many times over. With limited Federal funds, SBDC's have been able to leverage additional non-Federal funds in support of their mission and to forge very strong partnerships with State and local government, education, and business leaders to provide a unique array of local counseling, training, and financial services that would not otherwise be attainable in the private sector to small businesses, especially those employing fewer than 25 employees and the self-employed.

Ultimately, SBDC's pay off in the form of job creation and new economic development. The SBDC Program also generates increased revenues from a broader base of income and sales tax returns from thousands of new or more profitable small businesses that are helped by SBDC's.

Mr. Chairman, the SBDC Program has been very successful in Vermont. In their 1996 annual survey of 1,400 clients, the Vermont SBDC revealed sales increases of almost $83 million, and the creation of 1,750 jobs for Vermont—1,350 full-time and 450 part-time, at average hourly rates of $9.85 and $6.95. Reviewing the results of the survey, the Vermont tax commissioner validated a conservative return of over $1.2 million directly into the State treasury in income and sales taxes. This equates to a 4-to-1 return on the Federal dollars.

Mr. Chairman, unfortunately earlier this year the President's budget proposed to cut funding for SBDC's by 24 percent—from $73.5 million to $57.5. This cut would have been particularly devastating for smaller States, such as Vermont, which barely have the resources to meet the current demand for services. I opposed this cut, and wrote a letter to Subcommittee Chairman HAROLD ROGERS, requesting that funding for the SBDC's be sustained at its current level, including a small adjustment for inflation. I am pleased to report that I was joined on my letter to the chairman by 94 Members of the House.

Mr. Chairman, I am especially pleased that the chairman and the subcommittee responded to this bipartisan effort by fully funding the SBDC Program for fiscal year 1998, including a $2-million increase for inflation. I urge all of my colleagues to support SBDC's by supporting this provision during floor consideration of the Commerce, Justice, State, Judiciary appropriations bill.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Hoyer-Cardin-Etheridge amendment to H.R. 2267, the fiscal year 1998 Commerce, Justice, State Appropriations Act. This amendment will add $3 million to the National Ocean Service Account of the National Oceanic and Atmospheric Administration [NOAA] to respond effectively to Pfiesteria, and Pfiesteria-like conditions, along the Eastern Seaboard.

As you know, Pfiesteria is a single-celled organism which in certain stages, produces a toxin that kills fish and may have human health effects. In several cases now under investigations, individuals reported that they become ill after direct exposure to the organism's toxins. It was first linked to massive fish kills in North Carolina waters in 1988. In North Carolina alone, over a billion fish have been killed as a result of Pfiesteria. In light of recent findings, North Carolina has set up a toll-free hot line and organized a panel of experts to review how North Carolina should respond to future fish kills.

Chemical analysis is the key to other needed research that will answer more specific questions about health impacts. More funding is critically needed to augment the research that North Carolina has already begun on characterization and analysis of the Pfiesteria toxin. Presently, NOAA has the mechanisms in place to study and assess the causes and possible controls of Pfiesteria and Pfiesteria-like conditions.

Mr. Chairman, I urge my colleagues to support this amendment. It is a cost-effective measure, and it will enable NOAA to assist States from North Carolina to Delaware effected by this micro-organism.

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

The CHAIRMAN. All time for general debate has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that any amendment otherwise in order under clause

2(f) of rule XXI that affects a paragraph in title I, and the item Legal Services Corporation, be in order at a later point in the reading of the bill notwithstanding that the affected paragraph of title I may have been read.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the amendment printed in part 1 of House Report 105–264 is adopted and the bill, as amended, shall be considered as an original bill for further amendment under the 5-minute rule.

Before consideration of any other amendment, it shall be in order to consider amendment No. 1 printed in part 2 of the report, if offered by the Member designated in the report, which may amend portions of the bill not yet read for amendment. The amendments printed in part 2 of the report may be offered only by a Member designated in the report and, except for amendment No. 1, may be offered only at the appropriate point in the reading of the bill. Amendments in part 2 shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment made in order pursuant by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, Amendment No. 1 offered by Mr. HYDE:

Page 116, strike line 16 and all that follows through line 2 on page 117 and insert the following:

SEC. 616. ATTORNEYS FEES AND OTHER COSTS IN CERTAIN CRIMINAL CASES.

During fiscal year 1997 and in any fiscal year thereafter, the court, in any criminal case pending on or after the date of the enactment of this Act, shall award, and the United States shall pay, to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation costs, unless the court finds that the position of the United States was substantially justified or that other special circumstances make an award unjust. Such awards shall be granted pursuant to the procedures and limitations provided for an award under section 2421 of title 28, United States Code. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

The CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Illinois [Mr. HYDE] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

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

Mr. Chairman, one of the reasons for being proud to be an American, one of the reasons I ran for Congress, one of the reasons I studied law was to try and achieve justice for people. Justice is what is your due. It is not being cheated, it is not being defrauded, and it is certainly not being pushed around.

I have learned in a long life that people do get pushed around, and they can be pushed around by their government. I was very late coming to that decision, but I learned that people in government, exercising government power are human beings, like anybody else, and they are capable of error, they are capable of hubris, they are capable of overreaching, and yes, on very infrequent occasions they are capable of pushing people around. And so when something like that happens, it is doubly shocking because you have no place to turn. If the Government, your last resort, is your oppressor, you really have no place to turn.

I am one who is hopeful and optimistic about the Government. I am very proud of my government. I think on the whole it tries very hard to do justice for its citizens. But occasionally it lapses, as I say, because it is made up of human beings.

We have a law called the Equal Access to Justice Act, which provides in a civil case if the Government sues you, and you prevail, if the Government cannot prove substantial justification in bringing the suit, you are entitled to have attorney's fees and costs reimbursed. That is justice. I do not say the Government, when they bring a civil suit against anybody or everybody, has to always win to be justified in bringing the suit, but if the suit was not substantially justified, in other words, if it was an abuse of process, if it was frivolous, if it was malicious, then the victim, the defendant who has prevailed, is entitled to attorney's fees, very modest, $125 an hour. But that is the law, and it has been the law for 17 years. There are cases interpreting it, interpreting what substantial justification for the Government to bring the litigation is, and we have had 17 years of successful interpretation and reinforcement of that law.

Now, it occurred to me, if that is good for a civil suit, why not for a criminal suit? What if Uncle Sam sues you, charges you with a criminal violation, even gets an indictment and proceeds, but they are wrong. They are not just wrong, they are willfully wrong, they are frivolously wrong. They keep information from you that the law says they must disclose. They hide information. They do not disclose exculpatory information to which you are entitled. They suborn perjury. They can do anything. But they lose the litigation, the criminal suit, and they cannot prove substantial justification. In that circumstance, as in the Equal Access to Justice Act for civil litigation, you should be entitled to your attorney's fees reimbursed and the costs of litigation, again at the same modest rate. That, my friends, is justice.

If you were to take a piece of paper and sit down and say, what is the most unjust thing in all of the law, you would have to say when you are pursued by somebody, and you are ultimately vindicated, and you have to swallow what can be bankrupting costs. You mortgage your house, you mortgage your future, and you may have won the case, but you have really lost the war because you are bankrupt. So this simply says to Uncle Sam, look, if you are going to sue somebody, and civilly we have had that for 17 years, under my amendment criminally, and you cannot prove substantial justification after the case is over, and the verdict is not guilty, then the prosecution pays something toward the attorney's fees of the victim. That is justice. It may be rough justice, but it is substantial justice. That is what we are attempting to do.

Now, in the bill, the gentleman from Pennsylvania [Mr. MURTHA] having in mind the case of someone we all know who went through hell, if I may use the term, for many years of being accused and finally prevailed at enormous expense, one he will never get out from under, but that brought to mind these circumstances and what could we do about them. The gentleman from Pennsylvania [Mr. MURTHA] decided to put in the bill an amendment that said for a Congressman or a member of the Congressman's staff, if they are sued by the Government criminally and they prevail, the Government owes them attorney's fees.

I felt that was inappropriate. First of all, it is too narrow. It only covers Congressmen and congressional staff. If

it is good enough for them, it ought to be good enough for any citizen. Second, it was too broad, because you only had to win your case to be entitled to attorney's fees. It would seem to me that is not enough. You need a higher threshold. What you need is to have a case that was not substantially justified, one that should not have been brought. That finding is made by the trial judge who has heard the case. The Government must prove substantial justification or you get attorney's fees. It seems to me this is just.

The Justice Department does not like it, of course. Who would like having to prove substantial justification? But if you are interested in justice, if you are the defendant and you have this panoply of lawyers and resources and FBI against you, and not only are they wrong, but they have been substantially unjustified, they have been frivolous, there is no justification substantially for bringing the suit, I am not asking for damages, I am not asking that the prosecutor go to jail or be held in contempt of court, although were I the judge, I would be interested in hearing those arguments if the Government's case was not substantially justified, but we are asking that you repair the wound, the economic wound, somewhat by awarding attorney's fees. This is my amendment.

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

□ 1845

Mr. SKAGGS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, every Member of this body has enormous respect for the gentleman from Illinois and the chairman of the Committee on the Judiciary, but I must observe that this is an extraordinary matter of policy to attempt to bring up for the first time as an amendment to an appropriations bill and, I think, wholly out of the judicious character with which the gentleman typically manages the business of his committee. I believe it is correct that this has been subject to no hearings, no opportunity for representatives of the Justice Department or the criminal defense bar or anyone else to really explicate the implications, the consequences, the costs of a significant change in the way the United States of America would manage its criminal justice responsibilities. Whatever the underlying merits of finding some way to make whole persons that may be unjustly prosecuted by the Justice Department and the law enforcement agencies of the United States when rarely but occasionally that happens, to attempt in the context of a floor amendment on an appropriations bill to address this issue I think does enormous disservice to the kind of standards of careful and thoughtful and considered work that this House ought to be doing.

It is for that reason among other substantive reasons that the administration has in its statement of policy on this indicated that, were this amendment to be adopted and be part of the final forum of this Commerce-Justice-State appropriations bill when presented to the President, that he would veto the bill, and let me just read briefly from the administration's statement.

I quote:

> Opposes the Hyde amendment that would require the United States to pay attorney fees and litigation costs to "prevailing parties" in Federal criminal cases unless the government can demonstrate the case was substantially justified. This provision would have a profound and harmful impact on the Federal criminal justice system.

And listen to this.

> It would create a monetary incentive for criminal defense attorneys to generate additional litigation in cases in which prosecutors have in good faith brought sound charges, tying up the scarce time and resources that are vital to bringing criminals to justice.

Think, for instance, what this would mean in areas of the criminal law that are already particularly difficult matters for prosecutors to successfully bring to conviction: rape cases, child molestation cases, in which one runs into reluctant witnesses and all sorts of difficulty in evidentiary and proof matters, cases brought under the Violence Against Women Act in particular. Do we really want to set up a system in which we are giving incentive to successful criminal defendants who have prevailed against such prosecution to tie up the limited resources, and limited they are in the United States criminal justice system, tie up those resources with these kinds of cases?

I would stipulate that we need to address the question of injustice, as rare and occasional as it may be, that the distinguished chairman of the Committee on the Judiciary brings to the House underlying this amendment. But let us do it in the regular order, let us do it through the good offices of the gentleman's committee with an opportunity for interested parties to be heard, for the representatives of the Justice Department to make their case about the real consequences of this kind of very, very significant change in national policy. We cannot do justice to this in this setting this evening under these circumstances.

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

Mr. Chairman, my good friend, the gentleman from Colorado [Mr. SKAGGS], puts the best possible face on, in my judgment, a very untenable argument. He takes refuge in procedure, that this is the inappropriate vehicle to bring this forward. Injustice needs remedy and one seizes their opportunities when they come along. My amendment was just stated as a result of the gentleman from Pennsylvania [Mr. MURTHA] putting on this bill an amendment to reimburse attorney fees to Congressmen and their staffs if they prevail in a criminal suit, and I said no, that is too narrow, it only takes care of Congressmen and their staffs. It ought to protect anybody who is abused by a suit that is not substantially justified.

Say, I would hope this would take some time and resources from the Justice Department. They might think twice about bringing cases for which there is no substantial justification. If someone is a prosecutor and they are going to wrench somebody out of their job and their home and put them on trial as a criminal, there ought to be enough in the case that it is substantially justified.

To say one does not want them to waste their resources on cases that are not substantially justified, what about the resources of the citizen who has been put through the hoops? What is the remedy, if not this, for somebody who has been unjustly, maliciously, improperly, abusively tried by the Government, by the faceless bureaucrats who hire a law firm or get a U.S. attorney looking for a notch on his gun.

And I am for law enforcement; I am about as law and order as one can get around here, but I have seen abuses, and I know people who think because it is public power it is being wielded in the public interest. No, not necessarily. But when they transgress they ought to help pay the attorney fees to make the innocent defendant partly whole.

I remember the former Secretary of Labor, Ray Donovan, who was prosecuted and again and again and again and won every time, and when it was all over he said to himself, "Where do I go to get back my reputation?" Well, one cannot get that back, but, at least, if the Government tries to bankrupt someone because of attorney fees, they ought to pay that.

I am for law enforcement, I am for criminals going to jail, I am for the Justice Department prosecuting criminals, but not without substantial justification, and if my colleagues are against my amendment, they are saying let the Government do whatever it wants, and if they cannot prove substantial justification, tough luck.

I do not buy that.

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

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

Mr. Chairman, just quickly and in response to the gentleman's point, and then I will yield time to the gentlewoman from Michigan, I think the gentleman proves too much. Were the words "malicious" and "abusive" in his amendment, and maybe those are criteria that also ought to be introduced, it would be a different matter.

Those were not standards that are in his amendment although they were certainly the standards invoked in his rhetoric. But it is exactly those kinds of questions about which we need a more deliberative examination of this proposed change than is admitted this evening.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in opposition to this particular amendment, and while I join the gentleman from Illinois in several of his endeavors, including his concerns about forfeitures in this country and the business of the IRS, and have been on his bills in both Congresses, I do not agree with him on this particular issue.

Section 616 of the bill before us creates a new class of citizenship exclusively for Members of Congress and their staffs by extending to them the rights to reimbursement of legal expenses when a Justice Department prosecution fails to convict them. This would be alone among all American citizens, only Members of Congress and their staffs.

Now my distinguished colleague, the gentleman from Illinois [Mr. HYDE], proposes to replace that language in 616 with an amendment to extend these privileges to any defendant who is successful in defending themselves in Federal court. The claim is that this amendment will produce greater equity.

Mr. HYDE. Mr. Chairman, would the gentlewoman yield? I will give her some time if she yields on that point.

Ms. RIVERS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I do not extend this protection to anybody who is successful in Federal court. They are successful and the Government cannot substantially justify. That is not a tough threshold, that is not a tough threshold under the Government to meet.

Ms. RIVERS. Mr. Chairman, I will speak to that threshold.

While the claim is that this amendment will produce greater equity by eliminating differences between the treatment of Members and ordinary citizens and greater efficacy within the Justice Department, I believe it will do neither. Frankly, I believe this new proposal, when distilled down, is nothing more than a variation on the protect Members theme that is already written into this bill. While the language of the gentleman from Illinois [Mr. HYDE] allows the court to deny reimbursement if it believes the prosecution's case is substantially justified, Members can and will claim that their prosecution was politically motivated.

The words of the gentleman from Illinois [Mr. HYDE] support the suspicion. He argued in his written testimony to the Committee on Rules that there is, quote, a legitimate fear that a prosecutor could become politically involved with the particular case, could feel so compelled to win that he forgets his duty is not to win but to ensure justice. But, Mr. Chairman, it is a rare defendant that could claim that his prosecution was politically motivated. Only Members and other public officials will travel the path that this amendment lays out.

Concerns that this bill is really about Members are heightened in that this proposal was not introduced in previous Congresses and only surfaced after the angry glare of public opinion focused on H.R. 2267 and its existing Member exemption language. But even if one can accept the arguments that this proposal is about protecting all Americans, it appears to be unnecessary.

Our judicial system already provides many protections to seal defendants from frivolous cases. The gentleman from Illinois [Mr. HYDE] speaks to the civil court system but not to the criminal court system. If a case has been prosecuted, a judge has already decided, most likely several times, that the prosecution's evidence was sufficient to warrant trial, and as the Justice Department points out in their letter to Mr. HYDE, in every Federal felony case a grand jury has already determined the adequacy of the prosecution's case.

Similarly, defendants are already protected by the greatest force of justice we have in this country, the U.S. Constitution. The fifth amendment requirement of probable cause provides abiding and unambiguous protection for criminal defendants. The proposal of the gentleman from Illinois [Mr. HYDE] offers nothing more in terms of deterring errant prosecution. It simply creates a forum for Members of Congress to argue that they have been unjustly targeted for political reasons.

Mr. Speaker, it is clear that this proposal is not only unnecessary, it is most likely harmful. Members must be mindful of the chilling effect legislation of this kind could have on Federal prosecutions. The gentleman from Illinois [Mr. HYDE] has argued that politics should not be a part of the prosecutorial calculus. Agreed, but should money, given that the money at issue here comes from the Justice Department, budget losses under this amendment would decrease the Justice Department's ability to pursue other prosecutions and weaken their resolve to pursue tough but sometimes very necessary cases.

Likewise, the potential of reimbursement creates a form of prosecutorial poker wherein wealthy defendants who can and do spend large amounts of money on dream team defense counsel can raise the stakes regarding their possible prosecution.

And last but not least, please consider the after-the-fact exercise required under this bill to determine justification for prosecution. As the Justice Department points out, justification may not be evident on the trial record. There may be evidence that was relied upon in good faith by the prosecution in coming to its decision to prosecute, but was later suppressed at trial; there may be disclosure or required disclosure and compromise of confidential sources or law enforcement techniques, particularly when the Justice Department is dealing with organized crime and conspiracy cases. Likewise, we could find situations where the Justice Department must compel testimony from children who have been victims of abuse or pornography because they did not originally testify, but the prosecution relied upon their information. Similarly, if we are dealing with espionage or national security, we could force disclosure of classified information or, worse yet, we could create a situation where Justice declines to prosecute for fear of having to reveal information of a classified nature, which in fact then gives those kinds of defendants a negotiating room that most defendants do not enjoy.

Clearly this is not the sort of proposal that we should pass after just 30 minutes of discussion. It would work a fundamental change in our legal system and, according to the Department of Justice, would pose a substantial obstacle to the accomplishment of their essential mission.

I would urge a "no" vote.

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

Mr. Chairman, first of all, the judge makes the decision; the U.S. attorney does not, the jury does not. The judge who has heard the case has heard all the evidence. Then, after the trial is over and the verdict is in, the judge then listens to the Government and says, "What was the substantial justification for bringing this suit?" So the judge decides.

As for yielding secrets and classified information, that has been taken care of in the courts for many years. The judge can hear the evidence in camera by himself. Nothing needs to be publicly disclosed.

Probable cause is not the same as substantial justification. The cases recite that. There are ninth circuit cases, there are all sorts of litigation in the Equal Access for Justice Act, 17 years of that which say that, "You may have probable cause, you may have an indictment, but you're not required as the prosecutor to produce exculpatory evidence, only evidence of guilt."

□ 1900

So the two concepts are dissimilar. So that does not count.

The gentlelady said the Constitution will protect us all.

The Constitution protects you, but it will not pay your bills. That Constitution you carry in your pocket, the

landlord will not take that and your lawyer will not take that. They want to get paid with cash. When the Government sues you and, by the way, you seem to have sympathy for everybody in this picture but the victim, who has been sued and the Government cannot substantially justify the lawsuit. I really wish you had some imagination and could imagine yourself getting arrested, getting indicted, what happens to your name, to your family, and the Government has a case it cannot substantially justify. They do not need to defend against malice or hardness of heart or anything like that, just substantial justification. They do not have to win.

The fact that I picked this time and we have not had hearings, that is just a dodge. This is about as simple a concept as there is. We have had it and we have been satisfied with it in civil litigation. I am simply applying the same situation to criminal litigation.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Michigan.

Ms. RIVERS. Mr. Chairman, I just was responding to the gentleman's comment by I believe Mr. SKAGGS and I personally and wondered what information the gentleman had about whether we could or could not understand what it would be like to be a criminal defendant, whether we could or could not rely on any personal experience?

Mr. HYDE. Mr. Chairman, reclaiming my time, I do not know the gentlewoman's personal experience. Most people are not indicted by the U.S. attorney. But I can imagine, and I know people who have been, what a shattering experience it is.

Ms. RIVERS. Mr. Chairman, if the gentleman will continue to yield, what we know is most people are not indicted by a U.S. attorney. Of those that are and prosecuted, 87 percent are convicted. The question is why are we pursuing this particular bill and what indication there is——

Mr. HYDE. Mr. Chairman, there are 13 percent that were not, and if the litigation against them was not substantially justified, we are not talking about a lot of money to give them justice, are we?

Ms. RIVERS. Do we have any indication at this point how many of that 13 percent are substantially unjustified and whether or not there is actually a need for this kind of proposal? And would that not in fact come out in a hearing and help us all make better decisions?

Mr. HYDE. Mr. Chairman, reclaiming my time, let us pass this law and then we will have some experience and see how many cases are brought that they cannot prove substantial justification. To take the gentlewoman's version of things, every case is substantially justified. I am telling Members in the real world lives are ruined, people are bankrupted, and it is not just, and we have a chance to remedy it and we ought to.

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

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

Mr. Chairman, I really am perplexed. The gentleman who offers this amendment obviously feels deeply and strongly about the wrong to be righted by this proposal, which is obviously legislative language. The gentleman chairs the committee of jurisdiction.

We are in the ninth month of this session of Congress. If the gentleman believes that this is such an important matter, the question obviously arises why, with his control over the jurisdiction of this committee, there has not been legislation introduced, hearings held and a bill reported, so that we would not be put to this very awkward business of trying to figure out the real practical implications, legally, in terms of cost and every other way by a proposal brought first to the floor of the House.

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

Mr. SKAGGS. I yield to the gentleman from Illinois.

Mr. HYDE. The only reason it is here now, I saw the Murtha amendment, it was coming to the floor, and I thought we could do it better. That is all. I am trying to improve someone else's amendment to make it fairer, to make it not too broad, and to give a standard. That is why we are here.

That is not to say we will not deal with it in the Committee on the Judiciary, I am sure we will, but there may be no need to after it passes.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, if the gentleman is sure he will, I think he makes the point. Let us not do this fast, maybe wrong, and with ill consideration in the context of an appropriations bill.

The gentleman has indicated that if we defeat his amendment, and presumably later on defeat the Murtha language, this will be a matter taken up, as it should be, by the committee with jurisdiction over this kind of legislation, not a quick and possibly wrong resolution of the matter on an appropriations bill.

Mr. Chairman, I urge my colleagues to vote no on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

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

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Illinois [Mr. HYDE]) will be postponed.

The point of no quorum is considered withdrawn.

Mr. HULSHOF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had initially intended to offer an amendment that would have increased appropriations by $2 million for the victim and witness program at the Department of Justice. However, in discussions with the gentleman from Kentucky, Chairman ROGERS, I have decided that a colloquy would be the best way to address my concerns.

Mr. Chairman, I appreciate the opportunity to discuss with the gentleman from Kentucky, Chairman ROGERS, the need to further address victims' rights, and I also want to commend the ranking minority member of the appropriations subcommittee for his commitment to offering valuable services such as victim coordinators, as well as a national notification system to those that have been the unfortunate victims of violent crime.

Mr. Chairman, the American criminal justice system has neglected victims for far too long. As part of its responsibility, U.S. Attorney offices from across the country have recently established victim and witness assistance programs to close the gap between prosecutors and victims.

I can tell you as a former prosecuting attorney in the State of Missouri, that as a result of increasing caseloads, prosecutors have been given the near impossible task of convicting the guilty, protecting the innocent, and providing much needed services to victims of crimes.

Coordinators help victims of domestic violence and child abuse, as well as telemarketing and securities fraud, which often targets seniors, and even victims such as those that suffered in the Oklahoma City bombing. Clearly, Mr. Chairman, more should be done to meet the needs of these incredibly sensitive cases.

Coordinators are an integral part in keeping victims at the center of the criminal justice system, rather than on the outside looking in. Victims deserve to be educated in the legal rights they have in the judicial system and deserve the emotional support that coordinators provide. As we here in Congress continue to crack down on criminals, the needs of victims should be equally elevated.

Additionally, victim and witness assistance programs will be implementing a national notification system that ensures victims are kept informed of case developments. It is imperative that victims of domestic violence, rape or child molestation be notified of a criminal's release back into society. It is my hope, Mr. Chairman, that the U.S. Attorneys' Offices across the

country will be able to move quickly in providing this service to victims.

The victim and witness assistance program is important to ensure public confidence in our criminal justice system, to make sure that it continues to aggressively prosecute dangerous criminals, while at the same time servicing the rights of victims. It is my hope, with the gentleman from Kentucky Chairman ROGERS, that I can work with the gentleman on an agreement to increase by $2 million the appropriation for the victim and witness assistance program in joint House and Senate conference negotiations.

It is my belief, Mr. Chairman, that individuals who have been tragically victimized by criminals should not be victimized a second time by our criminal justice system.

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

Mr. HULSHOF. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for his statement, and for his concern for victims' rights. I realize the gentleman's commitment toward this cause and the background he brings to this body as a former prosecuting attorney from the State of Missouri as Attorney General.

I agree that every effort must be made to ensure that victims are not forgotten in the criminal justice system. The measures included in this year's appropriations bill send us in the right direction to meeting the needs of victims of serious violent crime. The subcommittee provided funds for 74 new victim coordinators and advocates and the development of a national notification system.

Mr. Chairman, I look forward to working with the gentleman during the conference deliberations on the bill to find additional monies for this very vital program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided*, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $66,700,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, $59,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: *Provided*, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322).

AMENDMENT OFFERED BY MR. SOUDER

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

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 4, line 4, after the dollar amount, insert the following: "(increased by $2,000,000)".

Page 19, line 2, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Mr. SOUDER. Mr. Chairman, I should say at the outset this amendment is cosponsored by the gentleman from Illinois [Mr. HASTERT], the chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight with oversight over the INS.

Mr. Chairman, this amendment simply transfers the $3 million from the Immigration and Naturalization Service and increases the Inspector General's office at the Justice Department by $2 million to provide adequate resources for a thorough investigation of the abuses of the Citizenship USA program administered by the INS.

The Citizenship USA program was devised in 1995 to increase the speed and efficiency of the naturalization process. The problem is that speed was a priority and efficiency was forgotten. In 1996, the number of naturalizations tripled to 1.1 million, an upsurge well timed for the November election.

In the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, I chaired a number of hearings on the resulting chaos from this accelerated process. It was said at that time that the appropriations committee had increased the funding for this acceleration.

As I pointed out, the gentleman from Kentucky, Chairman ROGERS, and all of us in Congress certainly did not intend to not have background checks be done. The goal was to correctly bring people who were legal aliens into citizenship and welcome them in and accelerate that process. That was the reason the appropriations committee increased the funding, not to bring people in without the proper background checks.

What we heard in those hearings was we heard from people who said that they had bound bundles of tests that were taken in the same pencil, in the same handwriting, and yet were being applied as individuals as opposed to groups that they were actually done by.

We heard from Dallas, for example, that they had boxes of forms that never went through FBI background checks; boxes, literally thousands in some of these offices.

We heard about the mass swearing in ceremonies, where often the green cards were dumped into bins without checking off where they were coming from and then reappeared in the streets.

We heard career INS employees telling how they were told not to ask questions and follow-up questions when people did not even know what city they lived in. This type of thing was not what was intended by Congress.

The accelerated activity resulted in 180,000 applications being approved without proper screening, according to Justice Department figures, and, of those, 10,800 had felony arrests.

On April 18, 1997, the Justice Department released a report conducted by KPMG Peat Marwick Company that made clear that the Justice Department had failed to take adequate corrective action. The report stated that because of the persistent problems in checking fingerprints of citizen applicants against FBI criminal history records, "we cannot provide assurances that INS is not continuing to incorrectly nationalize aliens without disqualifying conditions."

On April 28, 1997, the Inspector General of the Justice Department announced a wide-ranging special investigation by his office into allegations of mismanagement, misconduct and illegality in the controversial INS program to speed up the citizenship process.

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Yet still Attorney General Reno refuses to appoint an independent counsel to provide an objective and complete investigation.

I know that the gentleman from Kentucky [Mr. ROGERS] the chairman of the subcommittee, has held hearings on this subject, as we have done on the Committee on Government Reform and Oversight, and I thank the chairman for his leadership on this important matter.

I ask for my colleagues' support for a complete and objective investigation of illegal activity by the inspector general in order to restore the integrity and dignity of the naturalization process. Naturalization is a critical symbol of the American democratic experiment and the continuing contribution that immigrants make. The time has come to eliminate this blemish on the immigration system and those, the majority of whom, the overwhelming majority of whom, who legally pursue their citizenship. We should not cheapen it.

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

Mr. SOUDER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I understood that we were going to accept this amendment without debating it. In the process of accepting the amendment for the purposes of the bill being considered on the floor here today, I just want it understood that all of the characterizations that the gentleman has made are not agreed to in the process of our accepting the amendment.

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

Mr. SOUDER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has made a very interesting point, and I am prepared to accept the amendment, because it gives additional oversight of the Immigration and Naturalization Service, an agency that I think is out of control.

I have to say this, if the gentleman will continue to yield. In this bill, in addition to the money that we hope is agreed to in the gentleman's amendment for additional oversight by the inspector general of the Department for INS, in the bill we make it illegal for the INS to waive the FBI criminal check before they grant citizenship to an individual.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 3 additional minutes.)

Mr. SOUDER. Mr. Chairman, I would like to make it clear, I intend to make no additional statement.

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

Mr. SOUDER. I yield to the gentleman from Kentucky.

Mr. ROGERS. So we make it illegal for them to waive the criminal check by the FBI before they grant citizenship, as they did last year in at least 180,000 cases, and we have 10,000, at least, felons walking the streets of America today because the INS waived the policy against requiring criminal checks by the FBI before they grant citizenship. We make it law now in this bill, not just policy. It will be the law.

No. 2, in this bill we also authorize and direct the Attorney General to fire on the spot any INS employee who violates the law or policy of the Department in relation to the naturalization process. We will not tolerate the selling of American citizenship for votes or anything else in this country, and this bill makes that plain.

Mr. Chairman, I accept the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I do not want to prolong this, but as the ranking member of the Subcommittee on Immigration and Claims on the Committee on the Judiciary, I just want to make it clear that Peat Marwick has just finished the report and issued it. There were only 300 presumptively ineligible persons found out of 1.3 million, so this notion that there is some massive impropriety going on is just incorrect.

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

Mr. SOUDER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, INS at this very moment is processing 5,000 revocations of citizenship because they are criminals; 5,000, and they have just started counting. The gentleman is incorrect.

Mr. SOUDER. Mr. Chairman, I thank the gentleman for his leadership.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words, and I will not take the 5 minutes.

I think we are talking about two separate issues, and I am not taking issue with what the chairman says, but the gentleman from Indiana [Mr. SOUDER] in his comments made reference to a report from Peat Marwick. That report just out indicates only 300 out of 1.3 million people who were presumptively ineligible for citizenship, and that is a different issue than the issue the chairman is addressing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SOUDER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $4,799,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $445,000,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

AMENDMENT OFFERED BY MR. ACKERMAN

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

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN:

Page 5, line 9, insert "(increased by $300,000)" after "$445,000,000".

Mr. ACKERMAN. Mr. Chairman, many of our colleagues may already know the deeply troubling situation that exists in the United States with regard to the veterans of the Nazi war machine.

About 8 months ago I discovered that thousands of former soldiers from Hitler's elite Waffen-S.S. corps, now living all around the world, some of whom may have participated in crimes against humanity, have been receiving monthly pensions from the German Government. These fairly generous pensions called, ironically enough, war victims' pensions, are given to Nazi SS officers who sustained injuries during World War II.

However, my concern lies with the fact that neither the German Government nor any other government has ever bothered to cross-check the list of applicants and recipients with the international list of known Nazi war criminals. This is unacceptable, particularly since we have learned that at least 3,300 recipients of these Nazi pensions live right here in the United States.

The situation becomes ironically intolerable when we realize that according to the American Jewish Committee, which has done a tremendous

job in working on this issue, that well over 15,000 Jewish survivors of the Holocaust, and probably at least as many non-Jewish survivors living in Eastern Europe and countries of the former Soviet Union, have never received any compensation from that government for the horrors they were forced to endure in Nazi ghettos and concentration camps.

These survivors have been dubbed the "double victims," as they were first victimized by the Nazi nightmare and then again by the Communist governments that took over after the war. Perhaps we need to call them "triple victims" at this point since they are once again being victimized by a government who continuously refuses to offer them any compensation. Many of these survivors are also in desperate financial straits as well as in poor health.

Based on the information we received regarding the issue of pensions to former Nazi Waffen-SS officers, I wrote to German Chancellor Helmut Kohl requesting that he send us the list of those living in the United States so that the Office of Special Investigations in our State Department and in our Department of Justice could do the necessary cross-checking before the trail to Nazi war criminals grows cold.

To the credit of Chancellor Kohl and the German people, he quickly acceded to the request, and our Office of Special Investigations, OSI, under the superb leadership of its Director, Eli Rosenbaum, is currently poring over these lists.

Let me also stress that the work that they are doing now is extremely slow and a very tedious and laborious process. OSI continues to be undermanned and underresourced, and this additional major surprise project further strains those capabilities.

Therefore, this amendment would simply add $300,000 to the Justice Department appropriation for the specific purposes of investigating the names on the lists that the German Government has provided us. I think this is a prudent and reasonable amendment, and I have been informed by the Director of OSI that this additional appropriation would allow them to hire the needed attorneys and historians in order to complete this list project effectively and efficiently and in a timely manner.

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

Mr. ACKERMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has worked very closely with us on his amendment. We believe this program has merit and is a good amendment, and we have no objection to it and support its adoption.

Mr. ACKERMAN. Mr. Chairman, I thank the chairman, the gentleman from Kentucky [Mr. ROGERS], for his cooperation and his decisive leadership in this matter, and I urge the adoption of this amendment in the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The amendment was agreed to.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from Kentucky [Mr. ROGERS], the chairman of the subcommittee.

Mr. Chairman, I was going to offer an amendment, along with the gentlewoman from Hawaii [Mrs. MINK], the gentleman from South Carolina [Mr. SPRATT], and the gentlewoman from Connecticut [Ms. DELAURO] for the Office of the United States Attorney to augment this fund by $100,000 for additional resources for the Federal Victims' Assistance Program in the Commonwealth of the Marianas. However, I understand that the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS], is willing to engage us in a colloquy, and if I can do so, I would like to do that at this time, with the chairman's permission.

In lieu of offering that amendment, I understand that additional funds have already been provided in this bill that could accommodate the need for increased U.S. Attorneys' presence in the Commonwealth of the Northern Mariana Islands to address the increasing docket and strained resources for both the Federal district court and the Office of the U.S. Attorney located in Guam, which presently provides prosecution support to the CNMI.

The increased law enforcement of the Federal criminal statutes' victims protection and violations of the Occupational Health and Safety Act and the Fair Labor Standards Act will be furthered with additional U.S. attorney resources. This will also permit the increased cooperation between the Federal Government and the Commonwealth of the Northern Marianas in addressing any violation of workplace and housing laws.

What I would like to ask the chairman is will the chairman work to include the language in the statement of managers which directs the U.S. attorneys to provide an additional $100,000 in resources in Guam for the use of the Commonwealth of the Northern Marianas to address these issues?

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

Mr. MILLER of California. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me compliment the gentleman from California [Mr. MILLER] for raising these concerns regarding law enforcement needs in the Northern Mariana Islands. We will work during the conference to include language to address the issue in the statement of managers.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman very much for his statement of support and his willingness to work with myself and the other Members, and I appreciate the gentleman agreeing to do this colloquy.

The reason we did this, I say to my colleagues, is I think that it is accurate to say that most Members of Congress, like most Americans, are unaware of the tens of thousands of workers who toil on American soil in the U.S. Commonwealth of the Northern Marianas Islands who are routinely subjected to gross violations of their human rights and other rights, while being provided few of the legal protections afforded the rest of us.

This widespread and intolerable abuse have been credibly documented by the U.S. Department of the Interior, the Justice Department, the Commerce Department, State, Labor; and news organizations, including the television program Inside Edition, Reader's Digest, the Honolulu Star Bulletin, the Pacific Daily News, the Dallas Morning News, the Washington Post, the Los Angeles Times; the report of the Committee on Resources Democratic staff, foreign consulates, church and human rights workers, and many others.

It is regrettable that until today, this Congress is one of the few places where we have been unable to gain even minimal discussion of these abuses. Inside Edition captured the horrific conditions in the Marianas on film and for this Nation to view. Now we in Congress must respond to the outrages that they have documented.

Indeed, instead of allocating the resources to providing greater protection for these exploited and abused workers, the Commonwealth of the Northern Marianas Government has spent millions of dollars lobbying this Congress to allow these current practices to continue. The victims of this abuse are afraid to complain because they are impoverished and laboring in a foreign country, our country. They are bound by contracts and labor agreements that stifle the most minimum of constitutional and human rights. They know that complaining about the underpayment of wages, forced prostitution, and employer rape carries with it the risk of retaliation or immediate deportation, or actions against their families in China.

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Mr. Chairman, thousands of these women toil in the garment factories owned by the People's Republic of China, and they are forced to sign shadow contracts with the Chinese Government before they are allowed to work here that stipulate that they are forbidden from practicing religion while in the United States, and may not engage in free speech. This is simply unacceptable.

Here perhaps is the most shocking fact. The products that this exploited

labor work force, the products that they work on, are admitted to our national markets duty-free, quota-free, and with the label sewn by these indentured workers that says, "Made in the U.S.A."

We can no longer accept this practice. Additional funds for the Attorney General's office in the Northern Marianas are desperately needed. I thank the chairman again for entering into this colloquy.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 4 additional minutes.)

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. I thank the gentleman for yielding to me, Mr. Chairman.

I am really very, very excited about the idea that for the first time since my coming here to Congress in 1990, we have a chance to discuss this issue. Many of us have been really worried and concerned about it. We have done what we could in letter writing and contacting and exposing this whole issue before our constituents, before the people that have some power to do something about this. But this is really a very, very serious situation.

When we talk about the Northern Marianas, so many people think that this is a foreign country. Why should we care about what the conditions are that these people work under?

Let me remind this House that in 1975 we entered into a compact with the Northern Marianas, a covenant which gave the indigenous people of this territory U.S. citizenship status. They are American citizens. They should abide by the fundamental laws of this country, but they do not.

The reason they do not was there was a provision in the covenant which yielded to their demands at that time to say that they should not have to apply or enforce the immigration laws of this country nor the labor laws. They argued that the immigration laws and labor laws would be too cumbersome, too many regulations. It would encumber the ability of this small place to prosper and become self-sufficient. So the Congress gave in and the covenant, therefore, excluded these two very vital provisions which safeguard people entering into the United States.

The Northern Marianas is part of the United States. Those people there are U.S. citizens. What they do is they comb across the Asian continent and they find unwitting, unsuspecting victims to lure to the Northern Marianas with promises of great prosperity, with promises that they will earn money and be able to send it back to their families so they can have a better life; that they would come to an American territory and really enjoy the benefits of a democracy.

What do they find? They sign a contract which requires that they repay thousands of dollars if they cancel it. They come to the Northern Marianas. They are really enslaved in these terrible warehouses, tens of thousands of foreigners impacted into this place. They do not have the protection of minimum wage. Oftentimes they work with no salary at all.

They cannot complain because if they want to break their contract, they have no money to give back to these people who hired them. They have no money to buy an airplane ticket. The women who come to this place are terrorized. They are brutalized. They are made into prostitutes. Young children, 14- and 15-year-olds, females, are put into bondage. It is the most disgraceful thing happening on U.S. soil.

Forget the fact that it is the Commonwealth of the Northern Marianas; it is a U.S. territory. The people with whom we signed the contract were U.S. citizens. It is our responsibility to make sure that these individuals are protected.

All we are asking this Congress to do is to pay heed to the victims who are brought there, tens of thousands, most of them women. One of them that I know in my State has been brought to the State of Hawaii as a victim. She came to Hawaii at age 14 and is now 16, and she cannot obtain justice. She has no funds with which to exist. There is no victim protection for her whatsoever. She was abused and raped and put into prostitution.

Mr. Chairman, if Members had an opportunity to witness this themselves and to talk to the people that have endured this system, Members would understand the rage and the furor that I feel about what is happening there. And the products, Mr. Chairman, as the gentleman in the well has said, they come to the United States with a "Made in the U.S.A." label. That is heinous.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent for 3 additional minutes.

Mr. ROGERS. Reserving the right to object, Mr. Chairman, we have a great number of items to take up. I want us to air this fully, but I would hope that we could conclude.

Mr. MILLER of California. If the gentleman will yield, I thank the gentleman. The only reason we would do that is just so it could be in sequence. We did not know if they could strike the 5 minutes.

Mr. ROGERS. I have already agreed to do what the gentleman wants.

Mr. MILLER of California. I understand.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I thank my colleague for giving us the opportunity to talk about these deplorable human rights abuses, as has been stated, right here on U.S. territory.

The report that was issued in July indicates that local government in the Northern Mariana Islands looks the other way as tens of thousands of low-paid and disenfranchised women, mostly from China and the Philippines, are forced to live and work in squalid, unsafe conditions. Guards, barbed wire have prevented them from escaping. The women suffer, the owners of the sweatshops prosper. Some, as my colleague the gentlewoman from Hawaii [Mrs. MINK] pointed out, have been forced into prostitution.

Whistle blowers are abused, troublemakers are sent back to their home countries, while the local government has turned a blind eye, leaving these women and young girls with little hope for protection. This kind of treatment is intolerable.

I happen to have a particular interest in this area because my mother was a garment worker. She worked in a sweatshop in New Haven, CT, as so many women did, where they worked for pennies. They worked in all conditions.

This is not the right thing to do. We made some changes here in the country. We tend to think that sweatshops do not exist any longer. In fact, they do, and right under our very eyes in territories under U.S. control.

I am pleased we have an opportunity to insert some funds here which will allow for there to be law enforcement efforts. This would allow U.S. Federal law officials to do the right thing. More important, it would help thousands of women regain their dignity and their honor.

We responded immediately this past summer to discovering illegal sweatshops in New York City. Americans do know what is right in this area. Forced labor, entrapment into prostitution, are wrong. When we discovered the conditions in New York City, Americans were outraged. We demanded change, and it occurred. We should do the same for the women who are trapped in the Northern Marianas sweatshops.

Mr. MILLER of California. I thank the chairman and ranking member for their attendance to this problem.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended,

not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, $7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $84,542,000: *Provided*, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $14,542,000: *Provided further*, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $973,000,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 9,010 positions and 9,116 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: *Provided further*, That not to exceed $6,000,000 for office moves, expansions and renovations shall remain available until September 30, 1999: *Provided further*, That not to exceed $1,200,000 for the design, development and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d), and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $107,950,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $107,950,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: *Provided further*, That any such fees collected in excess of $107,950,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,226,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $462,944,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System shall remain available until expended: *Provided*, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $75,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000. Further, for the foregoing purposes during fiscal year 1999, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $4,381,000. Further, for the foregoing purposes during fiscal year 1999, $29,000,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for

reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,706,944,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $147,081,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

As authorized by section 110 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1009), $50,000,000 is appropriated for purposes of national security, without fiscal year limitation, to the Department of Justice Telecommunications Carrier Compliance Fund, for payments pursuant to section 401 of such Act (47 U.S.C. 1021).

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $38,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $814,463,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), $310,037,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $5,500,000, to remain available until expended.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 18, line 10, be considered as read, printed in the RECORD, and open to amendment at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill through page 18, line 10?

PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROHRABACHER. Mr. Chairman, is all the debate passed for the time period that will be available to discuss what the gentleman from California [Mr. MILLER] had been proposing?

The CHAIRMAN. Would the gentleman from California [Mr. ROHRABACHER] restate his point of inquiry?

Mr. ROHRABACHER. On the Miller amendment, is all time passed when anyone can debate the subject matter of the amendment offered by the gentleman from California [Mr. MILLER]?

The CHAIRMAN. There was no debate. The gentleman did not offer the amendment.

Mr. ROHRABACHER. At this point, before we move on to another subject, is it permissible for this gentleman to strike the last word?

The CHAIRMAN. It certainly is.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the entire 5 minutes. Let me just note, there is a philosophical difference between some of the people who have been expressing what I would consider the worst possible picture, painting the worst possible picture of the Northern Marianas Islands, and those of us who look at the Northern Marianas Islands and compare them to other such areas of the world and see a totally different picture.

Yes, if we painted a picture of the United States as a developing country 25 or let us say 50 to 75 years ago, people would say the United States is a horrible place as compared to the United States today. But the fact is that the United States as compared to other countries in the world 75 years ago was a pretty good place. The Northern Mariana Islands as compared to other areas of similar development, other islands, especially even island territories of the United States of America, is a pretty good place. They have had a great deal of reform, free enterprise reform, in the last 5 years that has totally turned around their economy.

I realize that there are people on the other side of the aisle who believe that government should regulate economic activity to improve the standard of living of the people of a given area. I do not think that works. What has happened in the Northern Marianas, when they were counting on handouts from the Federal Government, when they were counting on the United States

government here in Washington, D.C. to provide them subsidies, the standard of living of everyone in those islands was going downhill.

Today, when they have developed a new strategy for the development of their little islands, the standard of living of their island people is going up. And of course, it is argued, my goodness, they have all of these guest workers who are working in terrible situations, they are getting less than the minimum wage in the United States, et cetera.

However, even those individuals, by and large the vast majority of those individuals, perhaps 90 percent of those individuals are living better than they would if they would not have jobs. That is why they came to the Northern Marianas.

My good friend, the gentleman from California [Mr. GEORGE MILLER], I do not know if he would prefer to have these people unemployed in the Philippines or unemployed in the various countries they come from, or if he would rather have them working and going back after 2 years with several thousand dollars in their pockets.

Mr. Chairman, I have as much objection as my good friend, the gentleman from California [Mr. MILLER] does to people who break their contracts with guest workers. That was a problem in the Northern Marianas. That is no longer a major problem, because the people and the government of the Northern Marianas have committed themselves to solving that problem, and preventing the poorest of the poor people who come in as guest workers from being exploited to the point that their contracts are not being honored.

I went there. I talked to many, many guest workers. I went to various factories. I talked also to the law enforcement agencies that are there, who said yes, there was a problem 5 years ago, but now we are forcing these employers to honor their contracts. Thus, these contract laborers are living better than they would if they were stuck in China or the Philippines.

I will tell the Members, the people of the Northern Marianas, their standard of living is going up, not down. That is compared to all these other island possessions of the United States which are relying on handouts from the American people, and those island economies are on the way down. So the Northern Marianas has found something successful.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I appreciate the gentleman yielding. We do not want to belabor the point. The chairman wants to move on. Hopefully we will have other opportunities to debate this.

The gentleman mentioned people from the Philippines. Let me just say, what we are asking for is the same thing that the Philippine Government has petitioned the Northern Marianas for these people, that they not be put into forced sex, young girls not be required to dance in bar clubs, and they not be put into prostitution, because that is going on today.

I appreciate what the gentleman is saying, except there is no independent validation of what the gentleman is saying with respect to the workers. Every independent group that has looked at this has found it to be just the opposite currently going on in the Northern Marianas.

Mr. ROHRABACHER. Mr. Chairman, no decent American or anyone else is going to turn the other way as young girls or any young person is exploited and a contract is not honored, or someone is being forced into a life style like the gentleman is suggesting.

But what I am saying here is the reason the Northern Marianas have been targeted, unlike New York City, which we have heard about just from our last speaker before I got up, is because the Northern Marianas, unlike other island possessions, are taking a free enterprise approach to development. It is increasing the standard of living of their people. Even the guest workers are better off than if they had no job at all.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(On request of Mr. HALL of Texas, and by unanimous consent, Mr. ROHRABACHER was allowed to proceed for 2 additional minutes.)

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Texas.

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Mr. HALL of Texas. Mr. Chairman, I do not always agree with the gentleman from California [Mr. MILLER] on issues, but I have high regard and high respect for him. We seem to be in agreement today that more resources and efforts have got to be committed to the law enforcement in the Commonwealth of Northern Mariana Islands.

It is my strong recommendation that additional funds be transferred to the appropriate category for use in adding an additional Assistant District Attorney. That is what they tell me they need. Going over there and staying 4 or 5 days does not make me an authority.

I did not find the things that have been related here. But I know the gentleman from California [Mr. MILLER] is an honorable man who knows how to detect these things. I hope he will go with the gentleman from Alaska [Mr. YOUNG] early next year.

As I understand, the committee of jurisdiction should be the Committee on Resources. It is my understanding that the gentleman from Alaska [Mr. YOUNG] is going to lead a delegation there in January. I strongly suggest that the gentleman from California [Mr. MILLER], who is a member of that committee, join the chairman in that group.

Hopefully, he will be persuaded, as I was, that there are many, many more people that are much better off because of the fact that they get an opportunity to leave the poverty of the Philippines and part of China and part of other areas, come there and work 2 years, go back very wealthy. And they have long lines to do that. And, of course, it is not perfect.

If there are any of the things that the gentleman from California [Mr. MILLER] has related going on there, none of us on this floor condone it. We just need to get the hard, cold facts out on the floor.

Mr. ROHRABACHER. Mr. Chairman, not only do we not condone it, I would applaud the gentleman from California [Mr. MILLER] that we should, as a country, make sure that we take the steps necessary to stop that.

But to condemn, basically to throw the baby out with the bath water and say this is part and parcel of this free-enterprise revolution that they have going on in the Northern Marianas is just an inaccurate picturing of what is going on in the lives of most people in the Northern Marianas.

I met with a lot of the reformers there from the churches who have been active in trying to correct the problems that the gentleman from California [Mr. MILLER] brought up, and they admitted to me that in the last 5 years things have gotten dramatically better because the decent people of the Northern Marianas, who, after all, in any area are decent people, have made a commitment to make those changes.

Mr. BRADY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a brief colloquy with the distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary.

First, I want to thank the chairman for his work in providing $600 million in total funding for the Senate Criminal Alien Assistance Program. This is $100 million more than the Fiscal Year 1997 level and the Fiscal Year 1998 level requested by the President and recently passed by the Senate.

When this bill goes to conference, I urge the gentleman from Kentucky [Mr. ROGERS] to fight for the House-passed level. As the chairman is aware, language was included in the 1997 Commerce, Justice, State appropriations bill that allowed California to use its Violent Offender Incarceration and its Truth-In-Sentencing incentive grant awards to offset the cost of incarcerating criminal aliens. Such language is

again included in the House committee-passed fiscal year 1998 appropriations bill.

Mr. Chairman, I believe that Texas, the State with the second largest criminal alien incarceration population, and other States with significant numbers of incarcerated criminal aliens would greatly benefit if they were given similar latitude in the use of their VOI grant award funds.

In conference, I urge the gentleman from Kentucky [Mr. ROGERS], the chairman, to work for the House-passed level of $600 million. However, if during negotiations that level is reduced, would the chairman be willing to work with us to provide some additional flexibilities to States like ours with high criminal alien incarceration populations in the use of their VOI grant award funds?

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

Mr. BRADY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am very sympathetic to the needs of Texas and other States that have the highest criminal alien incarceration populations and believe that the additional $100 million the House provides for in the program will alleviate most of the problems that my colleagues are encountering.

I recognize the need for those affected States to have greater flexibility in using their staff reimbursements. If we are not able to provide them this additional funding, I will work with my colleague and others to find a solution.

Mr. BRADY. I thank the gentleman from Kentucky [Mr. ROGERS], the chairman, for his leadership and assistance.

The CHAIRMAN: Are there further amendments to the bill through page 18, line 10?

If not, the Clerk will read.

The Clerk read as follows:

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,609,441,000; of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: *Provided further*, That not to exceed 32 permanent positions and 32 full-time equivalent workyears and $3,101,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD-258 fingerprint card, for the purpose of conducting criminal background checks for any benefit under the Immigration and Nationality Act, which has been prepared by, or received from, any individual or entity other than an office of the Immigration and Naturalization Service or State or local law enforcement agency and beginning on March 1, 1998 and each fiscal year thereafter only an office of the Immigration and Naturalization Service may accept, process or forward FD-258 fingerprint cards to the Federal Bureau of Investigation for any of these applications which require an interview: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

AMENDMENT OFFERED BY MR. WEYGAND

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

The Clerk read as follows

Amendment offered by Mr. WEYGAND:

Page 20, line 10, strike "during fiscal year 1998" and insert "beginning June 1, 1998".

Page 20, line 21, strike "March" and insert "June".

Mr. WEYGAND. Mr. Chairman, I would like to first of all begin by thanking the gentleman from West Virginia [Mr. MOLLOHAN], our ranking member, and the gentleman from Kentucky [Mr. ROGERS], chairman of the committee, for their indulgence and their assistance and their advice on this amendment.

After a lot of discussions, Mr. Chairman, I will eventually withdraw the amendment. But what I would like to talk about is the key part of my amendment deals with the transition with regard to designated fingerprinting services. Because of the concerns over quality and veracity of the prints being given to the INS for background checks at the FBI, this bill halts the ability of INS to accept prints from various outside sources after March 1 of next year.

In addition, though, the committee very aptly put into the bill $22.3 million to be spent on a new electronic fingerprinting system which will scan the fingerprints of applicants and electronically transfer them to the FBI for background check, a very welcome and needed addition to the INS and naturalization process, very important for a number of reasons. First of all, it would be more accurate. Secondly, it would be more speedy.

Our concern, though, Mr. Chairman was the transition between what is presently in place right now to the new system. Currently, the bill will mandate that INS will take over all of those services as of March 1. In the interim, there will be a 5-month transition in which State and local law enforcement agencies will be able to provide these fingerprints to the INS.

But it will eliminate from this point forward any opportunity for DFS's or designated fingerprinting services, which are nonprofit or for-profit agencies to provide this service. And as the chairman has aptly pointed out, and correctly so, there have been many problems with many of the for-profit and even not-for-profit DFS's.

We have had a problem with people being naturalized that should never have been naturalized. But, quite frankly, there have been some very good DFS's that are providing valuable service to the INS.

In my district in Rhode Island, the INS branch office in Providence has

found no problems with the four facilities that provide these fingerprinting services. In my State there are nine local law enforcement agencies that assist these 4 facilities. The three that are most used are the International Institute, the Catholic Social Service, and a community-based organization called Progresso Latino. These have been providing very good and important services to our people in our district.

An example, International Institute, located in Providence, not only does it provide DFS services to the INS, it provides such things as classes in citizenship, English as a second language, job training programs to many people who came here in the United States not having any skills whatsoever, computer classes and translation classes. It is a community-based organization which provides services for those trying to assimilate into our country and to become active and fruitful participants in the United States.

Before being certified as DFS's, these services are required by regulation to undergo training and must adhere to the strictest requirements to maintain their status. Unfortunately, those that have been bad DFS's in all parts of this country have not been really overseen quickly enough and fervently enough by the INS.

That is unfortunate, because there are some very good DFS's and there are some very bad. Unfortunately, we are going to be throwing all of these DFS's out as of October 1. I have talked to the chairman and to the ranking member. I can fully understand their position. It is a very complex and difficult situation. But I would hope in the future we can look at valuable institutions like the International Institute as being a backup for the INS when in fact they need them.

Mr. Chairman, I will withdraw my amendment at this time and I would ask that I would join with my colleague, the gentleman from North Carolina [Mr. WATT] in an amendment that will provide some additional extension of the transition with regard to the fingerprinting services.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word. I will not take the full time. However, since the gentleman has brought up this subject, it requires me to say a couple of words about the problem at INS.

One of the problems at INS last year, when we discovered that INS had granted naturalization of citizenship to a million-three, which is four times the annual historic amount, we then discovered that they had waived the policy, the then policy of the department on requiring an FBI criminal check before a person becomes a citizen. We had always done that in every case.

Last year, for whatever reason, before the election the administration waived that, did not require it. Now we have discovered tens of thousands of people were naturalized who were felons, criminals, walking the streets of our country. We found out also that on those that they did require a background check, including a fingerprint, that INS had contracted out the fingerprinting process. So that one could go to any one of 3,000 different places to get fingerprints made, supposedly, which would then submit that fingerprint to the INS, the FBI for checking to see if someone did have a criminal record.

Now, who did they get to take the fingerprints? Let me just read my colleagues a couple of them here. This is in L.A. and these are the people, now bear in mind, that are submitting the proof as to whether or not one can become an American citizen with all the rights and privileges thereunto and appertaining.

They can go to Pookies' Parcel Post and get their fingerprints made. How about Harbour Liquors? How about Freeman's Hallmark Store. Or they could go to Fast Photo. I am not saying these are bad places. I am just saying I have got a question. New Land Travel and Tours. Fred's One Hour Photo. King Kong One Hour Photo. They can go to Sam's Electronics and get their fingerprints made to check it out to see if they were a criminal supposedly. They can go to Quick Sale Realty to get their fingerprints made. Or how about J.L. Investment and Traffic School, Mr. Chairman? Or they might go to Lindy's Mexican Products or even go to Lulu's Professional Services and get their fingerprints made. I will not comment any further on that.

However, Mr. Chairman, I think all of us can unanimously agree that the process of fingerprint taking for the purpose of becoming an American citizen has to be tightened up. And the bill does that. Our bill does away with places like Pookies' Parcel Post where we get our fingerprints made for American citizenship.

It is okay to go there for whatever one goes to Pookies' Parcel Post for, except for fingerprints for American citizenship. We abolish that practice. We make the INS do it in their shop or a law enforcement agency in due course in time. And we are giving them the money to get the fingerprint machine so this can be done in the proper way under proper supervision.

Number two, as I have said before, we make it a violation of the law anymore in waiving the criminal check. Anymore it becomes law, not just policy of the department in requiring a criminal check. It is not right for any agency of the United States Government to be authorized to grant American citizenship to someone who is a criminal, a felon, who has come to this country in violation of their laws, not to mention ours, and become an American citizen.

I commend the gentleman for his concern about the issue, and we will be dealing with it in a subsequent amendment that is coming up shortly.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina:

Page 20, line 21, strike "March" and insert "June".

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Mr. WATT of North Carolina. Mr. Chairman, I want to start by thanking the chairman of the committee and the ranking member for their cooperation in getting to what I believe is an agreement on this amendment. It is my understanding that they are prepared to accept it.

Let me start by first of all agreeing with the chairman of the committee about what he just said. I do that because I sincerely do agree with him. What we need to put in context, however, is that Pookies' Parcel Post and Lulu's and Anita's are all private enterprises in this country. This is one of those times when this notion that we should privatize everything that the Federal Government is doing basically went awry. This program, the DFS program, has been in existence for 15 years. It was put in during the Reagan administration. And now what we have found is that there are certain things that private enterprise cannot do as well as the Federal Government.

So on that, I have to agree with the chairman of the committee. It probably never should have been done in the first place. This is too serious a proposition to give out to just anybody. Now, maybe there are some private enterprises out there who can do it, but we certainly should not have just done it carte blanche.

My amendment does not address that issue. It addresses another issue. Beginning March 1 of 1998, applicants for benefits which require an INS interview, such as naturalization, will be required to have their fingerprints taken at the INS. No other fingerprints will be accepted, not even those taken by State and local law enforcement agencies. The rationale for this change, as the chairman has amply indicated, is that the INS intends to implement a new system where fingerprints will be scanned electronically and transferred directly to the FBI for processing.

I support this change in the fingerprinting process. I believe the INS should use technology more effectively and believe the system proposed

will be more efficient than current ones, and the current system is the DFS system, which the chairman has just talked about.

Because of the problems associated with DFS's, my amendment does not extend the DFS program; however, it would extend the March 1, 1998 deadline to give the INS adequate time to transition to an electronic fingerprinting system. What we would do is move that deadline from March 1 of 1998 back to June 1 of 1998.

The INS has not purchased all of the equipment yet. There is a concern that it will not be able to implement the new system fully before the March 1 deadline. If this deadline stays in place, and the INS does not shift to an electronic system, the net result would be a tremendous fingerprinting backlog, and that backlog would translate into a de facto moratorium on the naturalization process since no applications could be processed without fingerprints.

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

Mr. WATT of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman's amendment would give INS until June 1, 1998 to transition to a fingerprinting system that would require most fingerprints be taken at INS offices, as we have discussed. I believe the amendment seeks to ensure an orderly transition, and I share that goal. We have met with INS about this as well. The INS will be ready to implement the new system on June 1. They will not be ready on March 1. In light of that, I am prepared to accept the amendment and would urge its adoption.

Mr. WATT of North Carolina. I thank the gentleman for accepting the amendment.

Mr. WEYGAND. Mr. Chairman, I move to strike the last word. I want to compliment the gentleman from North Carolina [Mr. WATT]. I think the amendment is really necessary. In light of what the chairman just said, the extension is really necessary for INS to make that transition. It also gives us 3 more months to evaluate how they are doing and, if necessary, even come back and look at that again. I wholeheartedly support it, and I join him in cosponsoring this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I ask unanimous consent to offer an amendment that is on page 33 at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER:

Page 33, line 20, strike "$35,000,000" and all that follows through the comma on line 21 and insert the following; "$34,000,000 shall be used for a law enforcement technology program, "$1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act,".

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Mr. Chairman, I first want to thank the gentleman from Kentucky and the gentleman from West Virginia not only for helping put this amendment together, but allowing this unanimous-consent request. It is a simple and noncontroversial amendment. It would dedicate $1 million of unallocated balances from fiscal year 1997 for police recruitment grants authorized in the 1994 crime bill. The program was inspired by the efforts of St. Paul's Community Baptist Church in East New York. The purpose is to improve community policing by recruiting residents of inner-city neighborhoods to serve as police officers in their communities.

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

Mr. SCHUMER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has consulted with us on this amendment. We have examined it, believe it is meritorious, and are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $690,957,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $70,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $2,869,642,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,490,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $162,500,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $538,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 27, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $2,437,150,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $13,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $722,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $180,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program: *Provided further*, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $160,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act: *Provided further*, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $115,750,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act, including $56,750,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence; of which $15,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $10,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $300,000,000 shall be for Juvenile Accountability Block Grants to become available only upon enactment of an authorization for this program; and of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: *Provided further*, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT NO. 53 OFFERED BY MR. SCOTT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. SCOTT:

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)".

Mr. SCOTT. Mr. Chairman, this amendment would transfer one half of the funds in the truth-in-sentencing prison grant program, approximately $250 million, to crime prevention, drug treatment and family resource service programs that are inadequately funded in the bill.

Mr. Chairman, the so-called truth-in-sentencing approach to crime reduction is actually half-truth-in-sentencing. The proponents will tell you that no one gets out early. That is the half truth. The whole truth is that no one is held longer either. When States adopt truth-in-sentencing schemes, the first thing they do is to reduce the length of the total sentence and then direct that the defendant serve all of the reduced sentence.

I am not aware of any State that has been able to afford to abolish parole without reducing the time served by the worst criminals. For example, Mr. Chairman, in a 10-year sentence with parole, the average defendant will serve about 3½ years. The lowest risk prisoners will get out as early as 2 years. But the worst criminals will serve all 10 years. With truth-in-sentencing, everyone will serve the exact same average 3½ years. The less dangerous will serve more time; the most dangerous will serve less time. If the State were to triple the average time served so that everyone serves 10 years and were able to triple their prison budget, the worst criminals would still serve exactly what they serve today, the 10 years, and the taxpayer will have been bilked of billions of dollars.

Mr. Chairman, furthermore the States are already spending tens of billions of dollars on prison construction. The Federal money, less than half a billion dollars, cannot possibly make any measurable difference either in the number of prison beds to be built or in the reduction in crime. But if that money is spent in prevention, we can make a difference.

This amendment assures that at least some of the money will be used to encourage States to adopt crime reduction approaches that actually will reduce crime. Of the approximately $250 million, $80 million would go to increasing funds for building and running boys' and girls' clubs in public housing and other sites for at-risk youth. Boys' and girls' clubs have been shown through study and research to be cost-effective ways of reducing crime for both at-risk youth when they are young and when they become adults.

Another $40 million would go to grants to combat violence against women. $13 million would go to court-appointed special advocates to help troubled youth in the criminal justice system, and $8 million for the child abuse training programs funded in the bill. All of those are aimed at child abuse reduction. It is well documented that reducing family violence and child abuse will reduce crime.

The amendment also provides $37 million for residential drug treatment for prisoners before they are released and approximately $75 million for drug courts. Both prison drug treatment and drug courts have been shown to significantly reduce crime. The drug court program has been studied and compared to other persons who are sent to jail, and a year after completion of either the drug court or the prison sentence, they have found that those completing the drug court program had an 11 percent recidivism rate, while those who were sent to prison had a 68-percent recidivism rate. Moreover, those completing the drug court program had a cost of about $1,000, while those completing prison were in prison at a cost of $15,000 to $30,000. These funds would therefore not only reduce crime, but also save money.

The amendment also adds $4 million to the fund which supports law enforcement families.

Mr. Chairman, we do not have a problem putting people in jail in this country. The United States trades places with Russia year to year as the world's greatest incarcerator. This year Russia is ahead with 690 prisoners per 100,000, and the United States is a close second at 600 per 100,000, whereas the international average is only about 100 prisoners per 100,000 population. In some of our inner-city communities, the incarceration rate actually exceeds 3,000 per 100,000. So it is not a question of putting too few people in jail, and this amendment does not suggest that we incarcerate any less than we already do. It just says that if you are going to spend new money, we ought to use the money to encourage States to adopt crime reduction strategies which have been actually shown to reduce crime.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SCOTT] has expired.

(By unanimous consent, Mr. SCOTT was allowed to proceed for 1 additional minute.)

Mr. SCOTT. Mr. Chairman, the half billion dollars in truth-in-sentencing prison funding will not have a measurable effect in the crime rate because States are already spending tens of billions of dollars in prison construction, but this amendment will make the huge increases in proven crime prevention initiatives possible. I urge my colleagues to support this amendment to ensure that at least half of the money slated to be wasted on a few new prison beds will be redirected to productive use in actually reducing crime.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this would take $258,750,000 from the State prison grant, cutting in half the resources to build and expand much needed prison space. The gentleman's amendment is an attack on an important crime policy that has been passed by the Congress, the policy that requires persons who commit crimes be held accountable by serving prison time that fits the crime. The gentleman has offered amendments the last 2 years that would do nothing more than undo this policy. The point he is trying to make is that prisons do not work.

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But his attempts have failed because it is recognized that crime is reduced when violent criminals stay locked up and off the streets. We are seeing the fruits of that policy today as crime rates are dropping, as more criminals are locked up.

Before Congress passed the Violent Offender Truth In Sentencing law, violent offenders were serving only about 43 percent of their sentences. That means in 1994, murderers with an average sentence of 16 years were released after serving only 7½ years. Rapists sentenced to 9 years were released after just 5.

This program is the only source of funding to help the States build prisons. Last year 48 States received funding through this program. With this money States built prisons, jails, juvenile facilities, and developed tougher sentencing policies, policies that assure offenders serve at least 85 percent of the sentence they receive. They deserve the support of Congress to insure that adequate bed space is available to maintain those kinds of policies. An estimated 9,000 new prison beds will be built with last year's prison funding, and we can expect 9,600 more offenders to be taken off the streets of our country as a result.

While the gentleman's amendment would increase funding for other important crime programs, this bill already provides substantial increases for the programs that he has mentioned. For example, we already provide a $109 million increase for Violence Against Women Act programs. That is $57 million more than the President asked us and a 44-percent increase over current year. We already more than double the State prison drug treatment program by fully funding the President's request of $63 million. He would also earmark an additional $80 million of funds from the local law enforcement block grant for Boys and Girls Clubs, which the bill already provides a $20 million boost for. This would take away much needed funds from the block grant for locally driven crime priorities such as law enforcement personnel, overtime, technology for our law enforcement people and equipment, safety measures around schools and drugs courts.

Mr. Chairman, crime is down across this country because we have provided a full arsenal of anticrime measures, more police with the tools and equipment they need; more prison space to make sure that criminals are held accountable for their crimes, and quality prevention programs designed to reduce risks. We cannot afford to lose the ground that we have gained against crime in the last few years.

Last year, Mr. Chairman, on this amendment or one similar to it, 326 Members, a majority of both parties, voted to support the State prison grant program and to defeat the gentleman's amendment which would have gutted the program. Three hundred twenty-six Members voted "no" on this amendment last year; I want to better that record at least by one.

I urge defeat of the gentleman's amendment.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

I rise to oppose this amendment which I know that the gentleman from Virginia is offering in all good conscience. He and I served together on the Committee on the Judiciary for a long time, and I know his views and I know they are sincere. But as the chairman of this committee has said so eloquently, there is a lot of money in this bill already for prevention programs, the specific ones the gentleman wants to shift money from the prison truth in sentencing program to.

But overall in the entire system for delinquent and at-risk youth we have over $4 billion, that is with a B, $4 billion currently being spent, and even more would be appropriated through this appropriations cycle. There are over 120 individual programs for these delinquent and at risk youths in 13 different agencies of the Federal Government. I think that many of those programs probably could be consolidated, but I support many of them. I think they are very good and fine. But to take away over half the money or at least half the money in the truth in sentencing prison program to add to this $4 billion that we are already spending on prevention just does not make any sense.

The truth in sentencing grant program was established in 1995. It has worked well since that time. What it has done, and what came through the committee I serve on as chairman of the Subcommittee on Crime and member of the Committee on the Judiciary, what it is designed to do is to provide incentives to States to take the most violent repeat offenders and lock them up for at least 85 percent of their sentences.

As we began years ago talking about this, prisoners who committed these violent crimes were only serving about a third of their sentences, then we got up to about 40 percent. Now, thanks to the fact that we have these truth in sentencing grants, we will be giving money to States to build more prisons if they will, in turn, agree to incarcerate their violent prisoners or felons for at least 85 percent of their sentence. We now have half the States who have adopted this, and we have States on average throughout this country with violent prisoners serving at least 50 percent of their sentences.

Now we need to get that up more. We need to get more than 25 of the 50 States doing this. And if we put out the $500 million in this bill that is there today as an incentive to the States and say, "Look," to those other 25 States, "you can join with those 25 that have already adopted this policy and get money to build more prisons as you need it," I think more States will do that, and I think we will rise from half the States, 25 up to 30, 40, maybe all 50 States who adopt the rule that says that if one commits a violent felony, especially if they are a repeat violent felon, they are going to serve at least 85 percent of their sentence.

Now why is that important? It is important because, first of all, violent felons who go back out on the street again are the ones committing most other violent felonies. The crime rate in many of our States, especially the violent rate, is down, primarily because these violent felons that are the repeat ones are not getting back on the streets again to commit those crimes again, so they are being incapacitated.

And in addition to that, by having people serve pretty much their full sentences, by having really truth in sentencing across this Nation, we are sending a deterrent message. We are saying to the criminal population and the would-be criminals, "You do the crime, you do the time." And it is a powerful message. Criminals do pay attention to such things, and in many cases they are deterred. But where they are not deterred, and of course many are not unfortunately, they are put away for long periods of time. They should be put away. They are really worst of the worst, should have the key thrown away, they should be locked in prison and just throw that key away. That is the objective.

Now again nobody is going to argue that we should not have some of these programs that the gentleman from Virginia wants to shift this money to. We already do have those programs. We should adequately fund those programs. But we should not do so at the expense of a program designed to protect the American public from the very worst violent criminals in this country, from those of the repeat violent felons. We need to have violent felons serving at least 85 percent of their sentences so that when some judge gives the sentence that says they are going to get 20 years, they are going to serve almost 20 years or very close to it, not out in a couple, 3 years as has been all too often the case. If somebody gets 40 years in prison, they ought to be serving pretty close to 40 years, 35 years or something like that. They should not be back out on the street again when they have served 8 or 10 years. The American justice system will not work until that happens.

So I urge the defeat of this amendment. We need to have the moneys going for the purposes they are intended in the underlying bill and the appropriations, the $500 million, to build more prisons for those States that are willing to adopt the rule of truth in sentencing that requires that those who commit these violent crimes serve at least 85 percent of their sentences and use other money to do the prevention programs.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. SCOTT].

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

I would just like to point out that one thing the proponents often leave out when they talk about 85 percent of the time is that the time given is less. For example, in Virginia we abolished parole and adopted the rhetoric of truth in sentencing. A 10-year sentence where some got out in a year and a half, some got out in 10 years, the average is 2½, we doubled the average time served to 5 years. But the most heinous criminals, those that could never make parole, were getting out in half the time they would have served. They will serve all 5 years, which is half the time they would have been able to serve if they had been, if the parole board had been able to deny the parole to the most dangerous, most heinous criminals. When one says 85 percent, one ought to say 85 percent of what, and the cost of getting up to half where the most dangerous criminals that get out in half the time, Virginia is in the process of spending $2 billion to do that. This amount of money that we are talking about nationally is less than a billion dollars, much less than a billion dollars. Virginia alone spent $2 billion, and the most dangerous criminals will be getting out in half the time.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, I want to commend my colleague from Virginia [Mr. SCOTT] for bringing forward this amendment and rise in support of the amendment. There is no doubt that the popular political rhetoric and probably the vote, as the chairman of the committee has indicated, will be in favor of incarcerating more and more people.

The truth of the matter, however, is that every single study including studies by the Rand Corp., a very conservative group, indicate that they are just wrong in terms of what is effective in

reducing crime. And we have studied those things, we have brought them to the attention of the chairman of the Subcommittee on Crime of the Committee on the Judiciary, and notwithstanding that we keep devoting more and more and more money to the construction of prisons and prison beds, when if we just took a step back and looked at what actually works to reduce the incidence of crime in this country and did not yield to the temptation to just do what is politically popular and politically expedient, we would find that what the gentleman from Virginia [Mr. SCOTT] is saying is absolutely correct and we should support the gentleman's amendment.

I will not belabor the point. I know where the body is going to go on this because it is a lot more popular to beat oneself on the chest and say one is being hard on crime, but we have a legislative responsibility here to try to do something that is effective, not just politically popular.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Scott amendment, and I want to recognize that my friend from Virginia is offering this amendment in good faith and certainly well-intended, but I disagree on the policy statement reflected in this amendment.

One of the problems that I see in our Federal anticrime efforts and law enforcement efforts in this country is a lack of commitment and a lack of consistency in our programs. If we reflect back on the drug war that we initiated in the 1980's, we had soaring drug rates, we put in massive and substantial Federal efforts in this, and yet we saw in 1992 those efforts starting to decline. We changed our programs. We were starting to make progress with teen experimentation with drugs, we started to make progress in other areas of our drug war, and yet we stopped the substantial effort and the interdiction and other programs, and this saw the trend go back up again.

We have to have consistency in our Federal programs, and now our Federal truth in sentencing law is working, it is building public confidence and acting as a deterrent, and this grant program to the States is working with them as well. It is not the time to retreat from this very important program. One-half the States, as already has been pointed out, are participating in this program, receiving funding, moving toward truth in sentencing laws.

□ 2030

Violent crime is down. We cannot chop one-half of the funds to this important program and expect it to be effective; $258 million to be cut off would render this program useless. It would be a shift in our Federal priorities and would send the wrong signal to the criminals.

Let me ask, why is Truth in Sentencing important? I believe it is important not simply because it perhaps increases punishment, but Truth in Sentencing is important because it restores public confidence in our criminal justice system. As someone said, when we create a system in which death does not mean death, life does not mean life, and a term of 10 years means 18 months with time off for good behavior, it is understandable that the public is cynical and mistrustful of that system. We are reversing that trend State by State with Truth in Sentencing laws.

So it is important to build public confidence.

Second, it is important as a deterrent. Criminals right now do not want to go to Federal court. If they have a preference, they would rather go to many State courts because they know there is more flexibility, they know the sentences do not mean what they say. So the tough sentencing guidelines do provide a deterrent effect.

In 1992, the Department of Justice reported that convicted violent offenders only served 60 percent. Only 60 percent of them are sentenced to prison. That has changed. Since 1993, the murder rate has dropped 23 percent, rape has decreased 12 percent, and robbery has decreased 21 percent. So there has been an effective deterrent toward violent crime. We must maintain down that path.

Let us not take a step in the wrong direction. Let us not retreat. Let us stick with the program that works. For this reason, I would urge my colleagues to oppose the Scott amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

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

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

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

Are there further amendments to this section?

AMENDMENT NO. 55 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer Amendment No. 55.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Ms. WATERS: 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)".

Ms. WATERS. Mr. Chairman, I offer this amendment to change the funding of the Drug Courts Program from $30 to $60 million, a program which has already proven to be a tremendous success in reducing recidivism rates and encouraging rehabilitation for nonviolent first time drug offenders.

What are Drug Courts? What do they do? Drug Courts programs interview and assess selected nonviolent drug offenders and match qualified candidates with the appropriate level of treatment, whether it is in an outpatient or residential program or narcotics anonymous or alcoholics anonymous meetings. All participants undergo mandatory drug testing throughout their treatment.

Drug Court programs also coordinate the drug addiction programs with other rehabilitation programs, including vocational training and job placement services, so that a successful graduate of the program is prepared to contribute to society.

Successful Drug Court programs emphasize rehabilitation for one time, nonviolent drug offenders, and as a result reduce the need for new prison construction and the attendant costs.

The Drug Courts Program was funded at $30 million in fiscal year 1997. The President requested $75 million for the Drug Courts Program, an increase of $45 million. Unfortunately, the committee chose to fund the Drug Courts Program at last year's level of $30 million.

At the same time, the amount proposed for State prison grants is $517.5 million, which is $30 million more than provided in fiscal year 1997. This amendment would simply maintain the current funding to the State prison grant program at the same level as last year. The amendment would shift the proposed $30 million increase for the State prison grant program to the Drug Courts Program.

Preliminary data has shown that Drug Courts have saved the taxpayers money by spending less than $2,500 annually per offender. The Drug Courts Program saves the $20,000 to $50,000 annual cost of incarcerating drug using offenders. Successful Drug Court programs reduced the need to build more prison cells with the capital cost of up to $80,000 per sell.

Drug Courts have already been shown to work, even though they are relatively recent. The American University Drug Court Clearinghouse studied the effect of Drug Court programs and found over 70 percent of the 30,000 offenders placed in Drug Court programs in the past seven years either successfully completed or are currently enrolled in Drug Court programs. That means 70 percent of all of those offenders are turning their lives around and contributing to society as productive citizens.

Society gains, nonviolent first time drug offenders contribute, and we target our focus of incarceration on the

really serious violent habitual offenders. Drug Courts not only save taxpayer money on new prison construction, they free up jail space for these violent and habitual offenders. Drug Courts are an appropriate response to the crisis in our courts and judicial system where we have been pursuing a one-size-fits-all approach to the epidemic of drugs.

The American Bar Association Journal described Los Angeles's successful Drug Court Program, which handles defendants from my district in south-central Los Angeles. Drug Courts defendants in Los Angeles get 12 to 14 months of treatment, including drug tests five times a week for at least the first 6 months. A defendant must test clean for 6 straight months before graduation. Defendants who are expelled from the program must face their original charges, like any other defendant. But the success rate in Los Angeles is nearly 45 percent. In fact, of the court's 120 graduates since 1995, less than 10 percent have been rearrested on any felony charge. That is compared to a 70 percent recidivism rate for most drug offenders.

We need to use our dollars well. We have been overincarcerating those first time, nonviolent offenders that can be rehabilitated instead of targeting the drug kingpins who have been shipping drugs into our communities and using murder and corruption to protect their narco profits.

The Congressional Black Caucus has made the fight against drugs our No. 1 priority.

Mr. Chairman, we have had a lot of rhetoric about dealing with the problem of drugs in our society, a lot of public relation efforts, a lot of just say no. And when we have the opportunity to really do something about drugs, I wonder what we are thinking when, in fact, we do not do something like increase the funding for Drug Courts, who have shown, who have proven, that they can turn these drug traffickers around, these first time offenders around.

Mr. Chairman, I urge my colleagues to support this very common sense amendment and expand the very successful Drug Courts programs nationwide.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose the gentlewoman's amendment. I know that lots of people think the Drug Courts are wonderful, and in some communities they are, I am quite sure of that. The General Accounting Office, however, in a study within the last year, says that the validity and the usefulness of Drug Courts is not something they can make a conclusive statement, positively saying they are a benefit in every community. As a matter of fact, it is a very inconclusive report.

That is why historically I have personally opposed setting aside specific money for Drug Courts at the Federal level and saying here is a pot of money, if you establish a Drug Court, take it.

Instead, I much prefer the method we have done with most prevention programs now in the last couple of years and is the case in this bill, and that is to set aside a specific large sum of money, in this case $500 million, $1 billion was authorized, but $500 million has been appropriated the last couple of years and is in this bill, as block grants to the cities and the counties of this country to spend fighting crime as they see fit.

If a city wants to set up a Drug Court, they can use some of that $500 million and set up a Drug Court. If they prefer and do not believe that is the most effective thing for their community, they can buy a new police car. If they would rather have midnight basketball, they can choose to do that. It is the local community's choice how to spend the money. Maybe they need more police officers, they could even spend the money for that.

But to set aside even more money than this bill does, the bill sets aside $30 million in addition to the block grants, and any of the money in the block grants could be used for Drug Courts, it already sets aside $30 million separate and apart and in addition to that specifically for Drug Courts, to take more money and take it out of the Truth in Sentencing grant program for this purpose, is not a good public policy and not a good thing to do, in my judgment.

I would point out that Truth in Sentencing is already underfunded, and I commend the gentleman from Kentucky, I know all the problems he has in funding these programs, that he has increased it slightly, a little bit above $500 million this year, but the $30 million the gentlewoman points out is only a drop in the bucket, in the shortage we have in this program.

We had authorized $1 billion for Truth in Sentencing prison grants for the next several years. We have not been able to fund them but at half that rate. The little inching up that the gentleman from Kentucky and his colleagues on the appropriations subcommittee have been able to do is not adequate.

We need to be providing enough money in the Truth in Sentencing grants to the states that are willing to change their laws to get those other 25 states to change their laws, to make sure that those who commit repeat violent felonies serve at least 85 percent of their sentences, instead of the 50 percent or in some cases the third they do now, and to fund adequately those states that have already bought into the program, there are some 25 states that are already there, and as the gentleman from Arkansas pointed out a few minutes ago in discussing Truth in Sentencing grants, we need to be consistent. We need to continue to keep our promises and say look, to those 25 states, you knew you were going to get money when you changed your laws to go to this Truth in Sentencing concept, to up the length of time somebody who commits a felony has to serve to 85 percent of their sentence. Now we will give you some money. You have been expecting that to come along.

But we cannot afford to be pulling any away from them as we have more states come on line who are willing to buy into the program. We do not want to diminish the amount of money the states are getting who are already committing themselves and are building these new prisons. We want them to be able to finish building those prisons, the ones that are already committed, and be able to bring on line some more.

That is why the gentleman has very slightly plussed up the $500 million or so, and the gentlewoman would take away that little bit that he has added to the Truth in Sentencing grants and move it over to the Drug Courts area.

Again, I would say Drug Courts in some communities are fine, I see nothing wrong with them, although the reports are inconclusive about them. But I think that we ought to leave it at the present funding level for targeted Drug Courts, $30 million, and then any city or county in this country that wants to use some of their block grant moneys, $500 million spread out all over the country, lots of money going out to these communities, any of them that want to use them for Drug Courts, think that that is a better idea than spending their crime fighting money on something else, and it may well be, can do so.

Therefore, I urge the defeat of this amendment the gentlewoman offered.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman agree that the information that is available about the Drug Courts show the success rate that I indicated in my presentation to the House?

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, I would say the gentlewoman's presentation was relying on studies that are not the GAO study I referred to, and they, as far as I know, are accurate to the degree they are there.

But the General Accounting Office, that reports to Congress when we request it, has reported the effectiveness of Drug Courts as inconclusive, they do not have enough data, do not have enough success stories.

I would submit to the gentlewoman, and I would give her the benefit of the doubt, and say this Member would like

to believe and does believe Drug Courts generally are effective. But that does not mean we should put more money specifically targeted to them. There is plenty of money available for them. If they are successful as I hope they are and the gentlewoman believes, then the block grant program will fully fund them.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

□ 2045

Mr. Chairman, I rise in opposition to this amendment which would reduce the State prison grant funding by $30 million. I have already stated the reason why we should not do that in the previous amendment.

The money would be used to increase funding for drug courts, which is another important crime program. I am here saying that I agree that drug courts work, and that is the reason why we have already included funding for them in the bill. The gentlewoman's amendment is not necessary.

In addition to the $30 million already provided in the bill for the drug court program specifically, the gentlewoman from California [Ms. WATERS] should be aware that local communities can also use funding from the local law enforcement block grant for that purpose. Last year, in fact, localities chose to use $15 million of that money for drug courts.

We include $523 million for the local law enforcement block grant, which the President's request would have eliminated. Localities with choose to use any amount of that money for drug courts, and I would encourage them to do that, because I agree with the gentlewoman that they are very effective.

At any rate, Mr. Chairman, I urge my colleagues to reject this amendment, because the prison grant program is absolutely working.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I move to strike the requisite number of words. I rise to support the amendment submitted by my esteemed chairwoman, the gentlewoman from California [Ms. WATERS].

Mr. Chairman, we heard earlier about the $200 million increase in the funding for drug programs, but Mr. Chairman, almost all of that money is for interdiction. This amendment addresses the needs of thousands in our community who are ill with the disease of drug addiction. People, even when they seek help, are turned away, less than 30 percent being able to receive needed treatment, and who crowd our jails.

Mr. Chairman, drug courts have been proven to provide a deterrent to drug-related crime, and we know that up to 85 percent of all criminal defendants are arrested under the influence or charged with crimes committed to support their substance abuse illness. Drug courts allow us to coordinate rather than duplicate programs, thus increasing the effectiveness of the funds and the programs that are available. They reduce recidivism, which reduces the impact on our communities, the courts, and the criminal justice system, and drug courts are cost-effective.

Mr. Chairman, this is a very worthy amendment. The States will not need the additional $30 million for prisons if we put it into drug courts, but more importantly, Mr. Chairman, many who have nowhere to turn and who depend on us to provide the help and the treatment they need will be given the chance that they deserve for a better life.

Mr. Chairman, I urge my colleagues to support this amendment.

Ms. WATERS. Mr. Chairman, will the gentlewoman yield?

Ms. CHRISTIAN-GREEN. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, is the gentlewoman aware of the arguments that have been made by some of our friends on the other side of the aisle who have said over and over again, we cannot stop the use of drugs through interdiction, that we must decrease the demand, and while that argument has been made, we find that there is not a willingness to do what it takes to decrease the demand.

These drug courts are proven to be successful, and I appreciate the fact that the gentlewoman who chairs this subcommittee agrees with me. If, in fact, they are successful; if, in fact, we have the documentation to prove that they are successful; if, in fact, we are decreasing demand, are we not through these drug courts doing what those on the other side of the aisle have indicated we must do? Is that not the gentlewoman's understanding about what they have been saying in terms of decreasing the demand?

Ms. CHRISTIAN-GREEN. Mr. Chairman, yes, I am aware. Also, it was pointed out in one of the studies that out of 30,000 convicted criminals who went into drug courts, 70 percent, they have a 70 percent success rate. Seventy percent of those people over a 7-year period have not returned to crime or to drugs. That is a figure that we cannot argue with. It works, and we should support this amendment.

Ms. WATERS. I thank the gentlewoman.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard about the need to get tough on crime and have people serve 85 percent of their time. They keep leaving out the fact that the time to be served is going to be less. As I indicated, in Virginia, a 10-year sentence where Charles Manson would have served all 10 years has been converted; where others may have gotten out early, Charles Manson would have served 10 years. Now, he will get out in half the time, but he will serve all 5 years.

Mr. Chairman, the cost of that, to have Charles Manson serve as much as half of his time, will cost Virginia about $2 billion. Even the supporters, after you have doubled the average time served, Charles Manson, of course, will serve less time, double the average time served, they only promise approximately 3 percent reduction in crime. I think arguments could poke holes in the 3 percent, but if we give them the benefit of the doubt, we are spending billions of dollars for virtually no measurable reduction in crime.

Mr. Chairman, there is a more cost-effective way of dealing with crime, and the drug court program is certainly one of those strategies. It uses the criminal justice system as a hammer to make sure the defendants are serious about drug rehabilitation. The money can be used not just for the court system, but also for services, because many courts have no local services to which they can refer the defendants. So the money can be used to establish meaningful rehabilitation.

Mr. Chairman, drug rehabilitation has been studied over and over again. The gentleman from Florida has indicated one study that he said was inconclusive, but the study in California showed that there was so much crime reduction and reduced health care expenses that the State saved $7 for every dollar they put into drug rehabilitation.

Mr. Chairman, we have a win/win possibility here. We cannot only reduce expenses, but also, we can reduce crime. We have to have the political courage to do it. I would hope that we would accept the amendment offered by the gentlewoman from California [Ms. WATERS].

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to transfer funds to the drug courts.

The statistics indicate that 56 percent of the people in our Federal prisons are in there on direct drug charges for possession or sale or distribution. When we add to that 56 percent figure the people who are in there because they robbed somebody or broke into somebody's house or mugged somebody or stole something because they had a drug habit that they were trying to support, the figure goes up over 80 percent.

So, if we could get some effective way of dealing with that 56 percent who are in there for direct drug charges, if we could treat them, if we could deal with them more intensively; many of them are first-time users or sellers, first-time charged people. If we could attack that problem, we would

attack the robberies, the break-ins, the muggings, the thefts that result because people are strung out on drugs.

Now, what is the most effective tool in our whole system for dealing with those charged with drug offenses, especially first-time, minor offenses? It is drug courts, because drug courts, in drug courts they go and they deal intensively with the problem that is causing people to be in the court in the first place. That is why they have been shown to be effective.

Right in North Carolina, my home State, they have already determined that that is one of the most effective ways to deal with drug charges and to deal with the consequences that come thereafter from drug charges. They put these people on intensive probation. They try to deal with their home situation. They try to find them jobs. They try to keep them reporting over and over to the courts, and they try to provide some kind of treatment for the problem, rather than just putting them in jail, keeping them there for a while, putting them back out on the street; they go right back to the drug habit that they had, and then they are back for the second time. They go to jail again, serve some time, go back out on the street, still with the same habit, and then the next thing we know they are back in court for the third time.

There is no more effective program to deal with drug offenses, especially in the earlier cycles, the first-time offenses, second-time offenses, than drug courts, because they recognize the source of the problem. And if we are not going to take responsibility to get to the source of the problem, we are never going to deal with the problem of drugs in this country. We cannot deal with it. We cannot put enough people in jail to jail our way out of this problem. We cannot interdict enough at somebody else's borders to deal with our problems unless we attack the problem at the source, which is demand. We are not going to get to the source of the problem; we are not going to solve the problem; we are not going to improve the problem.

So, my colleagues, let us just try to do what makes sense. Sure, it makes political sense. It is politically expedient to put more money in prisons, but imprisoning a first-time drug user rather than dealing with them at the source of their problem in a drug court makes no sense. It is not cost-effective to do it that way.

I simply urge my colleagues to consider seriously the gentlewoman's amendment and support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

Are there further amendments to the bill through page 32, line 6?

If not, the Clerk will read.

The Clerk read as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $40,000,000, which shall be obligated by July 1, 1998, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided*, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: *Provided further*, That of the unobligated balances available in this program, $100,000,000 shall be used for innovative community policing programs, of which $35,000,000 shall be used for a law enforcement technology program, $35,000,000 shall be used for policing initiatives in drug "hot spots", and $30,000,000 shall be used for policing initiatives to combat methamphetamine trafficking.

In addition, for programs of Police Corps education, training and service as set forth in sections 200101-200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), $20,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred and merged with the appropriations for Justice Assistance, $225,922,000, to remain available until expended: *Provided*, That these funds shall be available for obligation and expenditure upon enactment of reauthorization legislation for the Juvenile Justice and Delinquency Prevention Act of 1974 (H.R. 1818 or comparable legislation).

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of such Act.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

On Page 34, line 13 insert after $225,922,000 the following: "(increased by $750,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first acknowledge the Chairman, Mr. ROGERS, of this committee and the ranking member, Mr. MOLLOHAN, for their cooperative spirit in this very, very challenging problem.

I would like to read the following to my Colleagues that in 1996 the Federal Bureau of Investigation announced that it executed search warrants in 20 cities as part of an ongoing nationwide investigation into the use of computer on-line services and the Internet to lure minors into illicit sexual relationships and to distribute child pornography using computers.

This amendment would allow the Department of Justice to enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media, including the Internet and on-line services.

Additionally, this amendment could provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children.

The estimated cost of this study is $750,000. This amendment would increase funds in Sec. I, the Department of Justice part of H.R. 2267.

□ 2100

Mr. Chairman, as I yield to the gentleman, let me simply say that this also does not impact on my commitment to Internet and telecommunicating technologies, and it also gives the Justice Department or would give them the time to do this study.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I think the gentlewoman has brought up a very, very salient point. Her amendment is well-deserved. I am prepared to accept it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness.

I simply want to acknowledge that as the Justice Department proceeds to do this study, I would encourage the chairman and the ranking member to be of further assistance. I do not think any Member would want to vote to have children have access to pornography. This legislation is for the children. Let us get pornography off the Internet.

Mr. Chairman, I am offering an amendment to add $750,000 to the juvenile justice programs to the Commerce, Justice, State appropriations bill before the House today because our law enforcement community needs our help in order to better protect our Nation's children. I cannot imagine any Member of this body will speak against this amendment and in support of the purveyors of pornography, but I would hope that this amendment can be considered by the full House on its own merits. For this reason, I am offering this amendment to prevent children from being subjected to pornography on the Internet to the Commerce, Justice, State appropriations bill.

This amendment would direct that the Department of Justice enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media including the Internet and online services. Additionally, this amendment would provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children. The goal of this study is to understand the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

The funding for this amendment would come from funds otherwise appropriated therefore revenue neutral to the Department of Justice, which should not exceed $750,000. I would like to ask that you join me in support of this amendment to help eliminate the growing threat of pornographic images that our children who use the technology must face. We can act today to help all of our Nation's children have a safer future.

This amendment would address the capabilities of present-day, computer-based control technologies for controlling electronic transmission of pornographic images, and our ability to impose technological restrictions on access of these images by children. It will also address research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images. The research that is conducted as a result of this amendment would look at the inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

The estimated cost of $750,000, in funding for this amendment would come from already appropriated funds. I would like to ask my colleagues to join me in support of this amendment.

On December 1996, the Federal Bureau of Investigation announced that it executed search warrants in 20 cities as part of an ongoing nationwide investigation into the use of computer online services and the Internet to lure minors into illicit sexual relationships and to distribute child pornography using computers.

FBI Director Louis J. Freeh said, that the "searches are a continuation of a highly successful investigation which has resulted in many convictions * * *. These cases have already revealed the ease and frequency with which criminals have used modern technology to cause grave harm to children."

Director Freeh went on to say that "The safety of children demands aggressive enforcement of the law." I say that the safety of children demands the aggressive research prescribed by this amendment to provide the aggressive enforcement of the law using the best methods available.

The work that the FBI is engaged in is commendable, but they could use additional resources that could be identified by the research authorized by this amendment. They currently are not using image identification to locate or block the access of children to the pornographic images.

We must and should act to direct through this amendment the work that the Department of Justice should be engaged to protect our Nation's children. Any delay can mean that countless lives could be lost or interrupted by the predators of children which have been known to use the Internet to lure their victims away from the safety of their families.

I ask that my colleagues allow the inclusion of this amendment in the Commerce, Justice, State appropriations because this issue should not and cannot wait.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. I just want to be clear about the acceptance of the amendment, Mr. Chairman. Do we need to call for a vote?

The CHAIRMAN. The Chair will put the question.

Are there further remarks?

If not, the question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 35 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer amendment No. 35.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. COBURN:

Page 34, line 13, after dollar amount, insert the following: "(increased by $74,100,000)".

Page 49, line 9, after the dollar amount, insert the following: "(reduced by $74,100,000)".

Mr. COBURN. Mr. Chairman, this amendment is fairly straightforward. It is controversial to those who are receiving a subsidy from the Federal Government. It is not controversial in any other way.

The purpose of this amendment is to further fund juvenile justice block grants. It is to make an additional impact for the youth in our country. There are very alarming statistics that we need to deal with in terms of our young people. We have heard some of those tonight. But one of the things that the statistics do bear out is that the intervention programs that we have across the board are underfunded.

The statistics also bear out that the intervention programs we have are being successful. The FBI estimates that juvenile violent crimes will double by the year 2010. More than 260,000 juvenile arrests will be made. The growth in juvenile homicides and homicides involving juvenile offenders has surpassed that among adults. It is a very important concept. The number of juvenile homicides committed by juveniles has now exceeded the number of homicides that have been charged on adults.

Between 1982 and 1992 juvenile arrests have increased 117 percent, which is another statistic reflecting the growing rise in juvenile crime.

Why we should do this. More statistics. Juvenile arrests for aggravated assault, a 129-percent increase; juvenile arrests for murder, a 145-percent increase; juvenile arrests for forcible rape, predicted to increase 66 percent. We have good solutions for these problems. The juvenile justice block grant system has many programs that are not funded adequately.

Where do we get the money from? We take the money to support the juvenile justice block grant, $74 million, from the Advanced Technology Program, a program that has had some good, a program that today has $444 million in the pipeline that is not spent, money that has not been spent, and we are going to send another $200 million-plus down that pipeline.

Mr. Chairman, that may not be a good enough reason to oppose it. Then there is a reason to oppose it based on the people who have been getting the grants. International Business Machines, known as Big Blue, has received $111,279,000; General Motors, $82,134,000; General Electric, $75 million; Ford, $66 million; Sun Microsystems, $50 million, whose chief executive officer says they do not want this program. They do not believe that this is a program for established corporations.

Mr. Chairman, why is it important? Because those very corporations that I just listed, here are their earnings last year in net profit. International Business Machines earned $5.4 billion. Why

should we give them $50 million to do research when we cannot take care of the youth in our country?

General Motors earned $4.9 billion net profit. Why should we give them $50 million to do research when they will do the research with their own profits? Why should we give money to General Electric, who earned $7.3 billion last year, and we cannot take care of the juvenile justice programs and problems in our country?

Mr. Chairman, this is a contrast about choices. It is a choice about whether the wealthiest corporations we are going to subsidize for R&D, or we are going to take care of the disadvantaged youth we just got through hearing about, where we do not have enough money for the drug court programs, where we do not have enough money for the Challenge programs?

Finally, I want to stop and discuss for a minute one of the programs that works, one of the programs that has been highly successful throughout this country called the Challenge program. The Challenge Program, there is one of them in Oklahoma. What it has done is taken young adults, juveniles, who have been in trouble with the law and have given them an opportunity to be self-sufficient, to win.

That program has been trimmed. That program has been cut. We are now raising money at the local levels to support Thunderbird Academy in Pryor, OK, an academy that has had an impact now in over 500 young people's lives, who would be in prison but now are paying taxes, are supporting our infrastructure, are actually participating as viable members of our society.

We have a choice to make. We are going to hear, this is a good program, that many things came about through this program. I do not deny that, that some positive research and benefits came. But when we have corporations like Ford Motor, who made $4.4 billion this last year, getting $1 million from the taxpayer to fund their research, or research they would not otherwise fund, we have to ask ourselves a question, are our youth worth it? Are we going to put corporate profits ahead of our youth? I do not think this body wants to do that.

Ms. STABENOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would commend the subcommittee Chair and the ranking member for the good work in putting together this budget bill, and for the fact that in this budget we have an increase in juvenile crime and prevention dollars of nearly three times what has been in the fiscal year 1997 bill, and $157 million more than the President's request.

I would commend my colleagues for understanding what the maker of the amendment has eloquently talked about in terms of our juvenile justice needs. I would join with the gentleman in expressing a desire to have these dollars go for the intended purpose that he has spoken about.

But I would rise to oppose his amendment, because this really is a false choice that he has presented to us. We do have additional important dollars for juvenile justice in this bill, which I support and would continue to support. But we also have the opportunity as a country to move ahead and be competitive with other countries in creating jobs for the future through technology.

Unfortunately, there has been a tremendous amount of misinformation about the Advanced Technology Program. Just in the short term since I have been here as a Member in January, I know that this was also debated last session and voted down, and that there was a tremendous amount of misinformation at that time.

This program, which has been extremely successful in Michigan, is about partnering, and the Federal Government coming together with industries, like the automobile industry in Michigan, to form a partnership between large automobile companies, in our case, small business, our universities, and the Federal Government to look at systems change.

The dollars that have come in to us have gone to the universities. It is not characterized accurately to say that we are talking about a million dollars going to corporations that would otherwise be provided in research by the corporation. These are long-term, higher-risk kinds of projects that involve the importance of industries working together.

In a project report that was just put together regarding the Two Millimeter program in Michigan, and we have hot off the press a very important report about this, they indicate that there are numerous problems with a particular business trying to do this on their own; in this case, our automobile industry coming together to provide more quality in order to be able to compete internationally.

They indicate that the problem addressed by the Two Millimeter project is a systems problem requiring a high level of coordination among a number of quite different organizations. The problem at issue could not be solved by these individual organizations acting alone.

Forming large, complex research joint ventures to address a systems problem is a daunting effort. The ATP provided the impetus for companies to overcome coordination barriers. People that normally compete, GM versus Chrysler, all of our companies that normally are competing against each other, come together with the Federal Government serving as a neutral ground to allow them to organize, to look at long-term higher risk research that will allow us to create jobs.

This is about creating jobs. I would like to share with the Members some portions of a letter that IBM has submitted in opposition to information that was and continues to be shared regarding IBM. I will read just a portion of it. This was written to the maker of the amendment.

"Your Dear Colleague letter of September 18, 1997, about the ATP is inaccurate. It misrepresents IBM's participation in the ATP and seriously mischaracterizes the program.

"Your assertion that IBM has received $111,279,738 in R&D grants is wrong," is wrong. "Since 1992 IBM has participated in seven ATP projects, of which two were IBM projects and five were joint ventures."

They go on to explain that in the joint ventures, they have been one of over 40 organizations working together with dollars going to universities to create partnerships.

They indicate that ATP enables organizations to share costs, risks, and technology expertise in precompetitive R&D, not what the corporations would be doing in the short term, but the precompetitive high-risk research & development that looks long-term at creating jobs.

By pooling resources, it allows projects to be pursued that otherwise would not happen. Partnership programs like ATP help bridge the gap between the lab bench and the marketplace, and help spawn new innovations in industries.

The CHAIRMAN. The time of the gentlewoman from Michigan [Ms. STABENOW] has expired.

(By unanimous consent, Ms. STABENOW was allowed to proceed for 2 additional minutes.)

Ms. STABENOW. Mr. Chairman, if I might just summarize, we are competing as a country with other countries today. In those other countries, they are operating as a team: business, labor, universities, researchers, government, all together, focusing on long-term developments, and technologies so they can compete against America.

If we are not as wise as developing opportunities for teams to come together, we will lose the competitive race for new jobs. ATP is a very small program authorized by the Committee on Science at continuation levels that allows us to continue the ability to compete in a global marketplace.

It is not about corporate subsidies. It is about the ability for government and universities, researchers, and businesses, to work together to do those kinds of things that will allow us to continue to be innovative as a country. It is a very important investment in jobs.

INTERNATIONAL BUSINESS MACHINES CORPORATION,
Washington, DC, September 23, 1997.

Hon. TOM A. COBURN,
Cannon House Office Building, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE COBURN: Your Dear Colleague letter of September 18, 1997 about

the Advanced Technology Program (ATP) is inaccurate. It misrepresents IBM's participation in the ATP and seriously mischaracterizes the program.

Your assertion that IBM has received $111,279,738 in R&D grants is wrong. Since 1992, IBM has participated in seven ATP projects, of which two were IBM projects and five were joint ventures. Government funding totaled less than $4 million over three years in the single company projects. As the ATP requires, this was matched by IBM's own investment. In the joint venture projects, IBM was only one of over 40 organizations, including large and small companies and universities, which participated. Government investment in those projects was approximately $40 million over five years. Again, the federal funding was matched by the project participants.

The ATP enables organizations to share costs, risks, and technology expertise in precompetitive R&D. By pooling resources, it allows projects to be pursued that otherwise would lie dormant. Partnership programs like ATP help bridge the gap between the lab bench and the marketplace and help spawn new innovations and industries. ATP works through rigorous, open competition. It is accessible to all businesses. All costs are at least matched by the participants. Further, ATP provides a ready mechanism for large and small companies to work together. Many small businesses are suppliers to large companies. Cooperative research programs like ATP strengthen them measurably. Smaller companies frequently state that they want to work with larger ones. Through these relationships, they gain access to skills, technology, funding, and potential customers available in no other way.

In today's world, having the best technology or the best research is not sufficient for a country or company. Success depends upon speed—the time it takes to start new technological solutions. ATP partnerships create connections and enable faster technology introduction. The United States cannot ignore the international context of technology research and development. The nation cannot stand still while foreign infrastructures develop and improve.

I respectfully request that you reconsider your position and your justification for eliminating the Advanced Technology Program and that you share these facts with your colleagues.

Sincerely,

CHRISTOPHER G. CAINE.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose the amendment offered by the gentleman from Oklahoma [Mr. COBURN] to the Commerce-Justice-State appropriations bill. It would transfer $74 million from the $185 million provided in the bill for the National Institute of Standards and Technology's Advanced Technology Program in fiscal year 1998 to the Department of Justice's juvenile justice and delinquency prevention program.

□ 2115

While we all support programs to reduce juvenile crimes, and I am on record as supporting them, H.R. 2267 already includes $538 million for juvenile crime prevention, almost three times the amount appropriated last year. I commend the chairman of the committee for so doing.

This amendment, of course, that has been offered is not an effort to fund juvenile justice, but merely simply an attempt to kill the Advanced Technology Program. The appropriations bill already mirrors the House-passed authorization for ATP, H.R. 1274, the NIST authorization bill, which came from my Subcommittee on Technology of the Committee on Science, and it passed the House on April 24 of this year.

That bill funded ATP at $185 million in fiscal year 1998, and that level is identical to the funding level in this appropriation bill. So it has been authorized and appropriated. The appropriated and authorized level for ATP already represents a cut to ATP of $40 million from the fiscal year 1997 appropriated level of $225 million. The total is $90 million below the administration's request for fiscal year 1998 and the administration requested $275 million.

So significant cuts have already been made and funding ATP at $10 million in fiscal year 1998 would amount to the U.S. Government turning its back on its obligations. The problem is that ATP funds long-term, 5-year research grants. The funding for the remaining years of these 5-year grants is termed a "mortgage."

According to the administration, ATP is likely to have mortgages totaling well over $100 million in fiscal year 1998. And while these mortgages are not liabilities for the Federal Government, they do represent commitments made by NIST to these research projects.

Terminating ATP would break NIST's commitments to its existing ATP partners. It would be like giving a 4-year scholarship to a student and then terminating it without cause after his or her freshman year.

The House-passed authorization for NIST already reforms ATP. The bill includes language to reform the grant process by requiring that grants can only go to projects that cannot proceed in a timely manner without Federal assistance.

The bill also increases the match requirements for ATP grant recipients to 60 percent for joint ventures and non-small business single applicants. Finally, the bill reduces ATP spending to $150 million in fiscal year 1999. And through these reforms, the House is moving ATP in the right direction.

So with the reforms, the obligations, the fact that we are stressing partnerships, we are talking about public-private partnerships that are so critically important, that is what this bill does. It has been very well-crafted. So with the passage of H.R. 1274, the House took strong positive steps to reform ATP. I really do not think we should reverse this course now.

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

Mrs. MORELLA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, is it not true that in the report language coming out of the committee of the gentlewoman from Maryland [Mrs. MORELLA] that, in fact, what was said was "In an era of scarce Federal research and development dollars, funding ATP is simply a low priority"? That's No. 1.

No. 2, what was also said is that "ATP can function for 2 years without receiving 1 additional dollar from the Federal Government."

So why do we not just take this year and not fund the $74 million and give it to juvenile justice? It is not going to have an impact in terms of funding because the money is not in the pipeline. Why not do that?

Mrs. MORELLA. Mr. Chairman, reclaiming my time, because we have made commitments. We have companies working with the Federal Government in conjunction with each other. We have reformed the ATP Program. We have reduced the ATP. It is a program that needs to continue beyond that.

The chairman of the committee has already given us a significant increase to juvenile justice programs. So I think this public-private partnership needs to continue. We are monitoring it so very, very closely.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I too would be the first person to admit that juvenile justice programs should be given the priority in this Congress, we have in fact in this bill made them a priority. If the purpose of the gentleman from Oklahoma [Mr. COBURN] is to ensure that this program is funded robustly, let me assure him that the committee did it for him.

In fact, the bill before us today provides $237.9 million for this line item, an increase of $55 million over the funds provided in fiscal year 1997 and $7.5 million above the administration's budget request for fiscal year 1998. Let me repeat. We have funded juvenile justice delinquency programs very robustly.

On the one hand, we funded juvenile justice very robustly. We appreciate the interest of the gentleman from Oklahoma [Mr. COBURN] in juvenile justice programs. But taking it from the ATP Program, if my colleague does want to increase juvenile justice, is not the right place to take it.

I would like to summarize my reasons for supporting this important ATP initiative. ATP is paramount to our Nation's global competitiveness. We are entering an era where global competitiveness is the way we really

are going to compete in the world. Funding this program does nothing more than put us on a level playing field with our major competitors.

Right now, Mr. Chairman, the United States ranks 28th, 28th behind all of our major global competitors in the percentage of government R&D invested in civilian technologies. While we sit here debating an amendment that would cripple the ATP Program, across the oceans, our competitors, Japan, England, Germany, Australia, and Portugal, are investing heavily in similar initiatives.

Japan is spending about $9 billion a year on precompetitive technology development, and the European Community is funding advanced technology research to the tune of $5.5 billion annually.

Second, ATP funds precompetitive, generic technology developments which would not otherwise be undertaken by private industry. The ATP is not corporate welfare and it is not about picking winners and losers. The ATP is also not about product development. It is about funding the research and development efforts behind high-risk technologies.

While the Government provides a catalyst, industry conceives, manages, and executes ATP projects. ATP funds risky, precompetitive technologies that have the potential for a big payoff for our Nation's economy as we compete with those competitors that are investing so very heavily in similar programs.

Third, ATP was conceived as a bipartisan initiative. Although the ATP Program has become a political issue over the last several years, it did not start out that way. It did not start out that way. It had bipartisan beginnings. ATP was started under President Reagan's administration and was authorized by former Republican Congressman Don Ritter.

In fact, D. Allan Bromly, President Bush's science advisor, had the following to say about the ATP Program: "In the Bush administration, we made a start toward more effective use of our technology strengths as, for example, in the successful advanced technology program."

It is important to note that while the Clinton administration feels strongly about the merits of the ATP, the issues and concerns raised by my Republican colleagues have not fallen on deaf ears. In fact, in response to Republican concerns, the Commerce Department recently completed an extensive review of the ATP Program.

To allow for broad public input, the Technology Administration solicited public comment over a period of 30 days. The Commerce Department received 80 responses to this notice predominantly from individual firms and professional trade associations. Based on this review, Secretary Daley has decided to make several important changes to the operation and policies of ATP, changes that will result in a stronger, more viable program.

For example, he plans to shift the priorities of the program by putting more emphasis on joint ventures and small- and medium-sized single applicants and less emphasis on individual applications filed by large companies.

Additionally, the Secretary plans to increase the cost-share requirement for large, single-applicant companies, I think addressing legitimate concerns that have come from the other side.

It is a strong program. It is getting stronger. I urge my colleagues in this competitive international environment not to support the amendment of the gentleman.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I want to ask a couple questions.

It is true that new moneys for the ATP Program are for new grants, not for grants in the pipeline; is that correct?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, there is money here for new grants.

Mr. COBURN. Mr. Chairman, if the gentleman would yield further, it is for new grants. So any of the programs that are presently funded by ATP and are forward funded in such a manner will not be affected whatsoever by any decrease in the amount of ATP funds through this appropriation; is that true?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, if that would be true, what is the point of the gentleman?

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield, the point is that we have a larger problem with juvenile justice and children and adolescents in this country where we are not addressing it. No matter what we have increased it, we have programs out there that are not going to be funded, like the Challenge Program.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, that is obviously the question in debate here, "Where is our priority? Do we want to eliminate a program that is extremely important for our competiveness position as we move forward with this internationalization of our global economy, or not, and do we believe that this program contributes to that?"

I do. On a bipartisan basis, administrations have. And I hope that the body's majority does.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1 minute.

Mr. ROGERS. Mr. Chairman, we have one other amendment that is pending that is going to take some time. We are under a time constraint as it is, and we are on the verge of that time constraint.

Can we conclude debate on this fairly soon? I think we all know how we are going to vote anyway. Can we conclude this right away, Mr. Chairman?

The CHAIRMAN. The Chair would hope that the gentleman's words will be taken by Members on the floor.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise because I am on both the Committee on the Judiciary and Committee on Science, and I appreciate the leadership of the gentleman on this issue of juvenile prevention or juvenile crime prevention. We have worked on it for a very long period of time and very long hours.

I would have wished and encouraged the gentleman to have supported and been with the gentleman from Virginia [Mr. SCOTT], who was here on the floor earlier who had a similar piece of legislation, an amendment that would have answered the question that the gentleman is now raising about the concern of juvenile crime prevention. But let me acknowledge that his concern is important but his juxtaposing is not the correct way to do it.

As a member of the Committee on Science, let me say to my colleagues that since the inception of the ATP Program, 47 percent of all awarded projects have been led by small companies, particularly these ATP projects usually associated with universities.

In addition, even though the gentleman has mentioned that we would have ongoing money or money for present projects, we would have no money for future projects.

The reason why it is important that I rise and discuss this is because just a few minutes ago, I rose and received the support of the chairman and passed an amendment that dealt with technology. That was where the Justice Department could enter into $750,000 contract for 24-month period with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help restrict the availability to children of pornographic images through electronic media, including Internet and on-line services, as well as identification of illegal pornographic images with the goal of prosecution.

I would never want that to be thought and conceived as being against

an ATP Program that promotes the workings of those research entities to provide jobs for individuals moving into the 21st century.

□ 2130

Although the gentleman's intent is of high level and of great sense of commitment to the concerns dealing with juvenile crime, we already are moving in that direction. I applaud the leadership for increasing the amount in the bill. I would hope we would get more dollars, but I certainly think this is the wrong way.

Mr. Chairman, I rise to speak in opposition to the Coburn amendment which would transfer $74 million from the National Institute of Standards and Technology's Advanced Technology Program in fiscal year 1998 to the Department of Justice's Juvenile Justice and Delinquency Prevention Program.

Currently, legislation provides $225.9 million for juvenile justice programs. However this obligation of funds is dependent upon enactment of authorization legislation. At this point the fate of the reauthorization bills is uncertain.

Technology fuels the rapid growth in our Nation's economy. Every dollar invested through the Advanced Technology Program is returned through jobs, business expansion, and economic growth.

The Advanced Technology Program is not corporate welfare for large companies. The Advanced Technology Program is a competitive, peer reviewed, cost-shared program potentially high-payoff enabling technologies that otherwise would not be pursued because of technical risks and other obstacles that discourage private investment.

In the city of Houston, SI Diamond Technology, Inc., Applied Training Resources, Stress Engineering Services, Inc., and Genometrix, Inc. are a few of the firms which have been assisted by this important program.

Currently, there are 2,200 proposals submitted by industry with over 700 of which 280 projects were funded. Less than 4 percent of the proposals receive Advance Technology Program funds.

The Advance Technology Program has committed $970 million and industry has put up more than $1 billion in cost sharing.

Nearly half—46 percent—of the projects are led by small business who have also received about half the Advanced Technology Program funding.

There are more than 100 universities involved in 157 Advanced Technology Program projects.

The Advanced Technology Program is an efficient and effective way to assist technology's transition to the marketplace.

I urge my colleagues to vote against this amendment.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I will just point out that this program was created in the 1988 trade bill. It was title X, as I recall, the contribution of the Committee on Science, and this program had been studied in the Committee on Science for several years before that as a way of approaching the decreasing competitiveness of American industry in world trade. I hope that the gentleman will keep that in mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

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

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

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] will be postponed.

The Clerk will read.

The Clerk read as follows:

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and $2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96-132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

AMENDMENT NO. 32 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Ms. NORTON: In title I, under the heading "General Provisions—Department of Justice", strike section 103.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided between the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I offer this amendment to offer the option of abortion to those that may be at once most in need of it and least likely to have access to this choice. I offer this amendment for the damned and the desperate.

In the United States 60 percent of pregnancies are unintended. Imagine what that figure is for women in prison. I ask for an exception to the ban on Federal funds in order that those funds be available for women in prison because they do not even have the option of other poor women. They cannot borrow, they cannot use State or Federal funds as some women who live in such localities can. They are in Federal custody. It would be barbaric to force such women to bear children against their will behind bars.

The number of women in Federal prisons has grown astronomically. There was 75 percent growth in the last decade. The annual growth rate is considerably greater than for State prisons. There is twice the growth rate for these women as for men. The rate of infection for HIV and AIDS exceeds the rate of infection for men in prison. Five percent of these women enter prison pregnant.

Who are these women? We have the figures for women in State prisons. They are roughly comparable to Federal figures. Forty percent have been sexually abused. Half committed the offense under the influence of alcohol or drugs. More than half used drugs the month before committing the offense. Forty percent use drugs daily. Fifty-eight percent use alcohol, 20 percent every day.

Who are the children of these inmates? They are five times as likely to be imprisoned as other children. Half of the children in the juvenile justice system have a parent in prison. The racial implications are awesome. Blacks, regardless of sex, are six times more likely to go to prison than whites. Black women have nearly the same chance as white men of going to prison.

Why Federal funds? Federal funds, because Federal funds must pay for everything for these women, for their food, for their shelter, for their clothes. So if there is to be a choice, and here the choice is most necessary, it can only come from Federal funds.

Providing an exception here is akin to the exception we provide for rape. There is no other way. These are women who, if they desire, and only if they desire, an abortion, should be most granted that desire, given their particular history.

Moreover, there has been experience in 1993, when this body lifted the restrictions on abortions for women in

prison, the Bureau of Prisons handled the matter with great sensitivity, no complaints about it. There was medical, religious and social counseling. There was written documentation that that counseling had taken place. Employees who had a moral or religious objection had that objection recognized.

I recognize that there is an objection of many to abortion. We have recognized some exceptions, very rare, to our admonition against abortion. Surely if there are to be exceptions, this should be one.

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

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

Mr. Chairman, I first of all want to thank the gentleman from Kentucky [Mr. ROGERS] for again renewing current law to prohibit taxpayer funding for abortion on demand in Federal prisons. And so I rise in very strong opposition to the Norton amendment which would strip this prolife provision out of the bill and thus authorize public funding for abortion on demand.

It is worth noting that in 1995, the House considered this issue and voted 281–146 to defeat the Norton amendment, and I urge a "no" vote again today.

Mr. Chairman, it is about time that we face the fact that abortion is violence against children. It is hard enough that this child abuse is legal and that each and every day boys and girls are slaughtered by the abortionists, but do not force us to pay for it. Abortion methods are violent acts. It is violence against children. Abortion methods are not designed to heal, but to kill. Abortion treats pregnancy like a disease to be vanquished and turns babies into objects, expendable, throwaways, so much junk.

It has been pointed out that many women are incarcerated because of drug offenses. The logic of that argument is that the children of these women are somehow better off dead. All I can say is that is a very cynical view. Since when is being a victim of drug abuse a capital offense? Should children be brutally killed for the crimes of their parents or because they might have been injured by those crimes? Of course not.

Mr. Chairman, in our culture, abortionists sport white coats and a paper-thin facade of respectability, but the gut-wrenching reality is that abortionists dismember and poison babies for profit. They inject highly concentrated salt water and other poisons into the baby that lead to a very slow and painful death for those children. Abortionists routinely dismember children. They cut off their heads. They cut off their arms and legs. That is the reality. People can smirk and smile and think that that is not what happens, but that is what happens in an abortion.

A few days ago, Dr. Nathanson showed a film of a suction abortion. He is a former abortionist who did thousands of them. He showed this film, a laparoscopy caught on videotape, a baby being dismembered literally limb by limb. That is the ugly reality that so often is sanitized by the rhetoric of choice. Abortion, Mr. Chairman, is violence against children.

A few days ago, the world noted, Mr. Chairman, and many of us mourned, the passing of a woman of very deep compassion and love, Mother Teresa. I think many also remember that at the 1994 National Prayer Breakfast, Mother Teresa addressed thousands of people who were assembled, including President Bill Clinton and Vice President GORE. Few could listen to Mother Teresa and not be moved to believe that in this small, frail, humble woman there stood a very powerful messenger to directly speak to a President and Nation that had lost its moral compass.

Mother Teresa said, and I quote, "Please don't kill the child. I want the child," she went on to say. "We are fighting abortion with adoption, by care of the mother and adoption of the baby." Mother Teresa further stated, and I quote, "The greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of an innocent child." She then urged all Americans and diplomats who were assembled to more fully understand the linkage of abortion with other forms of violence. She said, and I quote, "Any country that accepts abortion is not teaching people to love, but to use violence to get what they want. This is why the greatest destroyer of peace and love is abortion."

Mr. Chairman, the children of incarcerated women are of no less value than any other children. No child anywhere at any time, including unborn kids, is a throwaway. Being unwanted does not make you less human. It does not allow others to turn you into an object that could be killed with poison shots or by dismemberment of your body. The children of the incarcerated women are precious, and they deserve our love and respect; again, not dismemberment and poison shots. I urge Members of this body to vote "no" for taxpayer funding for abortion, to vote "no" on the Norton amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I think it is about time that we stop the use of inflammatory language around this very personal issue. I think it is time that we talk about this issue at least in ways that we can respect everybody that is involved. I think it is time that we talk about what real violence is. Real violence is a woman who has to do time in the Federal prison who comes in drug-addicted, HIV-infected, pregnant, the 6 percent of them who come in that way and who say, I don't believe I have the right to force the kind of violence on this child that I am confronted with for this child. I believe it is time that these women have some choice.

We talk about how much we love these children, but what happens to them? What happens to these children that are born unwanted, to HIV-infected women, to drug-infected women? What happens to these children? We do not know what happens to them. They go out somewhere, into maybe foster care. These are the children that are doomed to poverty, doomed to the inability to have a decent life. And so that is not our choice. It is the choice of the woman who finds herself in this unfortunate predicament. I would ask for support for the Norton amendment and I would not be influenced by the kind of language that does not really speak to the issue but simply inflames on this issue.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

□ 2145

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this is a part of a much larger problem, that of increasing numbers of women in prison and their need for medical and other care. All too often these women are ignored. But beyond that, Mr. Chairman, I think about the plight of the women I visited within our correctional facility at home a few months ago, and I remember my good friend and classmate Angela. I recall her incarceration and the many visits I made to her to make sure that her many medical needs were met. What about the increasing number of women in our prisons who do not have a doctor for a friend?

It is primarily for this reason why I find the language of this bill before us today banning the use of Federal funds for abortion services for women in prison so troubling. Many female prisoners, as has been said, enter prison suffering from a myriad of physical and psychological ailments, and many are pregnant before they enter prison.

I know, Mr. Chairman, that the issue of abortion is one that has deep religious and philosophical implications, and it also deeply divides many Americans. Notwithstanding the complexity of this issue, the fact remains that abortion is still a legal health care option for women in this country and has been for over 20 years now.

I urge my colleagues to vote "yes" on this amendment. Women in prison

deserve to have access to needed health care services, and they deserve to have choice.

Ms. NORTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in favor of the amendment offered by the gentlewoman from the District of Columbia, a Member with great compassion for these poor women who are so often the victims of domestic violence, incest, and other problems, who need our help.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from the District of Columbia for her outstanding work on behalf of the District of Columbia.

I want to say that we love children, we love life. It is tragic that we have to look to this tragedy of life when we find women in prison who have unfortunately been in desperate situations, and we have to realize that 6 percent of them come in pregnant when they enter prison, abused and certainly suffering from physical or sexual abuse. Almost half of these women in the Federal penitentiary system are under the influence of drugs or alcohol. They have limited prenatal care, isolation from family and friends, and the great tragedy of having this infant, if to term, to be lost to them forever, but, more importantly, incapable of taking care of them.

Abortion is legal. The right to life and the right to choice are things that are not mutually exclusive. We want to give life again to these women who have been battered and abused. It is unfair to deny them the simple medical procedure that would allow them as well the rights of any woman who is in this United States of America. They are poor; they must not be abandoned.

Mr. HYDE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois has 5 minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, just to respond briefly to the gentlewoman from California, she talked about being doomed to poverty, and of course we all need to fight against poverty and do whatever we can. But it seems to me that when we doom an unborn child to a horrific killing of chemical poisoning or dismemberment of that child, no matter how that is sanitized by the pro-abortion crowd, that is a very, very sleazy, terrible thing; and that is not inflammatory, that is the truth. Read some of the text books and the descriptions given by the abortionists themselves. That is just a simple fact of what happens.

Let us not hide from the reality and the truth of what abortion is.

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

The CHAIRMAN. The gentleman is recognized for 4½ minutes.

Mr. HYDE. Mr. Chairman, some years ago there was a great defense lawyer who worked out of Chicago. His name was Charles Darrow, and he was known as attorney for the dammed because he represented people who committed serious crimes, capital crimes, Loeb and Leopold, and he was very successful in helping them escape the penalties of the law. If I were practicing law and I could pick my clients, I would choose to represent the unborn child of a woman who is in prison. I cannot think of a more humiliating, more humble circumstance, more powerless, more unwanted, more unthought about, more inconvenient than a poor tiny little child.

We did not hear much about the child. We heard about the women, and God knows the woman is suffering and has had the cards dealt to her from the bottom of the deck, and needs and deserves and must have our compassion, but for God's sake, 10 seconds for the little tiny child made in the image and likeness for God.

Forgive me, but I believe that little child is precious, has an immortal soul, has a destiny, and give that little child a chance. Love that little child. There ought not to be a deficit of compassion and of love, not a failure of imagination. Think about that little tiny powerless human life that cannot vote, cannot rise up in the streets, cannot escape, depends on the care and the concern of those around.

Now all this amendment does is strike the part of the bill that says no Federal money to pay for abortions for people who are incarcerated in prison. That is all. It does not deny an abortion. God help us, if the woman wants to exterminate her unborn child, fine, the law does not forbid her, and the prison will escort her to private premises; and if it is a question of money, let Planned Parenthood, which gets millions of dollars, pay for the extermination, the killing, not of that little clump of cells, not of the products of conception, but that tiny little living, breathing infant that, given a chance at life, might well be a human being who could save our country or compose music or just be a decent citizen.

Do not be so pessimistic. There are places that will take these children within walking distance of this building. Saint Coletta's. There are care and counseling centers all over this country. Birthright, they will take that little child.

Mother Theresa said the great tragedy is to say there is not room for one more little baby.

Think of the baby. I will think of the woman, I will pray for the woman, I will work to make conditions ameliorated for them. Will my colleagues please think of the little child for a second? A second?

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

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] is recognized for the balance of the time, which is 1½ minutes.

Ms. NORTON. Mr. Chairman, the gentleman who just spoke eloquently of the unwanted powerless child who would be taken just a few blocks from this very Chamber, I beg to differ. Children whose parents have not been near prisons cannot be taken. We find no homes for them; and the children of incarcerated parents are more dammed than those whose parents have not been incarcerated. The figures tell the story of what happens to foster children and children in prison, and the figures do not lie. Now Mother Theresa might have taken them, but there are not other takers out here.

The gentleman would be the first to come to the floor if Planned Parenthood came forward to try to pay for abortions for these children, to try to deny them funds to pay for abortions for these women. We are talking about voluntary abortions here, as always. I would prefer if there were a mechanism for these women to have their children adopted, assuming there were people who would, in fact, adopt them. There are not people who will adopt a homeless child on the street today, and everybody knows that.

The notion of violence raised here in this context is an amazing one indeed. What would of course be violent is forced childbirth. That is what would be left here. All of the inflammatory debate about abortion has not reduced support for abortion in this country. It is legal for women in society; it should be legal and accessible for women in jail.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

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

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] will be postponed.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of title I is as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d)(2) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking "the next" and inserting "The first".

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

The CHAIRMAN. Are their amendments to that portion of title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $21,700,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HUTCHINSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

RECOGNIZING IMPORTANT CONTRIBUTIONS MADE BY AMERICANS OF AUSTRIAN HERITAGE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 217) recognizing the important contributions made by Americans of Austrian heritage, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 217

Whereas the United States and the Republic of Austria have enjoyed close and friendly relations since the inception of the Republic of Austria;

Whereas 1997 marks the 50th anniversary of the Marshall Plan which was critically important to the reconstruction of the Republic of Austria and to the establishment of friendly ties between the Republic of Austria and the United States;

Whereas on September 26, 1945, a conference of representatives of the nine Federal states of the Republic of Austria was held in Vienna that laid the foundation for the provisional Austrian Government and the early elections in November 1945; and

Whereas a number of States have already proclaimed September 26, 1997, as "Austrian-American Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares that the warm and cordial relations between the people of the United States and the Republic of Austria should grow stronger; and

(2) acknowledges the important contributions to the United States by Americans of Austrian heritage.

GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this resolution.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HASTERT] is recognized for 1 hour.

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

Mr. Speaker, I am very pleased to present this resolution on behalf of its author, the distinguished gentleman from Nebraska [Mr. BEREUTER] and the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN].

Mr. Speaker, September 26 will mark the 52d anniversary of the conference that established the post-war Austrian government. House Resolution 217 recognizes the pivotal role played by the United States in the establishment of a free and democratic Austria. It is particularly fitting that the gentleman from Nebraska [Mr. BEREUTER] be the author of this resolution as the only Austrian American currently serving in the House.

Mr. BEREUTER. Mr. Speaker, as the author of House Resolution 217, together with the distinguished chairman of the Committee on International Relations, this Member urges support for this simple and straightforward celebration of warm and cordial relations between Americans and the people of Austria.

September 26 will mark the 52d anniversary of the conference that established the post-war Austrian Government. Recognizing the pivotal role played by the United States in the establishment of a free and democratic Austria, the Government of Austria has declared September 26, 1997, to be Austrian-American Day. All around the United States, our State legislatures have followed suit, declaring September 26 to be Austrian-American Day.

Because of the rules of this body, we are not permitted to consider commemorative resolutions, or declare specific honorary days. However, this body can certainly join with the Government of Austria and the many State legislatures to note the long and positive history of Austrian-American relations. That is precisely what this House Resolution 217 does.

Mr. Speaker, as perhaps the only Austrian-American presently to be serving in the House, this Member would urge adoption of House Resolution 217.

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

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BACHUS. Mr. Speaker, pursuant to clause 2 (a)(1) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of privileges of the House.

The form of the resolution is as follows:

RESOLUTION DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO UNDERTAKE AN APPROPRIATE INVESTIGATION OF THE CIRCUMSTANCES SURROUNDING REPRESENTATIVE HILLIARD'S TRAVEL TO LIBYA

Whereas Libya is an unapologetic terrorist state that openly supports, promotes and inspires terrorists,

Whereas Libya arms, trains and harbors terrorists;

Whereas Libya was involved in the 1985 terrorist attacks on airports in Rome and Vienna that left 20 men, women and children, including 5 American citizens, dead;

Whereas Libya is responsible for the deaths of two American soldiers in a 1986 terrorist bombing in Berlin;

Whereas Libya is responsible for the deaths of 270 men, women and children, including 189 Americans, in the terrorist bombing of Pan Am flight 103 in 1988;

Whereas the Security Council of the United Nations has imposed sanctions on Libya in response to its responsibility for the bombings of both Pan Am flight 103 and UTA flight 772; and

Whereas those sanctions were put into effect in the United States in 1986 by imposing of Treasury Department regulations, the violation of which may be punishable by a civil penalty and by criminal penalties including fine or imprisonment, and which among other things bar United States persons from engaging in transactions relating to transportation to and from Libya and from dealing in any property in which the government of Libya has any interest;

Whereas Libyan leader Moammar Ghadafi has called terrorist attacks that have left innocent men, women and children dead and wounded "heroic operations";

Whereas Congress has gone on record in its opposition to the Libyan government, passing laws that condemn Libya for supporting terrorism, list Libya among the countries denied direct or indirect United States assistance, authorize the President to prohibit imports and exports to Libya, and ban investment in the Libyan oil industry;

Whereas Libya is dedicated to destroying the Middle East peace process;

Whereas the Department of State has reported that Representative Earl Hilliard traveled to Libya in August without authorization of or approval from the Department of State;

Whereas Representative Earl Hilliard has refused to confirm or deny whether he traveled to Libya or offer an explanation for his travel to Libya;

Whereas if Representative Hilliard did travel to Libya, his actions would be in direct violation of United States policy toward Libya;

Whereas this episode raises questions of propriety regarding travel to Libya, Representative Hilliard should explain his reasons for traveling to Libya and his activities while there;

Whereas the Committee should inquire of Representative Earl Hilliard what individual, organization, government agency or other entity paid for his travel to and from Libya and his expenses while in Libya;

Whereas Representative Hilliard has not disclosed whether he engaged in any transactions relating to his travel to and from Libya, or in other transactions while in Libya;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal opposition to travel to Libya by its members and to terrorism and the terrorist agenda pursued by the Libyan government of Moammar Ghadafi; and

Whereas Representative Earl Hilliard has conducted himself in a manner which is inconsistent with the dignity of the House and is not conduct appropriate to the House and its members: Now, therefore, be it

Resolved, That the House Committee on Standards of Official Conduct undertake an immediate and thorough investigation of the circumstances surrounding Representative Earl Hilliard's travel to Libya and report back to the House.

□ 2200

The SPEAKER pro tempore (Mr. HUTCHINSON). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within two legislative days of its being properly noticed.

The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. BACHUS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BACHUS. Mr. Speaker, presuming that the interpretation is that this resolution is an appropriate privileged resolution, would that mean that the resolution will have to be considered within the next two days, meaning either tomorrow or Friday?

The SPEAKER pro tempore. Under rule IX, the Speaker will designate a time on one of the next two legislative days to address the matter. At the designated time, the gentleman will be able to offer the resolution. The Chair cannot say how the House may consider it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. DAVIS).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

WOMEN OWNED BUSINESSES IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. MILLENDER-McDONALD] is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am proud to announce that tomorrow will be an historic day for women business owners. For the first time, women business owners from a range of professions will convene on Capitol Hill to share their stories with Members of the Congressional Caucus on Women's Issues. My colleague, the gentlewoman from New York [Ms. KELLY], and I will cochair this unprecedented bipartisan forum, addressing the vast growth of women-owned firms and the contrasting poor rate of procurement to these firms.

With the procurement rate to women-owned firms at less than 2 percent, the need to explore the problems women business owners are experiencing in trying to obtain Federal contracts and to develop concrete solutions to these problems has never been greater.

Over the past decade, this country has experienced an explosion in the growth of women-owned businesses. The statistics speak for themselves. Between 1987 and 1996, the number of firms owned by women grew by 78 percent, which is almost twice the rate of increase in the number of all U.S. firms, which is 47 percent. Sales increased by 236 percent, nearly $2.3 trillion, and employment increased by 183 percent.

In the same time period, the number of minority women-owned businesses increased by 153 percent, which is three times the rate of overall business growth in the United States, the rate of employment by minority firms grew by 276 percent, and revenues rose by 318 percent.

Between 1987 and 1996, the number of Hispanic women-owned firms grew 206 percent, the number of Asian, American Indian and Alaska native women-owned firms increased by 138 percent, and the number of African-American women-owned firms increased by 135 percent.

There are now approximately 8 million women-owned firms, providing jobs for 15.5 million people and generating nearly $1.4 trillion in sales. Women-owned businesses now employ 35 percent more people in the United States than the Fortune 500 companies employ worldwide.

Between 1987 and 1996, the industries with the fastest rate of growth for women-owned businesses were in nontraditional fields. Women-owned firms grew by 171 percent in construction, by 157 percent in wholesale trade, by 140 percent in transportation-communications, by 130 percent in agriculture, and by 112 percent in manufacturing.

In the same period, the same phenomenon of women-owned businesses growing at the fastest rate in nontraditional fields were even more astounding among minority women-owned

businesses. These firms grew by 319 percent in construction, by 276 percent in wholesale trades, and by 253 percent in transportation-communications and public utilities.

Although the number of women-owned firms has grown in every State over the past several months, they have exploded in the State that I represent. In California, from 1987 to 1996 the number of women-owned firms has grown by 78 percent, employment has increased by 255 percent and sales have grown by 313 percent. Women-owned businesses now account for more than one-third of all firms in California.

As a result, California ranks first out of the 50 States in the number of women-owned firms, first in employment and first in sales. This unprecedented growth of women-owned firms is happening in the 37th District of California, Mr. Speaker, which is my district, generating $105 billion in the Los Angeles-Long Beach metropolitan areas.

This area ranks second out of the top 50 metropolitan areas in the number, employment and sales of women-owned firms. That sounds promising. Maybe. But, the rate of procurement for all women-owned businesses remains a meager 1.8 percent, far below the 5 percent goal which was established in 1994 by Congress.

Mr. Speaker, we cannot allow this discrepancy to continue. It is only hurting the strength of this Nation's economy. We are not utilizing this hidden resource within the business community.

When the Government continues to contract with the same large companies, America's taxpayers lose money, because when various agencies select their bid without real competition, it is highly unlikely that that bid is indeed the least expensive, more effective way of getting the job done.

Mr. Speaker, tonight I speak for millions of women business owners throughout the country. I ask that we recognize that tomorrow will be an historic day for women as we continue to grapple with the notion of women business owners and the lack of procurement and meeting the goals Congress has established.

□ 2215

COMMEMORATING THE ANNIVERSARY OF EMANCIPATION OF AFRICANS HELD IN SLAVERY IN THE DANISH WEST INDIES—THE UNITED STATES VIRGIN ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, this evening I rise to bring to the attention of my colleagues and fellow Americans that July 3, 1998 will be the 150th anniversary of the emancipation of Africans held in slavery in the Danish West Indies, now the United States Virgin Islands, the district which I represent in the 105th Congress.

Mr. Chairman, there are few moments in human history as dramatic and inspiring as those that took place in the town of Frederiksted in St. Croix on the 2d and 3d of July, 1848. The story is one of courage and determination on the part of a people to live free and risk death in the process.

Historians tell us that at the sound of the conchshell, the unfree from across St. Croix converged on the fort under the leadership of Moses Gottlieb, who was called General Buddhoe. Their threat was to burn the island unless immediate freedom was obtained.

In response to reports of the uprising, Danish Governor Peter Von Scholten rushed from the town of Christiansted to confront the angry men and women who had assembled and who had established a 4 p.m. deadline for his declaration of emancipation.

Surrounded and outnumbered during his ride down King Street on his way to Fort Frederick, and encouraged by his mulatto mistress, Anna Haggaard, the Governor issued his famous proclamation: "All unfree in the Danish West Indies are from this day free." He later repeated his statement from the ramparts of Fort Christiansvern.

Although the revolt ended with little loss of property or life due mostly to the efforts of General Buddhoe, its key players paid a high price. General Buddhoe himself was arrested and sent away on a Danish man-o-war never to be heard from again. Governor Von Scholten returned to Denmark where he was tried and found guilty of exceeding his authority and dereliction of duty.

Mr. Speaker, the events of July 3d, 1848 are considered the second act of self-determination by Virgin Islanders, the first being the uprising in St. John in 1733, which brought that island under African rule for 6 months.

So July 3d of each year is designated Emancipation Day, and commemorates this most important and significant event in our history.

Mr. Speaker, it is also a significant event in the history of our great Nation, because it was the first such proclamation on what would later become American soil, coming 15 years before President Abraham Lincoln would issue his famous Emancipation Proclamation freeing slaves in the Confederate States during the Civil War.

There is irony as well as fate in the fact that Emancipation Day precedes the 4th of July, the day when America celebrates its independence. These twin days of celebration bind Virgin Islanders and all Americans to an eternal commitment to human freedom.

We of this generation are heirs to Valley Forge and Frederiksted and the great tradition of sacrifice and suffering in the cause of freedom. Future generations must bless and cherish the memory of General George Washington and General Buddhoe and keep the fires of freedom burning.

To recognize this great event, the Governor of the Virgin Islands has issued a proclamation calling for a month-long celebration beginning June 1, 1998 to July 5, 1998, culminating in a week-long observance from June 29, 1998 to July 5, 1998.

Mr. Speaker, in recognition of this I will shortly introduce a resolution in the House and seek the support of my colleagues in recognizing the 150th anniversary of the emancipation of my ancestors. I invite all Americans to join us in observance of this proud moment in American and Virgin Island history.

CAMPAIGN FINANCE REFORM

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

Mr. SNYDER. Mr. Speaker, once again, my thanks to the staff here who are working late, as several of us have an opportunity to discuss these important issues.

Mr. Chairman, it is my opinion and the opinion of a great many Americans that while we live in the greatest democracy in the history of the world, our democracy and the way we currently conduct our business has some major problems. Specifically, how do we do our campaigns? How do we elect our officials to come to Washington and do the people's business?

Now, what is the specific problem? I will show my colleagues what the specific problem is. This is going to be a difficult number for me to read, because I do not know what this number is. I recognize $999,999. I can go one step further, $999,999,999. I can keep going to $999,999,999,999, and on and on. The reality is, whatever number this is, it is now legal for this amount of money to be donated to a political party, to a national political party. So if a person who had this kind of wealth wrote out a check to the Republican Party or the Democratic Party, it is completely legal to make this kind of donation and it not be disclosed where the money came from.

Well, many of us in this House, many of us in America, think that is the wrong way to finance campaigns, and on January 11, 1995, the President and the Speaker of the House, in a very famous garden shot, shook hands and committed themselves to campaign finance reform. Since that time, we have not seen much action.

The President is firmly committed to signing meaningful campaign finance

reform, and as someone from Arkansas who was in the State Senate and worked with then Governor Clinton when he was in Arkansas, I know of his commitment to campaign finance reform and ethics reform. He had an experience when he was in Arkansas of calling a special session of the legislature in order to get ethics reform for lobbyists' disclosure, having that effort thwarted in the State legislature in the committee vote when that was the sole purpose of calling the session; and he took the issue to the States and initiated that to get signatures working in conjunction with organizations like Common Cause and others, got the signatures, took it to the vote of the people, and in 1990, it passed. The President is committed to cleaning up the problems in our democracy.

If the President is committed to it, then where is the problem? I see the problem, Mr. Chairman, as being the leadership in this House; specifically, the Republican leadership that will not let us bring this type of legislation to the floor. Since we have convened in January, we have had approximately 85 bills filed, but we have had no hearings on any bill, we have had, obviously, no bills passed, and so we find ourselves as we are talking now about winding down this first year, this first session of this Congress, making no progress on campaign finance reform, and I think that is a mistake. I think it is wrong, and I think the American people want something different.

My own preference in all of these bills is the Hutchinson–Allen bill, this is the gentleman from Arkansas [Mr. HUTCHINSON] and the gentleman from Maine [Mr. ALLEN]. And it is the freshman, bipartisan bill, Mr. HUTCHINSON being a Republican, Mr. ALLEN a Democrat, that has seriously looked at the problems and has tried to do the doable, and what it specifically does is ban the soft money, to do away with the potential of these huge, huge checks, the kinds of several-hundred-thousand-dollar, even million-dollar checks that sometimes come into political parties.

No one likes raising money. I do not know of any politician that likes raising money. My own feeling is that raising money makes you weird. Raising money just does weird things to elected officials. But for parties to raise those huge donations makes our democracy weird. It distorts the system, it disillusions the citizens, and we have to do something better.

So, Mr. Speaker, let me finally say, I do not want to see a check someday come in made out to a political party for $1 billion. I do not want to see checks come in to a political party for $500 million. We need to step forward. The Republican leadership needs to let this body consider campaign finance reform legislation, needs to let us vote on it, needs to let us debate on it, needs to let us move ahead with what the American people want: clean elections and a much-improved system of electing public officials.

TRIP TO SOUTH AFRICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I, too, want to thank the staff for bearing with me as I attempt to address two key issues that I think are extremely important to this country. I hope not to take the entire hour.

Mr. Speaker, my first issue has to do with a trip that I took this past weekend to South Africa. It was a very difficult weekend. I left Washington on Thursday and flew 22 hours to Durban, South Africa, and returned Monday to be able to be here for votes on Tuesday.

The reason I went to Africa, Mr. Speaker, and to Durban, was because the African Association of Physiological Sciences and the South African Physiological Society invited me to deliver the keynote speech at the conference representing those health care professionals throughout the African nations as they assembled for their annual conference, and in the case of the other organization, their biannual conference.

The purpose of the session was to convey what is happening in the technology area relative to this country and how it could assist Africa with the terrible problems they have with their medical care delivery. I was asked to give the keynote speech because of a major initiative that we are involved in in the Philadelphia area, including the States of Pennsylvania, New Jersey, Delaware, and Maryland, to create the first smart region in America, and in fact, in the world.

Over the past 2 years we have worked on a project that is known as HUBS, which stands for hospitals, universities and businesses and schools, to link all of these institutions through an aggressive, large, fiberoptic network into one major supercomputing center, as well as 14 satellite sub-HUB centers throughout the four-State region, and in doing so to be able to provide the storage and capability of high-speed transportation of data so that our health care institutions, our schools, our colleges, can, in fact, provide better use of the Internet and information for our citizens.

In fact, one example in the health care area of what the benefit of this kind of an instrument will be is best evidenced by the example of what the University of Pennsylvania has been able to do just within the last 2 years in terms of our HUBS project. The University of Pennsylvania has been, in fact, the primary processor for the imaging data collected from an MRI unit by the Children's hospital in Philadelphia so that when a child would undergo brain surgery, the imaging data from the MRI unit would be processed by the computers at Penn, which are very sophisticated, high-speed computers. In spite of their speed, it would normally take the Penn computers 5 hours to process the imaging data so that the surgeon could have a look at that child's brain prior to surgery.

Partly because of the effort that we started and the fact that Penn's lab is now connected to the fat pipe supercomputing center in Illinois, Chicago, and in San Diego, we can now process that same data for a child's brain surgery procedure in 3 seconds. So we have taken, because of the speed and the capability, the processing of data that in the past has taken 5 hours and given those surgeons the real-time capability of looking at that child's brain image in 3 seconds.

We want to give that same speed and capability of using data in the health care field to every medical institution in our region, but we want to do more than that, Mr. Speaker. In fact, we have two initiatives underway in the region, one of which is to market the health care services of the four-State region worldwide, and to market the Delaware Valley four-State health care network as the world's health care resource center. We want to establish not just this fast supercomputing capability within the four States, but we have already agreed with the Shanghai Government to establish a direct satellite linkage to Shanghai as they are in the process of now developing smart capability there. And also we want to establish that same capability for the African continent, and specifically to the African health care system.

Now, I am going to Africa, and I would ask unanimous consent, Mr. Speaker, to enter into the RECORD the letters of invitation that I received from the African medical leadership.

AFRICAN ASSOCIATION
OF PHYSIOLOGICAL SCIENCES,
Lexington, KY, July 12, 1997.

Hon. Dr. CURT WELDON,
U.S. Congress,
Washington, DC.

The African Association of Physiological Sciences (AAPS) was founded in 1989 in Helsinki, Finland, by the African delegates to the XXX Congress of the International Union of Physiological Sciences (IUPS), the most important and prestigious international organization of this all important field in the medical science profession.

AAPS is a non-governmental, non-profit making organization that aims to unite the entire African scientific communities, especially those involved in active research into and/or teaching of human or animal physiology in Africa. The Association primary objective is to advance physiological sciences, bring it to cutting edge that has been left behind in global human scientific discoveries in the last 5 centuries. It is our earnest hope that through this, we will bring medical

sciences practice in the African continent to the way it should be practiced in the 20th century and the 21st century!

AAPS held his first scientific congress in Nairobi, Kenya in 1992 with the participation of 800 scientists from 40 countries, nearly all from Africa.

Due to our active pursue of excellence, and our inclusive policy of welcoming all scientists of the world, especially those from the African continent, AAPS was admitted as a regional member by IUPS in 1993 and presently has over 2000 members from every country in Africa. We are very proud to say that this makes it the largest and probably most significant scientific association in Africa.

The second congress will be held in Durban, South Africa, September 21–24, 1997. It will be the honor of not only our large congress, but by extrapolation the entire scientific community of Africa if you, as the technological, educational and international relations champion in the United States Congress, could bestow us the honor of accepting our invitation to deliver the keynote address at this congress.

I have been informed by Professor K.J.R. Abaidoo, Director-General AFRET and Adviser to the Government of Lesotho on Health, that upon hearing the possibility of having you as the keynote speaker, the Vice President of the Republic of South Africa, the Honorable Thabo Mbeki, has agreed to serve as your host while you are in the country. They are also trying to arrange a meeting between you and your entourage to meet with His Excellency Nelson Mandela.

For your information, subsequent AAPS congresses will be held as follows:

2000—Nigeria.
2004—Sudan.
2008—South Africa.
2012—Tanzania.

The idea of setting up an African Regional Training Center for the Basic Medical Sciences (AFRET) was conceived at the AAPS meeting in Nairobi, as an attempt to address the major concerns for the African medical education system.

AFRET is a regional resource sharing facility established to support the basic medical science teaching needs of African medical schools. It's major objective is the training of suitably qualified Africans in the disciplines of anatomy, biochemistry, biostatistics, epidemiology, microbiology, pharmacology, and physiology.

It is a regional support program designed to strengthen the basic medical sciences and the quality of medical training, to meet current and projected basic medical science teaching needs of African medical schools.

The AFRET congress in Durban, September 19–21, 1997, will focus on how to effectively begin the activities of the center.

The Center will embark on the following activities:

1. Network teaching of basic medical science across the region to support the immediate teaching needs of all African medical schools.
2. Graduate academic programs (MSc/Ph.D) to be carried out in designated centers of excellence in the region.
3. Specially designed programs for short-term fellows and scholars.
4. Workshops and seminars.
5. Evaluation, research and development activities as they relate to basic medical sciences.
6. Consultation and technical support to African medical school.
7. Publication of learning resources and materials.
8. Maintenance of a resource library.
9. Promotion of staff development and in-service training.

Dear Honorable Curt Weldon, as medical practitioners, educators and scientists for Africa, our journey is a very long, and indeed very arduous one. Even so, the longest journey will always begin with a first step. We see AAPS and the AFRET initiative as steps aimed at propelling the continent forward in Health care delivery.

We hope that you, with your worldwide reputation as one of the most farsighted leaders of the most industrialized and humane nation of the world that you will allow your reputation and gesture to assist us in this exciting trip for Africa into the new millennium. This will also be consistent with your efforts to make available healthcare system from your region to the large number of citizens of the global village. We want to have a share in your vision, as we see it as the only way to forge ahead.

Sincerely,

KAYODE ADENIYI, Ph.D.,
Professor of Physiology,
University of Jos, Nigeria,
Secretary General, AAPS.

Ladybrand, South Africa, July 16, 1997.

Hon. Dr. CURT WELDON,
U.S. Congress,
Washington, DC.

YOUR EXCELLENCY, It would be an understatement to assert that your reputation as a champion of the Sciences, Technology, Education and International Relations have permeated every corner of the globe. Those of us, who have keenly followed your tremendous career and endeavours feel a certain definable closeness with you even though we are thousands of kilometers away from your immediate constituency. It is in these regards that we feel this extraordinary honour to be associated with you in this African endeavour, whose ultimate objective is to strengthen Medical Education and Health Care delivery in the African Region.

We would be greatly honoured if your Excellency would consider becoming the Patron of AFRET. Your association with this worthy continental cause would unquestionably be an invaluable boost in our efforts to stimulate African Heads of State to these enormous responsibilities that they are undoubtedly capable of.

His Excellency, Mr. Thabo Mbeki, Vice-President of the Republic of South Africa has been alerted of your participation in the AFRET and AAPS Congresses in Durban (September 19–25) and requested that he host your presence in the country. Arrangements are being made to ensure that you will also have the opportunity to meet the President, Mr. Nelson Mandela. Your vibrant voice in the cause of African health development will certainly echo throughout the continent and muster the kind of financial support needed to realise the noble aspirations of AFRET.

May I ask your Excellency to communicate with me in this regard at your convenience but timely enough for specific arrangements to be concluded.

Yours sincerely,

Prof. K.J.R. ABAIDOO,
Adviser on Health (Government of Lesotho),
Director-General, AFRET.

MEMORANDUM

To: Douglas D. Ritter, Chief of Staff, Congressman Curt Weldon.
From: Leonard M. Rosenfeld, Ph.D., Assistant Dean, College of Graduate Studies.
Date: 5 September 1997.
Re: Visit to African Regional Training Center, African Association for Physiological Science, Durban, South Africa.

The delegation of representatives of regional academic health centers which will accompany Congressman Weldon on his trip to South Africa includes:

Leonard M. Rosenfeld, Ph.D., Assistant Dean, College of Graduate Studies, Thomas Jefferson University.

Donald Silberberg, M.D., Associate Dean for International Affairs, Medical School, University of Pennsylvania.

Gerald J. Kelliher, Ph.D., Vice Provost for Education, Allegheny University for the Health Sciences.

Our backgrounds cover the range of basic medical science. I am a physiologist; Silberberg a neurobiologist; Kelliher a pharmacologist.

Not only was I to give the keynote speech about technology linkages to the American health care system, namely the HUBS project that we are working on, as well as all of the medical breakthroughs that we are involved in, telemedicine, distance learning, virtual surgery and so forth, but also, Mr. Speaker, I was there at the request of the two leaders of the African physiological societies to become the patron of what is called AFRET.

□ 2230

AFRET is a newly emerging technology linkage between the major health care teaching institutions in each of the major African nations. So in going to Africa on Saturday, prior to giving the keynote speech at the conference of the medical professionals of Africa, I sat down and in fact helped work out what is going to be a formal process that hopefully will get funded which will provide the first technology linkage between every one of the 92 teaching hospitals in every nation in Africa.

In addition, we will move to establish a linkage through the satellite systems, so we in fact can provide the same kind of capability being used in our medical centers to help the medical centers in Africa reach out to all of the people who in many cases are suffering under very severe limitations relative to their health care system.

In forming this initiative called AFRET, I took along with me, Mr. Speaker, on the trip three major regional leaders who are involved as cutting edge leaders in health care initiatives worldwide: the assistant dean of the College of Graduate Studies at Thomas Jefferson University, Dr. Leonard Rosenfeld; the associate dean for international affairs at the Medical School of the University of Pennsylvania, Dr. Donald Silberberg; and the vice provost for education at Allegheny University for the Health Sciences, Dr. Gerald Kelleher.

These three doctors, traveling with me to Africa, represent over 75 of the Nation's finest medical institutions, and involving themselves in the meetings that I chaired, they made solid commitments from their institutions to involve themselves in the development of this new AFRET system. In fact, all three of them have been named to the 21-member advisory council that would oversee the development of the AFRET system.

In fact, Mr. Speaker, in working with the African medical leadership in deciding who would be the 21 members of the council, we have tapped some of the finest health care leaders, not just in the U.S., and six of the council members will be from the States, not just three from the Philadelphia institutions, but also representatives of the University of Michigan, Oklahoma State University, and Duke University's health care systems, but also respected medical leaders from Finland, from Germany, from Sudan, Nigeria, Ghana, and from a number of other institutions throughout the African continent.

These 21 council members represent all of the regions of Africa, and are helping us to put into place both the bylaws and the working documents relative to this AFRET system.

We estimate the cost of bringing AFRET into reality is approximately $600,000 over the first 3 years. That is a very modest amount of money when we talk about the benefits it will provide the people of Africa who are suffering so much in terms of a lack of proper medical care.

It will allow us to train their doctors, to help train their nurses, to do "train the trainer" sessions, to provide technical resources for every one of the 92 institutions that are involved in medical and health care education in each of the African nations. It will also allow us to send post-docs over to Africa to do their training, to provide capabilities through distance learning and telemedicine that the African health care community would not have access to.

In fact, the Chair of this council is the dean of the medical school in Zimbabwe. His name is Dr. Mufanda. He in fact is going to be leading this effort, which is largely under the control of the African health care system leaders.

Mr. Speaker, I am excited about this opportunity because it provides several opportunities for us. Obviously, it is helping Africa to empower its own health care system to meet the needs of its citizens, which are largely going unmet, into the 21st century, and to help accomplish that we are establishing a network of parliamentarians and ministerial leaders from each of the African nations to work with us to provide the solid support for this AFRET network. We are also networking with all of the professional medical societies in Africa to get their support.

In addition, we are identifying as we speak the major American contractors, the pharmaceutical companies who are today doing business in Africa so they can help us establish this system and this network.

The benefit to America is also significant. Not only will we be doing significant amounts of work to assist the African people to improve the quality of their health care and their health care education, but Mr. Speaker, we will also be opening new doors and new opportunities for the American health care system. Many of our institutions have been suffering dramatically because of the cutbacks in State and Federal funding. Many of them are having to close their doors. In speaking to many of these leaders, I have told them they have to find ways to grow their markets. The way to grow the market for the American health care system is to provide health care consultation and services not just to people in America, but to people around the world. This outreach effort to Africa is an example of how we can do that in a cooperative way.

Mr. Speaker, I am excited about what occurred this past weekend. The prospects I think are outstanding. We also met with the government leadership of Pretoria, in fact proposing to them that Pretoria and Johannesburg, which are already looking at high-speed high-capable telecommunications, that they become the network location where we can have a downlink capability that would ultimately reach all 92 medical institutions throughout Africa, and eventually become the high-capability technology center for the continent of Africa and for South Africa itself.

Mr. Speaker, I would ask our colleagues to become briefed on this initiative, to lend their support to this very worthwhile effort, so we can benefit both the people of the African continent and the individual nations in Africa, but also benefit our health care systems that are looking to establish new linkages around the world.

Mr. Speaker, the second issue that I want to talk about this evening is one that I have addressed many times on the floor of this body, and one which I think is certainly troubling to me as an elected official and as someone who works on issues involving the former Soviet States. This issue has to deal with two major news stories that have dominated the national media for the past several weeks, and which have raised very troubling concerns among both Members of Congress and the administration and peace-loving people around the world.

First of all, Mr. Speaker, significantly spread throughout the news of this country in our cities and even over in foreign countries, especially in Israel, has been the information that has linked Iran's missile technology development program with Russia. In fact, there have been reports that have been widely reported that the Russians have been actively working directly with Iran to help them develop a modification of their SS4 missile.

Why this is so significant, Mr. Speaker, is the fact that if in fact Iran develops this capability, which we have every reason to believe they are doing right now, within the next 2 to 3 years Iran would then have the capability of a medium-range missile, a medium-range sophisticated missile unlike the Scuds that Iraq used in Desert Storm, that would be capable of hitting any part of Israel, any part of the Middle East; in fact, any part of a 1,200 mile radius around Iran. This would be a missile that would be capable of carrying a chemical, a biological, a conventional weapon, or a nuclear weapon.

In addition to those nations, many of whom are our allies and friends, it would also be capable of being pinpointed onto American troops who are today involved in various operations in those nations within the range of the Iranian missiles.

What is so troubling, Mr. Speaker, is the fact that Iran has not developed this capability on their own. In fact, the evidence is that Iran has developed this capability with the strong, direct cooperation of Russia.

In addition to providing the direct cooperation of Russia, we have evidence, in fact, Mr. Speaker, that we are now trying to investigate thoroughly, in fact, I was at a closed CIA briefing today on this, that would in fact perhaps confirm what has been alleged in the American media, that Israeli intelligence is actually seeing documents that prove that actual agreements have been signed between the Russian space agency and the Iranian agency building the medium-range missiles.

Why is that so significant and important to us? It is important to us because we are the country pouring significant amounts of dollars into the Mir Space Station program which is overseen by the Russian space agency, meaning American tax dollars are going into the Mir space program, overseen by the agency that is also involved in contractual relationships with Iranian firms building medium-range missiles.

The problem with that is, Mr. Speaker, in effect, American taxpayers may in fact be subsidizing illegal treaty violation actions involving Russia with Iran. That is totally unacceptable.

In fact, Mr. Speaker, at last week's hearing in the Committee on Science I raised the issue publicly that in 1993 the administration witness before our committee, in discussing our involvement in the Mir program, said on the record that what would guide our involvement in the Mir program would be

Russia's adherence to the Missile Technology Control Regime, better known as the MTCR.

So here we have the administration testifying in 1993 that we will cooperate with Russia in this joint project, but only if Russia complies with the Missile Technology Control Regime. In fact, Mr. Speaker, the facts are that since 1993 Russia has violated the MTCR seven times. Seven specific times transfers of technology that are covered by that treaty have left Russia, and those violations have not in fact been called by this administration. No sanctions have been imposed, no actions have been taken, as are required by that treaty. My point is, Mr. Speaker, what good is a treaty if we are not going to enforce it?

So here we have Iranian-Russian cooperation on the SS4 program. That has received a lot of attention. In fact, the people in Israel, and Binyamin Netanyahu himself has spoken on this issue repeatedly, are extremely concerned because of what this new dilemma presents to the people of Israel and the people around Iran who in fact could be hit by these missiles.

The second news story, Mr. Speaker, that has received a lot of attention, in fact, that was the subject of a "60 Minutes" story 2 weeks ago, was the issue of a conversation that I had with General Lebed in Moscow in May of this year.

Mr. Speaker, I met with General Lebed twice this year. The first time was in January in Washington for 2 hours. The second time was in Moscow in the office of his campaign organization, again for 2 hours, at the end of May.

On that trip, Mr. Speaker, I had six of our colleagues. We were meeting with General Lebed without the media, without any reporters in, a very low-key, informal way to get his assessment on the ability of Russia to control its nuclear stockpile, and to also give us his insights as to whether or not there was in fact any problem with the control of Russia's strategic materials, and what the status of Russia's military in fact is at this point in time.

As we all know, General Lebed is one of the most respected generals who has served in the Soviet military. He was a command officer, actually, in helping to solve the Chechen uprising, and who in fact was Boris Yeltsin's point person on defense for a period of time.

In meeting with General Lebed, he went through a number of issues with us, giving us his feelings about the level of control of Russia over their nuclear arms, their nuclear devices, as well as the status of the conventional and strategic military forces.

All of what General Lebed discussed with us I wrote up into our trip report, which became public record about a month after the trip ended, and which was picked up by the producer of "60 Minutes." In August I was called by the producer of "60 Minutes" and asked if I would repeat what General Lebed told me in that interview that we had in May.

The subject of the "60 Minutes" piece then became the fact that General Lebed said that one of his responsibilities as Boris Yeltsin's chief defense policy analyst and adviser was to account for 132 suitcase-sized nuclear devices, nuclear bombs, that were built by the Soviet Union to be used in the case of an attack on that country, or to be used to bomb cities or to cause terrorism in areas where the Soviet Union felt they had to take action because they were being threatened, or because something was perhaps leading to an armed conflict.

General Lebed said his responsibility was to account for these devices, and in fact, of the 132, he could only account for 48. Mr. Speaker, that is a very troubling statement. That is not the only troubling statement that General Lebed gave to us, but it certainly is a troubling one. In fact, he was saying that the Soviet Union built 132 suitcase-sized nuclear bombs, each with a capability of one kiloton, and yet could only account for 48. He had no idea where the others are, as he said to us when we asked him that question.

What is the capability of one of these suitcase devices? By the way, we have very complete descriptions of them which appeared in the Russian media in an article in 1995 describing these nuclear suitcases in great detail. A tactical nuclear weapon with a yield of 1 kiloton, which is equivalent to 2.2 million pounds of TNT, could kill as effectively as seven artillery battalions. One suitcase-sized bomb automatically being able to discharge itself through the mechanism that is in the bomb itself, activated by two individuals who knew how to operate the device, could in fact provide the same effectiveness as seven artillery battalions.

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It could destroy a major portion of one of our cities in this country. It could kill tens if not hundreds of thousands of people wherever in fact it was activated.

Now, do we know that Russia in fact or the Soviet Union in fact built these devices? Absolutely, without question. Do we know and do we have the assurance that the current leadership of Russia knows where they are? We do not. We do not have the assurance to know that Russia in fact has a full accounting for these nuclear devices.

General Lebed has said to me and he has said publicly in "60 Minutes" that he thinks that Russia does not have control of these devices. Now, as we expected, the immediate response from the Russian Government and from President Yeltsin and from Chernomyrdin and the other leaders in Russia and the military command operation was, "That is not true. General Lebed does not know what he is talking about. He never had the ability to know where these nuclear devices would be located. He never would in fact have been able to find out whether or not Russia had these under control. Therefore, he is not an authority to be able to speak on these devices."

Mr. Speaker, after going through a significant amount of briefings by our intelligence communities, after having talked to a number of people who are aware of this issue, I say that I am not convinced. In fact, Mr. Speaker, I can assure our colleagues tonight that we are not confident that Russia has control of these nuclear devices, nor are we sure that Russia has control of its strategic arsenal. And I will get into some of these items in a moment.

In fact, Mr. Speaker, since the article and the "60 Minutes" piece and other articles ran on the subject of the nuclear suitcases, another prominent Russian, Alexei Yablokov, who is one of the most outspoken Russian leaders in Moscow today, who himself was on Boris Yeltsin's staff, who was a key environmental advisor to Boris Yeltsin, who has been very critical of the Ministry of Atomic Energy, wrote an article in one of the leading Russian journals just last week where he in fact said that he thinks General Lebed was correct, that in fact Russia produced these devices.

Mr. Yablokov, who I know personally, who I had testified before my committee 2 years ago here in Washington on the issue of Russian nuclear waste and how we could assist Russia in that problem, Mr. Yablokov has said also that these devices were also under the control of what used to be the KGB, the Russian security forces.

So we have General Lebed and now Mr. Yablokov and others saying publicly that Russia built these devices and, in fact, they as Russians do not believe that the command and control situation in Russia is such that Russia's leadership know where they are and have full control of all the ones that were built.

Now that is extremely troubling, Mr. Speaker. Because if that is the case, that means the black market has been or could be right now and have been looking for the ability to buy one of these devices, pay the right price, and use it for a terrorist act.

Now these are the two major stories that have been dominating our news relative to our concerns with Russia over the past several weeks. Now, all of a sudden, Mr. Speaker, the administration has said they are shocked. The President says he is shocked that Russia would be cooperating with Iran on developing the SS–4 medium-range missile.

The administration has said it is concerned that Russia may, in fact, have

suitcase size nuclear devices that they may not know where they are; even they said that they believe that Russia knows where they are. They cannot verify that, but they believe it.

My point today, Mr. Speaker, is, why is the administration shocked? Why are they shocked, when for the past 4 or 5 years we have repeatedly on this floor, in the House Committee on National Security and in every possible opportunity cited example after example of where this administration has ignored violations of arms control agreements, ignored them, where we know the Russians and the Chinese and other countries have in fact violated the missile technology control regime, have violated other arms control agreements, and we have not followed up action to go deal with that.

Why, then, is this administration shocked? In fact, my feeling is, Mr. Speaker, that the administration is the reason why we have the growing problem today of the lack of security as to where Russia's nuclear devices and strategic arms are. The administration's lack of strong and solid and consistent enforcement of arms control agreements, which they maintain are the basis of our bilateral relationship, is the very reason why Russia today is transferring technology, seeing nuclear devices being sold or attempted to be sold, missile material being stolen, attempts to buy long-range rockets, and in fact seeing Russia in a state today that could in fact pose a threat for peace-loving people everywhere.

I want to get into some of the specific examples that would lead me to believe that this administration should not have to wonder why and should not act surprised that Russia has been working with Iran, that in fact loose nuclear suitcases in fact could be out there. Let us talk about arms control violations.

Mr. Speaker, December 1995, front page story in the Washington Post. The front page story in the Washington Post in December 1995, the headlines screamed, "Jordanian and Israeli intelligence intercepts accelerometers and gyroscopes going from Russia to Iraq."

I was in Moscow in January 1996. I met with Ambassador Pickering, who was our ambassador at that time, at his office at the embassy; and I said, "Mr. Ambassador, what was the reaction of Russia when you asked them about the Washington Post story about the accelerometers and gyroscopes that the Israeli and Jordanian intelligence people found going from Russia to Iraq?" Ambassador Pickering said, "Congressman, I have not asked them yet." I said, "Mr. Ambassador, why haven't you asked them? Accelerometers and gyroscopes are very sophisticated, very expensive devices that are small that provide the guidance systems for long-range missiles. So that if Iran or Iraq could in fact develop a medium- to long-range missile, having Russian guidance systems would allow those missiles to be very accurate. So I would think it would be logical that we would ask Russia why were these devices going from your country to Iraq when that is a violation of the missile technology control regime? You are not allowed to transfer those types of devices. They are covered by the treaty." Ambassador Pickering said, "That has got to come from Washington."

So I came back to Washington, Mr. Speaker. On January 30, I wrote this letter to the President.

I include the letter for the RECORD, Mr. Speaker.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1996.

President WILLIAM CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the recent attempted shipment of Russia missile components to Iraq. While this shipment, which included gyroscopes and accelerometers designed for use in long-range missiles, was intercepted in Jordan, it raises serious questions about the Russian government's willingness or ability to halt proliferation.

Reports of this shipment, in contravention of the Missile Technology Control Reime (MTCR), surfaced publicly in December, several months after Russia was admitted as a full member of the MTCR regime. Whether the Russian government sanctioned the shipment or not, the events which transpired underscore the fact that Russia is at best unable or at worst unwilling to fulfill its MTCR obligations.

Recently, I travelled to Russia and met with members of the Duma, defense advisors to President Yeltsin and officials of Rosvooruzheniye, the main Russian state arms export company. Russian government officials with whom I raised the issue denied all knowledge of this highly reported incident. Rosvooruzheniye officials were aware of the attempted transfer, but denied any involvement. I also met with Ambassador Pickering, who indicated that the United States neither sought nor received any information or explanation from the Russian government about the attempted transfer.

This recent incident is not the first time that Russia has transferred missile technology to non-MTCR states. In 1993, Russia sold an associated production technology for cryogenic rocket engines to India. Recently, Russia transferred missile components to Brazil. To this very day, Russia continues to aggressively market a variant of its SS-25 missile under the guise of a "space launch vehicle."

If nonproliferation agreements are to have any meaning, they must be aggressively enforced through careful monitoring and the application of sanctions for violations. I believe that the Russian shipment of missile components deserves a forceful response from the United States, and I am deeply troubled by the U.S. government's apparent inaction in this regard. I would appreciate answers to the following questions in that regard:

1. Has the United States demanded from the Russian government a detailed explanation of the attempted shipment of gyroscopes and accelerometers to Iraq? If so, when did this occur and through what channels? If not, why not?

2. Has the Russian government responded, and what was the substance of the response? Does the Administration find it credible?

3. Do you believe that this shipment occurred with or without the knowledge of the Russian government, and what does your answer imply about Russia's willingness or ability to advance the U.S. nonproliferation agenda?

4. Why have sanctions not been imposed on Russia as a result of this attempted transfer of MTCR-prohibited missile components? What does the failure to impose sanctions, as required by U.S. law, say about the Administration's commitment to ensure the viability of the MTCR regime? Why wouldn't this set a dangerous precedent for other that might seek to circumvent or violate MTCR guidelines?

5. Russia's ascension to the MTCR regime as a full member imposes certain obligations on it that this incident demonstrates Russia is unwilling or unable to fulfill. What does the Administration intend to do to ensure full Russian compliance with its MTCR obligations in the future? Without acting firmly now in response to the attempted component transfer to Iraq, why should Russia believe that similar transfers will carry severe consequences in the future?

6. Please provide the dates and topic considered by the Missile Trade Analysis Group since the Russian shipment was reported.

7. Please list and describe all instances which raised U.S. concerns regarding compliance with the MTCR, all instances since 1987 in which the U.S. government considered imposing sanctions on a "foreign government or entity," whether sanctions were in fact imposed and against whom; how long those sanctions remained in effect, and the reason why there were lifted.

Thank you for responding to these serious issues.

Sincerely,

CURT WELDON,
Member of Congress.

The letter asked President Clinton "What is the story, Mr. President? What are we going to do about the accelerometers and gyroscopes going to Iraq."

Well, the President finally answered me on April 3.

Mr. Speaker, I include the President's letter for the RECORD, his answer to me.

THE WHITE HOUSE,
Washington, DC, April 3, 1996.

Hon. CURT WELDON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WELDON: Thank you for your letter regarding the recent interdiction of Russian missile guidance components destined for Iraq.

Gaining Russian restraint on missile sales is a major objective of this Administration. As you know, in September 1993 we concluded a Memorandum of Understanding with Russia on the control of missile equipment and technology. We also successfully worked with Russia to meet the requirements for Russian membership in the 28-nation Missile Technology Control Regime.

I agree with you that for our nonproliferation agreements to have meaning, they must be fully enforced. For this reason, we have made clear to the Russian Government our deep concern about the shipment of missile guidance components interdicted in Jordan on its way to Iraq. We fully expect Russian authorities to investigate this case and provide us the details of their investigation as

well as take steps to preclude similar incidents in the future.

As this case points out, Russia needs to continue to strengthen its new export control system. That is why, with the support of Congress, we are providing export control assistance to the Russian Government. I believe that our continued engagement with Russia on export control issues is the key to long-term improvement on their part.

I appreciate hearing your views on this important issue.

Sincerely,

BILL CLINTON.

Mr. Speaker, the President's response was, basically, Congressman, thank you for your interest. We are as concerned as you are about these accelerometers and gyroscopes. But Russia has not yet had time to fully investigate this situation. We will not take any action until we are sure that we know what happened here. But we guarantee you we will follow through.

That was in April, Mr. Speaker. Here we are, a year and a half later, and we have not taken any action under the requirements of the MTCR. We did not impose any sanctions. And, in fact, there has been little talk about the accelerometers and gyroscopes up until the news media started focusing on the Iran SS–4 cooperation.

Last Thursday, in the Committee on Science, I held up in the committee a Russian accelerometer and a Russian gyroscope. In fact, we have, Mr. Speaker, 180 of these devices. These were not transferred once. We know of at least three times that someone in Russia transferred the most sophisticated guidance systems available today that were taken from an SS–18 missile, which were the missiles in the Russian submarines that were aimed at American cities, clipped those devices in perfectly good condition, and shipped them to Iraq.

We intercepted one shipment with the help of the Jordanians and Israelis. The other devices were found in the Tigris River Basin where Iraq threw them because they knew we know they had them. We know of at least three times this technology transfer occurred, and we suspect there were more.

All of a sudden, the administration is concerned that Russia may be cooperating with Iran on the SS–4 technology? Where was there concern 2 years ago, Mr. Speaker, when I raised the issue in Moscow and with the President on the accelerometer and the gyroscope transfer?

Let us go beyond that, Mr. Speaker. Let us, for the record, put into the RECORD seven specific violations of the missile technology control regime. Let us talk about the shipment of North Korea Scud launchers from Russia to Syria. That was in August 1993. What was the action on the MTCR as a violation? None, no action taken.

What about the sale to China of mobile multiple warhead high accuracy solid and liquid missile technology to modernize its strategic rocket forces? That was also in 1993. It is a violation of the MTCR. What was the response? Nothing, nada, no sanctions.

What about the Russian rocket builder who says it is still lending India space launch integration technology, that is in 1994, despite the MTCR and Russia's July 1993 pledge not to give India missile production assistance? No response, Mr. Speaker. No sanctions.

What about the Washington Post reporting in June of 1995 that Russia was helping Brazil build a large rocket? Violation of the MTCR. You cannot do that. No response. No sanction.

How about the shipping of the guidance sets to Iraq, as I just explained, which Jordan and Israel intercepted in November 1995 reported in the Washington Post in December 1995. No sanction, Mr. Speaker.

And now we have the sale of a 1,250-mile-range missile production technology to Iran in 1996 and 1997. Again no response accept a lot of hyperbole and the comment that the vice president just concluded serious meetings with Chernomyrdin, but no sanctions.

What about the sale to Armenia of 8 Scud-B missile launchers with 22 to 32 missiles through late 1996.

Mr. Speaker, I enter these violations into the RECORD.

RECKLESS RUSSIAN ROCKET EXPORTS

Russian missile misdeed	Administration assessment	White House action taken to enforce U.S. missile technology sanctions law
Air ships North Korean Scud launchers to Syria (8/93)	Tel erector launcher units may have been mistaken by Russians to be trucks	None.
Sells China mobile, multiple-war-head, high-accuracy solid and liquid missile technology to modernize its aging strategic rocket forces (1993).	Russia made these transfers as an MICR adherent and so is legally exempt from US sanctions. Acting against Bejing would jeopardize U.S.-China relations.	None.
Russian rocket builder says it's still lending India space launch integration tech (6/94) despite MTCR & Russia's 7/93 pledge not to give India missile production assistance.	Shown evidence of Russia's continued missile assistance to India and warned it could jeopardize $100s of millions in U.S.-Russian space cooperation, White House tells House Space Committee Chairman (9/94) CIA will look into the matter.	None.
Washington Post reports Russia has been helping Brazil build a large rocket (6/8/95)	Waived U.S. missile sanctions against Brazil and Russia (citing US national security interest), admitted both into the MICR because of their creation of a "sound" systems of non-proliferation export controls.	None.
Ships intercontinental-range ballistic missile guidance sets to Iraq. Jordan interdicts shipment (11/95).	Shipment of gyroscopes was an "aberrational" action. Russia efforts to find who was responsible are inconclusive.	None.
Sells Iran 1,250-mile range missile production technology (96–97)	Administration official is quoted in Los Angeles Times explaining that the transfer may have been 'beyond the control of the government' (2/12/97).	None.
Sells Armenia 8 Scud-B missile launchers with 24-32 missiles (through late 1996)	Administration officials claim that there may have been no "transfer" since the Scud systems were in Armenia under Soviet control prior to the sale. Russian officials claim that they were only able to confirm these sales recently.	None.

Mr. Speaker, the point is simple: The administration should not show its shock. The administration should not say they do not understand what is going on. The reason why technology is leaving Russia is because this administration has not enforced our arms control agreements. We have put our head in the sand. How can we have a bilateral relationship based on arms control agreements if we are not going to enforce them?

It is not a case of embarrassing Boris Yeltsin. As I have said on this floor perhaps 50 times, I want Yeltsin to succeed. I spent as much time in dealing with Russia as any Member of this institution. I chair the new Dumas-Congress Study Group, which I formed with the Speaker of our Congress, the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Missouri [Mr. GEPHARDT] coordinating with us, with the deputy speaker of the Russian parliament, Mr. Shokin. I chair that.

I formed the FSU American Energy Caucus six years ago to work on helping Russia develop its energy resources, and I still stay involved with that, bringing billions of dollars into Russia for their economy. I work on the environmental issues with Russia through programs called GLOBE and ACOPS on ocean protection. I have fought for and put funding into the defense bill to help Russia clean up its nuclear waste, to help Russia with its environmental problems relative to both nuclear and non-nuclear sources of pollutants.

I was in Russia twice this year proposing with CHARLES TAYLOR a new initiative to create a housing incentive program modeled after our Freddie Mac and Fannie Mae to help middle-income Russians own their own homes. I support the cooperative threat reduction program. I support the cooperative space station program through Mir. Every possible opportunity, Mr. Speaker, I have been there.

But Mr. Speaker, we cannot in fact cooperate with Russia and want them to succeed and then expect to put our heads in the sand when they have violations occurring in front of us and think that Russia will respect us. Russian people and Russian leaders respect strength and they respect consistency. And we have given them neither.

When the violations occur, we turn our backs. We say we do not have enough information or we say that Russia has excused itself and said they are sorry, it will not happen again. Imagine the signal we send to rogues

and Mafia types in Russia today who see seven straight times where they are caught transferring technology and America does nothing.

What kind of signal is that sending, Mr. Speaker? It is sending a signal to Russia that we are just not going to call them on these violations. We have done the wrong thing. This administration should not be surprised at the technology cooperation with Iran.

□ 2300

They should not be surprised that Russia cannot guarantee us control of their nuclear assets.

There is a second reason why the administration, I think, has failed in this area, Mr. Speaker. That is the fact that this administration and this President has used the bully pulpit to create the impression in America that Russia is no longer a threat.

I am not one of those who wants to re-create the Cold War. I do not think Russia is the evil empire. In fact I hope Boris Yeltsin and I work to see Boris Yeltsin succeed. But let me repeat the quote that President Clinton has used 140 times across this country over the past 4 years. In fact, Mr. Speaker, he used it three times standing in this room at the podium behind me. He looked the American people in the eye through the camera in front of me, the same camera I am looking at. Mr. Speaker, this is what he said: "America can sleep well tonight, because for the first time in 50 years, there are no long-range Russian ICBMs pointed at America's children."

One hundred forty times the President has used that same phrase in his speeches. For those who want to see, in past months I have placed all 140 times in the CONGRESSIONAL RECORD. He said it three times in State of the Union speeches. He said it on college campuses, international groups and national groups. He said it in Washington State, in California, in Texas, in Pennsylvania, in Florida, in Ohio and in Maine, in Illinois and in Indiana. And he said it even after last year on the defense bill, we asked the President to certify that to us. The Defense Department wrote back to us and said, we cannot certify that because Russia will not allow us to have access to their targeting practices, just as we will not allow them to have access to ours.

Furthermore, Mr. Speaker, even if we could verify that statement, you can retarget an offensive ICBM in under 30 seconds. But here we have a President going around the country, 140 times saying, "Sleep well tonight, America, there are no longer missiles pointed at you. You're safe."

So many of our colleagues who believe what the Commander in Chief says, he should know, he is the Commander in Chief, and the American people then become complacent and think Russia is not a problem. We have solved that problem. The Cold War is over.

Mr. Speaker, as I said a few moments ago, I do not believe Russia is an evil empire, but I could make the case very easily that Russia is more destabilized today than it has been at any time in the last 50 years. In fact, there is more of a chance of an accidental launch today from a Russian ICBM than at any time during the Cold War. Let me back that up with some examples.

January 1995. The Norwegians are going to launch a weather rocket to sample the upper atmosphere for weather conditions. As is normally done, Norway notified Russia, "Be prepared between a certain period of time, we're going to launch a weather rocket. Don't think anything of it. It is just to sample the weather."

The day came. Norway launched the rocket. Because Russia is so paranoid about the status of their conventional military, their radar picked up that rocket launch, their system went into play, their nuclear response capability was activated, and Russia came within 10 minutes of activating an all-out response to a weather rocket from Norway. Boris Yeltsin has publicly said on the record that the black box that he controls with what are called the chegets that control the activation of a response or an attack were activated, which meant that for a period of minutes, Boris Yeltsin, General Kalashnikov, the commander of the general staff, and the defense minister, Pavel Grachev, the three of them had the ability to launch a response because they were mistaken initially and thought that that Norwegian rocket going up for weather sampling was an attack by the U.S. or some other Nation. Within 10 minutes of an all-out nuclear response.

The President though says, "Don't worry. There's no more missiles pointed at America's kids." The fact is, Mr. Speaker, the situation in Russia today is unstable. The situation in Russia today is, in fact, troubling. We do not need to paint Russia into a corner, but we do not need to mislead the American people or the Russian people as well.

Major problems with the troops, Mr. Speaker. Let me cite from a book that is going to come out tomorrow that I am going to mention in a moment about the status of the Russian military.

> Forty-three percent of the draftees are found to be suffering from some form of mental illness. At a desolate far eastern military base at Komsomolsk-na-Amure, not far from where another Russian military leader died from hunger, two soldiers recently blew themselves up while trying to extract precious metals from the warhead of an air defense missile they had stolen from the ammunition dump. Others take the easy way out. Currently half the noncombat deaths in the military are due to suicide.

These comments are taken from a book coming out tomorrow called One Point Safe that documents in detail every issue I have raised on this floor for the past 4 and 5 years about the problems of lack of control, and the lack of adequate monitoring of Russia's strategic and nuclear materials and arsenal.

Mr. Speaker, it is not the right thing to tell the American people that there is no reason to worry. That is just as wrong as a conservative Republican standing up on the floor and recreating the evil empire. They are both extremes. The problem, Mr. Speaker, is one of those two people happens to be the President of the United States, who now expresses shock that we would find that Russia is cooperating with Iran on the SS-4 missile program; expresses concern that Russia may have nuclear suitcases that they cannot account for.

What else am I concerned about, Mr. Speaker, besides the violations of the missile control regimes and the bully pulpit creating a wrong impression in this country? I am concerned about deliberate distortions of intelligence data. Three years ago I had a senior American intelligence officer come into my office, ask to meet with me, I had never met the man before. He said: Congressman WELDON, I want to talk to you. I have been a career intelligence officer in the service of this country for, I think, 18 years. He showed me the highest award that you can get in the Intelligence Community that he had received from our government. He said, I have to tell you a story. I am coming to you because you work issues involving Russia, and because you are concerned about the proliferation of missiles, and because you work the issue of missile defense technology.

He said, my job at the intelligence agency for the Department of Energy has been to run a program called Russian fission. The Russian fission program, which was highly classified, was designed to monitor the ability for Russia to control fissile material in their nuclear stockpile. This individual, whose name is Jay Stewart, and I can say it publicly because this book now documents this story, this individual ran the Russian fission program.

This individual was asked to go over and brief the head of NATO, Manfred Worner, on the troubling conclusions he was coming to 3 and 4 years ago about the lack of control of Russia's nuclear stockpile. Manfred Worner cabled back in a secret cable to the State Department saying this briefing should be given to every country in NATO.

What did the administration do? The administration, through the Department of Energy, deliberately took apart the Russian fission program. They took Jay Stewart's job away. They eliminated the Russian fission program. In fact, Mr. Speaker, there was a briefing that was held on the status of the ability of Russia to control

its nuclear stockpile 3 years ago. All of the documentation, all the film footage of that briefing was shredded.

This book, Mr. Speaker, documents the entire story. This book will be out tomorrow. I am not the author. I am not involved in any part of the marketing of it, except I have over the past 2 years helped these two writers identify the proper people to talk to to see whether or not they could verify the facts that were given to me.

I had our committee do a preliminary investigation of Jay Stewart's allegations, and they came back and said, well, DOE has circled the wagons, and under Hazel O'Leary's leadership they have all got their same story down, that Jay Stewart really was not removed for that reason, and it is really not true.

In our investigation, we found at least two other individuals who verified everything Jay Stewart said. Neither of them work for the Department of Energy. They were at labs, our energy labs in other parts of the country. One of those individuals, Jessica Stern, is in this book. She corroborates also what Jay Stewart said.

So now we have a third dimension, Mr. Speaker. We have a deliberate effort on the part of certain people in this administration to distort intelligence data that would allow this country to understand more about what was happening in Russia in regard to controlling their nuclear materials. And what was the administration's response? It was to destroy the data, rip up the records, shred the documents, shred the film footage and deny there is a problem.

Nothing could be worse for the security of this country, Mr. Speaker. In my opinion, our investigation coupled with what is in this book requires a congressional investigation that is not politicized; that, in fact, gets to the heart of what this administration now rails about, their concern and surprise and their shock at the fact that Russia would be cooperating with Iran on developing the SS-4. Forget the accelerometers and gyroscopes going to Iraq, forget the instability of nuclear devices as outlined by General Lebed. Forget about the problems associated with the Norwegian rocket launch. Forget about the morale problems in the military. Forget about all the other violations of the MTCR, but all of a sudden we are shocked.

I am not shocked, Mr. Speaker. And I am not here to stand here and blame the leadership of the Russian Government. I am here to say the reason why these things are occurring is because this administration has a policy that does not make sense. This administration does not have the backbone to enforce arms control agreements that it maintains are the basis of our bilateral relationship. This administration does not want us to put into play systems to defend our people and our troops even when we have technology being transferred that threatens our troops. And now all of a sudden they are shocked.

Here we are still cooperating and putting money into the Mir program when the agency in Russia running the Mir program has signed contracts with the same Iranian agency developing components of their medium-range missile.

Something is wrong, Mr. Speaker, and something is terribly wrong in terms of our lack of enforcement and our lack of dealing honestly with this problem that faces this Nation and people around the world who are concerned about nuclear material, who are concerned about technology that could be used against our troops, our allies and our people, and we just cannot brush it aside and say that all of a sudden we are concerned and we are going to do something about it.

With the most recent revelation about the Iranian cooperation, the President called back to work the retired U.S. Ambassador to India, Ambassador Wisner. Ambassador Wisner's assignment was to go to Moscow and to meet with the individual who runs the Russian space agency, Koptev.

Ambassador Wisner asked to brief me last week before he went to Moscow. He came in and we chatted for an hour. He said, Congressman, I assure you I am going to go over to Russia, meet with Koptev and tell him this is not acceptable.

Mr. Speaker, I am glad the Ambassador is doing that, and I am happy the administration is responding, but I think it is a little bit too late. I think that the policy of not enforcing agreements and not being consistent has now caused a feeling in Russia, especially with the problems of the Mafia being involved in a lot of the operations there, as General Lebed said. Former senior Russian commanders, General Lebed told us that the most capable generals and admirals in the Soviet Navy had been forced out of the military, and when they were forced out, they were not given housing to live in. Many of them have not even been paid their pensions. These are Russia's most capable military leaders. And General Lebed, who himself was one of those leaders, when asked what are they doing today, they are involved in rogue operations. They are selling the very equipment that they were responsible for maintaining and controlling as military leaders.

Do we know that to be true? Absolutely. In fact, we know, and it is in the record, and it is in this book that we now have evidence that a $1 billion sale of Russian military equipment took place that the Kremlin did not even know about. $1 billion of Russian military hardware, not nuclear, military hardware was being sold by a Russian official without the Kremlin even aware that the sale was taking place. And all of a sudden we are surprised?

Mr. Speaker, I rise tonight because of my concern at this administration not listening to what we have said for the past 5 years. We are not about backing Russia into a corner. We are about helping Russia stabilize itself. But the policy of this administration has not worked. Now the President, as he has recently done in Helsinki, wants to reinforce the ABM treaty, a treaty based on mutually assured destruction, a treaty that was designed for the 1960s and 1970s when you had two superpowers, each with long-range missiles, the Soviet Union and America, that no longer is relevant today because mutually assured deterrence does not work when you have China and North Korea and India and Pakistan and Iran and Iraq developing long-range missile capabilities. They are not signatories to the ABM treaty, but this administration, instead of reflecting a new attitude toward Russia, considering what is happening in China and North Korea and Iraq and Iran, wants to reinforce the ABM treaty.

□ 2315

The administration, Mr. Speaker, continues to go down the wrong path and I pledge, Mr. Speaker, that as long as I am in this body I am going to call it the way I see it. I am going to be vocal on these concerns that I have expressed, and I am going to continue to pursue this administration, I am going to work with it in helping to build a strong Russia, as I have been, I am going to support it when it asks for money to help in the case, but not unless we get more cooperation in sending a signal to Russia that they got to be more open with us.

One other issue, Mr. Speaker. We found out that Russia for the past 18 years has been working on a project in the Ural Mountains. This project is in a mountain called Yamantau. The project has basically been mining, an operation that has built a facility down inside of this mountain the size of the city of Washington, D.C. Our experts estimated it could withstand a direct nuclear hit. We do not know what it is for. We have asked the Russians; they have not given any response except in 1991 the general who runs the project, General Zyuganov, said it was a project for ore mining. In 1992 he said it was a facility to store food and shelter. In 1993 and 1994 the intelligence officer for that region said it was a state secret and they had no responsibility to tell us what it was.

If we are going to rely on trust and if we are going to follow this administration's stated policy of building trust based on agreements, then we need to know what happens in Yamantau Mountain. When the Russian military cannot be paid their pensions, when they cannot be given housing, how can

Russia continue to spend billions of dollars on a mountain in the middle of the Urals with a city of 65,000 people that is closed, working on this project day in and day out. We know it is there, our aerial surveillance has seen shots of what is going on, and yet Russia will not talk about it.

I raised this issue in May with the Minister of Atomic Energy, Mikhaylov, the Minister of Natural Resources, Orlov, and the Deputy Minister of Defense Kakoshin and the No. 2 general in the command, Staff General Manilow, and I told each of them, "If you want me to continue to work Russian American issues, I need to know something about Yamantau Mountain."

Each of them said, "We know of this project, but we cannot talk about it. You have to go to President Yeltsin." I asked them to assist me. I wrote a 3-page letter in Russian to President Yeltsin in July, and I have yet to receive a response. President Clinton supposedly raised the Yamantau Mountain issue with Yeltsin a year ago at an international summit, and to this day we have no new information on Yamantau Mountain.

Mr. Speaker, our relationship with Russia is a very simple one. Yes, we need to help stabilize them, yes, we need to work together with them aggressively, but most important, we need Russia to understand that we are here to work with them to make sure they have control of the strategic weapons, their nuclear technology and that when they allow or deliberately violate arms control agreements, they have to pay the price.

And so I say, Mr. Speaker, as we discuss these issues it is critical for this Nation to understand what has been going on, and I also want to encourage each of our colleagues to read this book, the most recent Steven Spielberg movie, "Peacemaker," the fictional movie is partially based on this book which is factual. This book in detail highlights all of the issues I have been raising on the floor of this institution for the last 4 years, and it names names, it names locations. I do not know how they got their data because much of what is in here was classified. But it is here in black and white. They are respected journalists. In fact Leslie Cockburn, who was a co-author with her husband Andrew, was a producer for ABC TV up until she resigned that position this year. They are capable, intelligent, articulate people who have finally documented all of the evidence that highlights the facts relative to this administration's position in terms of Russia and our relationship militarily and strategically.

Mr. Speaker, I thank the staff again for bearing with me in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GIBBONS (at the request of Mr. ARMEY), for today after 6 p.m. and for the balance of the week, on account of attending a funeral.

Mr. HUNTER (at the request of Mr. ARMEY), for today, on account of a death in the family.

Mr. SCHIFF (at the request of Mr. ARMEY), for today through October 3, on account of medical reasons.

Mr. MCHALE (at the request of Mr. GEPHARDT), for today after 3 p.m., on account of a funeral service for a district employee.

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. SNYDER) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes each day, on September 30 and October 1.

Mr. NEUMANN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. HILL, for 5 minutes, on September 25.

Mr. BILBRAY, 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. SNYDER) and to include extraneous matter:)

Mr. POSHARD.
Mr. SERRANO.
Mr. HAMILTON.
Mr. MURTHA.
Mr. NEAL of Massachusetts.
Mr. BARCIA.
Mr. SCHUMER.
Mr. LANTOS.
Mr. CLYBURN.
Mr. KUCINICH.
Mr. KILDEE.
Mr. VISCLOSKY.
Mr. PASTOR.
Mr. STARK.
Mrs. MALONEY of New York.
Mr. SANDERS.
Mr. MENENDEZ.
Mr. SHERMAN.
Mr. DOOLEY of California.
Mr. OLVER.
Mr. CAPPS.

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

Mr. CRANE.
Mr. WELDON.
Mrs. CHENOWETH.
Mr. BOEHNER.
Mr. WELLER.
Mr. GILMAN.
Mr. STUMP.
Mr. PACKARD.
Mr. GOODLING.
Mr. BILIRAKIS.
Mr. CALVERT.
Mr. ROGAN.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous matter:)

Mr. GOSS.
Mr. MCKEON.
Mr. LANTOS.
Mrs. TAUSCHER.
Ms. BROWN of Florida.

ENROLLED BILLS 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. 111. An act 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.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

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. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, September 25, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5161. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Relaxation in Pack Requirements [Docket No. FV97-920-2 FR] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5162. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Expenses Associated With Transporting and Disposing of Tuberculosis-Exposed Animals [Docket No. 97-061-1] received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5163. A letter from the Secretary of Education, transmitting Final Regulations—Federal Perkins Loan Program, Federal Work-Study Program, and Federal Supplemental Educational Opportunity Grant Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5164. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for the Federal Perkins Loan Program, Federal Work-Study Program, and Federal Supplemental Educational Opportunity Grant Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5165. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania, General Conformity Rule [PA105-4066a; FRL-5897-8] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5166. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, New Mexico; Recodification of, and Revisions to, the Air Quality Control Regulations [NM-31-1-7310a; FRL-5893-6] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5167. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Michigan [MI51-01-7259; FRL-5898-2] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5168. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996; Video Programming Accessibility [MM Docket No. 95-176] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5169. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational Device Exemptions; Treatment Use [Docket No. 96N-0299] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5170. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Korea (Transmittal No. 25-97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

5171. 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: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1997-98 Late Season (RIN: 1018-AE14) received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5172. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Petroleum Industry Coordinated Issue: Capitalization of Delay Rentals—received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Work Opportunity Tax Credit and Welfare-to-Work Tax Credit [Notice 97-54] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5174. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Utilities Industry Coordinated Issue: Department of Energy Decontamination and Decommissioning Fund—received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 242. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-267). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 243. Resolution providing for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands (Rept. 105-268). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of Texas:

H.R. 2533. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Immigration and Nationality Act to clarify eligibility for relief from removal and deportation for certain aliens; to the Committee on the Judiciary.

By Mr. COMBEST (for himself, Mr. DOOLEY of California, Mr. SMITH of Oregon, and Mr. STENHOLM):

H.R. 2534. A bill to reform, extend, and repeal certain agricultural research, extension, and education programs, and for other purposes; to the Committee on Agriculture.

By Mr. MCKEON (for himself, Mr. GOODLING, Mr. BOEHNER, Mrs. ROUKEMA, Mr. BARRETT of Nebraska, Mr. RIGGS, Mr. GRAHAM, Mr. MCINTOSH, Mr. NORWOOD, Mr. HOEKSTRA, Mr. SAM JOHNSON, Mr. GREENWOOD, Mr. PETERSON of Pennsylvania, and Mr. UPTON):

H.R. 2535. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program; to the Committee on Education and the Workforce.

By Mr. MCKEON (for himself and Mr. KILDEE):

H.R. 2536. A bill to amend the Higher Education Act of 1965 with respect to improving the administration of the student financial assistance programs under title IV of that Act; to the Committee on Education and the Workforce.

By Mr. STUMP:

H.R. 2537. A bill to amend title 10, United States Code, to revise the rules relating to the court-ordered apportionment of the retired pay of members of the Armed Forces to former spouses, and for other purposes; to the Committee on National Security, 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. REDMOND:

H.R. 2538. A bill to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Resources.

By Mr. BEREUTER:

H.R. 2539. A bill to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, exchanges, programs, and activities, and for other purposes; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. FILNER, Ms. CHRISTIAN-GREEN, Mrs. MEEK of Florida, Mr. UNDERWOOD, Mr. DELLUMS, Mr. CLAY, Mrs. MINK of Hawaii, Mr. MCGOVERN, Mr. FROST, Mr. YATES, and Mr. DAVIS of Virginia):

H.R. 2540. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself and Mr. DAVIS of Virginia):

H.R. 2541. A bill to amend title 5, United States Code, to extend the authority under which comparability allowances may be paid to Government physicians, and for other purposes; to the Committee on Government Reform and Oversight.

By Ms. RIVERS:

H.R. 2542. A bill to prevent Members of Congress from receiving any automatic pay adjustment which might otherwise take effect in 1998; to the Committee on House

Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. DELLUMS, and Mr. MILLER of California):

H.R. 2543. A bill to amend titles XVIII and XIX of the Social Security Act to require hospitals, skilled nursing facilities, home health agencies, hospice programs, clinical laboratories, and ambulance services to fund annual financial and compliance audits as a condition of participation under the Medicare and Medicaid programs; to the Committee on Commerce, 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. FALEOMAVAEGA:

H. Con. Res. 157. Concurrent resolution expressing the sense of the Congress regarding the effects of global warming-induced climate disruption on the Pacific nations that are allies of the United States and the resulting threat to the global interests of the United States; 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. 165: Mr. CAPPS.
H.R. 211: Mr. FRANK of Massachusetts.
H.R. 404: Mr. DAN SCHAEFER of Colorado.
H.R. 492: Mr. SHAYS.
H.R. 551: Mr. SANDERS.
H.R. 586: Mr. LAHOOD.
H.R. 594: Mr. NADLER, Mr. CHABOT, Mr. BLUMENAUER, and Mr. DOYLE.
H.R. 619: Mr. FOX of Pennsylvania, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. CONYERS, and Mr. LATOURETTE.
H.R. 716: Mr. LIVINGSTON.
H.R. 755: Mr. SOUDER.
H.R. 789: Mr. ROEMER, Mr. HEFLEY, Mr. BLAGOJEVICH, Mr. MCNULTY, and Mr. MINGE.
H.R. 802: Mr. COX of California.
H.R. 815: Mr. UPTON, Mr. TAYLOR of North Carolina, Mr. VENTO, Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, and Mr. LANTOS.
H.R. 857: Mr. SESSIONS and Mr. MICA.
H.R. 965: Mr. PICKERING.
H.R. 978: Mr. KILDEE and Mr. DELAHUNT.
H.R. 986: Mr. COLLINS, Mr. SESSIONS, Mr. HASTERT, and Mr. HILLEARY.
H.R. 991: Mr. KENNEDY of Rhode Island and Mrs. LOWEY.
H.R. 993: Mr. PAXON.
H.R. 1025: Ms. ESHOO, Mrs. MALONEY of New York, and Mr. MINGE.
H.R. 1036: Mr. BLILEY and Mr. SNOWBARGER.
H.R. 1054: Mr. CHABOT, Mr. COBURN, Mr. HORN, Mr. KENNEDY of Massachusetts, Mr. FOLEY, Mr. BLUMENAUER, Mr. ADAM SMITH of Washington, Mr. MCINTOSH, Mr. UNDERWOOD, Mr. NETHERCUTT, and Ms. WOOLSEY.
H.R. 1060: Mr. BERRY.
H.R. 1075: Mr. COYNE, Mrs. MCCARTHY of New York, Ms. FURSE, and Mr. FATTAH.
H.R. 1108: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1126: Ms. DEGETTE.
H.R. 1173: Mr. SUNUNU, Mr. YOUNG of Alaska, and Mr. MILLER of California.
H.R. 1232: Mr. SANDLIN and Mr. INGLIS of South Carolina.
H.R. 1270: Mrs. NORTHUP.
H.R. 1411: Mr. CANNON and Mr. DOOLEY of California.
H.R. 1493: Mr. FOLEY and Mr. VISCLOSKY.
H.R. 1507: Mr. NEY and Mr. HYDE.
H.R. 1531: Mr. LEVIN and Mr. OWENS.
H.R. 1534: Mr. BOYD, Mr. GILMAN, Mr. PETERSON of Pennsylvania, Mr. SISISKY, Mr. GREEN, Mr. SUNUNU, Mr. OXLEY, Mr. KASICH, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. PORTER, Mr. LARGENT, Mr. OBERSTAR, Mr. CRANE, and Mr. MURTHA.
H.R. 1624: Ms. DELAURO, Mr. STRICKLAND, Mr. GEJDENSON, Mr. KENNEDY of Massachusetts, Mr. MCNULTY, Mr. DELLUMS, Mr. KILDEE.
H.R. 1704: Mr. GANSKE.
H.R. 1719: Mr. WICKER.
H.R. 1754: Mr. PETRI.
H.R. 1786: Mr. MORAN of Virginia, Mr. BLAGOJEVICH, Mr. NEAL of Massachusetts, Mr. KUCINICH, Ms. SLAUGHTER, Mr. ENGEL, Mr. KENNEDY of Massachusetts, Ms. VELÁZQUEZ, and Mr. GUTIERREZ.
H.R. 1814: Mr. ROTHMAN.
H.R. 1836: Mr. GREENWOOD and Mr. KANJORSKI.
H.R. 1881: Mr. PALLONE.
H.R. 2020: Mr. REYES, Ms. RIVERS, Mr. COOK, Mr. BROWN of Ohio, Mr. HALL of Ohio, Mr. LEACH, Mr. EHLERS, Mr. YATES, and Mr. HYDE.
H.R. 2038; Mr. HASTINGS of Washington, Mr. CRAPO, and Mr. FOLEY.
H.R. 2100: Mr. COOKSEY.
H.R. 2128: Mr. COOKSEY.
H.R. 2172: Mr. BARRETT of Wisconsin.
H.R. 2273: Mr. GORDON, Mr. ANDREWS, Mr. ALLEN, Mr. CONDIT, Mr. GOODE, Mrs. MORELLA, and Mr. CLEMENT.
H.R. 2367: Mrs. CHENOWETH and Mr. CLYBURN.
H.R. 2409: Mr. WOLF and Mr. EVANS.
H.R. 2424: Mr. KLUG, Mr. QUINN, and Mr. STUPAK.
H.R. 2451: Mr. KENNEDY of Massachusetts.
H.R. 2456: Mr. BATEMAN, Mr. RADANOVICH, Mr. WHITFIELD, Mr. BALLENGER, and Mr. SHAW.
H.R. 2476: Mr. DELLUMS, Mr. DEFAZIO, Mr. OBERSTAR, Mr. FILNER, and Mr. EVANS.
H.R. 2480: Mr. COOK and Mr. FOLEY.
H.R. 2481: Mr. BONIOR, Mr. BALDACCI, Mr. BARCIA of Michigan, Mr. HOUGHTON, Mr. METCALF, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. HINCHEY, Mr. MCHUGH, and Mr. STUPAK.
H.R. 2488: Mr. PALLONE and Mr. GREENWOOD.
H.R. 2493: Mr. GOODLATTE.
H.R. 2502: Mr. CLEMENT.
H.R. 2523: Mr. BEREUTER.
H. Con. Res. 13: Mrs. CHENOWETH and Mr. BRADY.
H. Con. Res. 80: Ms. BROWN of Florida.
H. Res. 190: Mr. SMITH of Michigan.

AMENDMENTS

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

H.R. 2267

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 57: 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, directly or indirectly, to make any payment to, provide any financial assistance to, or enter into any contract with, the Palestine Broadcasting Corporation, any affiliate or successor agency of such corporation, or any journalist employed by or representing such corporation.

H.R. 2267

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 58: Page 117, after line 2, insert the following:

SEC. 617. None of the funds appropriated to carry out this Act may be used to purchase or install live fingerprint scanners in Immigration and Naturalization Service field offices or card scanners at Immigration and Naturalization Service centers unless the Immigration and Naturalization Service refunds, not later than 6 months after the date of the enactment of this Act, all fees paid to the Immigration and Naturalization Service for designated fingerprinting service certification under 8 C.F.R. §103.2(e).

H.R. 2267

OFFERED BY MS. LOFGREN

AMENDMENT NO. 59: Page 49, line 19, after the dollar amount insert "(reduced by $26,100,000)"

Page 49, line 21, after the dollar amount insert "(reduced by $26,100,000)"

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)"

H.R. 2267

OFFERED BY MRS. LOWEY

AMENDMENT NO. 60: On page 51, line 16, after the dollar amount insert "(increased by $1,000,000)".

On page 51, line 23, after the dollar amount insert "(reduced by $1,000,000)";

H.R. 2267

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 61: Page 117, after line 2, insert the following:

SEC. 627. (a) IN GENERAL.—None of the funds appropriated to carry out this Act shall be used to deport or remove from the United States any alien who was provided by the Immigration and Naturalization Service one of the following identification numbers:

A76553660.
A76553650.
A76553651.
A76553661.
A76553858.
A76553862.
A76553863.
A76553876.
A76553877.
A76553665.
A76553659.
A76553658.
A76553679.
A76553678.
A76553681.
A76553654.
A74553078.
A74553079.
A74553077.
A76553683.
A76553674.
A76553652.
A76553692.
A76553649.
A76553673.
A76183163.
A76183162.
A76553653.

A76553686.
A76553688.
A76553664.
A76553871.
A76553888.
A76553684.
A76553887.
A76553657.
A76553672.
A76553685.
A76553655.
A76553688.
A76553667.
A76553682.
A76553680.
A74553085.
A74553076.
A76553690.
A76553691.
A76553698.

H.R. 2267

OFFERED BY: MS. WATERS

AMENDMENT NO. 62: Page 38, after line 11, insert the following:

SEC. 110. Considering the increased need for resources to wage a full scale counter-narcotics attack in the Caribbean basin, the Drug Enforcement Administration shall allocate 5 of the additional agents provided in this title to assess the impact of the recent decision of the World Trade Organization to discontinue the special relationship of Caribbean countries to the European Union on trade and the erosion of the ability of Caribbean countries to be independent and on increased drug trafficking in the region. The Drug Enforcement Administration shall report the results of such assessment to Congress not later than September 25, 1998.

EXTENSIONS OF REMARKS

HONORING MILDRED HESS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor, a long-time resident of Pennsylvania's 13th District who died recently at her home following a long illness. She was 87 years old.

I've known Mildred Hess for many years and she was a remarkable woman, dedicated to her family, her community, and her Nation. She was one of God's Angels on Earth who was known for her selfless spirit, positive outlook and love for all. Mildred was a public servant who committed herself to making life better for her neighbors. I will miss her very much and I share the grief felt by her entire family, especially her loving husband Clay, her friends and all the people of Montgomery County, PA.

Mildred Hess was born on December 10, 1909, in Upper Providence Township, Montgomery County. The daughter of the late Peter A. and Carrie Smith, Mildred Hess graduated in 1927 from the former Collegeville High School and entered the Pottstown Homeopathic Hospital School of Nursing where she graduated in 1930. She worked briefly as a nurse before marrying Clay C. Hess on February 7, 1931. She and Clay lived their entire married life on his family's farm in Collegeville, PA. True to the historic nature of the community in which she lived, Mildred liked to collect antique plates, salt shakers, and glassware and she was very proud of her collection.

Mildred Hess spent most of her life doing the most important job I know, raising her family and caring for her children. Occasionally, Mildred would assist her husband, Clay, as a clerk in his auctioneering business. For Mildred, her husband and family were her first love, her vocation, her devotion, and her primary responsibility.

Mildred Hess was a member of the Providence Church of the Brethren in Upper Providence and a 60-year member of Keystone Grange #2 in Trappe. She was also a member of the Towne & County Council of Republican Women.

Mr. Speaker, this woman of deep faith and family devotion suffered losses in her life and overcame the grief to fulfill her duties to her family. She was preceded in death by her loving children, Clark F. Hess and Norma Hess Fillman but despite her sorrow, Mildred was able to move on because of her devotion to those who lived on and who needed her. This loving woman is survived by her devoted husband, Clay, who I am proud to say has been a devoted friend and mentor to me for many years. Other family members who I join to share in their grief are her daughter-in-law, Susan Hess and her son-in-law, Walter Fillman.

Several generations have shared the love and warmth of Mildred Hess and my heart goes out to her grandchildren, Jane Daley, Gretchen Hess, Martin Hess, and Matthew Fillman as well as her great-grandchildren Gordon, Rachael, Daniel, Alexia, Audrey, and Samuel Fry and Rebecca Fillman and Benjamin Hess Daley.

Mr. Speaker, I am proud to rise today to honor this great woman but I do so with a heavy heart. For while Mildred led a long and productive life, I know that there was still much she wanted to do. As she did with her own children, I know she wanted to share in the joys and successes of her grandchildren and great-grandchildren.

Montgomery County has lost a great woman, Mr. Speaker, a family woman, a mother and care-giver. While it is close to the city of Philadelphia, Collegeville is still a small, rural neighborhood of close-knit families. The entire community will feel this loss as will all of Montgomery County where she and Clay have had such a strong influence over the years.

On a personal note, Mr. Speaker, I am deeply saddened by this loss because I feel as though I have lost a member of my own family. As I learned the lessons of public service under the guidance of her husband, Mildred Hess was always making me feel like part of her family. I saw the love she and Clay shared first-hand and it became just another of the many lessons I learned from this outstanding and gracious couple.

Mr. Speaker, the community of Collegeville, the congregation of the Providence Church of the Brethen, the people of Montgomery County and her family will take Mildred to her rest tomorrow, September 24. I regret that I can not be there to raise my voice in prayer along with the rest of the community but my duties as the Congressman from Pennsylvania's 13th Congressional District require my presence here on Capitol Hill. But I know that Mildred would remind me of my responsibilities and my obligation to those I am proud to represent, including her family.

So, Mr. Speaker, I will stand here tomorrow, in the halls of the people's House, gratefully providing the representation to which the citizens of Pennsylvania's 13th Congressional District are guaranteed by the Constitution of the United States. But my heart will be in Collegeville with Mildred and all those who loved her as I did. My prayers will be with my friend and mentor, Clay Hess, and the rest of Mildred's family. And my thoughts will be on the lessons I learned in the Hess household and the wisdom I gained from Mildred. This great lady has left her imprint on everyone she knew. As Henry Wadsworth Longfellow said in A Psalm of Life. "The lives of the great remind us, we can make our lives sublime. And, departing, leave behind us footprints on the sand of time." Mildred Hess, Mr. Speaker, has left indelible footprints on the lives of many and I am proud to have known her.

NO MORE MANDATORY SEX TRAINING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. PACKARD. Mr. Speaker, I was particularly pleased by passage of the Treasury-Postal operations spending bill this past week because of a provision I worked hard to include in this legislation which will protect the rights of Federal employees. With the help of my colleague, ERNEST ISTOOK, who sits on this subcommittee, we were able to attach language to prohibit funding for nontechnical Federal employee training, including 'How-To' sessions on condom use, sex techniques, and the proper way to clean needles in order to shoot-up illicit drugs.

In 1995, I fought to deny funding for the Clinton administration's controversial agenda to promote diversity through mandatory training sessions. I have seen some of this training and it is truly shocking. I worked to retain this provision to ensure that Federal workers won't have to endure this training and taxpayers won't have to pay for it.

Mr. Speaker, the training sponsored by the administration goes far beyond employees' professional responsibilities. It is inappropriate for the Federal Government to use taxpayers' money to subject Federal employees to this kind of social engineering. Our language should put an end to this lunacy.

We should only fund those things vital to the function of the Government. I think most hard-working Americans would agree that training Federal employees to safely use drugs or wear condoms in no way falls under that category. I will work to ensure that this provision is retained in the conference report to the Treasury-Postal Operations spending bill. I encourage all of my colleagues to support this language.

TRIBUTE TO CHARLES L. JOHNSON

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to pay tribute to a true community leader in the city of Green Bay, WI, Mr. Charles L. Johnson.

In October, Chuck Johnson will begin his well-deserved retirement after 34 years of service to Procter & Gamble. He has served as the director of product supply manufacturing at the Procter & Gamble Paper Products Co. in Green Bay since 1990. Prior to arriving in Green Bay, Chuck worked for the company in Kansas, Maryland, and Pennsylvania.

I have known Chuck for many years through his leadership in the United Way of Brown County. His service to the community knows no bounds. Chuck has also volunteered his time for the Greater Green Bay Chamber of Commerce, the local YMCA, St. Vincent's Hospital, Downtown Green Bay, Inc., and much more.

Under his direction, the Procter & Gamble Co. in Green Bay has given hundreds of thousands of dollars to area charities and civic organizations. Those dollars do not even begin to indicate the hundreds of hours that Chuck personally has given to the Green Bay community.

Somehow I suspect that Chuck's retirement will actually just mean that we will see him more in the community. I am certain that he will remain active and committed, because that is who he is.

Everywhere that Chuck has lived, he has reached out and given his time and effort to help others. He deserves our praise today because of the difference he has made in the lives of those around him. Today, we thank Chuck Johnson for all of the hard work he has done, we congratulate him on his many achievements and we wish him great luck in the years ahead.

CONGRATULATIONS TO GARY CITY COUNCILMAN CLEO WESSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate a long-time friend of mine, Gary City Councilman Cleo Wesson, on his receipt of the Indiana Association of Cities and Towns [IACT], 1997 Meritorious Service Award. Cleo will receive this honor tomorrow, September 24, at the IACT annual conference, which is being held at the Fort Wayne Hilton in Fort Wayne, IN.

The Meritorious Service Award is presented by AICT to Indiana public figures who have devoted 40 years or more of noteworthy service to their communities. Cleo Wesson, who has displayed outstanding leadership qualities as a Gary City Councilmember for 38 years, has been selected as one of two people in the State of Indiana to receive the Meritorious Service Award, an honor which is in its first year of existence.

Cleo began his distinguished career of service when he enlisted in the U.S. Air Force upon his graduation from Gary Roosevelt High School. After his return from the military, Cleo began his political career when he was elected to the Gary Common Council in 1959. As the representative of Gary's Fifth District, Cleo has served in a variety of roles, including Precinct and Vice Committeeman, and 7-year president of the Common Council. He has served on every council committee, been elected delegate to the State Democratic Convention, and has served as Secretary to the Lake County Democratic Central Committee for a number of years. In recognition of his years of service, Cleo earned the title "Dean of the Gary Common Council" on May 16 of this year.

During his tenure as councilman, Cleo has worked tirelessly toward the betterment of the entire City of Gary. The construction of three neighborhood parks in the Fifth District, the effective restructuring of the police department, and the ordinance establishing in house demolition, were all projects conceived of and/or sponsored by Cleo Wesson. It was through the in house demolition ordinance that an unsightly junk yard at 21st and Madison Street was demolished, and in its place the Barbara Leek Wesson Community Center was erected. Other projects Cleo undertook include the relocation of the No. 4 fire station to 25th and Madison Street, the establishment of the Gary Community Mental Health Facility, and the founding of the Marina Committee and the Historical and Cultural Society.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Cleo Wesson on his receipt of the 1997 Meritorious Service Award. His numerous endeavors in the field of public service have left an indelible mark on the city of Gary, as well as Indiana's First Congressional District.

TRIBUTE TO THE EUREKA RESCUE MISSION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. RIGGS. Mr. Speaker, I rise today to honor the Eureka Rescue Mission and Family Shelter on its 13th anniversary. Located in Humboldt County on California's north coast, which I am privileged to represent in Congress, the mission is a model of faith-based community service.

The Eureka Rescue Mission was founded as a nondenominational Christian organization serving the homeless, needy, and poor of the city of Eureka and all of California's north coast. The mission, formerly the old Bay Hotel, was purchased for $11,000 in 1967 and dedicated to the Lord on February 27th of that year.

All the years since, the Eureka Rescue Mission has provided help, food, shelter, counseling, and hope to those in need. Poor families and individuals find food, clothing, and shelter; those suffering from addiction find counseling and recovery programs; those who have stumbled and need guidance find instruction and support.

I wish the Eureka Rescue Mission every success in the years to come as they look to expand their good works and extend their helping hand even farther. The dedicated and hard-working people who make the mission work, while taking no government money, provide a rich example to us all. They represent the full measure of Christian charity.

MAINTAINING TRADE FAIRNESS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Ms. KAPTUR. Mr. Speaker, I rise to discuss the importance of maintaining trade fairness and how that fairness has been restricted in our trade relations with Japan.

Some of you may know about the market access case the United States Government filed against the Government of Japan before the World Trade Organization concerning consumer film and photographic paper. Eastman Kodak Company has been routinely prevented from competing fairly in Japan by the Japanese Government, which has been protecting Fuji film, the domestic film manufacturer. For over 30 years, the Japanese Government has worked closely with Japanese business, using non-tariff barriers, unspoken agreements, and implicit understandings to keep foreign competition out of the Japanese market.

This case has far-reaching and precedent-setting ramifications. Why? First, this case highlights the nature of our trade relationship with Japan, where trade fairness has been a recurring concern. Japan is America's second largest trade partner but maintains America's largest trade deficit, which is 43 percent of our total trade deficit. Second, this case centers around the future of the WTO as an effective forum to settle international trade conflicts.

The ramifications of the photographic film and paper case before the WTO are immense. At stake is the future of free and open market access not just for film, but, for all companies looking to trade with Japan. I urge the administration to press the WTO to bring this complaint to a conclusion.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. OBERSTAR. Mr. Speaker, last week, when the House of Representatives considered H.R. 2378, the fiscal year 1998 Treasury-Postal-General Government appropriations bill; House Resolution 168, the House Ethics Reform recommendations; and House Resolution 233, a resolution concerning the House floor privileges of former House Member Robert Dornan, my vote was not recorded.

On approval of H.R. 2378, I was unavoidably detained in a meeting with constituents and the following day, I was in Minnesota to care for my mother who had suffered a serious heart attack.

Had I been present, I would have voted "aye" on H.R. 2378, rollcall No. 403; I would have voted "nay" on the motion to adjourn, rollcall No. 405; I would have voted "aye" on the approval of the House Journal, rollcall, No. 406; I would have vote "nay" on the previous question on House Resolution 168, rollcall No. 407; I would have voted "aye" on the Livingston amendment to House Resolution 168, rollcall No. 408; I would have voted "nay" on the Murtha amendment to House Resolution 168, rollcall No. 409; I would have voted "nay" on the Tauzin amendment to House Resolution 168, rollcall No. 410; I would have voted "nay" on the Bunning amendment to House Resolution 168, rollcall No. 411; I would have voted "aye" on the Cardin motion to recommit House Resolution 168, rollcall No. 412; I would have voted "nay" on final passage of

House Resolution 168, rollcall No. 413; I would have voted "nay" on the Stearns motion to table House Resolution 233, rollcall No. 414; and I would voted "aye" on House Resolution 233, rollcall No. 415.

THE 85TH ANNIVERSARY OF ST. JOSEPH THE WORKER CROATIAN CATHOLIC CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate St. Joseph the Worker Croatian Catholic Church in Gary, IN, as it celebrates its 85th anniversary as a parish this Sunday, September 28, 1997. I would also like to take this opportunity to congratulate Father Benedict J. Benakovic, parish pastor, on this special occasion. The 85th anniversary festivities will begin with a Mass of Thanksgiving at 11 a.m. at the church, celebrated by the Most Reverend Dale J. Melczek, Bishop of Gary. After the service, a banquet will be held at the Croatian Center in Merrillville, IN.

I would also like to commend the members of the St. Joseph the Worker Parish Council for the work they have put forth in the planning of this momentous event. Members of the 1997 parish council include: Fred Benich, John Benich, Frank Bestich, Peter Bianco, Francis X. Coman, Mary Coman, Charles Doherty, Antoinette Dorochoff, George Flores, Irene Flores, Charlene Gyurko, Mary Horan, Patricia Howorth, Sophia Kruzic, Jasmine Kuyachich, Mary Mandly, Richard Mandly, Ann C. Marlow, Marta McCobb, Karl Metz, Marie Michalak, Marian Nicksich, Peter Podnar, Ann Wozniak, Charles Yelusich, and Paul Yurkas.

The founding of St. Joseph the Worker Croatian Catholic Church began in 1906 with the arrival of Croatian immigrants to the growing city of Gary, IN. A mixture of small business owners and steel workers, the immigrants immediately experienced prejudices and a language barrier. To foster a sense of belonging and community, they colonized and sought a parish of their own, where the church services would be spoken in their native language. With a large donation from the Gary Land Co., a Croatian Catholic church, called Holy Trinity, was built in 1913.

Holy Trinity Church, which would later be named St. Joseph the Worker, prospered over the years with the hard work of its clergy and parishioners. Shortly after the church's founding, Rev. Charles Jesih of Croatia began St. Joseph's expansion when he founded a parochial school for the education of the parish's youth. In 1919, a three-room school opened in the church hall, and, in 1921, a convent was completed to accommodate the nuns who taught at the school. With the onset of the Depression, the parish encountered problems of debt and the relocation of parishioners to the Glen Park area of Gary. By the 1940's, it had become apparent that the church would need to relocate, and in spite of the debt incurred during the Depression, construction of a new church, school, and convent was completed in 1945. As the parish continued to grow, it was determined in 1950 that an even larger church would be needed to accommodate new parishioners of different nationalities. Under the leadership of Father Venceslav Ardas, funds were secured from individual parishioners and church organizations for the construction of what would become a beautiful Romanesque style church. The church was completed in 1956, and consecrated St. Joseph the Worker in May of that year.

Since its founding, St. Joseph the Worker has continued to celebrate its Croatian heritage as an integral part of parish religious and social life. Over the years, ties to Croatia were maintained with the dedicated service of Croatian-born pastors, the preservation of masses in the Croatian language, and a concern for events transpiring in the homeland. With the disintegration of the former Yugoslavia, St. Joseph the Worker parishioners eagerly joined Croatians throughout the world in providing humanitarian aid to victims of the war-torn region. In the early 1990's, the parish celebrated both the recognition of Croatia as an independent nation and the visit of Cardinal Franjo Kuharic, Archbishop of Zagreb. The founding of such social organizations as the Croatian Catholic Union and the American Croatians United also contributed to the preservation of the Croatian heritage in the Gary community. Through the dedication of St. Joseph parishioners, these organizations sponsored numerous festivals and projects, which have served to introduce traditional Croatian food, music, and customs to future generations.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the St. Joseph the Worker parish on the 85th anniversary of its founding. As someone of Croatian descent, I commend the leadership that past and present parishioners and clergy have displayed in preserving their ethnicity while faithfully fulfilling the ideals of their Catholic religion. I wish St. Joseph the Worker parish continued prosperity and many blessings for a bright future.

ON INTRODUCTION OF LEGISLATION TO MAKE NONREFUNDABLE PERSONAL CREDITS CREDITABLE AND THE STANDARD DEDUCTION AND THE DEDUCTION FOR PERSONAL EXEMPTIONS DEDUCTIBLE FOR AMT PURPOSES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, today I am introducing legislation to make good on a promise we made the American people. The recently enacted Taxpayer Relief Act of 1997 promised American families both an education and a family credit. Unfortunately for many American families these credits will turn out to be phantom credits.

Many average families will be thrown into the alternative minimum tax [AMT] simply because they take advantage of the new child and education credits. This happens because individuals pay the greater of regular tax reduced by nonrefundable credits or the AMT not reduced by refundable credits. And because both the family and the education credit are added back for purposes of the AMT, families with children are more likely to be thrown into the AMT simply by using these credits. In the case of families with three or more children young enough to be eligible for the family credit, the bill permits the family credit against the employee share of FICA so that the minimum tax is no longer a problem for those families. However, it will be an unpleasant surprise for many others.

In 2002, 2 million families will be thrown into the AMT because of the family credit alone. For example:

A single mother with two children in daycare with $51,400 in gross income would lose all of her child credit plus $141 of her dependent care credit in the year 2000 because she gets thrown into the AMT.

A two-parent family with three children, including one college freshman and $67,000 in gross income would lose $1,477 of their $2,500 combined family and HOPE scholarship credit because they get thrown into the AMT.

A two-parent family with two children in college and $64,100 in income would lose $723 of their Hope scholarship credit because they get thrown into the AMT.

This simply makes no sense. Therefore, today I am introducing legislation which would make nonrefundable personal credits, including the dependent care, child and education credits, creditable and the standard deduction and personal exemptions deductible for AMT purposes.

The AMT was meant to assure that sophisticated taxpayers couldn't zero out their taxes. It was never intended that your children would throw you into the AMT. I would urge my colleagues to support this important piece of legislation and keep our promises to the American people.

AMERICA RECYCLES DAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1997

Mr. FARR of California. Mr. Speaker, today I am introducing legislation that would express the sense of the House that the country ought to give itself a pat on the back for its progress in recycling. I am joined in this effort by Mr. PORTER, Mr. GEJDENSON, and Mr. GILCHREST and I am proud to have them as partners in this worthy effort.

This resolution would suggest that the House believes it appropriate that a national celebration of America Recycles Day be designated. This would be a day to celebrate the progress the country has made in establishing and integrating recycling programs in each state, in hundreds of cities, in thousands of communities.

Whether it be the simple act of depositing an old Coke can in an aluminum recycling bin, or meticulously separating brown glass from green glass from clear glass and hauling them all down to the city recycling center, it is clear that Americans have learned that recycling is

a valuable means of conserving resources, saving money, and keeping our environment clean.

When you look at the trash that we generate in a year's time—208 million tons worth—it is clear that it is incumbent on us to use less, recycle more and find new ways of managing our finite resources. The numerous recycling programs throughout the country are dedicated to this cause and each person who recycles ought to be commended for their dedication to a cleaner, safer environment.

The resolution I introduce today with my colleagues will hopefully be a catalyst for more Americans to recycle and continue this positive and simple means to a better future.

Mr. Speaker, I ask unanimous consent that the text of the resolution be printed following my remarks.

H. RES. —

Whereas the people of the United States generate approximately 208,000,000 tons of municipal solid waste each year, or 4.3 pounds per person per day;

Whereas the average office worker in the United States generates between 120 and 150 pounds of recoverable white office paper a year;

Whereas the Environmental Protection Agency recently estimated that the recycling rate in the United States has reached 27 percent of the solid waste stream;

Whereas making products from recycled materials allows the people of the United States to get the most use of every tree, every gallon of oil, every pound of mineral, every drop of water, and every kilowatt of energy that goes into the products they buy;

Whereas manufacturing from recycled materials creates less waste and fewer emissions;

Whereas recycling saves energy, reducing the need to deplete nonrenewable energy resources;

Whereas it is estimated that 9 jobs are created for every 15,000 tons of solid waste recycled into new products;

Whereas recycling is completed only when recovered materials are returned to retailers as new products and are purchased by consumers;

Whereas buying recycled products conserves resources and energy, reduces waste and pollution, and creates jobs;

Whereas more than 4,500 recycled products are now available to consumers;

Whereas the United States has a two-way, use and reuse system of recycling and buying recyclables; and

Whereas Americans support recycling, but need a regular reminder of the importance of buying recycled content products, the availability of recycled content products, and how to recycle: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that November 15, 1997, and November 15, 1998, should each be designated as "America Recycles Day"; and

(2) the House of Representatives requests that the President issue a proclamation calling on the people of the United States to observe each America Recycles Day with appropriate ceremonies and activities.

OHIO LAWSUIT ABUSE AWARENESS WEEK

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. BOEHNER. Mr. Speaker, the week of September 22–27, 1997, has been recognized in my home State as Ohio Lawsuit Abuse Awareness Week. Ohio Citizens Against Lawsuit Abuse [OCALA] has worked tirelessly over the last few years to help reform our legal system. Citizens across the State of Ohio have organized behind OCALA to fight the problems of lawsuit abuse. Almost everyone agrees that America has become an overly litigious society. In the Federal courts alone, the number of lawsuits filed each year has tripled in the last 30 years to more than 260,000 cases per year. This dramatic growth in litigation carries high costs for the U.S. economy: manufacturers raise their prices, withdraw products from the market, discontinue product research, and reduce their work force. The total cost of litigation in the United States is estimated to be approximately $150 billion per year, substantially higher than any other country and 2½ times the international average. While it is important to protect those who are truly victims, we must reform our system to prevent frivolous lawsuits.

Republicans in the 104th Congress worked hard for meaningful reform of our Nation's legal system, and over the President's veto we enacted legislation protecting employers from abusive strike suits brought by the securities bar. Unfortunately, our efforts with broader-based legislation intended to end lawsuit-abuse, restore fairness to the legal system, and ensure that real victims—not greedy lawyers—are fairly compensated was vetoed by President Clinton at the urging of trial lawyers.

Despite this setback, I will continue to work hard with my colleagues in Congress and with organizations like OCALA to pass bipartisan, commonsense legislation that will end lawsuit abuse and protect American consumers and workers.

While OCALA has thousands of supporters in the State of Ohio, I would like to take the opportunity to recognize some individuals who have given countless hours to advance the need for ending lawsuit abuse. They are Dana Smith, executive director of OCALA, Jackie Fox, chairwomen, Dr Claire Wolfe, Dr. David Rummel, Gerald Miller, Ken Blair, Jr., James Martin, Oron Elliott, Jack Koester, and Peter Beck, each directors and supporters of the continual efforts of OCALA.

Mr. Speaker, I would like to commend all of the individuals who are involved in Ohio Citizens Against Lawsuit Abuse for their dedication to this important endeavor. Ohio and the country as a whole need organizations like OCALA which will continue to fight against lawsuit abuse and for legal reform that is fair to all American citizens.

INTRODUCING THE 21ST CENTURY STUDENT FINANCIAL AID SYSTEM IMPROVEMENT ACT OF 1997

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. McKEON. Mr. Speaker, I rise today to introduce the 21st Century Student Financial Aid System Improvement Act.

This month the class of 2001, the first class of students to graduate in the new millennium, entered college. These students are preparing for the challenges of the information age. Unfortunately the system to help them finance their education is not measuring up to the same challenges.

As chairman of the subcommittee with jurisdiction over Federal higher education policy, I am responsible for the programs which provide Federal assistance in obtaining a higher education. I am pleased that the ranking minority member of that subcommittee, Mr. KILDEE has joined me as an original cosponsor of this legislation. We have listened to students, parents, and college officials, with whom we share the goals of—a simple and less bureaucratic system of student aid; a modern student aid system which is easy for students and parents to use; and an efficient and less expensive system that ensures that taxpayer funds are being well spent.

Unfortunately, today, under the current system, taxpayers are paying more and students are getting less. The Department of Education's budget for information systems has tripled over the last 5 years. Next year alone it will spend over $300 million on systems contracts to deliver student aid. Yet despite these significant expenditures, the current system is still wrapped in miles of redtape, requires dozens of paper forms, and suffers from needless processing delays and breakdowns.

Mr. Speaker, I believe that there is a better way for the Department of Education to do business. In fact, under the legislation that I am proposing today, the Department's student financial aid systems would be run more like a business—adopting the best practices from the private sector and focusing on bottom line results.

This legislation would establish a business-like performance based organization to manage the computer systems thereby ensuring that the Department of Education is not wasting money due to poor contract management. The Chief Operating Officer hired to manage this organization will be charged with: Simplifying the process of applying for financial aid for students and their families; and integrating student financial aid systems to improve efficiency, save money, and prevent fraud and abuse in the programs.

According to the GAO, the Department of Education has failed to resolve its long-standing management problems in the Office of Postsecondary Education, its data quality and management controls are inadequate, and its financial statements for the student loan programs cannot be audited. A customer-focused, performance-based organization within the Department, run by an experienced Chief

Operating Officer, can take the steps necessary to properly reengineer the current systems and contracts. In fact, the Department's own inspector general and the Independent Advisory Committee on Student Financial Assistance have both advocated this approach. It is also consistent with the recommendation to fundamentally restructure the routine processing of Federal student aid to take advantage of the best private sector practices. which was put forth to the subcommittee by the American Council on Education and 22 higher education associations in their recommendations for their reauthorization of the Higher Education Act.

This legislation would also require the Secretary to work cooperatively with the higher education community to adopt common and open electronic data standards for key elements in the delivery system such as digital signatures, personal identification numbers, and single institutional identifiers. By adopting these common standards, we can make great strides in simplification by eliminating paper forms, and unnecessary steps in the current process.

Students and their families deserve a modern student aid system that meets their needs. I urge my colleagues to join Mr. KILDEE and me in this effort, and to cosponsor this important legislation.

TRIBUTE TO THE JOLIET AMERICAN LEGION BAND

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the Joliet American Legion Band for winning its 36th national title at the American Legion Senior Band Contest in Orlando, FL.

The Joliet American Legion Band was formed 51 years ago. Since that time, it has grown to 85 members from Joliet and the surrounding areas. The band boasts a wide variety of musicians, ranging in age from 16 to 60 and older. Directed by Tom Drake, the Joliet American Legion Band is proudly sponsored by American Legion Post No. 1284.

All members of the band are volunteers who donate significant practice and performance time for the benefit of the community. Band members delight listeners by marching in parades and playing for a variety of community events. The Joliet American Legion Band also offers several free public concerts throughout the year for the enjoyment of all persons in the community.

Since its formation, the Joliet American Legion Band has merited many accolades and awards. It has won 36 national titles, along with 41 State crowns. Their latest victory is a great source of pride for the Joliet community. Not only has the Joliet American Legion Band been recognized for its excellence by other American Legions across the Nation, but also received a gold medal in 1985 at the International Music Festival in Toronto, Canada.

I urge this body to identify and recognize other volunteer organizations in their communities whose actions have so greatly benefited and enlightened America's citizens.

RECOGNIZING CABRINI COLLEGE FOR EXCELLENCE IN EDUCATION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to pay tribute to Cabrini College in Radnor, PA which has the distinguished honor of being named today to the John Templeton Foundation's 1997–98 Honor Roll for Character-Building Colleges.

One of only 134 colleges nationwide selected for this honor, Cabrini deserves recognition for its dedication to emphasizing character building as an integral part of student life. Cabrini College's commitment to character building is reflected by the school's inclusion of community service in its student curriculum.

Other aspects of Cabrini College that contributed to its being named to the John Templeton Foundation's Honor Roll include the school's emphasis on developing and strengthening of its students moral reasoning skills, its encouragement of spiritual growth and moral values, and its promotion of character-building programs and activities.

A private, Catholic college located in the suburbs of Philadelphia, Cabrini College's faculty-student interaction, beautiful campus, and excellent curriculum make it one of the most respected institutions in the region. I am pleased that Cabrini College is receiving the national recognition and respect that it has earned many times over.

I ask my colleagues to join me today in recognizing this significant accomplishment of Cabrini College and thanking the John Templeton Foundation for its promotion of character-building colleges like Cabrini.

DURYEA FARM IN MONSEY, NY TO CONTINUE SERVING COMMUNITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. GILMAN. Mr. Speaker, it is with great pleasure that I am able to report the preservation of a much needed and valued property in my congressional district in Monsey, NY. Earlier this year the Duryea Farm was purchased by the Rudolf Steiner Fellowship Foundation, Inc., which has announced that the farm will retain its agricultural character. This is truly an event to be lauded.

On September 28, 1997, the Duryea Farm will be rededicated to the service of the people of Rockland County. One of the few remaining farms in Rockland, it will become the county's only organic farm. This step is noteworthy, marking the heritage of Rockland County, a place where orchards and barns were once the norm and not the exception.

In addition to reclaiming this fading period of history, the Duryea Farm will house the Jessup Learning Center, named in honor of two longtime area educators. The learning center will focus on farm life through storytelling, photographs, and equipment owned by the Duryea family. Educational programs through the Cooperative Extension will also be offered. The combination of education and farming represents an admirable and worthwhile venture on the behalf of the Rudolf Steiner Fellowship Foundation, Inc., and the people of Rockland County.

Saving this valuable parcel of land from the bulldozers of developers and giving it back to the community is a worthy gesture of goodwill. I ask my colleagues to join me in welcoming a bright future for the Duryea Farm.

ON TRACK WITH OUR NATION'S INTERESTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. CRANE. Mr. Speaker, recently, several Members of Congress, including myself, met with the administration to discuss fast-track trading authority soon to be offered in the House for consideration. This legislation grants the administration authority to negotiate and implement trade agreements with other nations, which Congress would either support or vote down unamended. It is my opinion that this authority is a necessary step toward the President's goal of having hemispheric free trade by the year 2005. More importantly, fast track is a necessary step to strengthen the U.S. economy at home—helping producers, workers, and consumers. The agreements made as a result of fast track will expand our markets far beyond our shorelines to other nations who desire high quality, American-made products. Exporting companies offer workers jobs, which provide better pay and better benefits. Consumers have a larger variety of products to choose from at more competitive costs.

In the past, fast track has been derailed by special interests, who lack the foresight to see that the general interest of our Nation will benefit from free and open trade—a status that can be greatly assisted by extending traditional trading authority to this administration. The following article, which was printed in the Wall Street Journal, on September 12, 1997, highlights the need to pass fast track to maintain our Nation's role in the international marketplace. If it is not passed, special interests will in the end realize that their selfish motivations cause more harm than good. I hope my colleagues consider the points made in this article and support legislation to extend fast-track trading authority to the administration.

[From the Wall Street Journal, Sept. 12, 1997]

U.S. EXPORTERS TO LATIN AMERICA NEED FAST-TRACK

(By Robert Mosbacher)

When President George Bush unveiled his Enterprise of the Americas Initiative in the early 1990s, many thought the emergent free trade bloc would develop according to a "hub-and-spoke" model. As the "hub" of hemispheric trade, the U.S. would form a series of inter-locking bilateral free trade agreements with the "spoke" nations of Latin America and the Caribbean until these agreements could be melded into a single free trade accord. That vision is slipping away.

President Clinton promised Wednesday to put trade expansion back on the front-burner. He plans to ask Congress to renew fast-track legislation, which would authorize the president to negotiate international trade agreements on which Congress would vote up or down. If he fails to secure fast-track authority, however, the U.S. will be relegated to "spoke" status in the emerging hemispheric trading order, leaving many U.S. businesses at a disadvantage. Furthermore, fast-track authority should be clean—that is, it must not be weighted down with requirements that trade agreements also mandate environmental and labor regulations.

Since the promising 1994 Miami summit, when the proposed trade initiative was renamed the Free Trade Area of the Americas, the U.S. has withdrawn from its leadership role on liberalized trade. Instead, inter-locking trade relationships have been forming around the southern cone customs union—Mercosur—comprising Brazil, Argentina, Uruguay and Paraguay.

Last year, while Washington dithered, Mercosur took decisive action, offering Chile and Bolivia associate membership. This created a market of 220 million potential consumers with a combined gross domestic product of about $1 trillion—more than twice the economic output of Asean, the Association of Southeast Asian Nations.

This year, while still waiting for the president to lead on fast-track, Mercosur is planning free trade talks with Colombia, Venezuela, Ecuador and Peru. Mercosur might soon realize its goal of establishing a South America Free Trade Area, which could serve as a counterweight to NAFTA, the North American Free Trade Agreement, in hemispheric free trade talks. Mercosur has already been approached by the European Union about a free trade alliance and will also soon begin free trade talks with Mexico, Canada and the Central American Common Market.

One of the consequences of Mercosur's expansion and the American retrenchment is that the U.S. is losing leverage in hemispheric free trade talks. While official negotiations are not scheduled to begin until 1998, the failure of the U.S. to secure fast-track leaves open the distinct possibility that the agenda and timetable for these talks will be dominated by other countries.

Lack of fast-track is also hurting U.S. companies seeking access to the region's dynamic consumer markets. American wine producers are losing market share in Venezuela to Chilean producers, not because Venezuelans prefer Chilean Merlot to Napa Valley Cabernet Sauvignon, but because Chile has a free trade agreement with Venezuela that allows its wines to enter the country tariff free. American wines, by contrast, carry a hefty 20% duty. If the duty were to be eliminated, industry experts believe that U.S. wine producers could see their share of the Venezuelan market jump from the current 5% to well over 30%.

While California wine producers cannot pull up their vines and move to more hospitable commercial climates, other industries are less restricted. Caterpillar Inc., based in Peoria, Ill., recently announced plans to produce bulldozers, excavators and off-road trucks in Brazil for export to Chile. The decision to build the equipment on foreign rather than U.S. soil was based on tariff considerations. U.S. exports to Chile face an average 11% tariff, while tariffs on Brazilian exports are being phased out under Mercosur. Other companies that may follow Caterpillar's lead include General Electric and Eastman Kodak.

Several major U.S.-based multinationals with joint ventures in Chile—including IBM, Southwestern Bell and McDonald's—have announced plans to source millions of dollars in equipment in Canada and Mexico rather than in the U.S. The reason, again, is that Canada and Mexico have bilateral free trade accords with Chile that permit their goods to enter the South American country tariff-free, while U.S. goods face prohibitive duties. According to the U.S. Chamber of Commerce, the loss of opportunity for U.S. exports to Chile is $480 million a year and climbing.

Those who question the need for deeper economic integration should consider the benefits of Nafta. Notwithstanding the 1994 peso devaluation—which halved the price of Mexico's exports to the U.S.—U.S. exports to Mexico and Canada have grown 34% since the pact took effect in 1994. They now outstrip total U.S. exports to either the Pacific Rim or Europe.

According to a Council of the Americas study of 21 U.S. states, nine states have witnessed 40% plus growth in exports to Mexico and Canada since 1993 and another seven have seen those export markets grow by more than 30% during that time. In 1996, California exported to Mexico more than $9 billion in goods and services. The California World Trade Commission estimates that exports to Mexico support more than 125,000 jobs in the Golden State, with almost 25,000 of these jobs resulting from export growth in 1995 alone.

Nafta has also helped promote U.S. interests in Mexico by helping stabilize the country in the aftermath of the peso crisis. After Mexico's 1982 peso devaluation, it took seven years before the country showed signs of recovery. By contrast, Mexico's economy touched bottom and began to turn around less than 12 months after the December 1994 devaluation. There is also little doubt that the climate of openness fostered by Nafta raised political consciousness and contributed to the July 6 electoral shakeup that ended 70 years of political dominance by the Institutional Revolutionary Party.

An activist American trade policy made possible by fast-track negotiating authority will keep the U.S. economy strong and guarantee that future generations enjoy rising living standards. That said, the importance of fast-track transcends economic issues. As Rep. Lee Hamilton (D., Ind.) recently said, "Fast-track is not just about trade, it is about U.S. leadership and influence in the world. And a president without fast-track is a president without power to promote U.S. interests abroad." We ignore this reality at our own peril.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. GOSS. Mr. Speaker, on rollcall Nos. 402–415, I was unable to record my votes because I was called away on a family emergency. Had I been present, I would have voted "yea" on rollcall Nos. 415, 413, 411, 410, 409, 408, 407, and 406, and "nay" on rollcall Nos. 414, 412, and 405.

IN HONOR OF THE 70TH ANNIVERSARY OF THE EAST SIDE CHAMBER OF COMMERCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to the East Side Chamber of Commerce on the 70th anniversary of its founding. The chamber has had a remarkable and honorable history of serving the residents and businesses of the East Side of Manhattan for most of this century.

The chamber was born in 1927 when it fought, almost single-handedly, to have a suspended trolley service reinstated to the Upper East Side. The chamber's successful 2-year battle to save the trolley service was only the beginning of a long history of service for the East Side.

The chamber also encouraged and took an active role in the development of housing projects like the Peter Stuyvesant Apartments, Ageloff Towers, and the Nation's first public housing venture, the First Houses at Avenue A and 3d Street.

East Side businesses benefited from the chamber's efforts as well. One successful campaign the chamber waged was the battle against push-cart markets which were rapidly congesting the Lower East Side and posing a threat to the area's businesses. The chamber's proposed alternative, the Essex Street Retail Market, was an indoor market that successfully kept push-cart vendors in business, but off the streets.

Over the past 70 years, the chamber made numerous transportation improvements to the East Side to facilitate access. The chamber played an active role in widening East Side streets, providing adequate subways, such as campaigning to have the IND routed through the East Side, and initiating discussions for an East River Drive.

The East Side Chamber of Commerce in 1997, under the leadership of president Joseph Greene and chairman of the board of directors, Sidney Baumgarten, is involved in many of the issues that affect East Siders: sanitation, rent control, bridge reconstruction, housing, crime prevention, education, and much more.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the East Side Chamber of Commerce as it celebrates its 70th anniversary. Their formidable record of achievement in bettering the East Side has made it a better place to live and work. I am proud to have an important and respected organization in my district.

INTRODUCING THE EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. McKEON. Mr. Speaker, I rise today to introduce the Emergency Student Loan Consolidation Act of 1997.

Let me begin by saying that we must remember that everything we do in higher education has an impact on students, and the Department of Education's management problems are no different. It is no secret that I have had serious doubts about the long-term viability of the Direct Student Loan Program. Today we face a crisis in direct loan consolidation which only serves to heighten those concerns.

However, this is not about direct loans or guaranteed loans or which program is better. This is about students. This is about students who are currently unable to consolidate their direct loans. This is about student loan borrowers who may pay hundreds or even thousands of dollars in additional interest costs, who may have serious difficulty in securing other credit such as a mortgage, and who may even default on the student loans if we do not act now to fix this problem.

At this very moment, the contractor hired by the Department of Education to perform direct student loan consolidations is facing a backlog of 84,000 applications. This is clearly unacceptable. The number of students affected is actually much higher than this, since the Department of Education has now stopped accepting new applications for direct consolidation loans until this backlog is cleared. The Department hopes to accomplish this feat by December 1. However, to do that the contractor will have to quadruple the rate at which it is processing applications, and I have serious doubts as to whether this can be accomplished.

The legislation we are introducing today will fix this problem for students now, in the short term, rather than making borrowers wait months for the Department and its contractor to straighten things out. Currently, the Higher Education Act of 1965 prohibits direct student loan borrowers from consolidating their direct student loans into FFEL loans through private lenders and servicers. Even if borrowers could consolidate their direct loans into the FFEL Program, few would because in most cases they would pay a higher interest rate, and would lose their deferment benefits on any subsidized loans which were consolidated.

Upon enactment, the Emergency Student Loan Consolidation Act will immediately change this to allow borrowers to consolidate direct student loans into FFEL consolidation loans. The interest rate for all new consolidation loans will be the equivalent of the 91-day Treasury bill rate plus 3.1 percent, the same as in the Direct Loan Program, and borrowers who consolidate subsidized loans, whether in the Direct Student Loan Program or the FFEL program will not lose their deferment benefits simply because they consolidate their loans.

This is emergency legislation, so these changes will only remain in effect until September 30, 1998. The cost of this legislation will be paid for by reducing the administrative funds for the Direct Loan Program by $25 million.

In conclusion, let me just finish by sharing the individual comments of a few of the students effected by the direct loan consolidation fiasco. At a hearing before the Subcommittee on Postsecondary Education, Training and Life-Long Learning last week, Ms. Angela Jamison had this to say: "In the process of consolidating our student loans, my husband and I have been beset by chronic mistakes which range from incompetence to malfeasance." A process that was supposed to have taken her 8 to 12 weeks has taken her and her husband 8 months. The Jamisons were almost unable to close on their mortgage due to these delays, and to this day their loans have not been consolidated.

Many others have expressed a similar lack of confidence in the Department's ability to provide quality customer service, and you don't have to go very far to hear it. In church on Sunday, I spoke with David Higbee, a recent law school graduate. David had written me a letter about his problems with the direct loan consolidation process, and in it he said "we quickly received an estimate from Sallie Mae on the portion of our student loans we were refinancing there, the Department of Education was slow and refused every reasonable suggestion to expedite its inadequate 'customer service' process."

I am inclined to believe these students, and I am inclined to help them and the 84,000 like them with similar stories. The legislation that I am introducing today will provide these borrowers with immediate emergency relief. It is budget neutral. It is also the right thing to do. I urge my colleagues to help these students by supporting this important legislation and cosponsoring the Emergency Student Loan Consolidation Act.

TRIBUTE TO THE SOUTH BRONX OVERALL ECONOMIC DEVELOPMENT CORP. ON ITS 25TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the South Bronx Overall Economic Development Corp. for its 25 years of fruitful service to the South Bronx community.

In 1972, U.S. Senators Jacob Javits, New York State Attorney General Robert Abrams, and six major banks joined together to establish the South Bronx Overall Economic Development Corp. [SOBRO]. The corporation was founded at a time when the South Bronx was suffering from major economic devastation, jobs were scarce, and people were leaving the area.

Over the past 25 years, SOBRO has successfully encouraged investment and economic growth in the South Bronx and has provided education and job training to area residents. Among its many accomplishments, SOBRO has trained or placed in jobs more than 20,000 residents, created or retained more than 30,000 jobs in the area, stimulated more than $120 million in investments, and assisted in the reconstruction of commercial districts.

In collaboration with Mott Haven neighborhood strategies project, SOBRO has been successful in training residents and placing them in jobs with businesses in empowerment zone areas. SOBRO also provides business training and technical assistance to minority entrepreneurs. It has also established a credit loan program to facilitate financial services, including loans for small businesses.

In addition, by forming partnerships with local businesses and area high schools, SOBRO has succeeded in providing valuable internship programs and part-time jobs for high school and intermediate school students. The organization also trains adults in many skills including cable installation, computer repair, home health care, customer service, and building maintenance.

Moreover, SOBRO has assisted in the transformation of abandoned buildings into affordable housing and commercial space. It currently has many projects underway, including the reconstruction of a 60-unit housing project for people living with AIDS. In addition, SOBRO has been successful in renovating Bruckner Boulevard, which has attracted many artists, antique shops, and other businesses to the area.

Changes in the welfare law are placing greater constraints on organizations like SOBRO that are trying to assist people in need. Despite this, SOBRO has continued to provide quality services to low-income South Bronx residents and to attract businesses to the area.

Mr. Speaker, it is an honor for me to recognize SOBRO for it 25 years of achievements, training and educating the youth, spurring economic growth, and beautifying our South Bronx congressional district.

TRIBUTE TO MARIE HAFF

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today to extend my heartfelt congratulations to my constituent, Marie Haff, on her birthday. This past June 29, 1997, Marie Haff turned 80 years young.

Marie Haff, a resident of Pleasanton, CA, is a strong believer in family, hard work, and education. She is the proud mother of three daughters, grandmother of nine children, and great grandmother of three. Although Marie officially retired in 1982 from her job, manager of Northern California Credit Bureaus, she certainly has not stopped working. Currently, she is a trustee emeritus of Western Management Institute of Washington, DC, and serves as executive secretary of Associated Credit Bureaus of California. In addition to this already busy schedule, Marie attends classes at the local college, and last year at the age of 79, set out to conquer the information age by obtaining her first computer.

For many years Marie has served as a volunteer for local charities. She is active in promoting womens rights, and chaired the national committee which wrote the Equal Credit Opportunity Act, giving women the right to have their own credit records. For her efforts she has received many awards, including the Soroptomist Woman of the Year Award, International Credit Association Outstanding Leadership Award, and the Distinguished Service Award, California Department of Consumer Affairs.

I am proud to know Marie Haff. I offer her my warmest congratulations, and best wishes for all the years ahead.

TRIBUTE TO LT. COL. DANIEL R. CUNNINGHAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. MURTHA. Mr. Speaker, I rise today to inform the Congress of the immminent retirement of Lt. Col. Daniel R. Cunningham, a truly outstanding soldier in the U.S. Army. He has served this Nation faithfully and honorably for more than 26 years. Lieutenant Colonel Cunningham is most deserving of our tribute. His career accomplishments reflect the type of military leader this Nation has depended upon for over 200 years during peace and war. I would like to take a few minutes to outline Dan's career milestones.

On May 9, 1971, as a distinguished military graduate from the Gonzaga University's Reserve Officers Training Corps Program, he was commissioned a second lieutenant in the infantry, Regular Army. For the next 7 years, he served in a number of troop-leading assignments that took him to the 9th Infantry Division, Fort Lewis, WA, the 3d Infantry Division, Kitzingen Germany, and the Infantry School, Fort Benning, GA.

While in Germany, he commanded a mechanized infantry company and served as the infantry battalion's principle staff officer for logistics. Following his tour in Germany, he attended military schools and completed a masters degree in business. After schooling, Dan's career turned toward military comptrollership and resource management. As a comptroller, he served in the Ballistic Missile Defense Advance Technology Center, Huntsville, AL, and at Headquarters Forces Command, Fort McPherson, GA. A highly successful comptroller, Colonel Cunningham went back to troops serving as an infantry brigade adjutant and an infantry battalion executive officer in the 25th Infantry Division, at Schofield Barracks, HI.

The last 7 years of Dan's career have been spent in the Pentagon with the exception of 7 months duty in Saudi Arabia with the 22d Support Command and Army Central Command during Desert Storm. For the past 5½ years he has served with distinction as the Army's liaison to the Appropriations Committees. Colonel Cunningham dilgently and successfully worked budget submissions and resource issues through seven legislative cycles. During that time he has accompanied me on countless trips to almost every trouble spot in the world from the hunger and violence of Somalia and Haiti, to the destruction in the Balkans. This officer was always on top of the issues of the day, and could always be relied on to insure the Congress got the right information.

Lieutenant Colonel Cunningham's awards include the Legion of Merit, five awards of the Meritorious Service Medal, two awards of the Army Commendation Medal, and two awards of Army Achievement Medal, the Southwest Asia Service Medal with Bronze Service Star, the Kuwait Liberation Medal, the Parachute Badge, the Air Assault Badge, and the Army Staff Badge.

Mr. Speaker, it is a great honor for me to present the credentials of Lieutenant Colonel Cunningham before the Congress today. It is clear through his stated and unstated accomplishments for his country that he has been a man who daily dedicates himself to the peace and freedom we enjoy as a nation today. All his actions reflect a true leader with a clear sense of purpose, conviction, and conscience of service to his Nation. We wish him continued success in his future endeavors.

RABBI AND MRS. SCHWAB HONORED BY TEMPLE SINAI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. GILMAN. Mr. Speaker, I am pleased to honor two remarkable residents of New York's 20th District. Rabbi Joel Schwab and Aviva Schwab of Orange County, NY, are, and have for years been, exemplary community leaders. So much so that they have been designated "Distinguished Members of the Year" by Temple Sinai in Middletown and will be honored at a luncheon on October 26.

Rabbi Schwab has served 15 years as rabbi of Temple Sinai. But his commitment to the Greater Middletown community goes beyond his rabbinical duties. The Jewish Family Service of Orange County was cofounded by Rabbi Schwab. He has been involved with numerous local organizations, many of which he is still actively involved with today. These include the Jewish Federation of Orange County, the Hebrew Day School of Orange County, Interfaith Council of Greater Middletown, the Emergency Housing Group, Middletown Psychiatric Center, and the Rabbinical Assembly of America, Mid-Hudson region. Rabbi Schwab has also served members of the Jewish faith while acting as chaplain at the Mid-Hudson Psychiatric Center, as well as serving on the clergy committee of Horton Hospital.

Mrs. Schwab, wife of Rabbi Schwab, has served in a significant role in the education of children of Orange, Rockland, and Dutchess Counties. The Systematic Training for Effective Parenting [STEP] has been of particular importance to her as she brings these STEP workshops to parents throughout the Hudson region. Her work with the David Moore Heights Children's Library and the Hebrew Day School of Orange County have added to his ongoing legacy of supporting education. Mrs. Schwab's work for the Jewish community has been outstanding. As a lifetime member of Hadassah, the temple shul crier, director of the High Holiday Sitting Service and Shabbat Morning Sitter Service, and member of Temple Sinai's Sisterhood, Women's American ORT, and the Jewish Federation of Orange County Aviva has selflessly given of herself to her community.

Mr. Speaker, Rabbi Joel and Aviva Schwab have clearly dedicated their lives on behalf of their community. Middletown and the entire 20th District are proud that these two outstanding citizens are such good neighbors.

I invite my colleagues to join in congratulating the Schwabs for their devotion to their community.

150TH ANNIVERSARY OF THE PUBLICATION OF THE FIRST MERRIAM-WEBSTER DICTIONARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to Merriam-Webster, Inc., who, today celebrates the 150th anniversary of the publication of its first dictionary. In the early 19th century, Noah Webster created the original work that laid the groundwork for the Merriam-Webster dictionaries of today. However, it was the initiative of two brothers, George and Charles Merriam, that established Merriam-Webster dictionaries as the standard.

In 1831, George and Charles Merriam opened a printing and book selling operation in Springfield, MA. G. and C. Merriam Co., later renamed Merriam-Webster in 1982, inherited the Webster legacy by revising and updating Webster's dictionary after his death in 1843. From that day on, the two brothers continued to uphold Webster's integrity and style and incorporated Webster's mastery into their own editions. In keeping with the Webster tradition, the Merriam brothers selected Chauncey Goodrich, Webster's son-in-law and literary heir, and William Webster's son, to serve as editors of the first Merriam-Webster dictionary.

President James K. Polk, several U.S. Senators, and many other prominent people regarded the first Merriam-Webster dictionary as a great resource for all. By 1850, it became a resource for students across the country and continues to be America's most trusted authority on the English language. Today, Merriam-Webster reference products are found in every office, home, and school. These products serve the global community and are acknowledged with much prestige.

For the past 150 years Merriam-Webster, Inc., has maintained a staff that embodies character and standards formulated by Noah Webster and the Merriam brothers. This philosophy continues to be the driving force behind the company, which today boasts the largest group of lexicographers in North America. This knowledgeable and experienced staff has and will continue to ensure that the style, voice, and integrity of its founding fathers continues into the future.

Mr. Speaker, I am proud and honored to have Merriam-Webster be a part of the Second Congressional District in Massachusetts. I

ask my colleagues to join me today in congratulating Merriam-Webster, Inc., on the occasion of its 150th anniversary of its publicized dictionary.

HONORING STAN MARSHALL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding individual, Mr. Stan Marshall. Mr. Marshall is being honored by United Automobile Workers Local 599 with the dedication of the Stan Marshall Union Hall on Saturday, September 27, 1997, in my hometown of Flint, MI. I am particularly pleased with this designation since UAW Local 599 was my father's local.

Stan Marshall is a giant in the labor movement. His career with Buick Motor Division began in 1950 working on the assembly line. He began working with the United Automobile Workers as an alternative committeeman and quickly moved to the positions of committeeman, shop committeeman, and chairman of the shop committee. Stan was appointed to the International Union staff in Region 1C in 1977. In 1983 he was elected to the United Automobile Workers International Executive Board as the director of Region 1C.

After two terms in this position Stan was elected as the United Automobile Workers vice-president in June, 1989. In this capacity he headed the union's Chrysler Department, the National Organizing Department, the General Dynamics Department, the foundry department, and the technical, office and professional department. He served in this position until his retirement in 1995.

Stan Marshall has been a major influence in the Flint community. In addition to his duties with the United Automobile Workers, Stan has devoted numerous ours working for the betterment of everyone. He has been active with the American Red Cross, the March of Dimes, the United Way for Southeastern Michigan, the Metropolitan Detroit AFL–CIO, the Metropolitan Affairs Corp., the Economic Alliance of Michigan, and the Delta Dental Plan of Michigan. He is also the father of seven children.

Mr. Speaker, it is an honor to rise today to pay tribute to an individual as special as Stan Marshall. His outstanding leadership abilities and communication skills have served the members of the United Automobile Workers well. He is an inspiration to me and many other individuals. I treasure his friendship and value his advice. I know that by naming this great facility in his honor his union brothers and sisters are expressing their gratitude for his selfless dedication to our community.

A TRIBUTE TO ONE OF MY DEAREST FRIENDS, THELMA PAULINE MILLER—MAY SHE REST IN PEACE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. POSHARD. Mr. Speaker, I would like to pay tribute to one of my dearest friends, Thelma Pauline Miller. She passed away on July 27th, leaving a legacy of kindness and consideration that will be remembered by all who knew her. Pauline was not just a great friend of mine, but a friend to the entire community of Herrin, IL. Born on January 23, 1918 in Brookport, IL, Pauline was married for 43 years to Carl Miller, who served as Williamson County Sheriff. Carl preceded her in death as did her parents, Bryan and Clara Johnson, and her sister Geraldine Burgoon.

Pauline touched many people through her devoted work to numerous causes. She was never afraid to roll up her sleeves and get the job done, contributing her time to the Business and Professional Women's Club, Win One Class, First Christian Church in Herrin, and the Veterans of Foreign Wars Auxiliary and Eagles Auxiliary. She was also active in politics, serving as a Democrat State central committeeman and as Williamson County chairwoman. Professionally, Pauline worked for the Department of Unemployment for 12 years.

Pauline will be remembered by many people whose lives she graced over the years. She is survived by a loving family, including her daughter Linda, son, John, brother Howard Eugene, five grandchildren, and two great grandchildren. May God bless her family, and I know that the spirit with which she lived her life will be with us for some time to come.

FOOD SAFETY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 24, 1997, into the CONGRESSIONAL RECORD.

IS YOUR SUPPER SAFE? U.S. FOOD SAFETY POLICY

Many Hoosiers have asked me if the food we eat is safe. Recent news reports on tainted hamburger, contaminated fruits and vegetables, and the impact of microbes on certain fish have renewed concern about the safety of our food supply. People are paying closer attention to food safety, and they are demanding that government and industry deal with those threats.

We continue to have one of the safest food supplies in the world. Publicity about contaminated food is one side-effect of a safer food supply—scientists are better-equipped to identify, trace, and warn consumers about possible risks. At the same time, our enormous food production chain can spread foodborne disease faster and farther than ever before. Food is often processed in huge factories in one state and shipped and eaten by individuals around the country, with plenty of opportunities for mishandling along the way.

Many of these food dangers are difficult to detect. E. Coli, salmonella, and other threats continue despite stronger meat inspection procedures. Vast amounts of imported foods treated with pesticides are entering U.S. markets uninspected. Several steps are needed to improve food safety.

EDUCATION

We need better consumer education. The most important step consumers can take is to prepare foods correctly. Fruits and vegetables should be washed thoroughly. Ground beef should be heated thoroughly to kill E. Coli and other bacteria. Poultry and eggs should be cooked fully to avoid salmonella, and surfaces that come into contact with raw poultry should be immediately cleaned. In fact, the number one cause of salmonella is preparing fruits and vegetables at home on surfaces that have been in contact with raw poultry. USDA offers free advice on safe food preparation on a toll-free hotline (1–800/535–4555).

SAFER PESTICIDES

We should make pesticides safer. Since World War II, agrichemicals have been a key factor in U.S. agricultural productivity—controlling weeds and insects, and boosting crop yields. Yet by definition pesticides are toxic and can pose health risks. The Environmental Protection Agency (EPA) decides which pesticides can be used, but hundreds of pesticides were approved long before we had the technology to assess their risks. It is estimated that these older pesticides constitute 90% of the dietary risk facing the public. Last year Congress reformed pesticide laws to encourage EPA to balance the risks and benefits of newer pesticides. This change should accelerate approval of safer pesticides to replace older ones.

BETTER INSPECTION

Government food inspection, which is currently divided between the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA), can be improved. Questions have been raised about illegal pesticides on the market, enforcement against violators has not been strong enough, and FDA tests less than 1% of food shipments. FDA inspections should be strengthened.

Meat and poultry sold in the United States must be inspected by USDA. Meat inspection legislation, which dates back to 1906, is far stricter than the FDA's rules for other foods. Each and every slaughtered animal is inspected by a federal inspector for visual contamination. If USDA has reason to believe a food or processing plant is unsanitary, it can suspend federal inspection—which amounts to shutting the plant down. USDA has used this authority to encourage companies to recall risky products and to insist on changes in processing methods. USDA does not currently have the authority to order a recall by itself.

In 1996, USDA began a program to modernize its meat inspection techniques. The old system, sometimes known as "poke and sniff", relied largely on sight, smell, and touch. While the system has worked reasonably well, it is not so effective at detecting invisible pathogens such as E. Coli. The new Hazard Analysis and Critical Control Point (HACCP) system will use scientific testing at a series of key points in meat processing. Inspectors will be better able to locate problems before they contaminate large amounts of food. The completed HACCP system

should greatly increase our ability to prevent food contamination.

ANIMAL AND PLANT RESEARCH

We should increase research on the causes and cures of food contamination. Animals are natural carriers of bacteria, but research indicates that certain feeds or antibiotics may greatly reduce the amount of harmful bacteria that are produced. New farming techniques and genetic research also offer new ways to reduce the use of pesticides. Some researchers, for example, have identified "good" bacteria that kill E. Coli inside a living animal. Others have developed crops with their own natural pesticides—reducing chemical risk and the cost of production. Congress should devote more attention to research aimed at preventing food-borne diseases.

IRRADIATION

One technique gaining attention is food irradiation. Low doses of gamma rays can kill pathogens and extend shelf-life dramatically. The FDA has approved irradiation for pork, poultry, and produce. A similar proposal for beef is pending. Irradiation does not make food radioactive. It does not change a product's appearance or taste. Many hospitals serve irradiated foods, as do more than 40 countries. Irradiation has been deemed safe by the American Medical Association, the American Dietetic Association, and the World Health Organization. Yet consumers are reluctant to buy irradiated food, and food processors have not widely adopted irradiation. Some consumer groups argue that irradiation is more costly than improving production practices. Irradiation can also kill "good" bacteria, which often help digestion or fight other diseases. However, irradiation appears to be an effective way to increase food safety. We should increase research and consumer knowledge about this important technique.

CONCLUSION

Helping to ensure a safe and healthy food supply is one of government's fundamental responsibilities. Current policies have succeeded by providing a relatively safe food supply at a reasonable cost. Proper food preparation is the most important step, but consumers have a right to demand a more modern system. With common sense and new technology, the United States should continue to have one of the safest food supplies in the world.

CONGRATULATIONS TO THE REVEREND DR. ROBERT LOWERY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate the Reverend Dr. Robert Lowery on the 40-year anniversary of his dedicated service to St. Timothy Community Church in Gary, IN. Dr. Lowery will be honored by St. Timothy Church during a 3-day anniversary celebration, which will include a gala banquet to be held at St. Timothy Community Church on Saturday, September 27, 1997, at 6 p.m. The banquet, which is entitled "A Tribute: The Man and His Message," will be in honor of Dr. Lowery's service to his parish, as well as his demonstrated commitment to improving the communities of northwest Indiana.

On September 27, 1957, Dr. Lowery began his ministry at St. Timothy Community Church as an interim pastor armed with several degrees and an enthusiasm for serving the community. With a masters of divinity from Garret Theological Seminary and a doctorate of ministry from Chicago Theological Seminary, Dr. Lowery was well prepared for the self-defined role he would accept to spiritually guide, sustain, and shepherd the members of his parish and community. Since his arrival at St. Timothy Community Church, Dr. Lowery has devoted his time to providing guidance and training for the youth of northwest Indiana, planning and supporting positive urban initiatives, and addressing crucial issues related to education, health care, crime, and teenage pregnancy.

Dr. Lowery has carried out his youth-, education-, and urban-development-oriented agenda through his voluntarism with a number of prominent community service organizations. Currently, Dr. Lowery serves on the board of directors for the Northwest Indiana Boys and Girls Club, an organization which provides educational, social, and recreational services for young people, supports the Marion Home, a residential facility for young pregnant women, and is a Scoutmaster for Gary Boy Scout Troop 53. Through his work with such distinguished organizations as the Gary Educational Development Foundation and the Northwest Indiana Urban League, he has been instrumental in structuring a comprehensive framework for educational programs, which divert the energies of youth into productive activities. Dr. Lowery has also aided urban development during his tenure as an executive board member for the Northwest Indiana Urban League, Referral Emergency Services, and the Lake County Mental Health Association. In addition to faithfully serving numerous other organizations, Dr. Lowery holds an associate professorship at Indiana University-Northwest, where he teaches in the area of church society and psycho-dynamics of minority problems.

Over the years, Dr. Lowery has been recognized by a number of institutions for his outstanding commitment to northwest Indiana communities. As a result of his theological and humanitarian efforts, he was awarded an honorary doctorate of humane letters from Purdue University-Calumet in 1996, and an honorary doctorate of divinity from the Chicago Theological Seminary in 1991. In addition, he has received countless awards for his community service efforts from such organizations as the Boy Scouts of America, the NAACP, the March of Dimes, and the Lake Area United Way. Some of the more prominent service honors bestowed upon Dr. Lowery include the 1990 State of Indiana Sagamore of the Wabash Award, the 1996 Calumet College St. Joseph the Worker Award, and the 1997 Indiana University-Northwest Chancellor's Medallion Award Citation.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Lowery on his outstanding accomplishments during his 40 years of service to St. Timothy Community Church and its surrounding communities. His wife, Josephine Mathews-Lowery, and their daughters, Gay Marlene Lowery, Lynn Michele Lowery-Darby, and Jan Avis-Lowery, should be proud of his efforts, as his leadership has served as a beacon of hope throughout the Gary community. Dr. Lowery's devotion to improving the quality of life for the people of Indiana's First Congressional District is truly inspirational.

TRIBUTE TO MR. JAMES ROUNDTREE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. James Roundtree, an individual who is dedicated to helping others in the South Bronx community.

Mr. Roundtree is currently the director of St. Benedict the Moor Neighborhood Center, a grassroots organization which provides assistance to people living with AIDS and with substance abuse problems.

At the center, located on St. Ann's Avenue, hot meals are served to 200 people a day, 5 days a week. The center also provides referrals to medical facilities, housing, and 12-step programs for victims of substance abuse problems.

The center is funded in part by donations. Some of the center's staff are paid by the national Americorps Program; however, many workers are volunteers.

Mr. Roundtree became the director of the center after Rev. Roger Ciglio, the founder of the program, passed away in 1990. Once a patient of the center himself, Mr. Roundtree has been committed to giving back to those in need.

Over the past 7 years, Mr. Roundtree has been a friend, a counselor, and an inspiration for many who, like him, have been victims of substance abuse.

Mr. Roundtree says that he does not give up on anybody. He knows first hand the difficult challenges faced by recovering victims.

St. Benedict the Moor Neighborhood Center formed a coalition with St. Ann's Church, Public School 30, and the Parks Council, to revitalize the area surrounding the center—the Mott Haven community. The coalition created a garden from 139th to 140th Street. Recovering patients take part in a gardening program as part of their therapy sessions. The garden is now visited by students and families with children. It is also the home for summer jazz concerts.

Mr. Roundtree may leave the center because of health reasons. His contributions to the community have not gone unnoticed and will not be forgotten. They are encouraging to the many individuals he has helped and for those who may follow in his footsteps.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. James Roundtree for his compassion and dedication to helping others in our South Bronx community.

THE REOPENING OF THE BURLINGAME PUBLIC LIBRARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. LANTOS. Mr. Speaker, it is my distinct privilege and honor to pay tribute to the Burlingame, CA, Public Library, one of the finest community institutions in our country. To me and to the thousands of Bay Area residents who have had the pleasure of using this outstanding facility, the importance of the Burlingame Public Library cannot be measured merely by its diverse collection of 239,000 books, nor its 400 periodical subscriptions, nor the beautiful Tuscan-style building which has housed these items since the days of the Great Depression; rather, the library is seen by all of us in terms of the memories amassed under the shadow of its beautiful tapestries. It is a place where our children learned to read, our high school students researched their first school reports, and our eyes were opened to limitless intellectual, educational, and creative pleasures.

Today, Mr. Speaker, I would like to pay tribute not only to this establishment's storied past, but to its glowing future. On October 4, 1997, more than 85 years after the people of Burlingame joined together to build their first public library, and after 8 years of dedicated planning, a new Burlingame Public Library will be dedicated by a justifiably proud and delighted community. The new structure will maintain the charm and elegance of the initial structure, while offering state-of-the-art facilities in line with the 21st century information age.

The grand tradition of the Burlingame Public Library came into being in the early 1900's as Burlingame experienced an influx of new residents from San Francisco and from other parts of the country. The creation of a new, free library in 1912 was one of many milestones in the town's growth. The library's first home was a former church building at Primrose and Bellevue, but this small structure was soon made obsolete by the continued growth of Burlingame's population. In 1930, construction began on a new Burlingame Public Library.

Designed by Col. E.L. Norberg, a longtime Burlingame resident, the new building was erected in a romantic style which evoked images of Tuscan villas and monasteries. Norberg's beautiful creation would serve Burlingame for over six decades as a cultural and literary center, a community gathering place, and a second home to thousands of students exploring its first rate academic collections. As Burlingame grew so did the library, and new additions were dedicated in 1960 and 1972. By the mid-1980's, the success of the Burlingame Public Library prompted calls for even more significant improvements to the building's structure, foundation, and technological facilities.

With the full support of the community, the process of planning and organizing the library's reconstruction soon began in earnest. This operation was led by Burlingame's skilled city librarian, Mr. Al Escoffier, along with an able library board, a wonderful staff, and untiring volunteers. Financial backing came from throughout Burlingame, most notably from two devoted sources: The Friends of the Library, which has been raising funds for the library for over four decades, and the Burlingame Library Foundation, organized in 1994 to collect moneys for furnishings and technology in the new space. These dedicated groups provided vital assistance during years of preparation and design study.

Group 4/Architecture, Research and Planning, Inc., one of northern California's most distinguished architectural firms, was selected to formultate a plan for the new library. The product of its labors was masterful, a blueprint for renovation that would merge the timeless beauty of Norberg's original composition with the requirements for expansion and modernization. Group 4's construction partners, Richard Sampson Associates, Inc., of Pleasanton and Dennis J. Amoroso Construction Company, Inc., of San Francisco joined to make this outstanding plan a reality.

Today, after 8 years planning, 17 months of construction, and an investment of $10 million, the splendid Burlingame Public Library is about to be reopened to the community. The building's original style has been maintained, as the two 1930's wings remain intact and other important details, such as the authentic wood windows and solid oak tables and chairs, are still there. While the essence of Norberg's creation will continue to be a Burlingame landmark for generations to come, the new library has nearly doubled in size, from 26,100 to 47,300 square feet, and its foundation has been reconstructed to flex in a seismic event. It will offer over 50 computer terminals to speed and simplify information access for both children and adults. The new library will even have available a new service, self check out, which will make taking out books as easy as obtaining money from an ATM machine and make lengthy lines at check-out counters obsolete. It is truly a community institution for the 21st century.

Mr. Speaker, I ask my collegues to join me in congratulating the people of Burlingame on the opening of their new library, and in commending the tireless community activists who brought this dream to fruition.

IN HONOR OF THE REVEREND WILLIAM AUGUSTUS JONES, JR.

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. SCHUMER. Mr. Speaker, I rise today and ask my colleagues to join me in paying tribute to the Reverend William Augustus Jones, Jr., pastor of the Bethany Baptist Church.

Pastor Jones came to Brooklyn in 1962. Within 5 years he had led a congregation to the building of a neogothic edifice now known as the Bethany Baptist Church. Under his masterful direction, and with the help of a full-time 27 member staff, the church conducts a multifaceted program to the community which includes outreach ministries via national radio and television.

Pastor Jones has served as national chairman of SCLC's Operation Breadbasket and as a member of the general council of the Baptist World Alliance. He was former president of the Progressive National Baptist Convention and founder of the National Black Pastor's Conference. In 1972, he was the recipient of the prestigious Frederick Douglas Award presented by the New York Urban League. For many years now he has been recognized by a number of distinguished organizations and awarded a variety of accolades, including, in 1996, a doctor of literature degree by the Evangelical Reformed School of Theology in Toledo, OH.

In addition to his clerical duties, he finds time to educate by serving as a visiting professor at a number of theological seminaries. He has also found time to pen such works as, "The Black Church Looks at the Bicentennial, Responsible Preaching" and "The African American Church: Past, Present and Future."

I urge my colleagues here today to join me in recognizing this outstanding individual, Pastor Jones, who has dedicated his life to the spiritual enhancement and educational improvement of the community. I wish to thank you, Pastor Jones, for sharing your gift with us all. Also, for showing us that a wholly spiritual life is indeed a fulfilling life.

TUNING IN TO COMPETITION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. BARCIA. Mr. Speaker, 18 months ago the President signed into law, the Telecommunications Act of 1996. Since that time, many people have complained that the competition that was supposed to develop hasn't yet materialized. While it's true that there hasn't been as much competition as those of us who supported the bill would have hoped—for example, not a single Bell Co. has been allowed to compete in the long-distance business—telephone companies are definitely providing competition in those areas where they are permitted to compete.

Monday's Wall Street Journal reported on competition in the delivery of cable television service, and detailed how customers have benefited from Ameritech's entry into that market. Customer service has improved. Innovative packaging of services has increased. Competition is serving the customer just as we knew it would.

Ameritech has already opened up its local market to competition. Local phone subscribers in Michigan have the ability to change their telephone companies, and many are doing so. Now it is time for the FCC to learn from success and open up competition in long distance, so that all the benefits of the 1996 act are available for the American people. I commend this article to our colleagues and to anyone who believes that competition hasn't materialized. Ameritech is leading the way. Let us encourage the FCC to follow.

[From the Wall Street Journal, Sept. 22, 1997]

IT'S THE PHONE MAN AT THE DOOR—AND HE HAS A DEAL ON CABLE TV—AS COMPETITION BREAKS OUT, A TRAVELING SALESMAN FINDS A JADED AUDIENCE

(By Bryan Gruley)

ST. CLAIR SHORES, MI.—On a quiet street of neat frame houses, soaring oak trees and fluttering U.S. flags, William Kline stands in his driveway talking about cable television.

Actually, he's yelling.

The 73-year-old retiree is furious with his cable provider, Comcast Corp. "They raise the damn prices whenever they want," he says. He also hates the programs. "Who wants to watch that crap? Who wants to watch 'The Simpsons?'" And he is no fan of the customer service, either.

Listening patiently is Thomas Roland, a fresh-faced young salesman who hopes to persuade Mr. Kline to dump Comcast and switch to Ameritech New Media, a unit of Ameritech Corp., the Chicago Baby Bell. "It sounds like you're pretty upset," Mr. Roland says. "If you don't like the way your cable company has treated you, that's why we're here."

Something alien to most Americans is emerging in the suburbs of Detroit; head-to-head competition for cable-TV service. Telephone giant Ameritech is building cable systems and offering an alternative to consumers who have long had to live with the prices and service of a sole local provider—or go without cable. Mr. Roland and other salespeople in brick-red Ameritech jackets scurry door-to-door bearing gifts in black shoulder bags: Coupons for $10 monthly discounts. Free premium channels and installation. Round-the-clock customer phone lines. Nifty on-screen TV listings and high-tech remote controls.

They are looking for people like Duane Lamers, a retired school administrator who buys cable service from the local system of Tele-Communications Inc., of Englewood, Colo. "I've been chomping at the bit," he says, ushering Mr. Roland into his home in suburban Troy, Mich. "Anything's better than what I've got now."

Sitting at his kitchen table, Mr. Lamers signs up with American and lists the beefs he has with TCI. "The slightest weather change and I end up with three or four snow channels," he says, Outages always seem to interrupt his favorite show, the NewsHour With Jim Lehrer, he says, and he has given up trying to get service restored quickly. Mr. Roland commiserates: "That's what I've been hearing from other people."

"I'VE GOT THE EDGE"

Ronald Hargreaves, 69, chose to stay with TCI but figures he gained anyway. Soon after Ameritech launched service in Troy. TCI gave him a local sports channel free. (TCI says it was contractually required to do so.) "Now I've got the edge," the hardware-store worker says. "You can either give me service or I can go someplace else with my $30 a month."

That is precisely what was supposed to happen as a result of last year's telecommunications law. But cable remains a monopoly in most cities, mostly because the big phone companies that were expected to challenge it prefer to focus on their core business. Some small towns have built rival cable systems, and other tiny pockets of competition have sprouted. But cable operators control 87% of the U.S. multichannel video market, the Federal Communications Commisson says.

Ameritech is the big exception. With cable franchises in more than 50 cities in Michigan, Ohio and Illinois, the Baby Bell is wooing longtime customers of Comcast, TCI, Time Warner Corp. and other cable giants. Ameritech says it signs up one of every three households it approaches, more than expected when it began service last year. The launch is expensive; Ameritech doesn't expect cable to show profit for several years.

NO SHORTCUTS

But Richard Notebaert, Ameritech's chairman and chief executive, says offering cable TV is part of a long-term plan to deliver a single bundle of voice, video and data services into homes. "There are no shortcuts," he says. "You have to commit resources and find out if your model works. Ours is working very well."

As Ameritech captures some customers and incumbent providers win back others, competition expands the Michigan cable market, the companies agree. Ameritech says as many as 8% of its subscribers didn't take cable before. And monthly subscriber charges for MediaOne, the cable arm of Denver-based US West Media Group, have grown about 20% in Canton Township, Mich., during the past year even as Ameritech added 1,700 subscribers, according to the companies and reports filed with the township.

Customers are gaining, whether they switch or not. Where Ameritech now competes, incumbent providers have offered better deals, added free channels and improved customer service. Incumbents say they planned some of these enhancements long before Ameritech arrived but acknowledge they are more aggressive in competitive cities.

In St. Clair Shores, a blue-collar enclave northeast of Detroit, Comcast bills include a vow to "meet or beat any price." MediaOne started giving customers the HBO channel free—a $9.69 per month value—in return for one-year commitments to its service. MediaOne also rolled out its popular high-speed Internet-access service where Ameritech offers cable.

In Troy, north of Detroit, hardwood-floor salesman Glenn Lanctot is stunned to find Lisa Kocsis, TCI's local marketing coordinator, at his front door asking if he has any problems with TCI. She says she recently started this door-to-door campaign because "I think people need to know we care how their cable picture looks." A TCI technician waits nearby in a pickup truck, ready to sharpen a fuzzy picture or repair a faulty remote.

A cable line has fallen in Mr. Lanctot's backyard. "I called like a couple of weeks ago and never heard from you," he says. Ms. Kocsis apologizes and promises to have the problem fixed "in the next 24 hours." She hands him a book of coupons worth $100 and one of her personal business cards. Mr. Lanctot looks incredulous. "Call you if I have a problem?" he says. "Call me," she insists.

Down the street, dentist James Nassar just laughs when Ms. Kocsis introduces herself. "You're running scared," he says. But he adds that he is happy with TCI and doesn't want to change.

Changing cable service isn't as simple as, for example, switching long-distance phone companies. Although a new provider can use old wiring inside the house, a new connection is needed outside. Consumers also must learn to use new remote-control devices and channel lineups.

Incumbents say their service is more appreciated now that comparisons are possible. But it is clear that Ameritech gets under their skin. Helen Brodie, a MediaOne vice president for marketing, says Ameritech discounts are "misleading" because they are temporary and "disruptive to companies that are trying to run themselves in a sound manner; we have shareholders." John McNeel, general manager of TCI's local system, dismisses Ameritech's practice of equipping installers with vacuum cleaners. "We prefer that our technicians don't make messes to begin with," he says.

FOUR-CENT DEAL

Consumers greet Ameritech with a mixture of delight, befuddlement, pent-up anger—and smarts. Leo Freckelton, an Ameritech installation manager, laments his uncle's refusal to switch to Ameritech, "He's the only one in the family who hasn't," Mr. Freckelton says. Instead, his uncle has used Ameritech offers to wangle better deals from Comcast. "I think [Comcast] is beating us by four cents" a month, Mr. Freckelton frets.

Some just want something new. David Kincaid, a machine-shop worker in Troy, was spending more than $70 a month with TCI. "I don't know what I'm going to pay for Ameritech, but I want something to compare," he says. Pushing a button on Ameritech's interactive remote, he orders an episode of "The Brady Bunch," already in progress. A plot-summary box appears in a corner of the screen: "Jan makes promises she can't keep in order to win a popularity contest," Mr. Kincaid smiles. "Cool," he says.

But change comes hard, even for some—such as Mr. Kline of St. Clair Shores—who say they are displeased with their provider. Mr. Kline is so upset with Comcast that he cuts off Mr. Roland's Ameritech sales pitch to extend his rant. " You came here and now you're gonna listen," he says. But when Mr. Roland finally offers a package that appears to be better than what Comcast gives Mr. Kline, the man scoffs. "You're priming the pump," he says, "You'll get it back from me in the long run."

Having failed to make the sale, Mr. Roland shakes his head. "Some people don't realize that competition is going to change things," he says. "It's their mindset that [cable TV] is a monopoly, and they don't really understand competition."

Mr. Roland, who just turned 24, wears an earnest smile and keeps his red hair neatly combed. This is his first job since college, and he says he loves it, because "I get to talk to people and set my own hours." On a good day he adds five or six subscribers; his record is 14. His salary and commissions let him afford a new Acura coupe and season tickets to Detroit Red Wings hockey games.

PEER PRESSURE

He spends afternoons and evenings knocking on doors and juggling follow-ups on his cell phone and pager. "A lot of people turn me away and then all their neighbors sign up and then they call me," he says. Not everyone welcomes him, though. One man told Mr. Roland "If I didn't get off his property, he was going to shoot me."

One afternoon in Troy, Mr. Roland lobbies Donald Boisvenue, a computer specialist who slumps in his front door in cutoff jeans and a sweatshirt, looking bored. Mr. Roland shows him a picture of Ameritech's on-screen channel guide. "That doesn't impress me much," Mr. Boisvenue says. Mr. Roland explains how the remote makes it easy to program a VCR. "Programming a VCR is no big whoop," Mr. Boisvenue says. Mr. Roland asks how much TCI charges. "They're too

expensive," Mr. Boisvenue says, "but you guys are going to be the same." Mr. Roland leaves a brochure and heads to the next house. "Not good," he says.

An hour later, though, a voice-mail message from Mr. Boisvenue asks him to return. Sitting in his family room, Mr. Boisvenue confesses that his wife saw Ameritech's brochure and demanded, "Why didn't you try this?" He says Mrs. Boisvenue is upset with TCI price increases, and now Mr. Boisvenue starts recalling things "that drive me crazy" about TCI. He signs up.

Back in his car, Mr. Roland phones Walter Bartels, 29, a human-resources professional. Mr. Bartels had complained two weeks earlier that Ameritech workers damaged his lawn while burying cable. The company's quick response so impressed him that he wants to cancel TCI and take Ameritech. Mr. Roland tells him his monthly bill will drop to $21 from $28, although it will climb to $31 after a one-year discount expires. Clicking off his cell phone, Mr. Roland says, "That's a success story; you should've heard the conversations we had the other day."

But two weeks later in St. Clair Shores, Downing Street is a downer for Mr. Roland. At house after house, people either aren't home or they say they are satisfied with Comcast. "I've never seen so many people happy with their cable service," he complains. Just then a Comcast van pulls up and Mr. Roland watches balefully as a technician trots up to a house. "They're giving everybody their new interactive box," Mr. Roland says. "Everything we're doing, they're copying." (Comcast says it decided to upgrade local systems three years ago.)

He finally gets to make a pitch in the living room of Robert and Evelyn Mutart. Like many older people, they aren't keen about the high-tech remote or on-screen guide. But Mrs. Mutart wonders whether the Disney Channel comes free. "Yep," Mr. Roland says, "You'll get it 24 hours a day." Mr. Mutart, a 73-year-old retired electrician, grins. "Yeah," he says, "I need the Disney Channel 24 hours a day." Mr. Roland leaves without making a sale—but the Mutarts subscribe several days later.

He has better luck on Blackburn Street. Norman and Joanne Graleski are intrigued by the remote's VCR-programming feature. "How long do we have to go to school to learn all this?" Mr. Graleski quips, His wife doubts that Ameritech really will cost less. "I'm sure after everybody commits to this, you'll jack up the price," she says. If so, Mr. Roland says, "there's nothing stopping you from going back to Comcast."

Finally, Mr. Graleski says he wants to switch. "You better not screw this up because it took me a year to figure this out," chides his wife, pointing at the VCR. "If it doesn't work out, *you* can call [Comcast] back."

The family next door interrupts a baked ham dinner to welcome Mr. Roland. "You made a sale before you walked in," says Fred Hawreluk, a bank official. "Just tell me what you've got and how much it costs."

While Molly the yellow Labrador sniffs Mr. Roland's leg, Mr. Hawreluk explains that he soured on Comcast over a billing dispute involving $8 a month, "It wasn't the money, it was the principle," he says. Still, he balks after scanning Ameritech's channel lineup: "I'm not sure we'll be getting everything we get from Comcast."

His wife shushes him: "We don't watch all of that stuff anyway."

Mr. Roland just smiles and asks if he can use the phone to schedule an installation.

IN HONOR OF IRENE M. MORROW

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor Irene Morrow, who will receive an award this week for outstanding contributions to the Greater Cleveland community from International Services Center [ISC] in Cleveland, OH.

International Services Center is an agency that assists refugees, immigrants, and other newcomers to the United States to overcome social and economic barriers and adjust to a new culture and way of life. The organization is honoring four individuals this year for their exceptional work on intercultural and interracial issues. These individuals have been chosen because of their commitment to the community and their lifelong achievements which reflect the spirit and the mission of ISC.

Ms. Morrow worked in public service from 1964 through her retirement in 1989. She served as deputy auditor in charge of Cuyahoga County payrolls for 8 years. She spent the next 17 years serving as personnel administrator and secretary of the Civil Service Commission for the city of Cleveland. Upon her retirement from civil service, she embarked on another career in food management and service.

Ms. Morrow has been involved in numerous community organizations and associations. She was elected as executive secretary of the Association of Polish Women in 1975. She has served as executive secretary and treasurer of the American Nationalities Movement ever since 1978. Ms. Morrow had the distinction of being elected the first woman president of the Republican Ripon Club. In addition, she serves on the boards of several other community organizations, including International Services Center.

Ms. Morrow has been well recognized for her work in the community. Her list of awards and honors includes: 1 of the 40 outstanding Ohio Women Achievers, presented by Barbara Bush; Polish Person of the Year, presented by the Polonia Foundation; Member of the Year, offered by the American Nationalities Movement; and Appreciation Award from the United Hungarian Societies. Both Mayor Ralph Perk and Mayor George Voinovich have presented Ms. Morrow with Keys to the City Awards.

My fellow colleagues, please join me in congratulating Irene Morrow on a lifetime of wonderful work for the multicultural community in the Greater Cleveland area.

LET'S ABOLISH THE TAX CODE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. PACKARD. Mr. Speaker, this afternoon I joined my colleagues, BILL PAXON, JOE SCARBOROUGH, Senator SAM BROWNBACK, and others to seriously discuss a repeal of the Tax Code. We agreed that the IRS and the Tax Code represent governmental arrogance at its highest level. It punishes the right things and rewards the wrong things. We need to shut down the IRS and put more money back into the hands of taxpayers.

Common sense tells me that the IRS is far too large and intrusive. Consider that the IRS has more than 136,000 employees, while the INS has only 6,500 border patrol agents. That's about 20 times more people to take our money than to protect our borders. That's simply outrageous. The time has come to abolish the IRS.

Mr. Speaker, improving the quality of life in America begins with letting families keep more of what they earn. In the last half century alone, the Federal Government's take from families has skyrocketed from only 5 to over 24 percent. Add taxes at the State and local level, and nearly half a family's take-home pay is spent just to keep government bureaucracies running. That's a sign of a nation headed in the wrong direction.

Lowering taxes returns power to where it rightfully belongs, out of the hands of government and into the homes of families. Today, I am pleased that our colleagues in the Senate have joined us in support of serious tax reform. I hope every American will support our crusade to put more money in the hands of hard-working taxpayers.

THE GREEDY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. STARK. Mr. Speaker, a move is underway to let doctors force patients to give up their Medicare benefits so that a handful of doctors can charge them anything they want—without limit.

This is a gift to the greediest doctors in the nation.

Ninety-five percent of the Nation's doctors accept new Medicare patients and the Medicare fee schedule. The independent congressional advisory panel known as the Physician Payment Review Commission reports that this is comparable to the rate of doctors who are accepting new private, non-Medicare patients. In other words, there is no noticeable difference in access—ability to see a doctor—between Medicare and non-Medicare patients.

Doctors who accept Medicare and its fee schedule understand the Hippocratic Oath and the social compact in which society has paid hundreds of billions of dollars for the education and training and research that make American doctors special and in turn, these doctors accept the Medicare payment system.

But Congress is about to cater to the few who want more, more, more from people in their hour of illness.

The Employee Benefit Research Institute in its September, 1997 Issue Brief shows what a special gift this legislation will be to a few doctors who are out of step with their colleagues:

Recent findings indicate that only between 4 percent and 6 percent of physicians accepting new patients were not accepting new Medicare patients. One survey found that between 1991 and 1992, the proportion of physicians not accepting new Medicare patients

increased from 4 percent to 5.9 percent (Lee and Gillis, 1994). The same survey found that between 1992 and 1993 the percentage of physicians not accepting new Medicare patients decreased to 4.7 percent. Surveys by the Physician Payment Review Commission (PPRC) also found that in 1993 less than 5 percent of physicians were not accepting new Medicare patients (Physician Payment Review Commission, 1994). The PPRC study concluded that the implementation of the Medicare fee schedule has not caused physicians to close their practices to Medicare patients.

CONGRATULATIONS TO LA SIERRA UNIVERSITY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. CALVERT. Mr. Speaker, I take the floor of the House today to honor and pay tribute to one of the finest institutions of higher learning in my district, La Sierra University. La Sierra, located in Riverside, CA, has been chosen by the John Templeton Foundation for its 1997–98 honor roll of character-building colleges.

La Sierra is one of only eight colleges and universities in California to earn this distinction, which is given to academic institutions that emphasize character building as an integral part of undergraduate education. Selection was based on meeting five criteria established by the John Templeton Foundation: First, inspires students to develop and strengthen their moral reasoning skills; second, encourages spiritual growth and moral values; third, provides community building experiences; fourth, advocates a drug-free lifestyle; and fifth, conducts a critical assessment of character-building projects and activities.

In a society that no longer looks to religion and a sense of community as the foundation for a quality education. La Sierra University is proof that it can be done. Students are expected to strive to their full potential, seek the truth in themselves and everything around them, and to give back to their world. General education courses in religion and ethics lay a basis for understanding the importance of morality. And through the community service requirement, students learn firsthand the need for volunteerism and how important it is to give assistance to those less fortunate.

On behalf of the citizens of California's 43d Congressional District, I want to extend my heartfelt congratulations to the students, faculty, and administration of La Sierra University for being recognized as a character-building college.

IN HONOR OF THE CLEVELAND-MARSHALL COLLEGE OF LAW

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Cleveland-Marshall College of Law on the celebration of its centennial this weekend. This anniversary also marks the dedication of a new law library on the campus.

The Cleveland Law School was founded in 1897 and was the first law school in Ohio to admit women and one of the first to admit minorities. Some of the more prestigious Cleveland Law School graduates are the first woman appointed to a Federal judgeship, the first woman elected as a municipal court judge, the first African-American woman lawyer, and a string of judges, mayors, Congressmen, State legislators, and countless other community leaders.

The college of law is Ohio's largest law school, and the only public law school in the city of Cleveland. The faculty is nationally recognized for its research and scholarship. The college provides students with a curriculum of traditional courses as well as opportunities to participate in four legal clinics, moot court teams, and two student-edited law journals. Now, the school also offers the new Cleveland-Marshall Law Library, housing the second largest academic law collection in Ohio. The library boasts extensive collections on many different aspects of State and Federal law, a large computer lab, and extensive electronic research capabilities.

My fellow colleagues, please join me in commemorating the centennial of this superior institution, the Cleveland-Marshall College of Law and its new law library.

CELEBRATING BRAILLE PROVISIONS OF IDEA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. GOODLING. Mr. Speaker, Helen Keller, the moving spirit of the American Foundation for the Blind, once said, "* * * when I hold a beloved [braille] book in my hand my limitations fall from me, my spirit is free."

During the recent reauthorization of the Individuals with Disabilities Education Act it was my pleasure to work with the American Foundation for the Blind and other advocates to include a provision for the teaching of braille for all blind or visually impaired students for whom it is appropriate as part of the IEP process. Now every blind or visually impaired child can have the chance to experience the same freedom enjoyed by Helen Keller.

Specialized instruction in braille enables children who are blind or visually impaired to participate equally with their sighted peers in school and ultimately to compete in the workplace.

Additionally, for those who cannot use print, braille provides an excellent means for accomplishing necessary daily activities such as reading confidential material, taking notes at meetings and giving presentations, recordkeeping, studying and reviewing critical information, and performing household management functions.

I am pleased to report that in my State, 39,500 braille books were circulated by the Regional Libraries for the Blind in Pittsburgh and Philadelphia in fiscal year 1996.

The mission of the American Foundation for the Blind is to enable persons who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. I am delighted that the braille provisions of the recently reauthorized Individuals with Disabilities Education Act will help all children who are blind or visually impaired to achieve this goal.

UNIFORMED SERVICES FORMER SPOUSES EQUITY ACT OF 1997

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. STUMP. Mr. Speaker, today I am introducing H.R. 2537, a bill to restore a small measure of balance to the way military retired pay is handled during a divorce.

Under the Uniformed Services Former Spouses Protection Act, courts were given the authority to divide military retirement pay as property. Since then, the courts have almost uniformly taken advantage of that provision. However, this has resulted in certain injustices to military retirees. Chief among them is the fact that former spouses continue to receive a share of the retired pay even after one or more remarriages, regardless of the respective financial positions of the former spouse and the retiree. Moreover, there is no limitation on when former spouses can seek a division of retired pay.

My bill has three principal components. First, it would terminate payments made as a division of property from retired pay upon remarriage of the former spouse. Second, it would require computation of the former spouse's portion of retired pay based on the rank and longevity of the individual at the time of divorce, not at the time of retirement. Third, it would limit the time in which a former spouse may seek a division of retired pay.

I urge my colleagues to join me in seeking equity for military retirees.

TRIBUTE TO PRESIDENT LEE TENG-HUI AND DR. JASON HU

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Ms. BROWN of Florida. Mr. Speaker, on the eve of Taiwan's 86th National Day, I wish to pay tribute to President Lee Teng-hui, who has recently completed an arduous Latin-American trip to shore up his country's relations with a number of Latin-American countries. President Lee is one of the hardest working heads of state in our time. Also, I would like to commend President Lee for having selected Dr. Jason Hu as his new Foreign Minister.

Dr. Hu is currently Taiwan's representative in Washington. During his tenure in Washington, Dr. Hu has impressed us with his diplomatic skills. In his new capacity as Taiwan's Foreign Minister, Dr. Hu will no doubt use his talents to the utmost in promoting his country's diplomatic interests around the world.

Taiwan faces a number of diplomatic challenges, but with President Lee's leadership and Dr. Hu's stewardship in the Foreign Ministry, I trust Taiwan's diplomatic fortunes will soon improve.

IN HONOR OF DR. ALEX H. MARK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor Dr. Alex Mark, who will receive an award this week for outstanding contributions to the Greater Cleveland community from International Services Center [ISC] in Cleveland, OH.

International Services Center is an agency that assists refugees, immigrants, and other newcomers to the United States to overcome social and economic barriers and adjust to a new culture and way of life. The organization is honoring four individuals this year for their exceptional work on intercultural and interracial issues. These individuals have been chosen because of their commitment to the community and their lifelong achievements which reflect the spirit and the mission of ISC.

Dr. Mark was brought up in Canada. He earned his bachelors degree from the University of Toronto and later, a doctorate from Purdue University. In 1978, he moved to Cleveland where he has held executive positions in several multinational companies such as Rockwell International Corp. and Massey-Ferguson Co. He retired from Eaton Corp. in 1990.

Mr. Mark has always been involved in community related nonprofit organizations. He was the cofounder of the national Organization of Chinese Americans [OCA] and served as its national president from 1977 to 1979. During this time, he was active in a program to pass a bill through Congress to celebrate Asian Pacific American Heritage Week. The bill passed and was signed by President Carter. Mr. Mark served as president of the Chinese Association of Greater Cleveland from 1982 to 1986. In 1991, he founded the Cleveland Chinese Senior Citizens Association and now, although he is officially retired, is the acting president of the nonprofit Asian Evergreen Housing Corp.

Mr. Mark has also been active outside of the Chinese American Community. He was president of the International Services Center of Greater Cleveland and a board member of the Cleveland Council of World Affairs and an Hispanic organization, El Barrio. In addition, he served on the Import-Export Committee of the Cleveland World Trade Council and on the Cultural Heritage Advisory Committee of the Cuyahoga Community College.

My fellow colleagues, please join me in congratulating Dr. Mark on a lifetime of wonderful work for the multicultural community in the Greater Cleveland area.

RECOGNIZING ROSEMONT COLLEGE FOR EXCELLENCE IN EDUCATION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to bring to the attention of my colleagues a significant honor that was bestowed today upon Rosemont College in Rosemont, PA. Today Rosemont College was named by the John Templeton Foundation as one of only 134 colleges nationwide on the foundation's 1997–98 honor roll for character-building colleges.

Founded more than 70 years ago as a women's college, Rosemont has repeatedly earned national recognition as one of the country's premiere liberal arts colleges. To prepare women for the 21st century, Rosemont has achieved a remarkable balance, combining the traditional liberal arts education with a variety of pre-professional studies and experiences.

As a Catholic college, Rosemont encourages character building among its students by urging them to explore and define the values that will provide them both stability and direction later in life. Other aspects of Rosemont College that contributed to its being named to the John Templeton Foundation's honor roll include the school's emphasis on developing and strengthening of its students moral reasoning skills, its encouragement of spiritual growth and moral values, and its promotion of character-building programs and activities.

Mr. Speaker, I ask my colleagues to join me today in congratulating Rosemont College on achieving this outstanding recognition from the John Templeton Foundation. And I thank both the administrators and faculty for emphasizing the importance of character building as a daily part of student life at Rosemont College.

HONORING 30 YEARS OF BIG BROTHERS/BIG SISTERS IN PINELLAS COUNTY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize and honor the Big Brothers and Big Sisters program in Pinellas County, FL. This Saturday, they will be celebrating the 30th anniversary of their service to the children of Pinellas County, which is located in my congressional district. Although I will not be able to participate in their celebration in person, I want to share my thoughts on this critically important program with my colleagues in Congress.

The Pinellas County Commission has proclaimed Saturday, September 27, as Big Brothers Big Sisters of Pinellas County Day. I join them in recognizing one of the premier mentoring programs in the United States. The undisputable fact is that Big Brothers Big Sisters one-to-one mentoring program has a positive impact on children who participate in the program.

Children who are matched with big brothers or sisters are less likely to engage in destructive or antisocial behavior than those kids who are not. The "littles," as they are affectionately called by their bigger counterparts, are less likely to begin using illegal drugs and alcohol and more likely to attend school regularly than those children without the positive guiding influence of a big brother or sister. In fact, program participants are more confident at school and enriched relationships with their family members than those without a "big" influence.

Since 1967, approximately 15,000 children have participated in the Big Brothers Big Sisters program in Pinellas County. The agency has been at the forefront in developing exciting and innovative ways to improve the program's success. Its method for screening volunteers has been widely adopted by other children's service organizations.

Last year, Pinellas Big Brothers Big Sisters participated in the President's Summit on Volunteerism. Currently, there are 385 active matches in Pinellas County and there are 163 children waiting to be paired.

Mr. Speaker, I urge my colleagues to support Big Brothers Big Sisters program in their congressional districts. These dedicated volunteers help children become productive well-adjusted and caring members of the society. I commend Pinellas County Big Brothers Big Sisters for their leadership in helping children in my district and wish them continued success in the future.

IN HONOR OF THE BAYONNE LIONS CLUB: CELEBRATING 50 YEARS OF SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Bayonne Lions Club, an exceptional organization serving the residents of my district, on their 50th anniversary. This momentous occasion will be celebrated on September 24, 1997, with a cocktail reception at the Chandelier Restaurant in New Jersey.

The Bayonne Lions Club has worked for the Bayonne community since 1947 when they were granted a charter from the Lions Club international headquarters in Oak Brook, IL. This charter hangs on the wall of Amici's Restaurant where the club meets on the second and fourth Tuesdays of each month. This year's anniversary celebration will not only raise funds for charity, but it will also provide the opportunity to highlight the club's achievements over the last half century.

Over the years, the Bayonne Lions Club has sponsored Christmas parties at the St. Joseph's Home in Jersey City, given braille typewriters as gifts to individuals, distributed food baskets, and provided medical care and vital eye surgery to those who needed it.

Among the esteemed members of the Bayonne Lions Club was the club's first president, Attorney Jack Feinberg of the law firm of Feinberg, Dee & Feinberg. One of Feinberg's

successors, Dr. C.M. Jones, was the first African-American president of any Lions Club charter in the United States. One of the early active club members was businessman C.J. Murphy, who was the first representative of the Bayonne Lions to the Lions International zone and district. Club member, Walter Jones, has held every office in the Bayonne Lions Club and boasts the longest continuous Bayonne Lions Club membership. I would also like to thank Michael O'Connor, the current Bayonne Lions Club president for his hard work and dedication.

The members and officers, past and present, of the Bayonne Lion's Club richly deserve this honor and recognition for 50 years of unique contributions and caring dedication to their community. I ask that my colleagues join me in recognizing the outstanding work and exceptional service of the Bayonne Lions Club. It is an honor to have such an outstanding organization working on behalf of the constituents of my district.

IN HONOR OF WILLIAM F. MILLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor William Miller, who will receive an award this week for outstanding contributions to the Greater Cleveland community from International Services Center [ISC] in Cleveland, OH.

International Services Center is an agency that assists refugees, immigrants, and other newcomers to the United States to overcome social and economic barriers and adjust to a new culture and way of life. The organization is honoring four individuals this year for their exceptional work on intercultural and interracial issues. These individuals have been chosen because of their commitment to the community and their lifelong achievements which reflect the spirit and the mission of ISC.

Mr. Miller has been a columnist and reporter at Cleveland's Plain Dealer for 36 years. He covers nationality stories, general news, and international news as it impacts Cleveland. He writes an ethnic cultural column for the Friday! Magazine and his column "New Worlds" appears each Saturday. He covered the fall of the Berlin Wall and witnessed the reunification of Germany. This experience proved helpful as he traveled to Central and Eastern Europe in 1990 to write a series of article called Life After the Wall. The series won the 1991 National Writing Award of the First Catholic Slovak Union of the United States and Canada and was nominated for a Pulitzer Prize. Mr. Miller also won the Distinguished Service Award from the National Journalistic Society's Cleveland chapter.

Mr. Miller's writing was instrumental in saving the three Playhouse Square Theaters from being demolished to make room for a parking lot. His name appears with six others on a plaque commemorating his efforts to save the complex. The beautifully renovated buildings now comprise the third largest theater complex in America. Many other community organizations have also recognized Mr. Miller for his involvement. He has been honored by the Asian/Pacific Federation, the Federation of Italian Societies of Northeast Ohio, Keep America Beautiful, Inc., the United Labor Agency, and the Salvation Army.

My fellow colleagues, please join me in congratulating William Miller on a lifetime of wonderful work for the multicultural community in the Greater Cleveland area.

MEDICARE AND MEDICAID PROVIDER REVIEW ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. STARK. Mr. Speaker, together with Mr. DELLUMS and Mr. MILLER of California, I am pleased to introduce the Medicare and Medicaid Provider Review Act of 1997.

The HHS inspector general reports that an estimated 14 percent of Medicare payments overall, and 40 percent of home health payments, are made inappropriately each year. Much of this $23 billion per year of fraud, waste and abuse occurs because providers do not comply with Medicare rules about medical necessity, and about how services and supplies should be coded and documented. In some cases, providers don't comply because they don't understand the rules. But in many other cases, providers understand the rules so well that they are able to flout them without being detected. The recent indictments of three Columbia/HCA executives for overbilling Medicare are a glaring example of provider's ability to game the system. In addition, the inspector general recently reported that 25 percent of home health agencies it investigated have "abused or defrauded Medicare or misappropriated Medicare funds." [1]

Unfortunately, it's relatively easy for fraudulent operators to escape detection because the Health Care Financing Administration [HCFA], which oversees the Medicare and Medicaid programs, is woefully lacking in resources to provide adequate oversight and to track down abusers. Over the past 7 years, the number of Medicare claims processed rose 70 percent while HCFA's budget for reviewing claims grew less than 11 percent. Adjusting for claims growth and inflation, funding for review dropped from 74 cents to 48 cents per claim. As a result, the proportion of claims reviewed dropped from 17 percent to 9 percent. In the especially problematic home health area, reviews plummeted from 62 percent in 1987 to a target of 3 percent in 1996.[2]

In many industries, it is standard operating procedure for businesses to fund independent audits of their compliance with Federal laws and regulations. For example, banks have paid for independent government financial and compliance audits since the 1800's. In fact, the Office of the Comptroller of the Currency is a special branch of the Treasury Department that is fully funded through fees it assesses for conducting bank audits.

This legislation would require all hospitals, skilled nursing facilities, home health agencies, hospices, clinical laboratories, and ambulance companies to fund annual, federal financial and compliance audits as a Condition of Participation in the Medicare and Medicaid programs. Other businesses they own in whole or in part would be included in the audits, which would ensure, for example, that providers are furnishing only services that are covered and medically necessary, that they are actually delivering the services for which they bill HCFA and that their cost reports are correct.

To ensure audit quality and consistency, specially trained Federal Medicare/Medicaid examiners, analogous to bank examiners in the banking industry, would conduct the audits. One home health agency owner convicted of Medicare fraud testified before Congress about the inadequacy of the few audits that the government currently conducts: "the auditors were not always sufficiently knowledgeable about Medicare reimbursement and areas of concern to be able to identify improper reimbursement practices * * * the audit teams seemed to change from year to year so there was no real continuity or consistency. The better the auditors understand a provider, the better they will be able to know where to look * * * the auditors need to look not just at the [core business of the provider], but at the overall structure." [3]

Audits would be paid for through hourly fees charged to providers. Thus, provider liability would depend on both the size of the provider and on how well they keep their books and records. A small agency that follows the rules and documents correctly would be charged very little. To further ease the burden on small businesses, the Secretary would have the authority to exempt providers from audits based on their volume of Medicare and Medicaid business.

To minimize the administrative burden on all health care providers, the bill would require the Secretary to conduct a study of all the examining and accrediting agencies and organizations that perform audits or inspections of the providers covered under this bill. Based on the study, the Secretary would make recommendations to Congress by June 1, 1999 on how to coordinate and consolidate these audits and inspections in order to reduce related costs to providers and government agencies.

Annual rather than initial one-time audits are needed because businesses may start out honestly, but gradually creep into abusing the system as they gain experience and test the waters. Annual audits would also serve an educational purpose, thus reducing waste that occurs because providers don't understand the system.

Health care spending consumes an ever-increasing portion of the Federal budget—now at least 20 percent. And the Federal Government pays a third of our Nation's health care bills—more than any other single source.[4] We are the largest purchaser—isn't it time we become a wiser purchaser? And isn't it imperative that we have tighter reins on an area that consumes so many of our tax dollars?

Banks have for many decades borne the financial responsibility for demonstrating their legitimacy. It is an accepted cost of the privilege of keeping other people's money. Medicare and Medicaid providers are being given

Footnotes appear at end of speech.

the privilege of taking taxpayers' money, without the corresponding responsibility for proving their legitimacy. The appalling level of fraud, waste and abuse in the programs is the unfortunate result.

Banks are audited as a matter of public trust to ensure our Nation's economic security. Please join Mr. DELLUMS, Mr. MILLER and me in demanding provider audits to help ensure its health security.

FOOTNOTES

[1]Testimony of George F. Grob, Deputy Inspector General for Evaluation and Inspections, HHS Office of Inspector General, before the Senate Special Committee on Aging, 7/28/97.

[2]Testimony of Leslie G. Aronovitz, Associate Director, Health Financing and Systems Issues, Health, Education, and Human Services Division, General Accounting Office, before the Senate Government Affairs Investigations Subcommittee, 6/26/97.

[3]Testimony of Jeanette G. Garrison before the Senate Committee on Aging, 7/28/97.

[4]Congressional Research Service, Ways and Means Health Subcommittee Chartbook, 1997.

A TRIBUTE TO CAPT. L.D. "DEAK" CHILDRESS

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize and honor Capt. Louis "Deak" Childress, Commanding Officer, Naval Air Station Lemoore, in Lemoore, CA. Captain Childress has demonstrated exceptional leadership throughout his service in the U.S. Navy and is an asset to the community of Lemoore.

Captain Childress began his naval career by entering flight training at Aviation Officer Candidate School in Pensacola, FL, in July 1973. After completing training at Saufley Field and Whitley Field, he reported to Beeville, TX, in July 1974, and received his wings on December 20 of that year.

After graduation from flight school, Ensign Childress was assigned to Oceana, VA, flying the F–4 Phantom from the decks of the USS *Nimitz* and USS *Forrestal* from 1975 to 1978.

In October 1978, Lieutenant Childress served as an instructor pilot at NAS Miramar in San Diego and in November 1979, he was reassigned to the east coast F4–RAG in Virginia.

In July 1981, he reported to the staff of Commander Carrier Air Wing 17 as landing signals officer and safety officer, flying once again with the "Bedevilers." He completed the final east coast F–4 deployment in November 1982 and reported for temporary duty at Oceana while awaiting assignment in Lemoore, CA. While at Lemoore, he was the first tactical fighter pilot to instruct in Fighter Wing One's out-of-controlled-flight program, flying the T–2 and A–4 aircraft.

In July 1983, he was chosen to serve as part of the early cadre of instructor pilots in the developing F/A–18 program. He performed duties as senior LSO for the Hornet RAG, and was one of the first three instructors selected for the newly developed Strike Fighter Weapons School Pacific, and served as the RAG training officer.

In November 1985, Lieutenant Commander Childress reported as a plank owner, where he served as department head until August 1988. The squadron stood up in Lemoore, CA, and subsequently changed homeport to NAS Cecil Field in Jacksonville, FL.

In September 1988, Lieutenant Commander Childress reported to Commander U.S. Sixth Fleet in Gaeta, Italy for a tour as Flag Secretary. He served on board the Flagship, USS *Belknap*, until October 1990.

From November 1990 until June 1991, Commander Childress completed his PXO/CO training track and returned to NAS Cecil Field, FL. During that time, he was deployed to the Persian Gulf where he acted for nearly 4 months as senior naval representative to COMUSNAVCENT's contingency planning cell in Dharhran, Saudi Arabia.

In August 1993, Commander Childress, reported as Chief of Crisis Action Plans for the J–3 directorate of Headquarters United States European Command in Stuttgart, Germany. In March 1995, he was promoted to his current rank of captain, and in July 1996, Captain Childress reported as commanding officer, Naval Air Station Lemoore.

Since returning to Naval Air Station Lemoore, Captain Childress has dedicated himself to improving the lives of the sailors. The first phase of a new family housing project has been completed, with more units to be finished in the upcoming months. And, Captain Childress recently broke ground on a new state-of-the-art naval hospital.

Captain Childress is well-respected in both the U.S. Navy and in the city of Lemoore. The support he has given to the Public/Private Venture has played an important part in the economic growth and development of the city of Lemoore and Kings County.

Captain Childress is also a devoted family man. He and his wife, the former Mary Sue Duckworth, have two children, Brent (21) and Christopher (18).

Mr. Speaker and my colleagues, please join me in wishing Captain Childress, devoted husband, father, community member, and dedicated serviceman, continued success.

IN SUPPORT OF COPS PROGRAMS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise today in support of the Office of Community Oriented Policing Services. Three years ago, President Clinton vowed to place 100,000 more police officers on the streets of American cities in a nationwide effort to reduce crime starting at the community level. To fulfill this goal by the end of the year 2000, the Office of Community Oriented Policing Services [COPS] was established. Halfway through the 6-year program, 65,000 officers have been added to police forces across the Nation, and reports of dramatic drops in crime are coming in from cities throughout the country.

Cleveland, OH, is one of these COPS success stories. Juvenile crime had been on the rise in Cleveland. Arrests for weapons violations rose 67 percent from 1989 to 1994. A 35-percent increase in juvenile felony arrests was seen between 1992 and 1993 alone. In spite of this rise in crime, the number of police officers had declined. The Cleveland Police Department has received over $8 million in grants from the COPS Office. Among many COPS funded programs, one especially innovative and successful program stands out, the Residential Area Policing Program [RAPP].

In an effort to create more of a community policing presence, the Cleveland Police Department identified abandoned, nuisance properties in various neighborhoods, restored the properties, and stationed specially trained community policing officers there 24 hours a day. These officers established themselves in the neighborhood, made regular patrols, and conducted door-to-door surveys of the residents' problems. They also hosted training seminars and provided a safe house to the youths of the area. In short, the community police formed partnerships with the residents of the neighborhoods and, together, they improved the appearance of the neighborhood, identified community problems, and developed substantial solutions. In each of the four sites selected for the yearlong program, the community officers became integral members of the community and left lasting, positive effects. Drug traffic has decreased, gunfire has diminished, and the number of civil disputes is down. Equally as important, the number of calls for service rose 100 percent, showing that the residents felt comfortable turning to the police for help.

RAPP is but one of many endeavors on the part of the Cleveland Police Department to get more involved in community policing. Over $11 million have been awarded to communities in the 10th Congressional District of Ohio resulting in the hiring of over 170 new officers. Residents profess that the programs have helped reduce crime, and the statistics prove it. Community policing works, and I support its continued funding so other cities may see the rewards of communities and police departments working together to combat crime.

TRIBUTE TO NELLO RICARDI

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to Mr. Nello Ricardi of Westfield, MA, in recognition of his selection as the Westfield Democratic Committee's Democrat of the Year.

Mr. Ricardi has had a long history in organized labor and politics. Nello began his career at the Savage Arms, Inc. in Chicopee, MA, which had a labor force in direct affiliation with the AFL–CIO. He served in a variety of positions in his local work force chapter, including shop steward, trustee, treasurer, vice president, and business manager.

Nello joined the U.S. Marine Corps and served in the South Pacific during World War II. After World War II, he received a full scholarship from Massachusetts AFL–CIO to attend

Harvard Business School. Following graduation from Harvard, he served as the New England field representative for the national AFL–CIO, where he was responsible for 131 direct affiliates in New England. He took the lead on organizing locals, negotiating contracts, and handling arbitrations and grievances. He was able to achieve some significant organizing successes, such as American Optical, Dennison and Marble Mines to name a few.

In the later years Nello became the New England legislative director for the national AFL-CIO and served for a short period as a legislative lobbyist at the national level. He then went on to work at the education program at the George Meany Center in Silver Spring, MD before his retirement. In total, Nello spent 27 years with the national AFL–CIO.

Nello has been a member of the Westfield Democratic Committee for over 20 years. He is a very modest man that does not like the limelight. He is, simply put, "a doer," volunteering for whatever the committee needs. It is people like Nello that make the difference in government and politics.

I am pleased to pay tribute to Nello Ricardi, someone who has been a great asset to his community, to Massachusetts, to New England, and to his country.

HONORING THE LIFELONG SERVICE OF WILBUR F. LITTLEFIELD

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a man who has dedicated his life to serving his family, the people of Los Angeles County, and his country. In over 40 years of service as an attorney, Wilbur F. Littlefield has proven himself to be deeply respected and a dedicated public servant. Although he is best known as a man of the law, he is modest about the other fascinating experiences that have shaped his life and molded his character.

Like many who answered their country's call during World War II, Bill Littlefield volunteered to fight for his country. As he would do later in his life, Bill distinguished himself as a man of unique ability. He served his tour of duty as a member of the 'Alamo Scouts,' an elite corps of men who fought behind enemy lines gathering intelligence and tracking enemy movements. As a scout, Bill saw action in Guadalcanal, Luzon, and Leyte. He contracted malaria during one of the campaigns.

After the war, Bill worked his way through law school at Hastings College of The Law before returning home to Los Angeles. His passion for trial work led him to the Los Angeles County Public Defender's Office, where his skills were rapidly recognized. He rose steadily through the ranks, and in 1976 was appointed the Public Defender for Los Angeles County.

Under Bill's leadership, the Office of the Public Defender implemented innovative programs like paralegal training and the bilingual service program. He provided service to the needs of the indigent accused while never losing sight of the needs of the community as a whole. Bill retired from the Public Defender's Office in 1993.

As a member of the armed services, as an attorney, and as a public servant, Bill Littlefield has distinguished himself as a man of great integrity and dedication. Under his leadership, the Los Angeles County Public Defender's Office grew to be one of the largest and most respected legal service agencies in the country.

As a long-time admirer of his, I am honored to recognize his service to his country. On behalf of the U.S. Congress, I salute him for a job well done, and offer the thanks of a grateful nation to one of her distinguished sons.

TRIBUTE TO MICHAEL L. MEYER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. SHERMAN. Mr. Speaker, I rise before you today to pay tribute to Michael L. Meyer who is being honored by the Construction Industries Alliance for City of Hope with the Spirit of Life Award.

The proceeds from the awards dinner honoring Michael will establish the Michael L. Meyer Research Fellowship at City of Hope and its Beckman Research Institute. City of Hope utilizes its energy and resources to seek better treatments for major diseases, primarily cancer. Patients attend this center from all over the world for treatment of such afflictions as leukemia and other cancers, diabetes, and hereditary or genetic problems. At City of Hope, emphasis is placed on not only treating the body, but invigorating the soul.

For 80 years, City of Hope has been dedicated to improving the lives of others and has aptly named their research fellowship for an individual who has selflessly dedicated much of his life to enriching our community.

Michael is currently the managing partner of E&Y Kenneth Leventhal Real Estate Group's Orange County Office. He has played an important leadership role in the real estate industry over the past 20 years and his expertise has made him a valuable resource for most of the major real estate companies in our community.

In addition to his valuable work within the industry, he has dedicated his time and efforts to community service. He is the director of the Construction Industries for the City of Hope, and the chairman of the United Way's Alexis de Tocqueville Society. He is also on the board of the Orange County Museum of Art.

City of Hope is not the first organization to take notice of Michael Meyer's extensive community and business leadership activities. He has received the Tree of Life Award from the Jewish National Fund and the Human Relations Award from the American Jewish Committee. Tonight, he adds the Spirit of Life Award to his distinguished list of accomplishments.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Michael Meyer for his generosity and dedication to our community.

IN MEMORY OF JOE FOX

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a business owner, a community mentor, and a loving husband, father and grandfather, Joe Fox.

As a young man, Joe fought for his country in World War II as a marine, earning a Purple Heart for his bravery. Later, he published a community newspaper and was the proprietor of Linka's Restaurant. Linka's was regarded as a popular neighborhood gathering place, where people would meet not only for the creative family-style meals, but also for conversation and advice from Joe Fox.

Joe Fox loved to cook and experiment with all different kinds of cuisine. He also loved to help people in any way he could. Joe was a very special and unique man whose generosity and vision earned him a place in the hearts of everyone in the community. He is survived by his wife, Olga, a daughter, a son, and three grandchildren, all of whom he adored. Their loss is shared by everyone fortunate enough to have known Joe.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 25, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 26

12:00 p.m.

Conferees on H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998.

S–128, Capitol

SEPTEMBER 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the operation of the FBI crime laboratory.
SD–226

SEPTEMBER 30

8:30 a.m.
Veterans' Affairs ***P***To hold hearings on the nominations of Hershel Wayne Gober, of Arkansas, to be Secretary of Veterans Affairs, Richard J. Griffin, of Illinois, to be Inspector General, Department of Veterans Affairs, William P. Greene Jr., of West Virginia, to be an Associate Judge of the United States Court of Veterans Affairs, and Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training; to be followed by a business meeting to consider pending calendar business.
SR–418

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Laura S. Unger, of New York, and Paul R. Carey, of New York, both to be a Member of the Securities and Exchange Commission, Dennis Dollar, of Mississippi, to be a Member of the National Credit Union Administration Board, and Edward M. Gramlich, of Virginia, and Roger Walton Ferguson, of Massachusetts, both to be a Member of the Board of Governors of the Federal Reserve System.
SD–538

Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR–253

Energy and Natural Resources
To hold hearings on the impacts of a new climate treaty on U.S. labor, electricity supply, manufacturing, and the general economy.
SD–366

Environment and Public Works
Business meeting, to mark up S. 1180, to authorize funds for programs of the Endangered Species Act.
SD–406

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

10:30 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine unconstitutional set-asides, focusing on ISTEA's race-based set-asides after the Supreme Court case "Adarand".
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD–192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR–253

Indian Affairs
To hold hearings on the proposed settlement between State Attorneys General and tobacco companies, focusing on the proposed Indian provision.
SR–485

10:00 a.m.
Armed Services
To hold hearings on the nomination of Jacques S. Gansler, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.
SR–222

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings to examine Congress' constitutional role in protecting religious liberty.
SD–226

Labor and Human Resources
To hold hearings to examine voluntary initiatives to expand health insurance coverage.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 940, to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and H.R. 765, to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.
SD–366

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD–342

OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR–332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 725, to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District, S. 777, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc. a nonprofit corporation, for the planning and construction of the water supply system, H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington.
SD–366

OCTOBER 8

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1064, to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park.
SD–366

Indian Affairs
To hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act.
Room to be announced

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 9

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.
SD–366

OCTOBER 22

9:30 a.m.
Indian Affairs
To hold hearings on Indian self-goverance, focusing on proposed legislation to extend compacting to agencies of the Department of Health and Human Services.
SR–485

OCTOBER 29

9:30 a.m.
Indian Affairs
To resume oversight hearings on proposals to reform the management of Indian trust funds.
Room to be announced