SENATE—*Tuesday, October 7, 1997*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend C. Edward Pruitt, Burke United Methodist Church, Burke, VA. Dr. Pruitt, we are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Dr. C. Edward Pruitt, Burke United Methodist Church, Burke, VA, offered the following prayer:

Let us pray.

God of all creation, Who has made of one blood all the nations of the world to dwell on this Earth, help us to live as brothers and sisters. May we have love, compassion, and concern for one another knowing that when one of us suffers, we all suffer.

On this day, O God, we pray for the peacemakers of our world as they fly from Washington to the Middle East, from the United Nations to Bosnia, and to all parts of our war-torn world. They carry with them their briefcases and a deep desire for peace among the peoples of the Earth. Hear our prayer for these peacekeepers and leaders who long for peace but don't yet know how to find that peace. Give them Your guidance, Your wisdom, and commitment, O God.

And now we ask Your special blessings and guidance upon the Members of this Senate body as they seek Your will for America and the world. In their deliberations, give them hospitality, friendliness, and humor, and may what they say and do on this day make a real difference in our world.

Bring life to our spirits and a sense of joy to our living. May Your will be done in our lives, our country, and our world. We pray in humbleness and thanksgiving. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. GREGG. Mr. President, I yield to the Senator from Virginia for a brief comment relative to the opening prayer.

Mr. WARNER. I thank the leader.

THE GUEST CHAPLAIN

Mr. WARNER. Mr. President, it is my privilege to recognize this morning the Reverend C. Edward Pruitt as our guest Chaplain for today. We particularly welcome his words of assurance to give strength to all of us in the discharge of our duties.

Reverend Pruitt serves as the pastor of the Burke United Methodist Church in the Commonwealth of Virginia. He has been in that post for 3 years and has ministered to the people of Virginia and Maryland for the past 30 years in his distinguished career. A graduate from the Wesley Theological Seminary here in Washington, Reverend Pruitt has a very unique background.

If one detected a slight accent in the Reverend Pruitt's words this morning, it might be because he grew up as a waterman's son—that's a fisherman's son—on the small island named Tangier in the middle of the Chesapeake Bay. Here the islanders still speak with great pride with a lingering trace of the Elizabethan English dialog, reflecting the historic settlement of that island by the English Captain John Smith in 1608.

I do not know how many of my colleagues know that Tangier Island in Virginia exists, but it does. I have been privileged to be there many times. It is noted for one other thing: There is not a single automobile for transportation.

Again, we welcome Reverend Pruitt, and the Senate is particularly grateful to Bill Hoagland, chief of staff to the Republican Senate side of the Budget Committee for bringing to the attention of the President pro tempore and the leadership the availability of this distinguished pastor.

Thank you. I yield the floor.

SCHEDULE

Mr. GREGG. Mr. President, this morning, the Senate will be in a period for morning business until 12:30 p.m. At 12:30 p.m., the Senate will recess for the policy luncheons to meet until 2:15 p.m. When the Senate reconvenes at 2:15 p.m., the Senate will proceed to a cloture vote on the paycheck protection amendment currently pending to S. 25, the campaign finance reform bill. If cloture is not invoked on the amendment, the Senate will proceed to a cloture vote on the campaign finance reform bill itself. If cloture is not invoked on the bill, the Senate could resume the D.C. appropriations bill for the consideration of the remaining issues to that appropriations matter. A cloture vote is scheduled for tomorrow on the pending Mack-Graham amendment to the District of Columbia appropriations bill if that issue is not resolved.

Also, as announced, the Senate may turn to any appropriations conference reports that become available. Therefore, additional votes will occur following the 2:15 p.m. vote during today's session of the Senate. I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, there will now be a period for the transaction of morning business, with the Democratic leader having 45 minutes under his control.

The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, thank you for the recognition.

CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, let me begin by simply commenting on the interesting juxtaposition this body finds itself in this morning.

Less than 500 yards from here, the Governmental Affairs Committee is holding a hearing—another hearing—dealing with questions relating to campaign finance in the last Presidential campaign cycle. There seems to be an extraordinary degree of enthusiasm for pursuing every facet of that particular exercise, and I understand the enthusiasm because, obviously, it reflects in a very negative way upon many in the Democratic Party. There has been an effort to direct the committee's attention to similar allegations regarding Republican activities, but the Democrats have largely been denied an opportunity to demonstrate any balance. In fact, with all of the hearings held thus far, I am quite sure there have only been 3 days out of all of those hearings held that the committee has spent analyzing, considering allegations regarding Republican activity. So while 90 percent of the attention is centered on Democrats and less than 10 percent on Republicans, the investigation goes on.

The real question is, Where will this take us? And that leads me to this comment on juxtaposition. I wouldn't be surprised if on the cloture vote this afternoon, virtually every member of the Republican Governmental Affairs Committee will vote against cloture on the bill, will vote not to come to some termination of this charade that we have called debate for the last 14 days.

It was on September 19 that the majority leader came to the floor, surprising virtually all of us and asking unanimous consent to go to the campaign finance reform legislation. Not having had an opportunity to consult

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

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with my colleagues, we had a temporary delay in agreeing to that proposal. But during that discussion, the majority leader made it very clear:

We want to do it in a time when it can be fully debated. I think it is important that we have a chance to look at different proposals and see if a consensus can be reached. . . . So, we fully intend to have notification of the date and an adequate discussion of all sides of the issue. . . .

. . . we will have a full panoply of options to make sure we have it brought up at the right time and we can have a full debate and look at all the other things we need to consider.

Comments made by the majority leader on September 19.

Mr. President, that was over 2 weeks ago. Everyone can recall what has happened since then. The bill was immediately laid down. The majority leader, as is his right, proceeded to fill the parliamentary tree. By that, I mean adding, 8 or 10 amendments to the bill to preclude Democrats from offering any amendments to the McCain-Feingold bill. He did not offer just any amendment. He introduced this Lott amendment, the bill, S. 9, kill the bill—which at least he was very up front about. He is quoted in the Wall Street Journal on the 26th of September saying:

I set it up so they will be filibustering me.

He was quoted in the Washington Times on the same day:

I presume the Democrats are going to filibuster what we laid out. I set it up so they are going to do the filibustering, not the Republicans.

So, Mr. President, his motives were pretty clear. He laid it out very well. So there shouldn't be any doubt what this is about. This isn't a discussion about whether or not the proposal is a good idea. We have already suggested, proposed that if it is a good idea, let's extend it to all organizations, let's extend it to corporations, let's extend it to all membership organizations that involve themselves in elections. If you pay dues, you ought to have the opportunity to say how those dues are spent. That is the Republican argument. Well, if it is good for unions, it ought to be good for corporations; it ought to be good for the Chamber; it ought to be good for every other organization.

Interesting enough, the Right to Work Committee, no bastion of support for labor unions, is quoted in the Washington Post:

The Right to Work Committee says it is opposed to any union provisions being included in the campaign finance overhaul.

Even the Right to Work Committee opposes adding the Lott amendment to the campaign finance reform bill.

So we are not fooling anybody here, Mr. President. We have offered, as I noted a moment ago, to take S. 9 separately; no filibuster. Let's have a good debate about whether it makes sense. Let's have amendments, and then let's vote up or down. We have offered that. That hasn't been accepted. Why? Well, the majority leader has made it very clear why. That's too easy. He wants to set up a situation that requires a Democratic filibuster.

So this is a poison pill, Mr. President—a poison pill. Why would Democrats oppose cloture on the amendment? Because if cloture is invoked on the amendment, by the very nature of cloture, all other amendments that are nongermane to that particular amendment falls. Could we add corporations? No. Could we add any other organization? No. So everybody ought to understand what this is all about. The majority leader does not want an up-or-down vote on his amendment. He doesn't want an up-or-down vote on campaign finance reform.

So we find ourselves in an interesting situation. We could table the amendment. I believe the votes are now here for the Senate to table the Lott amendment, but it is increasingly unlikely that we will have an opportunity to table the amendment this afternoon.

I am very disappointed with the way this whole matter has been handled from the very beginning in laying down the unanimous-consent request. When the majority leader attained his position, he and I had what I thought was an understanding: There would be no surprises. Well, you can imagine my shock at the surprise a few weeks ago, that is, on September 19, at this unanimous consent request, considering our understanding.

Yesterday, we filed a cloture motion to ensure that there will be another vote on reform, at least tomorrow. What I didn't know is that the majority leader took us out of debate on the campaign finance reform bill in order to preclude a tabling motion yesterday. That was surprise No. 2. So this debate has been filled with surprises. I am surprised, given what he said on September 19 about the full panoply of options, that we have no options at all. We have the option of voting for cloture.

If all this is confusing, it really boils down to something very simple: Do you support meaningful campaign finance reform? Do you or not? If you do, you will press the majority leader for a tabling motion on his amendment. If you do, you will vote for cloture this afternoon on the McCain-Feingold bill. So there shouldn't be any confusion at all about what this is about, about what the motivations are or about the circumstances in which we find ourselves this morning.

The bottom line is, the vast majority of Republicans are refusing to allow this Senate to act on one of the most important pieces of legislation to be brought up in this Senate in this Congress. That is the fact. And how ironic that as we investigate infractions, as we investigate allegations, the response is simply: Let's do nothing; let's filibuster the campaign finance reform bill; let's load up the tree so we can't have a debate on amendments.

We all understand it. The American people understand it too, Mr. President. Sooner or later we will have our day. It is the old lose the battle, win the war metaphor that keeps coming back. We may lose cloture today, we may not get our tabling motion today, but we are going to get some votes. If it is all we do for the rest of this Congress, we are going to get some votes.

Others have come to the floor to seek recognition. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I appreciate the comments of the Senator from South Dakota. I rise to support his comments.

Mr. President, there is a wonderful cemetery in a little town called Medora, ND, on the edge of the Bad Lands in western North Dakota. The cemetery has very unusual tombstones in it because they did not always know the names of the people who died when they tried a century later to identify the remains in the cemetery. So they took an oral history of the old folks living around there and did the best they could.

So if you visit that little cemetery, you will see tombstones that say, on one "Baby From The Hotel." They did not know who it was. They just knew it was a baby that died in the hotel. On the other, "Man The Bank Fell On." Still another tombstone, "Cowboy With 2 Acres." Still another, they knew the man's name was Pete and it said, "Pete, He Died In A Disagreement."

It is an interesting cemetery to visit because by these tombstones you can tell, without knowing the names, who is buried there.

I was thinking about that cemetery today because we have today a group of people who are fixing to try to kill and then bury campaign finance reform. They have been out here for days. Today is their day because today we have some votes. They want to kill it, and they want to bury it.

The problem for them is no matter what happens today, they are not able to create a tombstone that says, rest in peace for campaign finance reform, because it is not going to rest in peace. Those who believe there is not enough money in politics and we ought to have more, those who believe that we ought to kill campaign finance reform and they are the ones to do it, they want to have a little rest in peace tombstone and run to the back rooms and collect their political inheritance, the tens of millions of dollars that keep flowing into all of these coffers and hard money and soft money for this organization and that organization.

It is not going to work quite that way. If they kill campaign finance reform today, it will have been a charade. We were told that we would consider campaign finance reform on the floor of the Senate. How did it come to the floor of the Senate? It came to the floor of the Senate tied in ropes with a procedure designed to prevent anyone from offering any amendments or having any votes except those structured by the majority leader. And those structured by the majority leader are intended to accomplish the following:

According to one who spent a great deal of time on the floor here, "We're going to kill it, and kill it proudly." Campaign finance reform, that is their goal, "kill it, and kill it proudly."

"I set it up so they will be filibustering me," proudly crows another.

Conservative columnist Mr. Novak wrote a column and said it as it was,

> The party's preference is * * * no reform at all: Remove all limits on campaign contributions but disclose them daily on the Internet. Because that won't become law, the GOP leaders favor a Senate standoff in which no proposal gets 60 votes needed to end a filibuster.

I did not say that. A Republican columnist wrote that. That is the strategy.

Part of it is: "[Speaker] Calls For More, Not Less, Campaign Cash." It is because of a profound difference of opinion. Despite the facts, despite this red line on campaign spending that goes up and up and up, spending that is out of control in politics in this country, despite that, we have people who believe the problem is there is not enough cash in politics. They are dead wrong. They could not be more wrong.

The American people know and the American people understand that we need to pass some sort of meaningful campaign spending reform. I happen to believe we ought to try to find a way to put limits on campaign spending.

Individual races, the Supreme Court said by a 5 to 4 decision you cannot support those. I would like the Supreme Court to have another opportunity to rethink that, but in any event there are other ways to do it to provide incentives for spending limits on each campaign. In fact, the bill before us is watered down. They took that portion of the bill out before it was brought to the floor. So what they are trying to kill is even just a skeleton of what we ought to be doing.

If we get to vote on amendments, those of us who believe there ought to be spending limits will bring that to the floor and ask for a vote on that as well. But that is not in the bill at the moment.

The strategy is a legislative strategy to bring it up, have no votes, offer a poison pill, fill the legislative tree so everyone is bound up and no one can do anything, then file cloture, have a vote on cloture, and pull the bill and claim to all of America you really allowed consideration of campaign finance reform.

That is not consideration. That is a sham. That is not about honest consideration of campaign finance reform. An honest consideration of it would be to bring the bill to the floor and let people file amendments and have a debate and have votes and determine what is the will of the Senate.

The goal of those who want to kill this today is to do nothing because they like the current system. They will feel, I assume, like hogs in a corn crib when this is all done, just rejoicing at their bounty because they will have killed campaign finance reform, and the hundreds of millions of dollars that continue to float around to all these campaigns will magnify and multiply manyfold.

We have had 6,700 pages of hearings on campaign finance reform, 3,361 floor speeches—make that 3,362 now today and 3,363 with the next Speaker—113 votes over the years, 522 witnesses. And some say, Well, gee, we need more time to consider this. We don't need more time to consider this. Campaigns are not auctions. They are elections. Money isn't speech. If money is speech in American politics, then there is something wrong with the political system.

If we cannot begin with the germ of an idea that there is too much money in politics, that this red line signifies something that is unhealthy about American politics and that soft money is the legal form of cheating from the old type of campaign finance reform, and if you cannot deal with the form of cheating that erupts from the old campaign finance reform because you don't want to do anything, then somehow we have failed as an institution.

So my point today is very simple. In 1996, the Democrats, through their organization, spent $332 million. That was up 73 percent over 4 years previous. The Republicans spent $548 million. That was up 74 percent over 4 years previous.

The fact is, the evidence is all around us that the cost of these campaigns is mushrooming and escalating, and it is unhealthy. The question is, what do we do about it?

Today, we are going to answer the question who is for reform and who isn't, who wants to do something about this and who doesn't, who cares about this issue and who doesn't care.

I know some are going to be tempted today to follow the strategy employed by the majority leader: Construct a tent and create an illusion and have several cloture votes through which or behind which some Members can hide with their votes so you never ever get to the central question of, Do you stand for campaign finance reform or don't you?

I just say to those who have conceived of this strategy that this campaign finance reform, if you think you have killed it today, it is going to be resurrected tomorrow. This is not going to rest in peace. You are going to vote on this and vote on this and vote on this until you understand this is a serious issue and the American people insist that this Congress do something about campaign finance reform.

I am proud, as I believe the Senator from South Dakota, the minority leader, Senator DASCHLE, is proud and my colleagues are proud of standing for reform and deciding that we support the kind of changes that are necessary to bring some health to the campaign finance system in this country and to do something about the abuses, the outrageous amounts of money in campaign finance.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, how much time remains under the control of the minority leader?

The PRESIDING OFFICER. The time remaining is approximately 24 minutes 56 seconds.

Mr. KENNEDY. For the minority leader?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 7 minutes, Mr. President.

Mr. President, Americans from all walks of life know that we need tough new laws that limit the role of money in election campaigns in American political life. They are fed up with a campaign process driven by the soaring costs of television commercials. They are fed up with incumbents and challengers who spend more time raising money from special interests instead of serving the public interest.

Americans want true campaign finance reform, and today is a test of whether the Republican leadership in the Senate is listening. Will we get a chance to enact campaign finance reform, or will the Republican leadership in the Senate continue to block reform or even withdraw the bill entirely?

Instead of reform and accountability in Government, Republicans wants to silence the voices of America's working families. Instead of adopting real limits on campaign spending, Republicans want to sweep the American worker under the rug.

In the world according to the Republicans, there would be more and more money for their campaigns and less and less for those who speak up for better jobs, better health care for our children, and a better retirement for our seniors.

So far in this debate, instead of limiting the amount of money in politics, Republicans prescribe an overdose of money for elections in which their friends in big corporations and their lobbyists and special interests can

write more checks and bigger checks to the Republican Party.

Republicans in the Senate have decided that they would rather kill the patient with a poison pill than cure the disease. They say that unless the bill silences the voice of labor unions and American workers in the political process, they will kill campaign finance reform. They want to increase the power of large corporations and squash even the limited power that American workers have today. Republicans want to handcuff labor unions in the battle for a living wage and fair retirement benefits, for safety and health conditions in the workplace.

In short, Republicans want to impose a gag rule on American workers but let their friends in big corporations, the National Rifle Association, and other well-heeled special interests buy a controlling interest in the Government.

The Lott amendment is a killer amendment, because it unfairly punishes working Americans and their unions for participating in the 1996 elections. The Lott amendment bars unions from collecting dues from any workers—including those who voluntarily join a union—unless those workers sign a permission slip for their union dues to be spent for political purposes.

When the amendment seeks to block labor union contributions for political purposes, the restriction is not limited to campaign ads or lobbying. Instead, it includes union newsletters, nonpartisan voter registration drives, and get-out-the-vote efforts. The scope is vast, and the goal is obvious—to deny working Americans those basic rights of our democracy.

We have heard much in recent days about the importance of the first amendment. Many on the other side of the aisle wrap themselves in the banner of free speech when they oppose the McCain-Feingold bill. They claim that the first amendment requires that more money be pumped into the political process.

That is Alice-in-Wonderland, looking-glass logic, and everyone knows it.

I couldn't disagree more, and so does the majority of the American people. Americans want campaign finance reform, and they want it now.

Strangely, those who claim that the first amendment demands more money in politics are silent about the Lott amendment's effect on free speech. Working Americans and their unions have first amendment rights to freedom of speech and association. Political activity is critical for workers to protect the legislative gains they have made in the past 70 years. Workers can and should speak out to strengthen safety and health laws, and protect American jobs against exploitative foreign competition.

And what better way to address these and other basic concerns than by banding together in their unions? The labor movement is the most effective voice for working Americans in the political process, and we all know it.

But the Lott amendment silences this voice. It imposes onerous prior consent requirements on unions, and forces unions to set up burdensome bureaucracies to meet its terms. The amendment's supporters know this would cripple unions' ability to participate in politics. Yet those supporters say nothing about the denial of workers' freedom to speak or associate. Many Republicans apparently care nothing for the first amendment when it comes to American workers.

How hypocritical can you get?

Well, I believe that the first amendment applies to employees as well as executives. Unions have at least as much right to speak as corporations. Nothing in the first amendment says "except if you are a union member."

Unfortunately, it seems that many of my colleagues on the other side disagree.

They want to continue the torrent of campaign ads and political contributions from the big tobacco companies and other large corporations, the National Rifle Association and other special interests. The Lott amendment does nothing to affect the free flow of money from those groups, whether their members agree or not. Where is the concern for corporate shareholders who do not want their money going toward political causes? What about dues-paying members of the National Rifle Association who may not agree with all the political stands their organization takes? I don't hear Republicans expressing concerns about them.

Instead, under the Lott amendment it is only workers who are silenced while big corporation and other special interests are unaffected.

The current campaign finance laws, inadequate as they are, at least apply evenhandedly to political spending by both business and labor. The Lott amendment violates fundamental principles of parity by imposing new restrictions on workers and labor unions.

This isn't reform; it is revenge. It is a blatant attempt to punish working Americans for their role in the 1996 elections and an equally blatant attempt to increase the role of big business in the next election.

These workers were pointing out the importance of fairness to working Americans to increase the minimum wage, working families that were pointing out the wrong priorities that were being pressed by the Republican leadership in cutting back essential education programs. They were pointing out the recommendations by the Republican majority to cut back on the Medicare Program and to use those cuts for tax breaks for wealthy individuals, and the programs that were recommended and passed in the House and Senate to open up pension funds for corporate raiders—all of these items were put out on the American agenda, and in instance after instance the American people rejected the Republicans' proposal and reelected a Democratic President.

We must move beyond this partisan assault on American workers and enact real campaign financing reform. We should heed the call of former Presidents Carter and Ford as they wrote on Sunday:

> We must demonstrate that a government of the people, by the people and for the people is not a thing of the past. We must redouble our efforts to assure voters that public policy is determined by the checks on their ballots rather than the checks from powerful interests.

If President Ford and President Carter can agree, if Vice President Mondale and former Senator Kassebaum can agree, then surely this Senate can reach agreement, too.

I urge my colleagues to defeat the Lott amendment and support the meaningful reforms of the McCain-Feingold legislation. I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I yield myself 5 minutes from the time controlled by the Democratic leader.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. REED. Mr. President, I rise today in strong support of meaningful campaign finance reform. In particular, in support of the McCain-Feingold bill. I want to commend those two Senators for their excellent work and their unflinching efforts to bring this measure to a vote. I also want to rise in opposition to the proposed Lott amendment. It is an amendment that is clearly a poison pill designed not to do anything other than derail meaningful campaign finance reform. This is the conclusion of all observers who have looked at this carefully—Common Cause, the League of Women Voters, editorial pages in the New York Times and Washington Post. Political scientist Norman Ornstein said, "A vote for the Lott amendment is a direct move to kill reform." Rather than killing reform, we should be embracing it today, in terms of the Feingold-McCain legislative initiative.

In 1884, the Supreme Court gave us the task of protecting the electoral system. In the words of the opinion in Ex Parte Yarborough, they said Congress has "the authority to protect the elective process against two great natural and historical enemies of all republics, open violence and insidious corruption."

What we are witnessing today in our electoral process encompasses this form of insidious corruption—not specific misdemeanors, or infractions, but a system in which the American people

are losing faith and confidence, that they are seeing their system transform from one in which free elections are based on the merits of the candidates to one which they perceive is based upon simply the sheer volume of cash that flows into the system. This corrupting influence is weakening our ability to govern and the confidence of the people in our motives and indeed in our actions.

Ninety-two percent of Americans think that too much money is spent on campaigns; 89 percent want fundamental change in the campaign finance system; 85 percent believe special interests have more influence than the voters; 69 percent believe that public officials are indifferent to their views, their concerns, their needs; 51 percent believe that quite a few Government officials are corrupt.

If that is not evidence of insidious corruption, then I don't know what is. Perhaps other evidence might be the fact that people are no longer participating in the most meaningful way a citizen can participate, by voting. We have seen voter participation plummet. In 1996, voter turnout was below 50 percent, which is the lowest since the early 1920's. Fewer people volunteer to participate as volunteers on campaigns, as canvassers, as public-spirited citizens who want to be involved in the Government. The most frequently cited reason for people not actively engaging as candidates is the fact that they can't raise the enormous amounts of money that they perceive is essential to becoming part of the American political process.

All of this argues, I think, eloquently and decisively for fundamental campaign finance reform. But what is happening today in this amendment is an attempt to throttle the views of working men and women throughout this country. And at the same time, protect and enshrine the right of the few to give very, very much to political campaigns.

That, I think, is another example of how the system has gone haywire and askew. Six hundred thousand people contributed over $200 in Federal campaigns in 1996. That represents .31 percent of eligible voters. Of those individuals that gave over $1,000, 237,000 Americans, .12 percent of eligible donors. Those individuals who gave the maximum amount under Federal law to Federal candidates, $25,000, in the entire United States, 126—an infinitesimal fraction. That is what this argument is about today in many respects. It is to allow those individuals to give directly and indirectly unlimited sums to the political process and to further erode confidence in our Government. At the same time, the Lott amendment would circumscribe the ability of working men and women to make small, routine contribution through political action committees.

The sum of all this is that we need fundamental reform. The Feingold-McCain bill presents such reform. It would ban soft money to national political parties as well as the use of soft money by State parties to impact Federal elections. It would eliminate the abuse of issue ads. The last election cycle saw an explosion of issue ads, ads in which candidates were beaten about the head and shoulders regularly, not by their opponent, but by groups that rose up suddenly and put ads on television and departed just as quickly.

(Mr. SMITH of Oregon assumed the chair.)

Mr. REED. The Feingold-McCain bill would also strengthen disclosure in election law. It would provide for strict codification of the Beck decision, not circumscribe and prevent labor from participating in elections, but codify the Supreme Court decision, allowing the notification of the use of funds for political purposes by unions and also reduction for those individual members who object to such uses. Also, it will put limits on party assistance of wealthy candidates and the ban of foreign money into American campaigns. This is fundamental, necessary reform of our campaign system. I argue in fact that as worthy as these reforms are, we would have to go further. But today at least let us take the step forward for this sensible, moderate balanced reform, which the American people are demanding.

There are States in this country that have taken the step, have gone much further and passed expenditure caps on campaigns, that are experimenting with other ways in which they want the issues to be decided by candidates based upon their positions, not by campaign committees based on their balances in their checking accounts. We should take the step forward today. We should in fact resist the Lott amendment, which would derail meaningful campaign finance reform. We should rather urge that we, as the Senate of this great country, proudly step forth and endorse meaningful campaign finance reform. Many years ago, in 1914, the New England poet Robert Frost wrote: "Good fences make good neighbors."

Well, Mr. President, ladies and gentlemen, when it comes to campaign finance reform, all our fences are down. They have been demolished by a flood of cash running into elections. Unless we build good, strong fences, we can't be good neighbors or good candidates or indeed good citizens. We need to reform our campaign finance system, we need to begin today by defeating the Lott amendment and moving forward to pass the McCain-Feingold legislation.

I yield the balance of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague for his strong words. He has been a very strong reformer in the Senate.

Mr. President, let me try to not repeat the arguments that have already been made on the floor and instead draw from conversation that my wife Sheila and I have had with people in cafes in Minnesota. We had the opportunity, in August, to spend about a week just dropping in cafes in the morning around breakfasttime and lunchtime and just talking with people and listening to what people had to say. I say to my colleagues that one disturbing conclusion from these discussions with people is that I think many people in our country, certainly many Minnesotans, are now pretty well convinced that way too much of politics, way too much of Government is dominated by wealthy people and special interests, that too few people have way too much wealth, power, and say and that too many people—that is to say the majority of people—are locked out.

Mr. President, in the cafes in Minnesota, quite often people would say to us: When it comes to our concerns, Paul and Sheila, about affordable child care, jobs and decent wages, and affordable health care, about the power of insurance companies, the way in which we are denied coverage, about the concentration of power in banking, about the concentration of power in agriculture, about affordable education, when it comes to our concerns, we don't think our concerns are of much concern in the Halls of the Congress.

I think the main reason that people have reached this conclusion is that they are so disillusioned about all the ways in which they see big money dominating politics. Indeed, I think that is the ethical issue of our time.

Mr. President, so that nobody has any illusions here, I don't think that people view this as corruption as in the wrongdoing of individual officeholders, but they view it as systemic. They really believe that there is an imbalance of power where the wealthy few and powerful interests pretty much dominate the political process. Mr. President, you know what? I think they are right. I don't think it is just a perception. I think they are absolutely right.

If you believe in representative democracy, then you believe in the idea that each person counts as one and no more than one. We don't have that any longer. We have auction block democracy, Government going to the highest bidder. People are disillusioned. That is the meaning of the last election, where over 50 percent of the people in the country didn't even vote. The party of the disaffected is the largest party in our country. Therefore, I don't understand, for the life of me, why my colleagues on the majority side introduced an amendment—the majority

leader introduces an amendment which basically destroys this campaign reform effort.

Now, Mr. President, I want to thank Senators MCCAIN and FEINGOLD for their very strong leadership. I think this is the most important issue before us. I think it is the core question; it is the core issue. Every year since I have been here in the Senate, I fought it out on these reform issues because I really think this goes to the very heart of whether or not we really have a democracy or whether we just have a pseudodemocracy. What we have before us really is not the McCain-Feingold original formula, but the extra-mild version, which I don't think has enough zing in it, but at least it represents a step forward. With the McCain-Feingold effort here, we have a ban on soft money contributions to the parties. This is the sort of unaccountable money, if you will. We have in addition, some real standards on this issue advocacy—and this has been gone over, which is a terribly important part of this legislation—and by the way, if you ban soft money to the parties and don't do anything about the issue ads, really psuedofake ads, the money will just shift there, and in addition, you have some standards dealing with tighter standards dealing with independent expenditures. So it is a step forward. That is why we should pass it.

My hope is that it will whet the appetite of people in the country for more because the truth of the matter is, in the spirit of compromise, the one provision that was actually dropped—that is why we have McCain-Feingold extra-mild now, it had do with us, with reducing the amount of money spent in campaigns in Senate races. I mean, I thought that was the most important part that we would somehow reduce the amount of money spent in exchange for discounts when it comes to access to TV time or direct mailing, you name it.

Now, Mr. President, I mean, I think the criteria ought to be, let's stop this obscene money chase, let's stop the obscene amount of money all of us have to spend and the time we have to spend raising money. Let's lessen the special interest access and influence. There is way too much of that. The vast majority of people really are locked out of this process, and let's try and have a level playing field, where challengers have a shot at winning. By that criteria, the McCain-Feingold bill doesn't go far enough. But if this piece of legislation is passed—and that is why it is such an important bill, even this stripped-down version is so important—people in the country, I think, will say, look, the Congress has finally taken some action. This is a step forward.

People aren't fools. People aren't going to see this legislation as the be all and end all. They are not going to see it as Heaven on Earth, as ending all special interest access; they are not going to see it as ending the huge amounts of money spent in politics. But people will see it as a step forward. I say to my colleagues that what we have here when it comes to the majority leader's amendment—quite frankly, I am surprised that some of my colleagues in the majority party have essentially followed the lead of this amendment. I hope they won't. If we have a vote that is going to be very revealing.

If in fact people vote for this Lott amendment and continue to insist that it became part of a reform bill knowing that it is, as everyone has said, the "poison pill" amendment, then we may very well have no reform bill passed at all.

So this becomes a vote which tells people in the country where all of us stand and on what side each party stands on when it comes to this fundamental question of reform.

If we come here this afternoon and what we have happen is that we have the Lott amendment out there—I don't know why we can't have a separate vote on the Lott amendment. I thought we would. I think we can vote it down. If that doesn't happen, then there is no cloture, and then we go to the McCain-Feingold bill and we can't get cloture, that is blocked by Senators in the majority party, then what happens is we again reach an impasse, and people in the country become disillusioned.

As a Democrat, I will just say to the Members of the majority party that, frankly, I think people will be very angry. I think they will not appreciate this amendment. I think they will not appreciate the effort on the part of the majority leader to kill campaign finance reform. But I would say, not as a Democrat but as a Minnesotan, as an American citizen, ultimately we all lose. If we do not take advantage of this moment in time where we can pass a reform bill, albeit it still doesn't do enough, then we will be making a huge mistake, and this will just add to the disillusion of the people in the country.

The good news is that we can pass a reform bill. I hope we do. I hope we do not squander this opportunity. The good news is that all around the country there is a lot of energy for reform.

I introduced a bill with Senator KERRY which is a clean-election, clean-money option which essentially gets all of the private money out of politics. It is really strong. People in Maine have supported it. People in Vermont have now supported it. There are going to be initiatives around the country on this. There is a lot of energy in States all across the country. So I think people in the country are going to continue to put the pressure on.

But we ought not to miss this opportunity to do something good. We ought not to miss this opportunity to at least begin to make some changes in the way in which all of this money is spent on politics. We ought not to miss this opportunity to pass the McCain-Feingold bill and give people in the country a clear message that we hear them. We ought not to miss this opportunity for reform. We ought not to miss this opportunity to reassure people in the country that we are committed to a political process that is more open, with more integrity—and not just the heavy hitters, the big givers, the invested and the well-connected running the show. We better not miss this opportunity.

I say to my colleagues in the majority party that I hope some of you will have the courage to vote against this Lott amendment, if we have that chance, or have the courage to join us and pass the McCain-Feingold bill, which would be a historically significant step in the right direction in leading our country toward more democracy, toward more participation and more involvement as opposed to this awful system we have right now which absolutely needs to be changed.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, I rise today to voice my support for the McCain-Feingold campaign finance reform bill. This debate is one of the most important that the Senate will conduct in this session of Congress, and I desperately hope it will result in passage of meaningful campaign finance reform.

There is an extraordinary need for reform of our election laws. Despite the apparent problems—problems that have gotten worse with every election—Congress has not passed reform. Our failure to act has contributed to a loss of confidence, not only in our electoral system, but in our democracy.

The American public has lost faith in government and its institutions. Americans feel they don't control government because they believe they don't control elections.

If you ask people who runs Washington, most will say "special interests." People watch State officials, Members of Congress, and Presidential candidates chase money, and believe that's the only way to get your voice heard in Washington. They see televised campaign finance hearings, allegations of trading contributions for access, and they think, "how could my voice be heard over all that cash."

Certainly, Congress is not alone to blame for the current system. Voters themselves share some responsibility. People routinely decry the use of negative political ads, yet continually respond to the content of those ads. The media, especially television stations and networks, have failed to adequately inform the public of important policy questions. Instead of covering significant issues, broadcasters often fall back on covering the "horserace" aspect of the campaign, or "sideshow" disagreements among candidates.

But the ultimate responsibility rests in this Chamber, with Congress. For more than 30 years the growing crisis has been ignored. Year after year, speeches are given, bills are introduced, but no action is taken.

We now have a rare opportunity, with public attention focused on this debate and this bill, to pass real campaign finance reform.

Senators MCCAIN and FEINGOLD have developed a genuine compromise plan. It is not exactly as I would have drafted—or any of us, if we had that chance. It is, however, the best, last chance we have to repair the broken campaign finance system.

The modified version of the bill addresses one of the fundamental problems in the system—soft money contributions. By banning these huge sums from Federal campaigns, we correct many of the problems which have been exposed this year in hearings before the Senate Governmental Affairs Committee.

The bill also tries to deal with the growing and disturbing impact of independent expenditures. I believe the sponsors of the bill have achieved a delicate balance in this area—curtailing the use of this practice, while still conforming to constitutional boundaries.

Mr. President, we have never had a time in our Nation's history when such a pervasive problem went unanswered by the Congress. America has met challenges such as this before, and adopted policies which strengthened our democracy. We have that opportunity with the bill before us.

The McCain-Feingold bill will help restore the American public's faith in this institution and in all the institutions of Government.

As some of my colleagues know, Senator BROWNBACK and I have introduced legislation to establish an independent commission to reform our campaign finance laws. This commission would be similar to the Base Closure Commission, which proposed a series of recommendations to Congress for an up-or-down vote of approval.

But I do not believe that we should take such an approach at this time. It would be much better if Congress acted on its own, without the help of an outside body, to reform our election laws. It would demonstrate to the American public that Congress is serious about changing the way our democracy functions.

Mr. President, before I conclude, I just want to take a moment and commend my colleague from Wisconsin, Senator FEINGOLD. Without his tireless efforts to advance this bill, it surely would have died long ago. By bringing this cause to the floor, Senator FEINGOLD truly follows in the tradition of the great progressive movement in Wisconsin. I'm proud to serve with him, and I urge my colleagues to support our efforts to pass this vital legislation.

Mrs. MURRAY. Mr. President, this is the 5th year I have been a Member of the U.S. Senate. And this is the 5th year I can recall debating campaign finance reform. I have voted for campaign reform legislation several times now, and each time it has been killed off by filibuster.

This year, I have served as a member of the Leadership Task Force on Campaign Reform. We knew from the beginning of the year this would be a big issue. Therefore, we have devoted hours to finding a way to break the logjam and move a bill.

Against this backdrop, I have been listening to this debate very closely over the past few days. I have been watching the hearings in the Governmental Affairs Committee, and I have been watching the efforts of colleagues on the other side of the aisle as they attempt to find a compromise.

So far, I cannot see many differences between this debate, and the ones we've had over the past few years. In this debate, we have a bipartisan group of Senators committed to reform. This group has worked overtime to craft a reasonable reform measure that makes sense for America. They have worked to generate support, to make their case to the media and to the public, and to push for the last few votes necessary to pass it. I have been proud to support the effort.

And, like usual, there is the familiar obstruction on the other side of the aisle: a concerted effort to preserve the status quo. Though carefully disguised, their goal is to prevent reform legislation from passing.

There is a big difference this time. The public is paying more attention than ever before. The excesses of the last campaign season, brought to light through the good work of the Governmental Affairs Committee, have made campaign reform a front-burner issue in every kitchen in America. Just yesterday, more than 1 million signatures were delivered to the Capitol. These are signatures from people all over America who, over the past 7 months, have joined a nationwide call for reform.

The people are calling for reform, as they have for years. But this time the call is louder, the focus is more intense, and the opponents of reform will be held accountable.

What exactly is the problem? Money, plain and simple. Too much money, having too much influence over our democratic process. As I have said before, this Congress has reached the point where votes and decisions have become a bidding war between well funded special interests.

When the Senate debates a bill, we are no longer simply 100 Senators representing our States. We are 100 Senators representing our States and every special interest who has ever made a major financial contribution to the party, or to the campaign, in order to influence government decision-making. This is wrong. This is not the way it should be.

The campaign system is clogged with money, and there is no room left for the average voter. Political campaigning has become an industry in this country. In last election, over $800 million were spent on Federal elections alone. To what end? To perpetuate the status quo. Just think what $800 million could do if spent on charitable pursuits.

Instead, that money—much of it undisclosed, from dubious sources—flowed into the political arena and dictated the terms of our elections to the people. Like water, it flowed downhill into campaigns all across the country. Some of it came out in the form of national party ads attacking candidates in the abstract; some came out in the form of issue-ads by interest groups trying to influence the outcomes. Some of it came out in the candidates own TV ads.

It reaches the point where you almost cannot hear the voices of the candidates anymore, only the voices of the dueling special interests. We do not know who pays for these ads, where they get their money, or what they stand to gain if their candidate wins. Yet they have found ways to have a huge influence over the election process.

On the other side of the aisle, the opponents of reform argue against the McCain-Feingold bill on free speech grounds. They wrap themselves in the flag and posture as protectors of free speech. Then they argue politicians and political parties should be able to take money in any amount from anyone in order to make the case for their reelection. They believe that having more money entitles one to a greater influence over our campaigns and elections. I find this argument shocking, Mr. President. I find it profoundly undemocratic, and un-American.

In hiding behind a transparent argument about free speech based on access to money, the opponents of reform conveniently gloss over reality: our campaign system is so awash in money, that the voices of average people and average voters are completely drowned out. Ultimately, people are losing faith in their elected officials and their government. It is simply not a healthy situation for our country.

Mr. President, the opponents of reform miss the point. In America, money does not equal speech. More money does not entitle one to more speech. The haves are not entitled to a greater voice in politics than the have-nots. In America, everyone has an equal say in our government. That is why our Declaration of Independence starts with, "We, the people."

The last time we debated reform, I told a story of a woman who sent my campaign a small contribution of $15. With her check she enclosed a note that said, "please make sure my voice means as much as those who give thousands." With all due respect, Mr. President, this woman is typical of the people who deserve our best representation. Sadly, under the current campaign system, they rarely do.

I have tried to live by my word on this issue. My first Senate campaign was a shoestring affair. I was out spent nearly 3 to 1 by a congressional incumbent. But because I had a strong, grassroots, people-based effort, I was able to win.

Since then, I have worked hard to keep to that standard. I have over 20,000 individual donors. The average contribution to my campaign is $42. Over 90 percent of my contributions come from within Washington State. I firmly believe that's the way campaigns should be run: by the people.

We need more disclosure, not less. We need more restrictions on special interest money, not fewer. We need less money in the system, not more. We need to amplify the voices of regular people, instead of allowing them to be shouted down by special interests.

Mr. President, I believe we have made this debate way too complicated. After all the maneuvering, the cloture petitions, the technicalities, the procedural votes, this issue boils down to one basic question: are Senators willing to make some modest reforms to reduce the influence of big money in politics and encourage greater voter participation? Or are they more interested in protecting the current system, and the ability of parties and politicians to turn financial advantage into political advantage?

Are you for reform, or against it? Are you with the people, or against them on the need for a more healthy democracy? The votes we are taking today will show the answers to these questions.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think by unanimous consent I have the next 45 minutes reserved. I would like to yield the first 20 minutes, or 25 if he needs it, to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Thank you, Mr. President. I wish to thank my colleague from Texas for reserving this time.

Mr. President, we are going to change the subject in regard to campaign reform. Let me just simply say that I think it is always a wise suggestion to check under the banner of what is alleged campaign reform, and I think if we would check under the banner in regards to the McCain-Feingold bill, that campaign reform is an oxymoron. But having said that, I am not going to take any more time of the Senate on this particular subject.

BOSNIA AND NATO ENLARGEMENT

Mr. ROBERTS. Mr. President, I want to talk about what is happening in regard to mission creep in Bosnia and how that reflects on the hearings that will start very quickly in the Senate in regard to NATO expansion.

Mr. President, when President Woodrow Wilson exhorted Americans to make the world safe for democracy, he did not mean sending U.S. troops to attack foreign television stations and to attempt to try to shut down political speech in other countries. Yet that is exactly what happened last week in Bosnia as NATO troops, or SFOR troops, took over four television transmitters in an effort to control news broadcasts in that shattered region. State Department officials, in declaring victory, pledged to create a system "free of the monopolizing influence of political parties." Let me emphasis that again. Free the system—"free of the monopolizing influence of political parties." Then they set about the task of deciding what television content from United States networks might be appropriate for viewing by the citizens of Bosnia—content that is not "ethnically biased."

Wrote Lee Hockstader of the Washington Post:

> As a result of the seizures of the TV towers, NATO generals and Western diplomats have cast themselves in the roles of media executives determined to construct an evenhanded state television station in a country that has never had one. That represents a new level of involvement in Bosnia's affairs for the West * * *

A new level of involvement indeed.

The trouble is, neither the American public nor Congress have been told by President Clinton just what out expectations are in Bosnia. What is our mission? How long will it last? How much will it cost? What will be accomplished? How do we extract out troops from the mess they are in?

None of these questions have been answered.

Is this war? If U.S. troops were involved in a war situation, we could expect media outlets to be military targets.

Is this war? If so, we can expect costs and casualties far beyond what the administration has projected.

Is this war? If so, what national security interests are at stake?

Is this war? If so, our troops cannot be expected to defend their lives with Nielsen ratings.

Mr. President, given this outlandish situation, we are tempted to treat these events as farce:

So when a television station in our home State gives a Senator a rough time, maybe we should call the Marines instead of the news director.

And certainly many Americans would agree they should not be bothered by the "monopolizing influence of political parties" during next year's campaign season.

Now we are back to campaign finance reform. But, Mr. President, Bosnia is serious business. Lives are at risk. Regional stability is on the line. We have serious obligations.

A few days ago Congress adopted an important amendment to the Defense appropriations bill, kindly referred to by the distinguished chairman of the Appropriations Committee as the "Roberts amendment." It requires the President to certify to Congress by May 15, 1998, that the continued presence of United States forces in Bosnia is in our national interest and why.

He must state the reasons for our deployment and the expected duration of deployment.

He must provide numbers of troops deployed, estimate the dollar cost involved, and give the effect of such deployment on overall effectiveness of U.S. forces.

Most importantly, the President must provide a clear statement of our mission and out objectives.

And he must provide an exit strategy for bringing our troops home.

If the President does not meet these conditions, funding for military deployment will end next May.

Following our actions against the television stations, Serbian officials warned there would be retaliation. And the New York Times reported that Bosnian Muslims are secretly arming themselves.

A senior NATO commander was quoted, "The question no longer is if the Muslims will attack the Bosnian Serbs, but when. The only way to prevent such an attack, at this point, is for the peacekeeping mission to extend its mandate."

Sound familiar. You bet it does.

Extend the mandate—that's mission creep by any name.

And it is the dangerous result of a policy that is lacking in direction, lacking in leadership and lacking in purpose.

The events of the last few days are alarming. They make it more urgent that the administration develop and articulate a course of action that is based on sound policy.

Taking over TV transmitters? Trying to figure out on an even basis what should be programmed, what the people of Bosnia should hear and listen to?

I suggested to one of my colleagues that if we had a choice of programs we should put "Gunsmoke," which is a favorite TV show of mine, on the Bosnian TV stations. I don't know what would be the opposing viewpoint. Maybe "Natural Born Killers" could be posed for some of the people who have been

convicted or who have been indicted under the war crimes trials. Maybe in terms of programming we could decide on old newsreels of Tito. Maybe that would do some good.

This is incredible in terms of taking over the TV transmitters.

We need hard answers on Bosnia.

We need direction.

We don't need Nielsen ratings.

In that regard, I thank my colleague from Texas for bringing up this special time for us to consider how Bosnia also segues in our decision in regard to NATO expansion.

However, with all due respect to former Ambassador Richard Holbrook and Secretary of State Madeleine Albright, there is not much support for American military presence in Bosnia in Dodge City, KS, where "Gunsmoke" came from. Now, the question is, are the American people willing to commit to additional military responsibilities called for under article 5 of the NATO Charter, and at what cost? Will they support a commitment to the Czech Republic? How about Slovakia or Slovenia or perhaps Macedonia?

When I went over during the August break to visit our troops in Bosnia, our intelligence officials and others in that part of Central Europe, here came the folks from Macedonia wanting to be included in NATO expansion. Some 20 Senators, myself included, following the leadership of the distinguished Senator from Texas, asked that question and 10 others in a letter to the President prior to Madrid. With many Senators listed as skeptical or undecided, clearly I think the hard questions must be asked in full.

Simply put, to bring NATO expansion into focus, I think President Clinton must become engaged. In Warsaw, St. Petersburg, and in Bucharest, he addressed general European security concerns but he has not made a case to the Congress and to the American people. As a matter of fact, in remarks during his European trip, the President said in the post-Soviet era, military matters are no longer primary, that terrorism, illegal drugs, national extremism, regional conflicts due to ethnic, racial, and religious hatreds do matter. I can assure you using an expanded NATO to address these concerns raises more questions than answers.

What means would be used? Warplanes, ground forces, and naval power are of little use in fighting ethnic hatred and racism. If NATO membership reduces the threat of ethnic rivalries, somebody should tell that to the Protestants and Catholics of Northern Ireland, the Basques in Spain, and the Kurds in Turkey.

Do we really want to change the most successful security alliance in history to a European United Nations? With 16 NATO members and 28 other nations inaugurating the Euro-Atlantic Partnership Council, the protocol rituals and welcoming speeches left no time for any serious discussion. The meeting was over.

And, I must say while I understand the personal and emotional feelings that all freedom loving people feel when visiting Prague, Warsaw, and Budapest, I do not think NATO expansion will right the wrongs of Yalta nor do I agree that raising serious questions about NATO expansion represents the echoes of Munich as some in the administration have charged. To characterize serious critics as appeasers or isolationists sets needed debate off on entirely the wrong foot.

Let me emphasize my reservations are not a reflection on the potential new members or their worthiness to join the alliance. I am extremely impressed with the success of the nations of Eastern Europe and their dramatic move toward democracy.

Let me share some of my major concerns.

Without argument NATO has been the most successful alliance in history. Likewise, most will agree that chief among the reasons for NATO's success is the fact that it is a military alliance comprised of like-minded nations focused against a common threat. As we know, in the past the security threat was the Soviet Union and the nations of the Warsaw Pact.

Today, however, that threat is vastly diminished—some would say gone. With the Warsaw Pact now history, there certainly is no clear threat to the survival of Europe on the horizon.

Certainly there are concerns for stability in Europe such as we have witnessed in Bosnia and in Albania. But do we need to fundamentally alter the structure of this very successful alliance to insure stability in Europe? Will the results of our actions be to turn a superb military alliance into a political alliance with diminished military capability? If we do, will NATO survive?

Let me stress we have vital interests in maintaining a healthy and stable Europe. That's not the question. Europe's continued peace is vital. But is enlargement of NATO necessary to achieve that goal?

WHY IT IS NECESSARY TO ENLARGE NATO?

The proponents state the reasons for enlargement include, preventing a power vacuum from developing in Eastern Europe and promoting total European stability by reducing in risk of instability in Europe's eastern half. The concern appears to be if NATO does not offer membership, the countries of Eastern Europe will founder, will not become fully developed Democratic states, or will become embroiled in ethnic or nationalistic disputes based on historic rivalries like we see in Bosnia. Worse, this theory holds, they will again become part, either voluntarily or forced, of an alliance with a resurgent Russia.

The Clinton administration has steadfastly maintained the position that a stable Europe will be no threat to Russia and in fact will increase the security of Russia. However, the Russians do not see it that way and have consistently stated they are opposed to NATO expansion for national security concerns.

Part of the "why enlarge NATO" question should be the timing of such an enlargement. Unfortunately, part of the motivation of the timing of this venture is to have the first new members join at the same time as the 50th anniversary of NATO. Let me say again, we are thinking about altering NATO, fundamentally realigning our relations with Europe, risking our resources and committing our military for questionable national interests and basing the timing of such an important event on the 50th anniversary of NATO.

Mr. President, that is public relations. It is not foreign policy.

What are the alternatives to NATO enlargement? Perhaps an enhanced Partnership for Peace would provide the desired stability and military security in Eastern Europe instead of membership in NATO. Perhaps membership in the European Union, coupled with Partnership for Peace, would allow continued development of Democratic systems in Eastern European nations. Those alternatives should be part of the national debate.

Let's take a look at the cost of all of this. What are the costs of NATO enlargement? I am concerned with the widely varying values and assumptions used to arrive at the U.S. portions of the bill for enlargement. Since the Madrid Summit, it is clear that our allies are not on board for sharing costs of enlargement. Until this plan for sharing is established and agreed to, how can we know what our actual costs will be and why we should proceed? If our allies refuse to carry what we feel is their fair share, given our defense responsibilities, will the United States pay more? And, if so, asking American taxpayers to up the ante would be most difficult.

Just as we have seen in the Bosnian operation, unexpected funding for DOD has directly affected the much-needed military modernization and procurement programs. Why should we be willing to risk the future of our military capability in defending our vital national interests by rushing into NATO enlargement without confidently knowing, in great detail, the costs associated with the enlargement and what our allies and the new members will and are capable of funding.

What will be the Russian reaction to NATO enlargement? Mr. President, just yesterday Susan Eisenhower and several distinguished foreign policy experts came to the Senate and testified before myself and Senator SESSIONS and Senator COLLINS and Senator STEVENS and others as to why they felt

NATO enlargement was the wrong step at the wrong time.

The most important concern that must be well understood is the reaction of the Government of Russia to the enlargement of NATO. If we get this wrong, the need for enlargement will be self-fulfilling and we will again need a strong military alliance facing east. We are in danger of awakening the Russian bear, not taming him and putting him in a cage.

Aleksei Arbatrov, the deputy chairman of the Russian Parliament's defense committee, was recently quoted as saying that the way in which an expanded NATO was imposed on the Russians "was a shock for those trying to improve relations." He added there "was a widespread feeling of betrayal among Russian Democrats."

Mr. Arbatrov predicted Russia could turn to a strategy of first-strike nuclear capability to combat what is perceived as a NATO threat on its doorstep.

"There is no chance whatsoever" that Russia's Parliament would ratify START II or START III, Mr. Arbatrov said.

I know that the Russians have joined the Partnership for Peace, signed the Founding Act, and have been officially quiet, semiquiet, about three potential new NATO members. However, there can be no doubt that all factions of the Russian political system are opposed to the expansion. What they see is a military alliance moving eastward, ever closer to their borders.

We cannot allow Russia to dictate our actions or the actions of NATO. Let that be perfectly clear. But it would be most dangerous to embark on such an important foreign policy matter as NATO enlargement without fully understanding or accounting for the Russian concerns. That is what Susan Eisenhower stated. That is what the other foreign experts stated.

Why are the Baltic States and NATO such a sensitive issue to Russia? There are at least two reasons. Addition of the Baltics would move NATO's borders to Russia, and a section of Russian territory, including the city of Kalinningrad, would be completely surrounded by NATO.

When asked about the Russian reaction to the addition of the Baltics to NATO, the Russian Ambassador to the United States said "the reaction would be fierce." Even with this understanding of the potential reaction by Russia, the administration continues to insist the Baltic States are likely to be asked to join in the next round.

I remain concerned we are approaching the Russian issue, Mr. President, with much bravado and arrogance with our fingers crossed behind our back.

Although I consider these three areas—why enlarge? what is the cost? and what will be the reaction of Russia?—to be the most critical, there are other areas of significant importance that must be part of the debate, Mr. President. I look forward to discussing these three and the others in detail in the coming months. NATO enlargement is the most important foreign policy and military decision the United States will make or has made for many years. We must make the right decision.

And again, Mr. President, I thank the distinguished Senator from Texas for leading the charge in asking the right questions, the complex questions that must be asked before the Senate considers either in committee or in the Chamber later the ratification of NATO.

Mr. President, may I ask how much time I have consumed of the 25 minutes that was yielded to me?

The PRESIDING OFFICER. The Senator has spoken for approximately 20 minutes.

Mr. ROBERTS. If I might, I would just like to touch, I would tell the distinguished Senator from Texas, on a related matter, if I could, for another, say, 2 or 3 minutes, if I might.

What I would like to talk about is the reaction in regards to how the American people feel about this. It is the American public that must be fully informed and aware of what responsibilities NATO will entail and what expansion would mean to our American men and women in uniform.

What about the American public? Last April, the Roper Starch worldwide poll asked Americans the level of support for using armed forces in certain situations. I don't think the American people are isolationist, but I think there is understandable concern about risking American lives in political wars of gradualism.

The Senator from Texas went to Bosnia, Brcko, took a look at Tuzla and Sarajevo, and is very concerned about mission creep and again repeating the past mistakes in political wars of gradualism.

The American public understands that. If the United States were attacked, 84 percent of those polled supported using force—84 percent if we were attacked. I don't know about the other 16 percent. If our forces stationed overseas were attacked, 50 percent supported armed intervention. To safeguard peacekeeping within the framework of the United Nations, the support dropped to 35 percent. Hello. And to stop an invasion of one country by another, which is called for in article V in regard to NATO expansion, the support fell sharply to 15 percent.

I took my own poll. It was after the Dodge City Rodeo in August. I met with the Ford County, KS, wheat growers. They are good friends of mine, long-time friends and constituents. I told them I was going to the Czech Republic, Bosnia, and Hungary. The price of wheat depended in part on world trade and security. The heads nodded. But in that particular case, I tell my distinguished friend and colleague from Texas, there wasn't much support until we took a hard look in regard to Bosnia and to NATO enlargement. As a matter of fact, one farmer said, "My son is over there. He is a foreign linguist in the National Guard unit over there. He should be back." So I think we really need to demonstrate not only to the Ford County, KS, wheat growers but to all Americans as evidenced by this poll what are our vital national security interests in regards to NATO expansion and answer those tough questions about cost, what happens in relation to Russia and what happens in terms of the long-term best interests of our foreign policy.

Again, I thank the Senator from Texas and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Before the distinguished Senator from Kansas leaves the floor, I do appreciate so much this Senator's leadership on the issue of Bosnia and the issue of NATO expansion because he is one of the Senators who has taken the time to go to Bosnia, to look firsthand at the conditions there to determine what is in the United States security interests and certainly the best interests of the people of Bosnia.

I would just like to ask the Senator from Kansas before he yields the floor to tell me and the American people about the experience that he had in the resettlement-of-refugees issue.

What did the Senator see with his own eyes that brought him to the same conclusion that I have come to, that we are barking up the wrong tree in putting U.S. troops in harm's way before the people of this country have come to a settlement themselves?

Mr. ROBERTS. I would be happy to respond to my colleague.

As my colleague knows, I have discussed at length the original purpose of the Bosnia mission was to safeguard our troops—that is, the peacekeeping role—and to try to do what we can in regard to technology restoration, to nation building, to the possibility of the location and capture and prosecution of war criminals and then refugee resettlement.

In response to the Senator's question, it is that part of the goal that is especially difficult. Now, I think we have come from peacekeeping to peace enforcement. I think we have come far afield from the original goal in that we are now disarming the police in regard to Mr. Karadzic's troops, and I think in regard to what I am able to understand from our intelligence community we are aggressively going to locate, capture and proceed with war criminals.

Now, as I have just indicated, we have a situation where the SFOR

troops have taken over TV transmitters. So I think the Senator from Texas makes a good point in terms of mission creep.

But in answer to the specific question, flying in the helicopter with a one-star over there from Tuzla where our American forces have their headquarters, we went over a small hill, and on the knoll of the hill there used to be 60 Muslim families that lived there, and during the fighting since 1993 there was tremendous bloodshed, there were atrocities very close by, and obviously that particular piece of real estate is not inhabited any more by the Muslims. So there was an attempt by SFOR and by NATO to relocate these refugees on that hill.

Three times they tried it. The first time, with 60 people, they tried to relocate on the hill, they were driven away by rocks and stones and shouts and intimidation by the Serbs in that area. The second time they tried, it got a little tougher. We were also involved in the building of new homes, in terms of financing those new homes. Then you got into some home destruction.

Well, the third time, they were met by an angry crowd with 2x4's. They burned the homes down. And we have pictures of them attacking the Muslims, the 60 people we were trying to relocate, with 2x4's. And I asked the one star, I asked the general, "Are we going to try it again?" He said, "No, I don't think that's a very good investment of our tax dollars or our time and effort." I think we got the message. He suggested if we have successful refugee relocation, we should do it in Brcko. The Senator from Texas has been there, and I ask her now what her observation was about how that refugee resettlement effort is going. And I thank her for asking the question.

Mrs. HUTCHISON. I thank the Senator from Kansas. I thank him for taking the time to go over there, to look firsthand, because I think you get a very different perspective when you are able to do that. I appreciate the leadership position the Senator from Kansas is taking. I will just say that I had a different experience walking on the streets of Brcko in August. But I came to the same conclusion, after going into the home of a Serb, going into the street and talking to a Muslim who was just resettling into the neighborhood where that person had lived before. I asked each individually, "Are you working with your neighbor to help them resettle into their homes?"

I asked the Serb about the Muslim. "Oh, no, no. We are not doing that because we know that they are occupied and they have their own problems. We wouldn't want to disturb them."

So then you ask the Muslim, "Have you met your Serb neighbor? Have you had a chance to visit or have coffee with your Serb neighbor?" And the answer was, "Oh, no, no, we actually haven't. We have not been able to do that."

These are people who are living in homes that are 5 feet from each other, 10 feet. The streets are very narrow. Yet, they are not mixing.

I think we have to look at the big picture here. American people are very generous. We want to help the people of Bosnia. But I think what we are trying to do is help them in a way that will provide a long-term peace, an economic stability. And doing things that are inherently unpeaceful, putting our U.S. troops in harm's way, I don't think is the right answer. That is why I am saying let's go back to the table at Dayton. Let's determine where we are.

I will give this administration a lot of credit for keeping the parties apart, for trying to forge a peace. Now I ask this administration to say we have had 2 years of Dayton, let's assess it. Let's see if this is the right direction. Because I don't think it is.

We have witnessed elections in which the people who come in to vote come in under armed guard, they vote, they leave under armed guard. We have elected Muslims who cannot even enter the city to take control of the government to which they are elected to serve. We have elected Serbs, where they are not able to reenter. We are declaring victory. I am missing something. We have elected governments that cannot serve, that cannot even enter the cities in which they were elected. And we are declaring this to be a victory? I think we need to have a reality check.

That brings me to the bigger context of NATO expansion and cost, and just how much should the United States absorb when we are talking about issues where we want to be helpful but we want to make sure that our money is going toward a successful endeavor. That is where, I think, this administration is not being realistic.

Take the idea of NATO expansion. I think all of us in this country believe that NATO is the best alliance that has ever been put forward on the face of the Earth. Because of its strength, it never had to fire a shot and the cold war was ended. Now we are looking at expanding NATO and the hearings are starting this week to do that very thing. I think the questions that Senator HELMS is asking are the very important questions that must be answered if we are going to expand NATO in a responsible way and in a way that sets a base for a long-term stability in Europe.

Senator HELMS is not saying I am for a NATO expansion period. He is saying I am for NATO expansion if it is done right. The "if it is done right" seems to be lopped off and not given very much attention. I think it is time the administration gave the "if it is done right" portion of Senator HELMS' statement its due. Because if it is done right, it will continue to be the greatest alliance that was ever formed on the face of this Earth. And if it is done wrong, it will be the unraveling of the greatest alliance that was ever put on the face of the Earth.

So we have the choice, of whether to keep NATO strong and stable by expanding responsibly or whether we just expand willy-nilly. America will absorb all the costs, and then the American people will say, wait a minute, I don't intend to completely prop up Europe without a fair share taken by our allies in Europe.

That question becomes very important because just this last week in the Washington Post there was a report on the meeting of NATO defense ministers at which our own Secretary of Defense, William Cohen, participated. The reporter for the Washington Post says that this was, in fact, a startling meeting because the NATO defense ministers voiced serious misgivings about the United States insistence that they, along with the new members to be brought into NATO, would carry the bulk of the expenses related to NATO enlargement.

You see, President Clinton has told the American Congress that the American share would be $2 billion over 10 years—$200 million. That is something I think American taxpayers would willingly absorb. But there is a lot of disagreement about those numbers because, in fact, we do not know what is in the requirements for NATO expansion. So, to have numbers before you have requirements is the cart before the horse in most people's books.

The European allies said that they did not think it was right for America to take $2 billion of the $35 billion which the Clinton administration estimates NATO expansion will cost, and they are objecting to paying $16 billion from the present membership. In fact, the ministers from Germany, France, Great Britain, and the Netherlands expressed dismay and insisted that the burdensharing debate must be viewed in a wider context.

You see, Secretary Cohen was right. He said the right things. He said that any shortchanging on defense investments by existing members or new partners would lead to a hollow alliance and ultimately erode confidence in future rounds of enlargement. Secretary Cohen is sending up the red flag of warning because he, too, is saying, do it right.

Let's look at the amount of gross domestic product that is spent by NATO members. The United States spends 3.8 percent of gross domestic product on defense. This is 3.8 percent of the domestic product of our country, the whole domestic product. The United Kingdom spends 3.1 percent, Germany spends 1.5 percent, France spends 2.5 percent. And they are saying they are not going to spend any more than that.

So I think we need to be forewarned that our European allies are not committing to the same numbers that the United States is. I think we have to put that in perspective. Because General Shalikashvili, who just left the chairmanship of the Joint Chiefs of Staff, was lamenting the fact that we don't have enough money in our defense budget to properly train our troops for peak readiness. He says we don't have enough money to buy parts or equipment. Yet, we are spending $3 billion a year, on average, in Bosnia, pursuing a policy that has yet to be defined, with no exit strategy and with the administration now saying it is probable that we are going to extend the troops with no defined end when he has already extended the mission nearly 2 years beyond the first limit that he set.

Let's take another example. Just yesterday the President vetoed almost $300 million of military construction in the United States. He vetoed such operational projects as a corrosion control facility, headquarters facilities that would enhance command, control and communications, ammunition storage facilities—$300 million in America. At the same time, he approved the expenditure of military construction in Europe for NATO enhancement of over $150 million. What kinds of projects did he approve for NATO? Ammunition storage facilities, administrative buildings—the exact same things he vetoed for military construction in the United States, for our bases, for our readiness.

So I do have a problem when the outgoing chairman of the Joint Chiefs says we are not spending enough for our own readiness, for our own military personnel, when the President vetoes military construction which was in the Defense Department's 5-year plan, saying these were not priorities, while at the same time signing military construction of $150 million in Europe for NATO enhancement.

So, I have to say the issue of our own readiness is a key issue here. If we are going to spend $3 billion in Bosnia for a policy that has, I think, minimal chance to succeed and the outgoing Chairman of the Joint Chiefs is saying we don't have enough money for our own readiness, what are we doing as the stewards of this country, as the ones responsible for our own national defense, our readiness, our troop morale, our quality of life for our troops, our taxpayers, and, most of all, for our own security threats, when we would veto our own military construction and put half that same amount into European construction? And when we know that we are not spending enough to keep our troops ready for the eventual real threat to the United States that could come from an incoming ballistic missile, for which we do not have the defense; from a terrorist nation that would do any kind of bombing of our own people, either on our shores or off? Are we building up for the potential threat in Korea, in the Middle East?

I just have to ask the administration to think about these issues as we look at our own situation and our readiness and our strength. Are we doing everything we should for our own troops, for our own military construction, for our own quality of life for our men and women who are serving in the military? Or are we dissipating our resources in operations that are not defined, that have no exit strategy, in places like Bosnia and Somalia and Haiti?

I would just ask the question, Do we have our priorities straight? When we look at the issue of NATO expansion, we must look at the cost. It must be nailed down. It must not be a moving target. It must be clear. And we must tell our European allies exactly what we will do, and not be badgered into taking more than our fair share of the cost of European security. We do want to step up to the line. We do want to be the major superpower in the world, and fulfill our responsibilities. But we are already spending more of our gross domestic product on national defense than our European allies spend. I think the American taxpayer has the right to ask the question: Are we spending the dollars for our own security? Are we doing our fair share for the humanitarian needs of this country, and for the countries that we are trying to help? Are we spending the dollars wisely? That is the question.

I think as we move toward NATO expansion, we must be good and responsible stewards for the American taxpayer, and, more important, we must be good and responsible stewards of the national defense of our country. We must meet the test, for our young men and women in the military who have pledged their lives to preserve our freedom, that our commitment to them is commensurate with their commitment to the United States; that we will guard them with respect, with a quality of life that allows them and their families to live with a high standard of living, and that we will make sure that wherever they are, in the field or on our shores, that they have everything they need to do their job.

I think if we are going to keep that commitment to them and to the American people, we must ask the questions about NATO expansion, about our mission in Bosnia: Are we spending the dollars wisely and are we assured that when we put our United States troops on the ground that there is a United States security threat and risk that requires that action?

Mr. President, those are the questions that I hope Senator HELMS, in his hearings this week on NATO expansion, will focus on and not allow fuzzy, vague, moving-target answers from the administration. The American people and our young men and women in the service deserve no less than total responsibility and total answers to those questions.

Thank you, Mr. President. I yield back the remainder of my time.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. I ask unanimous consent that I be recognized to speak in morning business for such time as I may consume.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes, under the previous order.

Mrs. FEINSTEIN. Mr. President, the Finance Committee recently approved fast-track authority for the President. I thought I might come to the floor and express some of my very serious concerns about this proposal.

Let me begin by saying to those who would paint every Member of Congress who has a problem with the fast track proposal with some broad brush calling us protectionists or xenophobic. I, for one, am not.

Trade is very important to my State. California is the seventh largest economy on Earth, and we produce 20 percent of the Nation's exports. Exports are one of the largest growing economic sectors in my State. More than 1 million jobs in California are directly related to trade, and that number is growing. So I see free and fair trade as an integral part of California's economic future, and it is my responsibility as a U.S. Senator representing that State to see that the concerns and issues and industries of my State are protected in agreements, or at least as nearly as I can do so.

As I see it, America already has the most open markets in the world, but the problem is that this openness isn't reciprocated by many of our trading partners, and that brings us to the present situation.

Article I, section 8 of the Constitution gives Members of this body constitutional responsibility for matters of trade and the economy. Fast track is essentially a surrendering, an abrogation, of those constitutional responsibilities provided to this body by the Constitution of the United States. I, for one, see no reason why we should surrender that.

Essentially, fast track is simply the ability of the administration to negotiate a trade agreement, then bring it quickly to the Congress, get it ratified within a specific period of time, without congressional opportunity to amend it in any way, shape, or form.

The administration claims that fast track authority is needed to keep our

economy growing strong, to allow our companies to compete with those of the European Union and Japan in growing markets such as South America and the Pacific Rim and to maintain America's symbolic commitment to free trade by letting the President negotiate agreements without fear that Congress is going to mettle in any of the details.

In my view, that argument flies in the face of reality. Since President Clinton has taken office, 220 trade agreements have been negotiated with foreign nations. Only two of those required fast track.

In recent years, U.S. exports have been the strength of the economy. U.S. exports increased 50 percent since 1991 without fast track. Today, exports are 30 percent higher than in 1993.

According to trade data released by the International Monetary Fund, United States exports to Brazil, South America's richest market, grew 56 percent from 1994 to 1995. During that same period, the European Union's exports to Brazil grew only 8 percent, while Japan's exports grew only 18 percent. This growth in U.S. exports has occurred without fast track authority. As a recent Wall Street Journal article citing the IMF data, pointed out, U.S. exporters hardly seem handicapped without fast track.

So arguments that the United States cannot negotiate trade agreements without fast track I think are specious. Further, to argue that without fast track the United States risks losing the jobs that come with robust trade begs the question of how previous fast-track agreements have fared in this regard.

Once again, I did not vote for NAFTA, but NAFTA was my first experience with fast track. Once spurned, hopefully twice learned. Under NAFTA, the United States $1.7 billion trade surplus with Mexico in 1993 became a record trade deficit of $16.3 billion by 1996. The balance of trade has gone exactly the wrong way.

Our balance of trade with Canada has also grown, more than doubling from $11 billion to $23 billion annually.

Let us look at GATT, another important trade agreement. The GATT agreement has contributed to the largest merchandise trade deficit in U.S. history. Today, it is at an all-time high of $165 billion.

I think these experiences combine to present an eloquent statement that says: Go slow. Fast track may well backfire. In the future it may not be as desirable as some claim.

If we look at the currency problems in certain southeast Asian countries, we can identify some of their trade strategies. I think what happens, as a result of some of the financial problems, is these countries push for more exports to our country and they close their markets to our products. This is a very real danger signal for the future. I think it indicates that as a nation we should go slow. We need to be very careful and deliberate in these negotiations.

The Commerce Department estimates that every $1 billion in exports equals between 14,000 and 15,000 jobs. Based on that calculation alone, the United States has lost hundreds of thousands of jobs as a result of these trade deficits. The administration claims a modest increase in U.S. net exports as a result of NAFTA, but the jury is still out.

These mounting trade deficits should be a loud and clear message that America should negotiate better trade deals, rather than give up congressional responsibility through fast track.

The bottom line is that Members of Congress are being asked to forfeit our ability to offer amendments to any trade agreement with no guarantee that the major industries of our States will not be disadvantaged by those agreements. Under fast track, Congress is left with no recourse except to vote against the whole agreement.

The President tried to address some of these concerns in the proposal he sent to Congress. But the goals and objectives of the President's fast track proposal are still just that—goals and objectives. Previous fast track agreements have demonstrated why this is just not good enough.

For me, a Californian, NAFTA was a big case in point:

NAFTA had an immediate negative impact on the California wine industry. The California wine industry produces 90 percent of our Nation's wine and 90 percent of the wine exported by the United States.

Coincident with NAFTA, Mexico gave Chilean wines an immediate tariff reduction from 20 percent to 8 percent and a guarantee of duty-free status within a year. By contrast, United States wines face a 10-year phaseout of a much higher Mexican tariff, leaving U.S. wines at a significant disadvantage in the Mexican market. It is actually a wipeout of our market share of wine in Mexico.

The result of this tariff inequity was predictable. Exports of all U.S. wines to Mexico have dropped by one-third since NAFTA went into effect, while Chilean wine exports to Mexico have nearly doubled. The size of the Chilean gains virtually match the size of U.S. losses. Chilean wine picked up the market share lost by the U.S. wineries, dominated by California.

During the NAFTA debate in Congress, the administration pledged to correct these tariff inequities within 120 days of NAFTA's approval. Let me quote from a letter to Members of Congress from then U.S. Trade Representative Mickey Kantor dated November 8, 1993:

Pursuant to your request, you have my personal commitment that, within 120 days of the coming into force of NAFTA, I will personally negotiate the immediate reduction of Mexican tariffs on US wines to the level of Mexican tariffs on Chilean wines and, thereafter, have them fall parallel with future reductions in such tariffs.

I personally talked with Mr. Kantor at least three or four times on this issue. I also talked with the President, as well as others in the White House. This was a glaring discrepancy, and the whole administration made a commitment to correct the discrepancy.

You would think that at least by today, 3 years later, the tariffs would be parallel. But 3½ years later, these inequities remain enshrined in the agreement. As a matter of fact, as the result of an unrelated trade dispute, Mexico actually raised tariffs on United States wine back up to pre-NAFTA levels of 20 percent, increasing the tariff from the 14 percent it had reached under NAFTA. Rather than drop to zero within 10 years, the tariff is now 20 percent, a wipeout for an American market share.

Another product of fast track, the General Agreement on Tariffs and Trade, known as GATT, also contained monumental inequities that seriously disadvantaged California's wine industry. Prior to the Uruguay round of GATT, major wine competitors had wine tariffs that were almost four times the United States tariff on an ad valorem basis.

But, even though the United States had the lowest tariffs of any major wine producer, United States negotiators agreed in the Uruguay round to drop United States tariffs by 36 percent over 6 years, while the world's largest wine producer, the EU, dropped its tariffs by 10 percent. As a result, the current U.S. tariff on all wine products is an average of 2.4 percent. That is far lower than the EU's current average tariff of 13 percent.

The PRESIDING OFFICER. If I may, the Senator's 10 minutes have expired.

Mrs. FEINSTEIN. I would like to finish this.

Mr. GRAMM. I ask that the Senator have an additional 2 minutes.

Mrs. FEINSTEIN. Pardon me?

Mr. GRAMM. I ask unanimous consent that the Senator have an additional 2 minutes, if that would solve the problem.

Mrs. FEINSTEIN. I accept that.

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

Mrs. FEINSTEIN. If I do not finish it, I will perhaps get on the queue and come back later. I thank the Senator from Texas. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. FEINSTEIN. I have some very specific concerns about fast track that are not adequately addressed in the current proposal.

First, tariff inqequities: As I said, the United States is already the most open market in the world. But our trade

agreements have sometimes disadvantaged American industries by not requiring a level playing field with other nations. All too often, the price of modest tariff reductions elsewhere has been further reductions in the already low U.S. tariffs.

Any future agreements should require that other countries meet our tariff level before we agree to lower our tariffs further. Any fast-track proposal would have to address this issue before winning my support.

There should also be stronger enforcement mechanisms included when trade barriers are not lowered as provided for in an agreement. Half the problems with previous trade agreements have stemmed from nonenforcement. A recent report from the American Chamber of Commerce in Japan said more effort must be dedicated to enforcing existing agreements.

For example, Europe simply did not accept the GATT commitments on audio visual services, instead, maintaining its 1989 European Union Broadcast Directive. This EU directive limits the market for U.S. movies and TV broadcasting.

Another example is an agreement signed with China in May of this year which grants the United States access to Chinese markets for table grapes. However, despite the agreement, China maintains a 55 percent tariff on United States table grapes, presenting a significant barrier to United States exports.

Second, phytosanitary standards:

In addition to tariff inequities, disagreements over phytosanitary standards continue, and are often used as de facto trade barriers. For example: Japan's stringent tests for pesticides on American nectarines, cherries, and other fruit continues to deny market access for United States products.

Another example is Chile: The United States imported 1 billion trays of fresh vegetables from Chile during the 1996–97 growing year, while the United States exported no similar products to Chile during its growing year—why?—because of Chile's phytosanitary restrictions on imports of United States poultry, fruit, and vegetables, which has effectively banned all imports of these goods.

The President's fast track proposal—section 2(b)(6)(C)(iii)—states that unjustified phytosanitary restrictions should be eliminated, but there is no language requiring that scientifically based standards be established before a trade agreement can be signed.

Third, dispute resolution: The previous free trade agreement with Canada, and the NAFTA agreement, established a process for resolving disputes. But the process does not always work. For example:

California growers have complained in the past about Mexican inspectors being unavailable at the border, so shipments are delayed.

There is also no timely method of solving a dispute within a matter of hours. This is important when perishable goods are sitting at a border or a port warehouse awaiting a decision.

A bigger problem now is that if a Mexican inspector finds a pest and does not know whether that pest is subject to quarantine, it reportedly takes a week for the inspector to find out. No shipper can leave fruit sitting at the border for a week.

In January of last year, Mexico shipped over 8,000 boxes of brussels sprouts to the United States market causing the price to drop literally in half. This product dumping caused the price to drop to a level from which the brussel sprout industry could not recover during that season.

The dispute resolution process needs to be strengthened to include a mechanism for swift resolution—within 48 hours—when a dispute involves perishable commodities.

Fourth, environmental standards: I agree with many of my colleagues that we should not encourage a race to the bottom, in which the country with the weakest environmental protection wins the prize of economic growth.

We all know that pollution knows no geographic boundaries. U.S. commitment to preserving the quality of our environment should be as vigorous as our commitment to open markets, and that commitment should be reflected in our trade agreements to the greatest extent possible.

For example, large numbers of American companies have located in Mexico. The pollution from these companies goes into the New River, which flows north into the United States, terminating at the Salton Sea. I have flown over the New River, and I have seen first hand the extent of the pollution which is killing the Salton Sea. No companies in the United States can do what is being done in Mexicali.

Also, Mexican farmers have access to pesticides and other chemicals that are not available to American growers. These disparities will only increase as we enforce our own laws.

California growers will soon face an uneven playing field regarding the use of methyl bromide, a widely used soil and post-harvest fumigant. Under the Clean Air Act, the United States is phasing out the use of methyl bromide by 2001, but our trading partners will continue to use the chemical. Moreover, many of our trading partners require our growers to fumigate their crops with methyl bromide before the commodity is shipped.

U.S. requirements to control particulate matter will add costs to U.S. producers, while no comparable requirements are being imposed on many of our trading partners.

Our trade agreements should encourage our trading partners to live up to the highest environmental standards, not put added pressure on American companies to lower our standards.

Fifth, manufacturing base and labor standards: I also share the concern raised by many of my Democratic colleagues that we need to be particularly careful to protect our manufacturing base, and not undermine labor standards, as we negotiate new trade agreements.

At one point, California was home to six automobile manufacturing plants, but today we are reduced to one. Once we lose our manufacturing capacity, I am very concerned it will be very difficult if not impossible to reclaim.

Akio Morita, the chairman of Sony, made a blunt assessment of the situation: he said America will cease to be a world power if it loses its manufacturing base. I wholeheartedly agree.

Service jobs, like energy and transportation services—which have fueled much of my State's economic rebound—are important, but can't compensate for the loss of higher-wage manufacturing jobs in this country. And if we lose our manufacturing base, we lose the service jobs, technology advances, and innovation that go with it.

U.S. manufacturers already face enormous pressure to relocate manufacturing capability abroad to meet the regulatory and competitive demands of foreign nations.

The Semiconductor Industry Association, representing the makers of computers chips, says 30 percent of their investment abroad is due to chipmakers' desire to avoid high tariffs or meet a foreign government's requirement that manufacturing be done in their country, in order to sell in an otherwise closed market.

For example: China's $3 billion semiconductor market is growing rapidly. But they have a closed market, imposing high tariffs unless the manufacturer builds a plant in their country.

This is a $132 billion worldwide market and is expected to reach $245 billion market by the year 2000. California is the Nation's leading chip producing State, so this is enormously important to my State.

U.S. trade agreements must aggressively tear down the trade restrictions that force U.S. manufacturers overseas.

U.S. manufacturers often cannot compete with foreign countries on wage costs.

One of the arguments advanced by NAFTA supporters was the expansion of trade will boost the economies of our trading partners—and theoretically their wages—and expand the demand for our products in return. However, based on our NAFTA experience, the theory has not materialized.

According to the Labor Department, the wage gap between United States and Mexico workers is widening, rather than narrowing. In 1993, Mexican wages were 15 percent of those in the United States. Today, they are 8 percent.

This decline in wages is not solely the effect of the Mexican peso crisis. In 1994—before the peso collapse—real hourly wages in Mexico had already dropped to nearly 30 percent below their 1980 level—UC-Berkeley sociologist Harley Shaiken.

Mexico's financial problems only exacerbated the trend. Since 1994, real wages in Mexico have dropped another 25 percent to roughly half their 1980 level.

Clearly, NAFTA has not yet improved the wages of Mexican labor.

Conclusion: Any fast track legislation must contain the following assurances:

There must be a mechanism for swift and effective dispute resolutions.

There must be language included stipulating that any agreement negotiated under fast track must set equal tariffs between the United States and our trading partners before the United States agrees to lower tariffs further.

There must be mandatory mutual acceptance of scientifically-sound phytosanitary standards.

There must be enforceable environmental standards in place.

And there must be labor and wage provisions, and aggressive reduction of trade barriers, to protect our manufacturing future.

Without these assurances written into the bill, I am very concerned that extension of fast track authority would give away, once again, the only ability I have as a U.S. Senator to influence trade agreements to see that they are responsive to the concerns of my State and important industries.

Until these concerns are addressed, Mr. President, I must oppose any extension of fast-track authority.

CAMPAIGN FINANCE REFORM

Mr. SMITH of New Hampshire. Mr. President, I rise to speak in opposition to the motion to invoke cloture on S. 25, the McCain-Feingold campaign finance reform bill.

Throughout my years in Congress, I have supported efforts to reform campaign finance laws. I have, for example, voted to eliminate political action committees and to prohibit the use of the congressional franking privilege for mass mailings.

Along with Senators GREGG, TORRICELLI, and JOHNSON, I am cosponsoring in this Congress legislation to establish a bipartisan commission that would recommend campaign finance reforms. The Claremont Commission Act, which is named after the agreement reached between President Clinton and Speaker GINGRICH at a meeting in my home State of New Hampshire, would establish a nine-member commission to examine campaign finance rules and propose comprehensive legislation for reform.

The Claremont Commission would make recommendations based on good policy, not politics. The creation of such a commission finally would make good on the promise that President Clinton and Speaker GINGRICH made when they shook hands in Claremont in May, 1995.

Mr. President, the McCain-Feingold campaign finance reform bill is seriously flawed. Indeed, I believe that it is unconstitutional because it unduly restricts the freedom of speech that is guaranteed by the first amendment to our Nation's Constitution.

The bill's ban on soft money is a restriction on free speech. Even worse, in my view, the bill's severe limitations on so-called issue advocacy advertisements that mention a candidate's name, or show the candidate's likeness, within 60 days of an election, involve a direct regulation of the content of political speech.

Out Nation's founders meant to allow free, open, and robust political speech and debate. The McCain-Feingold bill, however, moves to limit free speech and debate. I wholeheartedly agree with my distinguished colleague from Kentucky, Senator MCCONNELL, as well as the many constitutional scholars whose views he has cited, that the McCain-Feingold bill goes too far in regulating and restricting free speech and, therefore, is unconstitutional.

I believe that any meaningful campaign finance reform proposal ought to require candidates to disclose completely to the American people what they spend on their campaigns and from whom they received campaign contributions. Full disclosure, not limitations on free speech, is the right kind of campaign finance reform.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

(The remarks of Mr. GRAMM pertaining to the introduction of S. 1260 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, we are due to recess.

Mr. GRAMM. Mr. President, we have two other speakers here. I assume they are going to want to extend morning business. If I can, without seeing the Senate adjourn, why don't I yield the floor to Senator WYDEN and he can ask unanimous consent for himself and Senator FRIST, that they each have an opportunity to speak briefly before we adjourn.

I yield to Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank my colleague from Texas. I ask unanimous consent, Mr. President, that I be allowed to speak as in morning business for 5 minutes and that Senator FRIST may speak as well for 5 minutes, and there may be at least two other Senators that would like to speak as in morning business for 5 minutes.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator THOMPSON from Tennessee be accorded 5 minutes before the luncheon.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator FEINSTEIN be allowed to speak for 5 minutes, as well, as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent to be allowed to speak for up to 5 minutes also before the recess.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I also ask unanimous consent that Senator DODD be allowed to speak for up to 5 minutes as in morning business.

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

CAMPAIGN FINANCE REFORM

Mr. WYDEN. Mr. President, my first official act as a new U.S. Senator, taken 15 minutes after I was sworn in, was to become a sponsor of the bipartisan campaign finance reform bill that the U.S. Senate will begin to vote on later today.

I strongly believe that political campaigns should be about people and not money. But that is not what is happening in America today. Campaign finance activity has become like the arms race—one side gets $10, the next side gets $20, the other side comes back and gets $30. It spirals up and up—spending that is out of control, spending that is simply unaccountable to voters.

Every Member of the U.S. Senate has devoted hours and hours to fundraising. Every Member of the U.S. Senate knows that when there is an election that Tuesday in November, folks sleep in on Wednesday, and then in November it starts all over again. Every Member of the U.S. Senate knows that America deserves better.

I don't agree with every part of the McCain-Feingold bipartisan campaign finance legislation; I would not pretend otherwise. And I think that is true of many of the sponsors of this legislation. But if this bipartisan bill passes, candidates in America are going to spend more time talking to voters in shopping malls and less time working the phones raising funds. That is going to be good for democracy in America, and I hope the Senate passes this bipartisan bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

(The remarks of Mr. FRIST pertaining to the introduction of S. 1261 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

CAMPAIGN FINANCE REFORM

Mr. GRAMS. Mr. President, I wanted to comment a little bit on the campaign finance debate that is going on.

Mr. President, over the last several months, Americans have expressed grave concern over the daily reports of alleged illegal or improper campaign contributions to the Democratic National Committee and White House during the 1996 campaign cycle. These reports have raised the perception among some Americans that access and votes can be bought in Washington and that the system for financing our Federal campaigns is corrupt and broken.

Consequently, there have been many proposals introduced in the Congress that are intended to change the way in which campaigns for Federal office are financed. Most of these proposals call for enacting new limits on how Americans can exercise their political freedoms. Their stated purpose is to ultimately restore the trust of the public in their Government.

I share the concerns about these reports of irregular and even illegal fundraising during the 1996 elections. However, I disagree that the way to respond to these concerns is to pass new laws that would do nothing more than limit the ability of Americans to exercise their political freedoms guaranteed by the first amendment.

The first amendment has always been the basis for active citizen participation in our political process. The first amendment ensures that, among other things, average Americans can participate in our democratic process through publicly disclosed contributions to campaigns of their choice. It also allows Americans to freely draft letters to the editor, distribute campaign literature, and participate in rallies and get-out-the-vote drives.

In my view, the Federal Government can restore the integrity of our electoral process through greater enforcement of existing laws, increased disclosure of contributions and expenditures, and protection of the rights of Americans to become involved in the democratic process without fear of coercion. We don't need new campaign finance laws. Simply loading new laws upon those which have already been broken will not solve the problem. After all, if campaigns or donors would not obey the current laws, strengthened almost 25 years ago after the Watergate scandal, why would we believe they would obey a new set of rules? They simply can't.

The whole exercise is a public relations scheme designed to let the public think we are reacting—when we are not. To move in this direction would only threaten the ability of Americans to participate in the democracy which they have helped to create. Placing new limits or government controls are not the answer.

Mr. President, this leads me to my concerns with the McCain-Feingold proposal. While I commend the proponents of McCain-Feingold for making some minor changes to their initial proposal, such as removing the provisions providing for voluntary spending limits and restrictions on political action committees, the modified McCain-Feingold proposal still continues to suppress the rights of Americans to communicate their ideas and express their views.

For example, this modification is premised upon the belief that there is too much money spent on American elections. If we accept this assumption, then Congress has decided to assert questionable authority to suppress the rights of Americans to become involved in the political process and make their voices heard.

In fact, the belief that there is government justification for regulating the costs of political campaigns was rejected by the Supreme Court in the landmark case of Buckley versus Valeo. In Buckley, the Court declared,

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

The McCain-Feingold proposal also fails to recognize that Americans have a right to petition the government and have their voices heard. Americans have both a right and obligation to make their views known and hold those that seek to represent them accountable for their actions or positions on issues.

Mr. President, I expect the American people will receive a full disclosure of campaign finance law violations. I believe the testimony before the Governmental Affairs Committee has thus far proved the need for the Federal Government to focus its efforts on greater enforcement of our existing laws and prosecution of those who violate the laws, before Congress seeks to pass new laws. Congress should not use violations of existing law to restrict political speech and participation by those who abide by current law.

In addition to more timely enforcement of our existing election laws, we should encourage greater disclosure of each contribution and expenditure. Fair and frequent disclosure of contributions by Federal office seekers will open up the political process to the electorate.

I am encouraged by the disclosure provisions contained within the McCain-Feingold proposals. We share the same goal of letting the sun shine on the process. I am sure there will be additional opportunities to debate this aspect of the McCain-Feingold proposal.

Finally, Congress should work to protect the right of Americans to participate in the democratic process without fear of coercion. Despite the Supreme Court decision in Communications Workers of America versus Beck almost 10 years ago, millions of Americans still have portions of their paychecks taken and used for political purposes for which they may disagree, without their knowledge or consent.

I believe forcing an individual to make compulsory campaign contributions is contrary to our constitutional form of government and the first amendment freedoms we enjoy as citizens. As Thomas Jefferson once said, "to compel a man to furnish contribution of money for the propagation of opinions which he disbelieves, is sinful and tyrannical." For these reasons, I support the majority leader's decision to offer the "Paycheck Protection Act" as an amendment to the McCain-Feingold bill. I do not consider this a "poison pill" to passage of campaign finance legislation, but rather effective medicine for our Nation's employees because it will allow individuals to regain control of their paychecks, avoid coercion, and exercise their political freedoms.

Finally, Mr. President, as we approach the next century, the Senate has the responsibility to restore the public's trust in their government and preserve the political freedoms that were enacted over 200 years ago. I remain hopeful that our actions here will not affect the ability of future generations of Americans to enjoy these same freedoms.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized to speak for 5 minutes.

Mr. DODD. Mr. President, I thank the Chair. I may need a few more minutes than 5. I will see how things are going, Mr. President, and may request unanimous consent to proceed a bit longer.

(The remarks of Mr. DODD pertaining to the introduction of S. 1260 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

CAMPAIGN FINANCE REFORM

Mr. THOMPSON. Mr. President, I understand that the so-called Lott amendment will be considered this afternoon after lunch—an amendment to the campaign finance reform bill known as the McCain-Feingold bill. I want to address that briefly. I have given it serious consideration because I think it is a serious matter.

I must say that I agree with the underlying intent of this legislation. I support the concept of this amendment. I would like to see it enacted into law. I believe that American workers need all the protections they can get with regard to the matters that are addressed in this amendment. In fact, I intend to cosponsor freestanding legislation that would give us an opportunity to have an up-or-down vote on this idea.

But, Mr. President, as I look at this, I became concerned whether or not there is any chance of this amendment ever becoming law because, as I understand it, it is an amendment to the campaign finance bill. When I ask around whether or not those who are supporting the amendment will support the bill in case the amendment passes, I don't get any affirmative responses. In other words, as I see the state of play now, if we pass this amendment, then those who are primarily in support of the amendment will still oppose the underlying legislation. So there is no chance, as I see it, that the amendment or the ideas expressed in the amendment have any chance at all for becoming law in this process.

I am an original cosponsor of this particular legislation, the McCain-Feingold bill. I cannot align myself, even though I agree with the underlying intent, with an effort that has no chance of success in terms of passing any legislation or passing an amendment but that would, in effect, make sure that the underlying bill, McCain-Feingold, and the so-called Lott amendment, would both never become the law of this land. That is what we are faced with.

I must say it makes it a little bit more difficult for me when it is openly expressed as an effort to kill the underlying legislation.

So, Mr. President, I will do what I can for the rest of this Congress to see that the working men and women are protected in this regard.

I think it is a noble settlement. I think it is a good idea. There is freestanding legislation on this which I will support. But since I see no hope and no opportunity for this amendment to ever have the force and effect of law, then I cannot support it and will not.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to be heard for 30 seconds.

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

Mr. FEINGOLD. Mr. President, I just want to express my gratitude and the gratitude of the Senator from Arizona for the statement of the Senator from Tennessee, the fact that he was an original cosponsor of this bill, he has been bipartisan every step of the way and has made this reform much more possible both in the past and today. And I thank him for his tremendous leadership on this issue.

RECESS

The PRESIDING OFFICER. The Senate stands in recess.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I ask to be recognized under my leader time just briefly.

The PRESIDING OFFICER. The majority leader.

THE SENATE SCHEDULE

Mr. LOTT. First, I apologize to my colleagues for having to take this time right now before the cloture vote. However, the last couple of weeks have been somewhat hectic in the scheduling of floor action, with the end of the fiscal year, appropriations bills, fast track and ISTEA legislation brewing, all looming over the Senate schedule. And I wanted to address the Senate before these votes occur.

Having said all that, I think all of my colleagues understand that one of the major roles of the majority leader is to set the Senate schedule during each day's session and during the week. Conversely, yesterday I watched with dismay as the minority leader filed a cloture motion to the pending campaign finance reform bill and further announced it would be his intention to continue that practice for the remainder of the week. Unfortunately, since I was not notified of the minority leader's intention, I could not be on the floor to respond.

I will say now that my response was really one of dismay. All Senators know that filing a cloture motion does affect the Senate schedule. Needless to say, if cloture is invoked, if more than 60 Senators voted to limit the debate, then the Senate must remain on that clotured item until disposed of, regardless of what the majority leader might have had in mind for the schedule for floor consideration during those few days.

So I say to my colleagues that I do regret the action, but I understand how these things happen. Sometimes we just can't get in touch with each other and there is miscommunication. But prior to that event, the Senate had basically conducted what I think has been an interesting debate, an informative debate, and I think a fair and constructive debate. As of yesterday afternoon at approximately 7:30 p.m., the Senate had been considering this campaign finance reform bill for parts or all of 6 days. The debate had exceeded 22 hours and has been basically evenly shared by both sides of the issue.

I ask unanimous consent the time spent on the debate be printed in the RECORD at this point.

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

Friday, September 26th (On the bill 10–3:45) 5'45"

Proponents:	
Daschle	21
McCain	24
Feingold	23
Kerry	30
Thompson	17
Torricelli	30
Dorgan	25
Total	170
Opponents:	
Lott	24
Bennett	49
McConnell	14
Ashcroft	25
Grams	12
Gorton	34
Total	158

Monday, September 29th (On the bill 12–6:10) 6'10"

Proponents:	
McCain	51
Feingold	04
Collins	13
Levin	13
Dorgan	21
Lieberman	39
Cleland	16
Durbin	20
Total	177
Opponents:	
Lott	05
Warner	05
McConnell	96
Bennett	15
Nickles	19
Hatch	10
Total	150

Tuesday, September 30th (Morning Business) 32"

Proponents:	
Daschle	04
Boxer	10
Wellstone	18
Total	32

Wednesday, October 1st (Morning Business) 2'01"

Proponents:	
Kennedy	08
Levin	17
Glenn	57
Total	82
Opponents:	
Thomas	10

Santorum	29
Total	39

Monday, October 6th (On the bill 1–7:30) 7'30"

Proponents:	
Feingold	51
McCain	15
Daschle	08
Reid	09
Johnson	19
Bryan	18
Bingaman	08
Bumpers	24
Levin	54
Collins	05
Total	211
Opponents:	
McConnell	40
G. Smith	07
Hagel	14
Gorton	34
Allard	22
Ashcroft	07
Shelby	09
Domenici	26
Burns	20
Total	179

Mr. LOTT. So I understand, especially in this case, though, there is a wish by the minority to try to control the Senate schedule. However, there are other pressing items that are pending on the Senate's calendar that require Senate consideration. Some of those include, but are not limited to, fast-track legislation, remaining appropriations conference reports, ISTEA, Amtrak, adoption and foster-care legislation and, hopefully, perhaps others.

In closing, I hope that all Senators understand that I will have to move to proceed to other legislative items after these two cloture votes if cloture is not invoked. I am announcing to my colleagues now, so that no Member will be surprised by my actions. For the record, I have held up my end of the bargain by making the campaign finance issue the pending business prior to the October recess. It was suggested we were going to delay it until the end of the week, or the end of the month, or the end of the session. I said at the time I had no intention of doing that. I thought we should have debate early and we should have every opportunity for Senators to express themselves. The Senate has been provided more than adequate debate on this bill, and I think that the important thing now is to go ahead and have these cloture votes. It appears to me that there is no consensus at this time on this issue. I will have more to say about this after the votes, and I hope that we can move on to other issues that need to be done before the close of the session.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I am very disappointed with the announcement made by the majority leader, but I am not surprised. He has said from the very beginning that he was going to devise a strategy that would kill campaign finance reform, and he may have done so in the interim. It is not our intention to schedule legislation. It is not our intention to in any way obstruct the desires of the majority leader to go on to other issues. But it is our desire to have a good debate about one of the most important pieces of legislation pending before the Senate.

While we have had a good exchange of views on this particular bill, we have not had a debate. A debate in the Senate, by its very nature, allows Senators to offer amendments, to exchange views with regard to the language of the bill itself. But we have been precluded from doing that. Why? Because the majority has disallowed the opportunity for anybody to offer an amendment. What kind of debate is that? We have been on it and off it intermittently for the last couple of weeks, but we have not had a debate, not one living up to the standards and the expectations of anybody with regard to this body. This ought to be a deliberative body. There is no deliberation when the tree is filled, the amendments are precluded, and the bill is pulled.

So, we will continue to persist, regardless of whether it is in the form of an amendment or a bill. Again, I would rather work with the majority leader. He mentioned being surprised. I guess now we both had that occasion. I am not going to talk about Pearl Harbor this afternoon, as he did on the 16th of September. But let us not surprise each other. Let us get on with trying to lead the Senate in a way that will allow us to complete our work. We are prepared to do that on this bill and every other bill.

I yield the floor.

BIPARTISAN CAMPAIGN REFORM ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The bill clerk read as follows:

A bill (S. 25) to reform the financing of Federal elections.

Pending:

Lott amendment No. 1258, to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1259 (to amendment No. 1258), in the nature of a substitute.

Lott amendment No. 1260 (to amendment No. 1258), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No 1261, in the nature of a substitute.

Lott amendment No. 1262 (to amendment No. 1261), to guarantee that contributions to Federal political campaigns are voluntary.

Motion to recommit the bill to the Committee on Rules and Administration with instructions to report back forthwith, with an amendment.

Lott amendment No. 1263 (to instructions of motion to recommit), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1264 (to amendment No. 1263), in the nature of a substitute.

Lott amendment No. 1265 (to amendment No. 1264), to guarantee that contributions to Federal political campaigns are voluntary.

CLOTURE MOTION

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, do hereby move to bring to a close debate on the pending amendment No. 1258 to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Don Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond, Thad Cochran, Rick Santorum, R.F. Bennett, Bob Smith.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Lott amendment No. 1258 to S. 25, a bill to reform the financing of Federal elections, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—52

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith Bob
Cochran	Hutchinson	Smith Gordon H
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

NAYS—48

Akaka	Feingold	Lautenberg
Baucus	Feinstein	Leahy
Biden	Ford	Levin
Bingaman	Glenn	Lieberman
Boxer	Graham	Mikulski
Breaux	Harkin	Moseley-Braun
Bryan	Hollings	Moynihan
Bumpers	Inouye	Murray
Byrd	Jeffords	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	
Dorgan	Kohl	
Durbin	Landrieu	

Sarbanes	Specter	Wellstone
Snowe	Torricelli	Wyden

The PRESIDING OFFICER. On this vote, the ayes are 52, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Mr. DASCHLE. 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 assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 25, as modified, the campaign finance reform bill:

Thomas A. Daschle, Carl Levin, J. Lieberman, Wendell Ford, Byron L. Dorgan, Barbara Boxer, Jack Reed, Richard H. Bryan, Daniel K. Akaka, Christopher Dodd, Kent Conrad, Robert Torricelli, Charles Robb, Joe Biden, Dale Bumpers, Carol Moseley-Braun, John Kerry.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk, and I observe that Senator DASCHLE filed a cloture motion on the McCain-Feingold bill, S. 25. This is a cloture motion on the paycheck equity amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258, to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, D. Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry Craig, Strom Thurmond, Gordon Smith, Jesse Helms, Kay Bailey Hutchison, Christopher S. Bond, Bill Frist, Charles Grassley, Thad Cochran, Rick Santorum.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Rick Santorum, Jon Kyl, Don Nickles, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond, Thad Cochran, R. F. Bennett, Bob Smith, Ted Stevens.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 25, a bill to reform the financing of Federal elections, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—53

Akaka	Feinstein	Lieberman
Baucus	Ford	McCain
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Hutchinson	Reed
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Chafee	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Thompson
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Feingold	Levin	

NAYS—47

Abraham	Faircloth	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchison	Smith (OR)
Craig	Inhofe	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Enzi	Lugar	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 1156, the D.C. appropriations bill.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. President, is this a debatable motion?

The PRESIDING OFFICER. This is a debatable motion.

Mr. DASCHLE. Mr. President, I want to be heard on the issue, if I can. In essence, what we are doing here is pulling the bill. We are now stating that, at least for the purposes of this week and perhaps this session of Congress, debate on the campaign finance bill is over.

We are not prepared to accept that. I think we ought to have a good discussion this afternoon about whether we really want to do that. Do we want to pull this bill and go to the District of Columbia appropriations bill? I would say that at least every Member on this side of the aisle, and perhaps some on that side of the aisle, are not prepared to do that. So we are not prepared to have that vote right now, and I hope we will have a good discussion about it, a good debate about whether it is in our interest to do so.

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. LOTT. 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. DASCHLE. Mr. President, I will not object for the purposes of giving the majority leader the opportunity to respond.

Mr. LOTT. Mr. President, I thank the minority leader for doing that so that I can respond to his comments. First of all, let me tell Members where we are on this. The D.C. appropriations bill would be the pending issue. We do have a cloture motion that we filed on that. We would have a vote on that not before 4 o'clock. There is still a chance we would get an agreement between Senator MACK, Senator GRAMM, and Senator GRAHAM of Florida on the immigration issue, and then we would have one other pending amendment. I believe it is the Coats scholarship amendment for the District of Columbia.

I believe those are the only two pending issues we would still have to dispose of on the D.C. appropriations bill, and then we would be able to go to final passage. That would be the last of the 13 appropriations bills, and then we could go on to conference on that and, hopefully, get all of these conference reports done before the continuing resolution runs out on the 23d, I believe, of this month. I wanted to make sure Members understand what we are trying to do here—go back to the D.C. appropriations bill.

Now, with regard to the issue that we have been debating and the votes we just had, those two cloture votes that we just took, in my opinion, put an end to campaign finance reform at this time. They end the drive for phony reform, the kind that rigs the law in favor of one side or the other. They end

the partisan game plan that treated the Constitution and the right of free speech guarantees as technicalities to be gotten around. That was the worst aspect of this year's effort to rewrite Federal campaign law, this willingness to abridge one of the fundamental freedoms of the American people.

Earlier this year, to my amazement, 38 Senators actually voted to change the first amendment so that the Congress or a Federal agency could limit free speech. I never thought I would see that day arrive. Now, those 38 Senators have been joined by others who would not explicitly repudiate the first amendment, but they would in fact change it. I think that is a very serious challenge to the Constitution.

What we have here is an effort to change the subject, to change the laws, where the laws we have on the books have already been broken. We do not have a consensus yet on how to proceed on this issue. We will be back on this issue some day. But I want to say again that until we do something about the paycheck equity issue, allow people to have some say over how their dues are used, and make sure that all campaign contributions are voluntary, I don't see how we can ever resolve this issue. So I feel good about what we did today. I think we did the right thing for the American people, the right thing in protecting free speech. Now we can move on to other issues, and we can continue to have other debate and other votes on this on other days.

But as for now, I think we did the right thing. I am proud the Senate didn't turn its back on the Constitution. Just yesterday, the Supreme Court ruled that you cannot limit free speech, you cannot limit advocacy issues in campaigns. We may not like it, but in America you should have a right to say how your monies are used. You should have the ability to express your position on an issue or on a candidate.

So I hope that we can mend some of the problems that have developed and go on and do our work on a lot of important issues, and perhaps some day we can find a way to have an opportunity to come together on this issue.

I yield to the Senator from Oklahoma for a question, without losing my right to the floor.

Mr. NICKLES. Mr. President——

Mr. KERRY. Regular order, Mr. President.

Mr. NICKLES. The majority leader has yielded so that I may ask a question. Your request was to move to the District of Columbia appropriations bill. Correct me if I am wrong, but that is the last appropriations bill we haven't passed. We passed the other 12, and we passed a continuing resolution. The continuing resolution will expire on the 23d of this month. So it is your hope that we can dispose of the District of Columbia appropriations bill, hopefully, tonight; is that correct?

Mr. LOTT. That's correct.

Mr. NICKLES. And dispose of—I believe there is the Coats amendment pending and also a Mack proposal pending. So if we can dispose of both of those amendments, finish the District of Columbia appropriations bill, let it go to conference, and hopefully work out the differences with the House on that and several other conference reports, as many as possible this week, hopefully complete all those by the 23d, maybe we won't need a continuing resolution. It looks like there may be a couple of bills that we may not be able to finish by the 23d. It is your hope that we can finish the D.C. bill tonight?

Mr. LOTT. That's correct. I believe we can. I understand that the interested Senators, on a bipartisan basis, have come very close to an agreement. I think we may have an answer within the hour.

Mr. NICKLES. The majority leader made some comments on the campaign finance reform and paycheck protection. I know my colleague the minority leader said he wanted to have more discussion. I will tell my colleague that I would like to visit about that a little bit more as well. I think every American should be guaranteed the right to say whether or not they contribute to a campaign. I can't imagine that any employees have money taken away from them on a monthly basis without their consent. I think that is un-American.

I personally inform the majority leader and tell my colleague from South Dakota, I think it is a very fundamental question of freedom, and I feel very strongly about it. I am happy to discuss that with our colleagues and, hopefully, figure out a way to pass it. Two or three of my colleagues say maybe it should be amended. I am happy to discuss that with them as well. I never said it was perfect. I think we should have a fundamental question of fairness. Should we not have the right or the opportunity to make sure that everybody that contributes to a political campaign does it on a voluntary basis?

So I appreciate the majority leader's responding to my question. I know he wants to set this aside as far as campaign reforms and pass the appropriations bill. I concur with that.

But just to ask the majority leader a question, does he agree with me that every American should have the right to be able to contribute to a campaign on a voluntary basis?

Mr. LOTT. It is such a fundamental, basic right, I really can't understand why there is such resistance to it in campaign finance reform. Frankly, all employees, whether they are union members or not, should have the right to say how their dues or fees are used, and it should not be done without their permission.

Mr. McCONNELL. Will the majority leader yield for a question?

Mr. LOTT. I yield to the Senator from Kentucky for the purpose of a question, without losing my right to the floor.

Mr. McCONNELL. Well, Leader, let me just ask if you are familiar with the cloture vote we had on this issue last year. I was asking the leader, since I am compelled to ask a question, if he is familiar with the cloture vote we had last year.

Mr. LOTT. I believe I am familiar with it, and I believe that the vote we just had, as a matter of fact, was a better vote in defense of free speech than we had just a year ago. After all the pressures and all of the media hype on this issue, as a matter of fact, the Senate voted by a stronger margin for free speech and for union members being able to have a say on where their dues would go.

Mr. McCONNELL. I say the majority leader's memory is excellent. In fact, the vote against cloture and the vote to defend the first amendment was better this year than it was last year, in spite of all of the effort that has been made to undermine fundamental free speech in this country. So I commend the majority leader for his leadership, and we look forward to defeating this measure at any time it may be offered to the Senate.

Mr. KERRY. Will the majority leader yield for a question?

Mr. LOTT. I yield to the Senator from Massachusetts for the purpose of a question, without losing my right to the floor.

Mr. KERRY. I ask the majority leader if it is a fact that, under the procedures of the Senate, this bill, the D.C. appropriations bill, would have been the regular order of the Senate, so it was unnecessary to move to proceed to the D.C. appropriations as the regular order, except that by moving, as the majority leader has, he has in effect taken the campaign finance reform bill and put it back on the calendar, which essentially removes it from the capacity of automatically coming up again before the Senate; is that an accurate description of what has happened parliamentarily?

Mr. LOTT. I think that is an accurate description of what is happening parliamentarily. We have had parts of 7 days of debate. We have had two votes on this issue. As I said, it is obvious that a consensus has not been reached. We have other important issues that Members want to come up and debate. I accommodated advocates of the campaign reform bill, and we have had the debate they wanted. It came up early, not later.

Now we have other issues we need to deal with. We need to deal with the District of Columbia appropriations bill, so that it can go to conference and hopefully go down to the President. A

lot of work has gone into that bill this year to try to help the people in the District of Columbia. Do we want the District of Columbia appropriations bill to die here and be folded in some form or another in some CR at some point?

I know the Senator from Massachusetts would like to see us do Amtrak reform so that, as a matter of fact, the funds we have identified, a flow of funds for Amtrak, can go forward. If we don't get the reform authorization language, the money will not be released. That is going to get to be a serious problem. We see the possibility, or even the probability, of a strike facing Amtrak later on this very month. It seems to me that we need to address some of those issues so that we can have adequate funding for Amtrak. I know the Senator from Massachusetts wants that.

The President of the United States indicated to me through top staff officials on Monday morning that they hope we will vote on this issue and then move on to other issues, including the fast-track trade agreement. We have a lot of important work to do. I just said a moment ago that I don't think this is the last time we are going to talk about campaign finance reform. Maybe some day we can sit down and see what we might agree on. We are certainly not going to agree to a situation that gives up any American's right to free speech and that forces other citizens to pay, against their wishes, for campaigns they don't support.

So you are right that our purpose here is to get off of campaign finance reform for now and go to the District of Columbia appropriations bill. I believe if we can do that, we could probably finish today. The next order of business I would like to try to go to is the ISTEA transportation infrastructure bill. That, too, is a bipartisan issue that Senator DASCHLE and I have talked about. Senator MAX BAUCUS is working on it, along with Senator CHAFEE. There is a bipartisan group, and they are ready to go. In that case, the Senate needs to provide a little leadership because the House hasn't been able to pass a bill. They passed just an extension. We can pass a 6-year bill with a formula that would be fairer overall. There will be some disagreements on that. Until we get started, we are never going to resolve them.

Mr. KERRY. Mr. President, if I can continue, let me say to the majority leader, I think all of us have been sensitive to the needs of the Senate to do the business of the Senate. We have set aside the campaign finance reform in order to do that at any time that it was important. But there is a very big distinction between taking this off the calendar in a way that prohibits us, if we were to reach agreement, from returning to it immediately or from really deliberating on it.

I ask the majority leader, would he be prepared, if Members on both sides were to discuss in the next hours some kind of approach that we weren't permitted to vote on, we weren't permitted to actually legislate on, but which might resolve this question of how you provide people the free choice with respect to their dues or otherwise, in a fair-minded way? Would the majority leader be prepared, if Members on both sides believe there is a solution, to bring this back for a vote in order to deal with that?

Mr. LOTT. Well, when we have a solution even in distant sight that would be fair and would not restrict Americans' ability to participate in the election process, a system that is a fair one, then certainly I am always amenable to talking further. My record is replete with examples where I said, I think there is hope, let's work. But on this issue at this time, that hope is not there. There has been no real movement in that direction. So I don't foresee that happening.

The Senator from Massachusetts was one of the ones who said, "Are you going to bring this up early, or are you going to wait until the last day of the last week of this session?" I said, no, I didn't want to do that because I didn't want us to end up on this issue without having the time to talk about it. I thought about it and I said, as a matter of fact, let's go ahead and get started because I thought there was a window of opportunity in here to have the debate, which we did for some 23 or 24 hours, on campaign finance reform. So I said, let's do it now. But I think it would not be good faith, after all that, to want to do it again next week, and every day we are in session, and the last day we are in session. I don't think that is in good faith either. That will wind up affecting everything else we need to do.

We have had a good debate. We know that right now there is not a consensus. But if we begin to move toward one that is not partisan, that is fair and does not limit free speech, I am always willing to see what we can agree to.

Mr. KERRY. One last question with a very quick response. The Senator from Massachusetts contemplated the Senate doing what the Senate is supposed to do, which is legislating, voting. We have not voted on one amendment. We have not permitted one issue to come to the real deliberative efforts of the Senate, which is through a vote. I think the Senator knows that.

So my question would be, if there is this kind of solution, will the Senator permit it to come to a vote—if it were a majority of the Senate that had come to that conclusion, a majority of the Senate?

Mr. LOTT. I cannot help but be reminded of some of the speeches I heard the former majority leader from Maine, Senator Mitchell, make on this floor. When a Senator would object to his procedures, he would reply that the Senator understands how the Senate operates; the Senator understands that in the Senate it quite often requires 60 votes, not 50 or 51 votes, to take action; the Senator understands that being deliberative doesn't mean having multiple votes.

We could have had amendment after amendment after amendment and be on this subject for the rest of this month. But there was no consensus. There is no consensus. The truth of the matter is that the other side feels that, if they do not limit free speech, the bill is not worth having. We, on the contrary, feel that if people can't have control over how their contributions are used or their dues are used, the bill would not be fair.

But, as I have said before, we will keep working on this. And I am always amenable to suggestions. I have been talking to Senators this very morning about that.

I yield to the Senator, if I can. Let me yield to the Senator from Pennsylvania, then I will come back to this side, for a question.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Pennsylvania.

Mr. SANTORUM. Thank you. I thank the leader.

I just wanted to ask a question. The Senator from Massachusetts talked about the job of the Senate as it moves forward on legislation. I just wanted to harken back to his statement about FDA reform, and what has been done by some people trying to block consideration of FDA reform and comptime-flextime. If you will correct me, I believe it is still on the calendar at this point because we do not have 60 votes to move forward with the comptime.

Mr. LOTT. As a matter of fact, on flextime, that is the pending business. And, under certain circumstances this week, we could end up back on that bill, which will suit me fine.

Mr. SANTORUM. Is it not the fact that we will not be able to get 60 votes on comptime-flextime, and as a result we have not been able to move forward with that piece of legislation, which, as we have just been told by the Senator from Massachusetts, is the business of the Senate? We have not had that debate yet.

Mr. LOTT. I believe, in answer to the Senator's question, that the majority of the Senate thinks there should be an opportunity for workers to be able to take time to be with their children, or to do whatever they might need to do—for the PTA or for their own health reasons. The U.S. Senate could, by a majority vote, allow that to happen, but instead the bill has been filibustered. Since we have not been able to round up 60 votes, it still is pending on the calendar.

Mr. SANTORUM. My understanding is that the major opposition to the comptime-flextime—you can tell me—the major opposition that is moving is on the other side of the aisle, and talking to those Members to block the comptime-flextime bill from coming up for consideration.

Mr. LOTT. I know there has been a lot of interest by the Senator from Massachusetts, Senator KENNEDY, about that. And I know he had problems with the Food and Drug Administration reform package, which, by the way, passed with a bipartisan vote, overwhelmingly, to cut off his filibuster. We voted, I think, twice to cut off the filibuster, and I understand it passed 98 to 2. It took us a month to get it done.

Mr. SANTORUM. Can the Senator say what outside organizations are principally opposed to the comptime-flextime bills being considered here?

Mr. LOTT. I believe the AFL-CIO. I think it would be helpful if we could check with their members because I think the members would like to have a say about the denial of their comptime-flextime.

Mr. SANTORUM. With respect to the Lott amendment on paycheck equity, what outside organization is blocking the consideration of that? In fact, what outside organization is a major opponent?

Mr. LOTT. That legislation to allow for voluntary contributions to campaigns so that workers are not required to pay dues as a condition of employment and then have those dues used for political candidates. Our amendment to fix that problem has been opposed by the union bosses. But yet the union members in the country, when they find out that their dues are being used for political purposes without their permission and without their knowledge—the ones I talk to—are irate. They say, "I want the opportunity to decide. I may want to give permission. I might want to check it off and say this is fine."

But in America shouldn't you have the ability to say that? Shouldn't you have the choice about how your own moneys are used as a condition of employment?

Mr. SANTORUM. I would also ask the question maybe in a little different light.

Let me ask this question. My question is, can you come up with a reason why someone would want to be debating the changing of the underlying law with respect to campaign finance at a time when there is another debate going on out here about violations of current existing law? Can you possibly postulate for me what you think the motivation of some might be to question the underlying existing law of campaign finance in the face of overwhelming evidence and even new evidence that has come out, as recently as other day, that there are existing violations of campaign finance law? Could you answer for me or postulate for me what the reasons are that someone may want to divert attention away from a debate and examination of the breaking of existing campaign laws to talk about something completely unrelated, which is changing the existing law?

Mr. LOTT. I said in my speech a week or so ago that what really bothers me here is people saying, "My goodness, the laws which we wrote have been broken and, therefore, we should change them." And what new laws do they propose? Laws that restrict free speech, in the McCain-Feingold proposal as it now stands. There are provisions in that with regard to advocacy, or advocating an issue, or advocating even a candidate. The Supreme Court just yesterday refused to review the lower court which said you can't limit that.

Our paycheck protection amendment has been called a "poison pill." Since when is it a "poison pill" when you have an amendment that says the American people should have a say about how their money is used?

I think that is a very strange description of a very fundamental freedom and right I thought we still had in America.

Mr. SANTORUM. If I could ask one additional question, do you find it ironic that on the day in which we have campaign finance hearings in the Governmental Affairs Committee, talking about the legal activities at the White House with the Democratic National Committee, that Members of the Senate here on the other side of the aisle want to focus on a completely different issue which has to do with changing the existing campaign? Do you think there is some sort of strategy involved here? I am just curious as someone sort of on the outside.

Mr. LOTT. It appears to me there might be some thinking along those lines. But, you know, I, at this point, don't want to question the motives of others.

I appreciate the questions that have been asked, and I would ask consent that after the Senator from South Dakota speaks, that I be able to regain the floor to continue this discussion.

Mr. DASCHLE addressed the Chair.

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

The Democratic leader.

Mr. DASCHLE. Mr. President, I thank the Presiding Officer.

Mr. President, let me respond to a couple of the matters raised by my distinguished majority leader.

First of all, with regard to the District of Columbia appropriations bill, there is no reason why the majority leader could not have simply called for regular order. By calling for regular order, the D.C. appropriations bill would have been on the floor. We would not have had to put the campaign finance reform bill back on the calendar.

So no one should be misled by that sleight-of-hand. It is very important that everyone realize what happened. The majority leader pulled the bill, put it back on the calendar, ostensibly so we could come back to the District of Columbia appropriations bill. But that wasn't necessary because the regular order is the District of Columbia appropriations bill. So we could have achieved what the majority leader said he wanted to achieve simply by going back to the regular order.

Mr. President, I hope everybody realizes that is the reason Democrats have found the decision of the majority leader questionable today. Why would we do that if, indeed, we are going to be going back to cloture votes tomorrow and to cloture votes again on Thursday?

I have heard several of my colleagues say that it is the American way to ensure that every single person voluntarily participate in the political process, and, in so protecting the voluntary nature of that participation, it is critical that unions provide for some mechanisms to refund that portion of the payment dedicated to political activity within each union. That is the American way to have that opportunity.

I do not want to debate the so-called Lott amendment at length. But I certainly expect that they would then support that same freedom—that same voluntary spirit—when it comes to the mandatory collection of political resources from corporations, from organizations, and from all other entities involved in the political process. If it is good for one, it has to be good for the other.

With regard to having a full and fair debate about that, I don't know what could be more full or more fair than to bring up the bill separately and have a good debate—an all-out debate about it.

Let's have a debate with amendments on whether or not we want to expand it, whether, indeed, it is a good idea.

But I get back to why this is going on. This is going on not because people are concerned about freedom, about free speech. This is going on because it is a poison pill, because we know as long as we are in this situation we are never going to get to campaign finance reform.

So I hope everyone understands what this is all about. The majority leader says there isn't a consensus. I will agree today there are not 60 votes on the bill, but we are getting closer to a consensus on a lot of these other issues.

Mr. President, let me just say, given this poison pill, campaign finance reform probably choked a little bit today, but it did not die. It is alive. It

is well. And it may choke a little bit more as they try to shove it down the throat of the whole campaign finance reform concept, but I will tell you this. Campaign finance reform will not die until it is passed. It will pass. I do not want to be in a situation to amend other bills, but that is exactly what we will be forced to do if we are not able to deal with this in a constructive way.

So I just hope that Republicans and Democrats can work through these obstacles, that we can rid ourselves of the poison pill and debate it as an issue as we should but then allow the Senate to work its will on campaign finance reform in a meaningful way. I hope we can do that.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from North Dakota.

Mr. DORGAN. I appreciate the Senator from South Dakota yielding. I would like to ask just a couple brief questions.

The majority leader has consistently this afternoon indicated there has been a rather full and extensive debate on campaign finance reform. Isn't it the case that exactly the opposite is true? The master illusionists in America are those who are able to convince people that they have seen things that do not exist.

Isn't that what we have here? We have had a debate on campaign finance reform, we are told. Isn't it the case, I ask the Senator from South Dakota, that the campaign finance reform bill was brought to the Senate in a very complicated set of almost Byzantine procedures that are called filling the tree so that no one else had an opportunity to do anything to amend this bill, and that under the procedure that existed the bill was debated, but no one, save the majority leader, was able to offer one single amendment?

Isn't it the case that we had what is called an illusion? I think this is an illusion to convince people to see things that do not exist.

I think people will see what happened here, a procedure that ties up the Senate, allows no one to offer any amendments, and then a claim, trying to pull the bill from the floor, that we have had a debate on campaign finance reform. Is that an accurate description of what has happened in recent days?

Mr. DASCHLE. The Senator from North Dakota is exactly right. That is the description. We have spent a lot of time on it. But ask any Senator in this Chamber whether they have had an opportunity to offer an amendment, to talk about differences that we might have with the McCain-Feingold bill per se. We have all indicated that we are willing to support it, but there have also been a lot of indications on the part of many Senators that they would like to improve upon it, they would like to change this or that. It is the nature of this body to have a good debate about what is the most appropriate language, what is the most appropriate provision with regard to these questions. We have been denied that.

So while we have had good speeches—I have heard some great speeches, even some exchange—we have not had a debate, not a debate in the true sense of the word where Democrats and Republicans can walk down to the floor, offer an amendment, have a good vote, go on to the next amendment, have an exchange. That has not occurred.

Mr. DORGAN. If I might just ask two brief additional questions.

Isn't it the case that on the cloture vote on the underlying bill, the McCain-Feingold bill, 53 Members of the Senate voted for cloture, which suggests that 53 Members of the Senate support this bill? So we have a campaign finance reform bill that has the support of the majority of the Senate and a procedure designed to prevent the Senate from having a vote on it. Is that not the case that we now face?

Mr. DASCHLE. The Senator is absolutely correct. The majority of the Senate has now gone on record in support of the bill as it is pending before the body, and we have been precluded the opportunity to vote up or down on that bill.

Mr. DORGAN. I know the Senator has another engagement, but let me ask one final question. Isn't it the case now that the pending business in this Chamber was campaign finance reform and the majority leader is asking by motion to go to D.C. appropriations and that those who decide to vote to do that are voting to pull campaign finance reform? If that is the case—and I guess it is procedurally—I think we ought to have a debate about that. I think we ought to have a vote on it, we ought to find out who in the Senate decides to vote to pull campaign finance reform from the floor of the Senate before we have had the first amendment offered to that bill.

Why haven't we had an amendment offered? Because this bill was tied up tight, brought to the floor with the design and a boast by some that they are going to kill it and be proud they killed it, and they are going to put this in a position where someone else filibusters and gets the blame for killing it.

This is clearly an illusion. And isn't it the case that the vote we are going to be asked to take—and I hope it is a record vote; you have already asked for the yeas and nays—will be a vote on whether we believe we should pull campaign finance reform from the floor of the Senate? I am going to vote no, but isn't that in fact the vote we are going to have?

Mr. DASCHLE. I think the Senator from North Dakota describes it accurately. We don't think——

Mr. LOTT. Mr. President, will the Senator yield for a question to the Senator from North Dakota?

Mr. FORD. Let him answer his question.

Mr. LOTT. I will be glad to wait.

Mr. DASCHLE. I will be glad to complete my answer and yield to the majority leader.

The answer is clearly yes. We don't believe that this is time for business as usual here, that we simply pull the bill after we debated it, as we have now for some 23 hours, if you can call this a debate. Simply to pull the bill without any resolution on the issues is a very difficult thing for many of us to accept. So the Senator is absolutely right. Our preference would be to stay on this bill. Let's see if we can finish it. We hope we can finish the D.C. appropriations bill, too. We have attempted to do that, but clearly we have to move on with subsequent votes on campaign finance reform.

I would be happy to yield to the majority leader.

Mr. LOTT. I will just wait, if the Senator is about through with his comments. I will just go ahead and respond.

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

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator from South Dakota for allowing us to have this discussion to go back and forth, but I want to point out to the Senator from North Dakota that the same rationale that he used also applies to the amendment that I had offered, the paycheck equity amendment; 52 Senators voted to invoke cloture so that we could go ahead and get a vote on that issue, as a matter of fact. So a majority of the Senate feels very strongly about that.

Mr. DORGAN. Will the Senator yield on that point?

Mr. LOTT. It seems to me that sometimes maybe even the White House knows more about the rules of the Senate than some of us around here.

As a matter of fact, when the White House spokesman, Mr. McCurry, was asked about how the vote would come in the Senate, he was asked, "Well, what if there is a filibuster?"

Mr. McCurry said, "Well, then there would be a filibuster and there would be a cloture vote and then they would move on."

"But if they don't get 60 votes, that wouldn't be a vote."

"It would be a vote. That's the way the Senate rules work. What else?"

"Does the vote of 60, is that considered a vote?"

"Mr. McCurry. A vote to limit debate by invoking cloture is considered a vote under Senate rules, yes, the last time I checked."

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. Mr. McCurry seems to know more about the rules than some of us around here.

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. But the argument again that 53 Senators voted for cloture on the underlying bill applies the other way, too; 52 Senators voted for cloture on the amendment that was pending.

Mr. DORGAN. Will the Senator yield for a question?

Mr. LOTT. I will be glad to yield.

Mr. DORGAN. No one is suggesting, certainly not me, that the Senator has not followed the rules. The Senator has used the rules exactly as he desired to use the rules to bring this bill up, fill the tree, prevent it from having amendments, have a cloture vote, and kill the bill. This Senator understands that. I have been curious about why the majority leader would not allow a motion to table. We understand that there was not an interest in allowing a motion to table the Lott amendment to be offered this morning.

In fact, the Senator in a rather unusual move last evening put us in morning business all morning. Our expectation was we would be able to have a motion to table. I wonder if the Senator would tell us why that was inappropriate or whether he would allow us the opportunity to offer a motion to table the Lott amendment at some point.

Mr. LOTT. In response to the Senator's question, as a matter of fact, I had been indicating all along that we would have full debate on this, we would have cloture votes. If cloture was achieved, then we would move on from there. If it was not, then we would go to other legislative business.

As a matter of fact, I had to file the cloture motion last week, I guess it was last Friday, so we could have these cloture votes. As a matter of fact, as to morning business, I have lots of Senators who come in and say: We have very important issues we want to talk about. Can you set aside an hour or some time, even 2 hours, for morning business?

Yesterday afternoon I came down to the floor. No Senators were waiting to speak on campaign finance reform. One Senator was waiting to speak on another issue, and so we went into morning business where Senators could speak up to 5 minutes on any other subject they wanted.

So if I could go on at this point, does the Senator from Utah have a question he would like to ask?

I yield for a question.

Mr. BENNETT. I would like to ask the majority leader a question regarding the Lott amendment about which we have heard some ex post facto debate here. Is it not true that under the Lott amendment corporate employees who are not members of the union also would be required to give their permission before their money could be used?

Mr. LOTT. That is absolutely true, a little point that seems to be ignored in many circles around here. As a matter of fact, I don't think any worker, whether he or she is a union member or nonunion member, should be compelled to have their dues or fees or assessments or in any way have to pay without their permission for politics or for a political candidate. I think it should be applicable to workers at all levels. And so I purposely included that.

Some people say, "Well, you went beyond the Beck decision of the Supreme Court." Yes, that is one of the key places where I did go beyond the Beck decision. I said this voluntarism should be applicable to all employees, all workers. So clearly that is a part of the amendment as it now stands.

Mr. BENNETT. Now, if I could further query the majority leader, on this issue of equality between workers and shareholders and the suggestion that corporations that are involved in giving soft money are taking money involuntarily from the shareholders, is the majority leader familiar with the shareholder boycott movements that occurred, oh, some decade or so ago, people who would sell their shares of stock in companies that did business in South Africa, for example?

Mr. LOTT. I am familiar with that, and I know of the Senator's background in business as a corporate executive, and he knows all too well that stockholders, shareholders, have a very strong voice in what happens, and that voice is by buying or not buying more stock or by selling what they have and putting it somewhere else. They can choose where they put their money. What a wonderful American procedure that is. But it is one that we value very much.

Mr. BENNETT. I would say to the majority leader before my next question, I have been called by brokers who have told me what a marvelous investment a particular company is. And I said, "But they sell cigarettes, and I don't want to put my money in a company that sells cigarettes." And I was told, "Yes, but they're mainly in cookies and biscuits and other kinds of food." And I said, "No, I am making a decision as to whom I will support with my investment dollars, and the company that's in the tobacco business is not one I want to support with my money." I don't attack people who support it with their own money, but I make my own investment decisions. I have heard people say the same thing about entertainment companies, saying they don't want their money in the entertainment company that produces a particular movie, and whatever.

But this is the next question I would like to address to the majority leader. The distinguished minority leader talked about campaign finance hitting a bump in the road today but saying it was not dead, that the Senate had hit it but not killed it.

Is it not the opinion of the majority leader that the biggest bump that McCain-Feingold has hit is not the vote in the Senate but the vote in the Supreme Court? When the Supreme Court took action with respect to denying cert to a lower court ruling, did the Supreme Court not in fact inflict a much bigger blow on McCain-Feingold than the vote we took today? And if, indeed, we had passed it today, is it not now clear the Supreme Court itself would gut the bill?

Mr. LOTT. I think it is obvious that that would be the result. Now, there are those who have been saying, well, you never know how the courts are going to rule until they look at the specific language or until they have in fact ruled. Right in the middle of the debate on McCain-Feingold, the Supreme Court spoke clearly, once again, and said you cannot limit people's speech. You cannot limit advocacy. You cannot limit groups that want to take a position on an issue. It was really interesting that ruling did come just yesterday of this week.

Mr. BENNETT. Would the majority leader not concur, then, that it is a better use of the Senate's time to be debating appropriations bills at this point in the fiscal year than worrying about legislation that is clearly unconstitutional? Don't we have a responsibility, when something is clearly unconstitutional, to get off of it and move onto something more productive?

Mr. LOTT. It would appear to me to be the case. If the Senator will allow me, I would like to ask that the cloture vote scheduled for today now occur at 4 p.m. I would say to the Senate that I have just notified the minority leader of this request, therefore the next vote will be 4 p.m. today on the motion to invoke cloture with respect to the Mack-Gramm immigration amendment to the D.C. appropriations bill.

The PRESIDING OFFICER. The leader has that right.

Mr. LOTT. Does the Senator wish me to yield further?

Mr. BENNETT. I thank the majority leader for his courtesy. I have no further questions.

Mr. LOTT. As I said here last week, I think protecting citizens against forced political contributions should be the litmus test for the sincerity of this debate. Anyone unwilling to do that cannot be taken seriously as an advocate for reform. The fact is that the advocates of McCain-Feingold decided that legislating about campaign finance reform was less important than maintaining the system of compulsory campaign contributions by employees. And, so, rather than allow their own legislation, the present form of McCain-Feingold, to go forward, they brought down the roof of the whole temple on their own bill. At least Samson had reason to wreck the place. But I don't think that should be the case

here. They are so determined to limit workers' ability to say where their dues or their fees are going to be used, and how, that they are willing to have the whole issue set aside.

So we stand here, now, in the midst of this scuffle, but maybe the things we are finding out this very day about what happened in the 1996 campaign will have some future effect on what we decide to do. Belatedly, now, we see these videotapes brought forward, showing White House coffees. Even more belatedly, we understand, now, that there is an audio track of the President's meeting with John Huang on June 18, 1996. Where have these tapes been? Why haven't we known about this before?

When it comes to campaign finance, the administration gives a whole new meaning to the term "technical problems." Only a few days ago, while those White House videos were not available—or maybe people weren't aware of them—the Attorney General had been moving away from an independent counsel, not toward it.

So, I once again have serious problems with trying to detect who is serious about legitimate campaign reform. What we have here is not a lack of restrictive campaign laws. In fact, I think that is a big part of the problem. We already have more laws, more restrictions, more regulations than the mind can contend with. I think we have been making mistakes over a period of years in the writing of campaign laws, where now it takes lawyers and CPA's and FEC experts to try to make sure that a candidate for office, of either party, is complying with the law. What we have is a lack of enforcement of the existing laws. So, the push has been to say, well, there may have been some problems, maybe some laws were broken, so what we need is new laws. I respectfully disagree with that.

We are not going to go forward in a way that is unconstitutional. We are not going to go forward in a way that does not deal with this problem of the taking of dues from workers and using them for political purposes.

I just came across an interesting quote attributed to former White House Deputy Chief of Staff, Harold Ickes. This is actually a quote from Michael Louis, in the New York Times magazine. He says that the Deputy Chief of Staff will tell you, point blank, that President Clinton does not care about campaign finance reform, that he is using the issue for his own purposes, none of them altruistic. I think that sums up what is going on here and I think the American people should not allow themselves to be fooled by the debate that we have been hearing over the last week.

I yield further to the Senator from Kentucky for a question.

Mr. McCONNELL. Yes, I wanted to ask the distinguished majority leader if he was aware that there had been some survey data actually taken of employees, union employees, assessing their attitude about their dues being taken, in effect, and spent on causes with which they disagree?

Mr. LOTT. I am aware that there have been some survey data. I am trying to remember what the numbers were. I believe—perhaps you will have them—in one instance it was 62 percent; in another it was 78 percent.

Mr. McCONNELL. I think the 78 percent figure the majority leader refers to is the one that I saw; 78 percent of workers would like to have an opportunity, up front in advance, to make the decision on whether or not they contribute, in effect, to a political cause; fundamental American right. That is what the leader's amendment would have provided, not just for union members but employees of corporations who are not union members, and of course any shareholders who are aggrieved have the option to sell the shares, if they object to any political donation of a corporation. So I commend the majority leader.

Mr. LOTT. I would like to make another point. Perhaps the Senator might want to respond with a question on that, or comment.

I didn't just dismiss the McCain-Feingold bill out of hand. I sat down with the Senator from Arizona and we went over what was in his bill. One of the problems with it is how he deals with this paycheck equity issue. His bill, as I understand it—maybe you can correct me—says, in effect, that after an election is over, if a member decides that he or she would like to get their dues back because the money was used in some way he or she didn't agree with, then they could get it back.

Great. You have already had an election. Somebody has already been bombed with millions of dollars of money that is used against union members' permission, and then they can say, after the fact: If you are mad, you can get your money back. I don't understand the rationale for that thinking.

Mr. McCONNELL. The majority leader is absolutely correct. That provision would have only given an employee who decided he didn't like it an opportunity to write in and get his money back after it was over—wholly inadequate, I would say to the leader, wholly inadequate.

Mr. FORD addressed the Chair.

Mr. McCONNELL. The real decision is, do you—are you asked in advance whether or not you want to contribute your hard-earned money to a group that may go out and spend it on causes with which you disagree?

Mr. FORD. Mr. President, I don't mind listening to this debate but the floor is in the possession of the majority leader and he yielded for a question, not a statement.

Mr. LOTT. Mr. President, in case the Senator from Kentucky or the other Senator from Kentucky or any other Senator would like to speak—we will have a vote at 4 o'clock, but in order for them to make some comments if they would like, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I just want to thank the distinguished majority leader for his leadership on this very important issue. In the judgment of this Senator, there is nothing more important than protecting the first amendment and giving American citizens an opportunity to participate in the political process.

I would say that is not just my view. That is the view of the United States Supreme Court. It is the view of the American Civil Liberties Union. The Court has said you have a constitutional right to support, to contribute to the candidate of your choice. So we are talking about fundamental first amendment rights in this debate.

I also want to take this opportunity to thank my colleagues who have spoken during the course of this debate. The number of speakers has been roughly equal on both sides. Every one of the Senators who spoke on my side of this issue spoke in defense of the first amendment.

I also extend my gratitude and my appreciation to Tamara Somerville, my long-time assistant in this struggle to protect the first amendment. Nobody has ever worked harder, produced more brilliant subject matter, and done it with greater humor than she. So, my thanks to Tam, not only for her good work for me but also on behalf of the country, in defense of the first amendment.

I also want to thank her assistant, Lani Gerst, who did a remarkable job as well, for all of her help.

Mr. President, it has indeed been a wonderful debate. We will in all likelihood have it off and on again. It seems that is the history of this issue. It has been around a few times over the last 10 years, but I think the opposition to ruining the first amendment continues to grow. Today's cloture vote against cloture was the highest in 10 years.

So, I end today on an optimistic note, that the first amendment will, indeed, survive for another year.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I hear a lot of interesting talk. It amuses me some but it also bothers me. In the hearing in the Governmental Affairs Committee today—we heard the majority leader talking about tapes. They don't want to impugn the integrity of the President, but they kind of scorn the tapes suddenly showing up. After everyone made a statement all morning

—never got to witness, talked about tapes all morning—they tried to get to Mr. Ruff, I believe his name is, who is the counsel for the White House, who came down to the meeting, came in the audience, and the ranking member tried to get him before the committee to answer their questions. And he was gaveled down and the committee recessed.

Something about this does not ring true. If you can come out here and just bash somebody and bash them, and they have no opportunity to defend themselves, and then you recess the meeting—something like that is what is happening here on the Senate floor. We see a campaign finance reform bill that comes up and we do what we refer to as filling the tree, and that means no one else can put up an amendment, and they say we have an opportunity to debate the bill? That is like the man trying to answer in the Governmental Affairs Committee about the tapes that were released, and they wouldn't let him talk.

So, we are trying to get to a campaign finance bill here today and you can't talk. Oh, you can talk, but you can't vote. And they talk about this amendment of the majority leader's, that is so great—why is it that they will not accept a more comprehensive bill in the same light that covers everybody? No, they want their own bill, because it is harder on labor than it is on business. It is harder on labor than it is on associations. So, that is the reason that amendment has been cloistered and we cannot get to it.

I understand we have a couple of more minutes. This is a little bit like they talk about the laws, that everything is fine. It is like being opposed to the IRS. Oh, we have had all these hearings about IRS, we are going to get rid of IRS, we are going to do all that—but the Republicans are in the majority. They are the ones who are bashing IRS. But they passed a bill, a tax bill, of almost 900 pages—900 pages, and they are trying to say we want to get rid of the IRS. Sure they are going to get rid of the IRS. They are going to overload them. When IRS is overloaded the constituents are overloaded.

Come on, now, give us a break. If you are against the IRS, don't pass 900 pages of new tax law. And, when a man wants to come to answer the questions that they are asking, let him talk, let him answer the questions. If you have an amendment that is comprehensive, that applies to all PAC's, all organizations, why not talk about it, why not let us vote on it? We are being gagged. We are being gagged by the majority. They don't want us to vote. They have the ability to do that. That is the rules of the Senate. I am in the minority. But we are going to protect the rights of the minority. We will protect the rights of the minority and that is the reason we are a great country, we listen to the minority's voice. We have a right and we exercise that right. We represent a State and we have that right, representing that State. We are U.S. Senators and we have that right.

So, therefore, that right is going to be exercised if I have anything to do with it and can stand on my feet.

I yield the floor at 4 o'clock.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. STEVENS). Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Mack second-degree amendment No. 1253 to Calendar No. 155, S. 1156, the District of Columbia appropriations bill:

Connie Mack, Mike DeWine, Barbara Boxer, Bob Graham, Conrad Burns, Wayne Allard, Paul Coverdell, James M. Inhofe, John H. Chafee, Richard G. Lugar, Ted Stevens, Larry E. Craig, James M. Jeffords, Gordon Smith, R.F. Bennett, D. Nickles.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Mack amendment No. 1253, as modified, to S. 1156, the DC appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 99, nays 1, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NAYS—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 99, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MACK. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from the State of Alaska, moves to lay that motion on the table.

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The motion to proceed falls, and the clerk will report the pending bill.

The assistant 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 Senate resumed consideration of the bill

Pending:

Coats modified amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Graham/Mack/Kennedy amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.

Mack/Graham/Kennedy modified amendment No. 1253 (to amendment No. 1252), in the nature of a substitute.

MODIFIED AMENDMENT NO. 1253

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MACK. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second for the yeas and nays? There does not appear to be a sufficient second. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment No. 1253. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—99

Abraham	Brownback	Coverdell
Akaka	Bryan	Craig
Allard	Bumpers	D'Amato
Ashcroft	Burns	Daschle
Baucus	Campbell	DeWine
Bennett	Chafee	Dodd
Biden	Cleland	Domenici
Bingaman	Coats	Dorgan
Bond	Cochran	Durbin
Boxer	Collins	Enzi
Breaux	Conrad	Faircloth

Feingold	Kempthorne	Reed
Feinstein	Kennedy	Reid
Ford	Kerrey	Robb
Frist	Kerry	Roberts
Glenn	Kohl	Rockefeller
Gorton	Kyl	Roth
Graham	Landrieu	Santorum
Gramm	Lautenberg	Sarbanes
Grams	Leahy	Sessions
Grassley	Levin	Shelby
Gregg	Lieberman	Smith (NH)
Hagel	Lott	Smith (OR)
Harkin	Lugar	Snowe
Hatch	Mack	Specter
Helms	McCain	Stevens
Hollings	McConnell	Thomas
Hutchinson	Mikulski	Thompson
Hutchison	Moseley-Braun	Thurmond
Inhofe	Moynihan	Torricelli
Inouye	Murkowski	Warner
Jeffords	Murray	Wellstone
Johnson	Nickles	Wyden

NAYS—1

Byrd

The modified amendment (No. 1253) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for 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, Monday, October 6, 1997, the Federal debt stood at $5,413,432,617,300.15. (Five trillion, four hundred thirteen billion, four hundred thirty-two million, six hundred seventeen thousand, three hundred dollars and fifteen cents)

Five years ago, October 6, 1992, the Federal debt stood at $4,060,002,000,000. (Four trillion, sixty billion, million)

Ten years ago, October 6, 1987, the Federal debt stood at $2,378,537,000,000. (Two trillion, three hundred seventy-eight billion, five hundred thirty-seven million)

Fifteen years ago, October 6, 1982, the Federal debt stood at $1,128,772,000,000. (One trillion, one hundred twenty-eight billion, seven hundred seventy-two million)

Twenty-five years ago, October 6, 1972, the Federal debt stood at $435,152,000,000 (Four hundred thirty-five billion, one hundred fifty-two million) which reflects a debt increase of nearly $5 trillion—$4,978,280,617,300.15 (Four trillion, nine hundred seventy-eight billion, two hundred eighty million, six hundred seventeen thousand, three hundred dollars and fifteen cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 10:39 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEACH, Mr. CASTLE, Mr. BEREUTER, Mr. LAFALCE, and Mr. FLAKE, as the managers of the conference on the part of the House.

At 2:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 1703. An act to amend title 38, United States Code, to provide for improvements in the system of the Department of Veterans Affairs for resolution and adjudication of complaints of employment discrimination.

H.R. 2206. An act to amend title 38, United States Code, to improve programs of the Department of Veterans Affairs for homeless veterans, and for other purposes.

H.R. 2571. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1998, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1703. An act to amend title 38, United States Code, to provide for improvements in the system of the Department of Veterans Affairs for resolution and adjudication of complaints of employment discrimination; to the Committee on Veterans' Affairs.

H.R. 2206. An act to amend title 38, United States Code, to improve programs of the Department of Veterans Affairs for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2571. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1998, and for other purposes; to the Committee on Veterans' Affairs.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on today, October 7, 1997, by the President pro tempore [Mr. THURMOND]:

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1159. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes (Rept. No. 105–100).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 1266. An original bill to interpret the term "kidnapping" in extradition treaties to which the United States is a party (Rept. No. 105–101).

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. GRAMM (for himself, Mr. DODD, Mr. DOMENICI, Mrs. BOXER, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. HAGEL, Mr. REID, Mr. WYDEN, Mr. ALLARD, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. LIEBERMAN):

S. 1260. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 1261. A bill to establish the Education Scholars Block Grant Program; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 1262. A bill to authorize the conveyance of the Coast Guard Station, Ocracoke, North Carolina; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 1263. A bill to establish requirements regarding national tests in reading and mathematics; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. LEAHY, and Mr. JOHNSON):

S. 1264. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD:

S. 1265. A bill to amend the Occupational Safety and Health Act of 1970 to expand the provisions to include construction safety requirements; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S. 1266. An original bill to interpret the term "kidnapping" in extradition treaties to which the United States is a party; from the Committee on Foreign Relations; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM (for himself, Mr. DODD, Mr. DOMENICI, Mrs. BOXER, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. HAGEL, Mr. REID, Mr. WYDEN, Mr. ALLARD, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. LIEBERMAN):

S. 1260. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State

law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1997

Mr. GRAMM. Mr. President, I send a bill to the desk on behalf of myself, Senator DODD, Senator DOMENICI, Senator BOXER, Senator FAIRCLOTH, Senator FEINSTEIN, Senator HAGEL, Senator REID, Senator WYDEN, Senator ALLARD, Senator MOSELEY-BRAUN, Senator MURRAY, and Senator LIEBERMAN.

Mr. President, on December 22, 1995, the Senate took an extraordinary action in overriding President Clinton's veto of the Private Security Litigation Reform Act, Public Law 104-67. This major reform legislation was an effort to try to do something about frivolous lawsuits that were filed on a class-action basis against basically new, innovative companies.

These abusive lawsuits were literally a multibillion dollar tax imposed on new and innovative companies. They were invariably filed on a class-action basis, where there was no real client. The cost of defense against such litigation was so high that normally the cases ended in large settlements out of court.

We passed a comprehensive bill to try to deal with that problem in Federal court. That bill made a combination of five major changes in the law. It said, first, that there had to be real clients; that if a lawyer was going to file a class-action suit, he had to be filing it on behalf of real shareholders, encouraged by a set of procedures where the largest shareholder in the class-action suit was in fact in charge of that suit.

Second, the legislation required that there be specificity with regard to what the company was alleged to have done wrong.

Third, it required a discovery process designed to get the facts out on the table, rather than a discovery process that was a tool for harassing defendants into settling the case.

Fourth, the legislation set up a system of proportional liability so that you could not simply sue in order to reach where the deep pockets were; you had to go after the real perpetrators of fraud.

Finally, it contained an attorney misconduct provision, which said that if the judge made a judgment—we require an initial judgment by law—that this was an abusive lawsuit, then the parties who had engaged in this abusive conduct would be forced to pay for the legal expenses of the company that was defending itself.

So strong was the support for this bill that we were able not only to pass it on a bipartisan basis, but we overrode the President's veto of the bill.

We held a hearing on July 24 of this year in the Securities Subcommittee, which I chair, to gauge whether or not the law was achieving its purposes. What we discovered from the nine witnesses, a broad cross-section of people—State regulators, companies that were subject to these suits, a former SEC Commissioner—was that while we had dealt with the problem in Federal court, we now were seeing a migration of these lawsuits to State courts with a real effort and apparently a successful effort to circumvent what we had done.

So, Mr. President, I have introduced this bill, with Senator DODD as my principal cosponsor—he is the ranking Democrat on the subcommittee—and with a broad cross-section of Republicans and Democrats to try to correct this problem. What our bill does is very simply this. It sets national standards for stocks that are traded on the national markets. What it says is that in the case of class-action suits, and class-action suits only, if a stock is traded on the national market, if it is a national stock, then the class-action suit has to be filed in Federal court. This does not apply to individual lawsuits. It applies only to class-action lawsuits, and it applies only to stocks that are traded nationally.

Legislatively, we have been moving toward national standards for national securities. The National Securities Markets Improvement Act, enacted overwhelmingly last year, created national rules for many aspects of our national securities markets. This is an important step continuing in that direction, a step in line with the principles lying behind the commerce clause of the Constitution.

Mr. President, I would also like to take this opportunity to notify my colleagues that, even though we have a relatively short amount of time left in this session of Congress, the Securities Subcommittee will move quickly on this legislation, beginning with legislative hearings before we adjourn for the year.

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. 1260

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 "Securities Litigation Uniform Standards Act of 1997".

SEC. 2. LIMITATION ON REMEDIES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1993.—

(1) AMENDMENT.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

"SEC. 16. ADDITIONAL REMEDIES; LIMITATION ON REMEDIES.

"(a) REMEDIES ADDITIONAL.—Except as provided in subsection (b), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

"(b) CLASS ACTION LIMITATIONS.—No class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(1) an untrue statement or omission of a material fact in connection with the purchase or sale of a covered security; or

"(2) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(c) REMOVAL OF CLASS ACTIONS.—Any class action brought in any State court involving a covered security, as set forth in subsection (b), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to subsection (b).

"(d) DEFINITIONS.—For purposes of this section the following definitions shall apply:

"(1) CLASS ACTION.—The term 'class action' means any single lawsuit, or any group of lawsuits filed in or pending in the same court involving common questions of law or fact, in which—

"(A) damages are sought on behalf of more than 25 persons;

"(B) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated; or

"(C) one or more of the parties seeking to recover damages did not personally authorize the filing of the lawsuit.

"(2) COVERED SECURITY.—A security is a 'covered security' if it satisfies the standard for a covered security specified in paragraph (1) or (2) of section 18(b) at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred.".

(2) CONFORMING AMENDMENTS.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(A) by striking "and, concurrent with State and Territorial courts," and inserting "and, concurrent with State and Territorial courts, except as provided in section 16 with respect to class actions,"; and

(B) by striking "No case arising under this title and brought in any State court of competent jurisdiction shall be removed" and inserting "Except as provided in section 16(c), no case arising under this title and brought in any State court of competent jurisdiction shall be removed".

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended—

(1) in subsection (a), by striking "The rights and remedies" and inserting "Except as provided in subsection (f), the rights and remedies"; and

(2) by adding at the end the following new subsection:

"(f) LIMITATIONS ON REMEDIES.—

"(1) CLASS ACTION LIMITATIONS.—No class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(A) a misrepresentation or omission of a material fact in connection with the purchase or sale of a covered security; or

"(B) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(2) REMOVAL OF CLASS ACTIONS.—Any class action brought in any State court involving a covered security, as set forth in paragraph (1), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to paragraph (1).

"(3) DEFINITIONS.—For purposes of this subsection the following definitions shall apply:

"(A) CLASS ACTION.—The term 'class action' means any single lawsuit, or any group of lawsuits filed in or pending in the same court involving common questions of law or fact, in which—

"(i) damages are sought on behalf of more than 25 persons;

"(ii) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated; or

"(iii) one or more of the parties seeking to recover damages did not personally authorize the filing of the lawsuit.

"(B) COVERED SECURITY.—A security is a 'covered security' if it satisfies the standard for a covered security specified in paragraph (1) or (2) of section 18(b) of the Securities Act of 1933, at the time during which it is alleged that the misrepresentation, ommission, or manipulative or deceptive conduct occurred.".

(c) APPLICABILITY.—The amendments made by this section shall not affect or apply to any action commenced before and pending on the date of enactment of this Act.

Mr. DODD. Mr. President, I am very pleased this afternoon to rise along with my colleague, Senator GRAMM of Texas, who spoke a few moments ago, on a bill that the two of us are introducing together. I regret that I wasn't on the floor at the time he made his remarks. But I appreciate very much his leadership on this issue.

We are introducing a bill called the Securities Litigation Uniform Standards Act of 1997.

Just about 2 years ago, I stood here as part of a successful effort to restore the integrity and fairness of our private securities litigation system.

It's probably appropriate at this juncture to remind ourselves just how important the private litigation system has been in maintaining the integrity of our capital markets.

It is highly questionable whether our markets would be as deep, as liquid, as strong, as transparent, were it not for our system of maintaining private rights of action against those who commit fraud.

It is precisely because of the importance of this system, that the depths to which it had sunk by 1995 was so very troubling.

The system was no longer a mechanism for aggrieved investors to seek justice and restitution, but was instead a means for enterprising attorneys to manipulate its procedures for their own considerable profit and to the detriment of legitimate companies and investors across the Nation.

I could easily spend all of my time today recounting the cases of abusive and frivolous litigation that were hindering our growth industries; suffice to say that the flaws in the litigation system not only threatened the viability of private rights of action, but also presented a serious threat to the growth and success of key industries across the Nation.

Now that we are 2 years out from enactment of the reform bill, it is easy to see that many of the reforms are working well and that aggrieved investors still have access to the courthouse.

However, there is one development since the enactment of the reform law that has the potential to undermine our good work and send us back to the days of litigation frenzy.

This development is the significant increase in securities fraud class actions filed in State court.

Prior to congressional enactment of the reform law in 1995, securities fraud class actions in State court were almost unheard of. People went to the Federal courts.

But since we reformed the Federal system, there has been substantial increases in State court filings both in 1996 and 1997.

It is not unreasonable to assume that it is the weaker, even abusive claims, that are now finding a home in State court that they no longer have in Federal court.

The development of differing standards in State courts is troubling not only to this Senator, but also to the President. In a letter the President sent to me on this subject in July, he stated:

> The possibility of change in one or more States' securities laws similar to those proposed [last year] in California's Proposition 211 suggests that there may be a need to reconsider the appropriate balance of Federal and State roles in securities law. As I said when I opposed Proposition 211 last August, the proliferation of multiple and inconsistent standards could undermine national law.

In April, the Securities and Exchange Commission conducted a survey for the President, on the effect of the reform act; one of the survey's conclusions was:

> To the extent that State courts can be used to avoid the discovery stay in cases that would otherwise have been brought in Federal court, one of the goals of the reform act may be frustrated.

This migration of frivolous class actions to State court threatens the effectiveness of the reform act.

Not only is it reasonable to assume that more and more companies could become hostage to increased State litigation costs, but the prospect of State litigation, where there is no safe harbor for forward-looking statements, is right now having a chilling effect upon corporate disclosure of projections and other forward-looking information.

Let me just as an aside state how important it is for prospective investors to get as much disclosure from companies as they possibly can so that they can make intelligent decisions about whether to invest their hard-earned dollars in these companies. Mr. President, this is a question of getting as much information, as I said, from companies. What we had in the Federal law was, of course, a safe harbor to allow for statements to be made that could then not be used against the corporation in some frivolous lawsuit.

Now, reasonable people, of course, may disagree with the magnitude of the State litigation problem as it exists today. I would be first to admit that as well. I do not want to suggest to my colleagues that we have some overwhelming problem on our hands.

But whether you believe that it is a small, medium, or even large problem today, as some do, it is a less important question, in my view, than whether you believe it is a problem that is destined to get worse. I think on that everyone can agree.

Again, I think the Securities and Exchange Commission survey is instructive on this point. I quote from the report.

> . . . if State law provides advantages to plaintiffs in particular case, it is reasonable to expect that plaintiffs' counsel will file suit in State court.

The plain English translation: any plaintiffs' attorney worth his salt is going to file in State court if he feels it will give him an advantage.

SEC Commissioner Steve Wallman succinctly outlined the harm that the proliferation of State class actions is having on securities system when he said that "this phenomenon is clearly balkanizing the Federal securities laws."

In testimony submitted to the Securities Subcommittee in July, Commissioner Wallman also pointed out that the debate over establishing a national standard for litigation on national securities is one that should take place, even if there was no burgeoning problem on the State level:

> The issue of pre-emption is broader than the potential effectiveness of the reform act, even though the reform act's effectiveness may be the current catalyst for raising the matter.
>
> Rather than permit or foster fragmentation of our national system of securities litigation, we should give due consideration to the benefits flowing to investors from a uniform national approach. That analysis can be pursued, and conclusions reached, regardless of whether one believes we now know—or will, within any reasonable time frame, know—the definitive impact of the reform act.

The idea of creating a national standard for nationally traded securities is consistent with the recent trend in Congress, the SEC, and in the States themselves, to redefine the relationship between the States and the Federal Government on securities issues.

SEC Chairman Arthur Levitt, in discussing securities regulation, provided a perspective that should guide our debate over securities litigation:

> The current system of dual Federal-State regulation is not the system that Congress—or the Commission—would create today if we were designing a new system. While securities markets today are global, issuers and securities firms must still [comply with] 52 separate jurisdictions. . . . It appears that an appropriate balance can be attained in the Federal-State arena that better allocates responsibilities, reduces compliance costs

and facilitates capital formation, while continuing to provide for the protection of investors.

The point is if we are beginning de novo you wouldn't set up this situation. Obviously, we are not going to scrap it all. But we ought to try to reform it in a way that reflects the way we are today.

The principle of national treatment for national securities trading on national exchanges is as solid for legislation on securities litigation as it was for securities regulation.

The legislation that we are introducing today, if enacted, will allow Congress to address this State litigation problem before it gets completely out of control.

It will do so in a very targeted and narrow way, essentially preempting only those class actions that have recently migrated to State court, while leaving traditional State court actions and procedures solidly in place.

First, the legislation applies only to class actions, which are defined as those actions in which damages are sought on behalf of more than 25 people, one or more parties seek damages on behalf of other unnamed parties, or one or more of the parties did not personally authorize the suit.

Actions involving less than 25 people would not be affected.

Second the legislation is limited only to those securities that are listed on one of the three national stock exchanges—the New York, American, and NASDAQ stock market. Our legislation uses the definition of "covered security" that was used to preempt State regulation in last year's National Securities Markets Improvement Act.

The legislation does not affect any State enforcement action, whether civil or criminal. State regulators retain their full authority to bring enforcement actions in any venue allowed under State law.

In fact, the California Securities Regulator testified very strongly in support of establishing uniform national litigation standards for nationally traded securities.

Let me again emphasize what this bill does not do: it does not affect individual actions in State court; it does not protect penny stocks, delisted securities, roll-ups, or securities sold only within a single State; it does not protect bad brokers or investment advisors; it does not impact on State regulators.

This legislation has been carefully crafted only to affect those types of class actions that are appropriately heard on the Federal level.

To the extent that there are technical modifications needed to ensure that no other State actions are impacted, I certainly pledge that we will make those changes to keep the bill focused only on the problem area.

Mr. President, our capital markets are the envy of the world and America is the undisputed leader in the financial services industry.

But if we are to remain the global leader, if our markets are to remain ahead of those in London, Frankfurt, Tokyo or Hong Kong, we must create uniformity and certainty.

How can we expect to get foreign companies to list on our exchanges if we have to explain that they will face not only our very tough Federal standards on securities fraud, but also the possibility of 50 constantly changing State standards.

That's not a reasonable proposition for a foreign company, or even for an American one.

This legislation will create certainty and establish uniformity without impinging on the traditional and important role that States play in combating fraud.

I urge my colleagues to cosponsor this bill and I look forward to returning to the floor soon to see this bill pass the Senate.

Senator GRAMM of Texas and I feel that this is a solid piece of legislation. Again, the problem is not totally out of hand yet. The trend lines are clear. We are not infringing upon State courts or State regulators and State traded securities but only nationally traded securities on the three national markets.

So we end up with a national standard which is what we intended when we passed the Reform Act of 2 years ago.

With that, Mr. President, I again thank my colleagues for their patience. I urge them to take a good look at the piece of legislation which Senator GRAMM of Texas and I have introduced, and urge them to cosponsor the bill and join us in passing this legislation.

By Mr. FRIST:

S. 1261. A bill to establish the Education Scholars Block Grant Program; to the Committee on Labor and Human Resources.

THE TEACHER INVESTMENT ACT

Mr. FRIST. Mr. President, I recently had the opportunity to hold forums on education across my home State of Tennessee. I traveled to Nashville, Memphis, and Knoxville to listen to a variety of people with expertise in educational issues, such as teachers, students, principals, and school board members. These events were a wonderful opportunity for me to listen. While a variety of educational issues were explored at each of the forums, the need for an ample, qualified teaching force was a predominant theme at each forum.

I would like to note that Tennessee's 1997 Teacher of the Year, Ms. Cathy Pihl, was both present at the Memphis forum on education and is here with us today. I am also pleased that Mr. Jon Hubble, Tennessee's 1997 Teacher of the Year finalist, is also here. Cathy is a fourth grade teacher at Kate Bond Elementary School in Memphis, TN, with 8 years of teaching experience. Jon, who has 10 years of teaching experience, teaches social studies to seventh and eighth grade students at Wright Middle School in Nashville, TN. I am delighted to have both of these outstanding teachers here with us today. We must encourage and enable more students to follow in Cathy and Jon's footsteps.

In addition to what I heard in Tennessee about the need for qualified teachers, recent statistics highlight the need for a strong teaching force across the Nation. Elementary and secondary school enrollments are expected to reach an all-time high this fall—52.2 million students. Approximately 2 million more teachers will be needed for the next decade.

The Teacher Investment Act, which I am introducing today, would allow State education agencies to award scholarships to students who are studying to become elementary and secondary school teachers. These scholarships would not need to be repaid provided the students meet certain criteria.

Specifically, scholarships may go to both undergraduate and graduate students who are committed to becoming teachers. In addition, the individual must have demonstrated outstanding academic achievement in college and must commit to teaching for 2 years in an elementary or secondary school.

Quite simply, we need more Cathy's and Jon's. One way to achieve this goal is to invest resources to prepare a new generation of teachers. In return, the scholarship recipients must invest at least 2 years in the teaching field. The Teacher Investment Act makes a serious commitment to both our future teachers and students. However, as we discuss our future teachers, I, again, would like to highlight the important achievements and contributions of two of today's teachers—Jon Hubble and Cathy Pihl, who represent Tennessee's teachers so well.

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

S. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATION SCHOLARS BLOCK GRANT PROGRAM.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"Subpart 9—Education Scholars Block Grant Program

"SEC. 420G. SHORT TITLE; PURPOSE; AUTHORIZATION OF APPROPRIATIONS.

"(a) SHORT TITLE.—This subpart may be cited as the 'Teacher Investment Act'.

"(b) PURPOSE.—It is the purpose of this subpart—

"(1) to attract more of our Nation's most academically gifted students into teaching careers in elementary and secondary education;

"(2) to retain in teaching our Nation's best teachers who have demonstrated promise in, and a commitment to, a teaching career;

"(3) to increase the public status of a teaching career in elementary and secondary education;

"(4) to address the anticipated shortage of teachers in the next several decades; and

"(5) to provide States with the flexibility to integrate State teacher education initiatives with Federal teacher scholarship support.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 1998 and each of the 4 succeeding fiscal years.

"SEC. 420H. SCHOLARSHIP AUTHORIZED.

"(a) PROGRAM AUTHORITY.—The Secretary may award grants to States from allotments under section 420I to enable the States to provide scholarships to individuals who—

"(1)(A) have completed at least half of the academic credit requirements for graduation from an institution of higher education with a bachelor's degree, or with a graduate degree that prepares the individual for licensure or certification as an elementary school or secondary school teacher;

"(2) are admitted to or enrolled in an institution of higher education;

"(3) have demonstrated outstanding academic achievement while enrolled in an institution of higher education; and

"(4) are committed to becoming or remaining elementary school or secondary school teachers.

"(b) PERIOD OF AWARD.—A State shall determine the scholarship period, except that a scholarship recipient shall not receive a scholarship award for more than 2 years of study at any institution of higher education.

"SEC. 420I. ALLOTMENT AMONG STATES.

"(a) ALLOCATION FORMULA.—From the sums appropriated pursuant to the authority of section 420G(c) for any fiscal year, the Secretary shall allot to each State that has an agreement under section 420J an amount equal to $5,000 multiplied by the number of scholarships determined by the Secretary to be available to such State in accordance with subsection (b).

"(b) NUMBER OF SCHOLARSHIPS AVAILABLE.—The number of scholarships to be made available in a State for any fiscal year shall bear the same ratio to the number of scholarships made available to all States as the State's population ages 5 through 17 bears to the population ages 5 through 17 in all the States, except that not less than 10 scholarships shall be made available to any State.

"(c) USE OF CENSUS DATA.—For the purpose of this section, the population ages 5 through 17 in a State and in all the States shall be determined by the most recently available data from the Bureau of the Census that the Secretary determines is satisfactory.

"SEC. 420J. STATE AGREEMENTS.

"The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program under this subpart. Each such agreement shall include provisions to ensure that—

"(1) the State educational agency will administer the program in the State;

"(2) the State educational agency will comply with the provisions of this subpart;

"(3) the State educational agency will conduct outreach activities to publicize the availability of the scholarships to all eligible postsecondary students in the State, with particular emphasis on activities designed to ensure that students from low-income and moderate-income families have access to the information regarding the opportunity for full participation in the program; and

"(4) the State educational agency will pay to each individual in the State who is awarded a scholarship the cost of tuition and fees at an institution of higher education for a year, except that such payment shall not exceed $5,000.

"SEC. 420K. SELECTION OF EDUCATION SCHOLARS.

"(a) ESTABLISHMENT OF CRITERIA.—The State educational agency shall establish the criteria for selection of scholars. Such criteria shall—

"(1) fulfill the purpose of the subpart in accordance with a State's projected elementary school and secondary school teaching needs and priorities; and

"(2) require a scholarship recipient to have demonstrated outstanding academic achievement and a commitment to a teaching career, as determined by the State educational agency.

"(b) LIMITATIONS.—In awarding scholarships under this subpart, the State educational agency shall provide—

(1) not less than 75 percent of the scholarships to individuals who do not possess a bachelor's degree; and

(2) not more than 25 percent of the scholarships to individuals who are pursuing a graduate degree.

"(c) CONSULTATION REQUIREMENT.—In carrying out this subpart, the State educational agency shall consult with school administrators, school boards, teachers, and counselors.

"SEC. 420L. AWARD AMOUNT; SCHOLARSHIP CONDITIONS.

"(a) AWARD AMOUNT.—Each individual awarded a scholarship under this subpart shall receive an award for the cost of tuition and fees at an institution of higher education of not more than $5,000 for an academic year of study.

"(b) CONDITIONS.—Each State educational agency receiving a grant under this subpart shall establish procedures to ensure that each scholarship recipient—

"(1) pursues a course of study at an institution of higher education;

"(2) maintains a 3.0 grade point average on a 4.0 scale; and

"(3) enters into an agreement to teach in accordance with section 420M(a).

"SEC. 420M. SCHOLARSHIP AGREEMENT; REPAYMENT PROVISIONS.

"(a) SCHOLARSHIP AGREEMENT.—Each recipient of a scholarship under this subpart shall enter into an agreement with the State educational agency under which the recipient shall—

"(1) within the 2-year period after completing the education for which the scholarship was awarded, teach for a period of 2 years as an elementary school or secondary school teacher in the State served by the State educational agency;

"(2) provide the State educational agency with evidence of compliance, determined pursuant to regulations promulgated by the Secretary, with the provisions of paragraph (1); and

"(3) repay all or part of the scholarship award received in accordance with subsection (b) in the event the conditions of paragraph (1) are not complied with, except as provided by section 420N.

"(b) REPAYMENT PROVISIONS.—A recipient of a scholarship found by the State educational agency to be in noncompliance with the agreement entered into under subsection (a) shall be required to repay to the State educational agency a pro rata amount of such scholarship assistance received, plus interest, at the rate of 8 percent or the rate applicable to loans in the applicable period under part B of this title, whichever is lower, and where applicable, reasonable collection fees, on a schedule to be prescribed by the Secretary pursuant to regulations promulgated under this subpart.

"SEC. 420N. EXCEPTIONS TO REPAYMENT PROVISIONS.

"(a) DEFERRAL DURING CERTAIN PERIODS.—A scholarship recipient shall not be considered in violation of the agreement entered into pursuant to section 420M(a) during any period in which the recipient—

"(1) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

"(2) is serving, not in excess of 3 years, as a member of the Armed Forces;

"(3) is temporarily totally disabled for a period of time not to exceed 3 years as established by the sworn affidavit of a qualified physician;

"(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(5) is seeking and unable to find full-time employment for a single period not to exceed 12 months; or

"(6) satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations promulgated under this subpart.

"(b) FORGIVENESS IF PERMANENTLY TOTALLY DISABLED.—A recipient shall be excused from repayment of any scholarship assistance received under this subpart if the recipient becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

"SEC. 420O. CONSTRUCTION OF NEEDS PROVISIONS.

"Except as provided in section 471, nothing in this subpart, or any other Act, shall be construed to permit the receipt of a scholarship under this subpart to be counted for any needs analysis in connection with the awarding of any grant or the making of any loan under this Act or any other provision of Federal law relating to education assistance.".

By Mr. FAIRCLOTH:

S. 1262. A bill to authorize the conveyance of the Coast Guard station, Ocracoke, NC; to the Committee on Commerce, Science, and Transportation.

CONVEYANCE AUTHORIZATION LEGISLATION

Mr. FAIRCLOTH. Mr. President, I am introducing this bill today to authorize the Department of Transportation to convey the Coast Guard station, Ocracoke, NC, to the State of North Carolina, when the Coast Guard determines that it no longer needs to keep the facility.

This station is located on the southern end of Ocracoke Island, adjacent to the wharf where the ferries to and from Swan Quarter and Cedar Island dock. It is vital that these limited ferry facilities are expanded to meet the ever-growing demands of more and more traffic, and this Coast Guard station is ideal for this purpose. Since the port at Ocracoke is the southern termination of State highway 12 on the Outer Banks, these ferries are the only way to get residents and tourists across

Pamlico Sound in the event of the need to evacuate when hurricanes threaten. The only other way off this stretch of the Outer Banks is the bridge at Roanoke Island, which is more than 75 miles to the north of Ocracoke.

The State also plans to use this surplus Coast Guard facility for educational purposes. While the ferry division has a need for the grounds and a portion of the station buildings, the remaining spaces can be used for coastal environmental study. Of course the Coast Guard will continue to have access to the docking facilities to any extent needed.

Mr. President, with the safety of the residents and of all our guests that visit the Outer Banks uppermost in my mind, I urge timely consideration and passage of this bill.

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. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not be used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

By Mr. BINGAMAN:

S. 1263. A bill to establish requirements regarding national tests in reading and mathematics; to the Committee on Labor and Human Resources.

THE VOLUNTARY NATIONAL TESTING ACT OF 1997

Mr. BINGAMAN. Madam President, today as the House-Senate conferees are scheduled to meet again, I am introducing the Voluntary National Testing Act of 1997 for two main reasons: to clarify many of the misconceptions that have arisen since the Senate voted in favor of this approach, and—to counter the mistaken impression that support for voluntary national testing has eroded in recent weeks.

This legislation simply makes permanent the compromise approach that was approved overwhelmingly by the Senate last month.

While the Senate amendment gave NAGB, the governing board, authority for only fiscal year 1998, this legislation would provide permanent authority.

Otherwise, the language is identical to that amendment: it prevents anyone from being forced to take the test or attach any funding conditions on the test; transfers control immediately to the independent board, which will have full power to change any elements it deems necessary; and charges the board with revisiting key issues that have arisen so far, such as whether students should use calculators or whether there should be a test in a student's native language if needed.

Contrary to what some may think, there are many signs that support for voluntary national tests remains strong despite scare tactics and "education-ese" being used by its opponents.

Public opinion—as well as the views of almost every mainstream education and business organization in the country—remains strongly in favor of making rigorous, standard measures of student achievement available.

The most recent polls show that two-thirds of the public favor the President's proposal—even more are in favor of the general approach that is in this bill.

Though two districts have decided not to administer the reading exam, all 15 original districts are still planning to administer at least the math test and all 7 States that have signed up remain on board for both exams.

Contrary to what is being said, I do not think there has been any major controversy about the NAEP tests we are planning to use as models for the new ones—after all, pretty much everyone can agree on what we expect our children to know about reading and math at fourth and eighth grade.

There is not much that's controversial about reading a paragraph from Charlotte's Web, or figuring out a word problem in math.

The benefits of a voluntary national test are clear to the parents and teachers who are most determined to see better schools for their children.

Let us allow State and local communities to decide for themselves, rather than making the decision for them here in Washington.

Right now, many States currently offer tests and some are quite good—but they have no common standard and many mislead parents into thinking their children are doing better than they actually are.

Under the new approach, many students would struggle and even fail at first, it's true. But, through the combined efforts of their teachers, parents, and community leaders, far more than anyone expected beforehand would eventually succeed—it's happening in Milwaukee and Philadelphia already.

The voluntary national tests are about setting high expectations for all children, measuring progress in a way that's widely accepted, and demanding accountability for improvements that we all know are needed. They are not about treating minorities unfairly or usurping local and parental control over what is taught in school, which I would never support.

With a common measure of progress it becomes increasingly possible to win additional financial support so desperately needed—it is a necessary step. Voluntary national tests would provide parents new insight so they could push hard for improvements in our public schools that might otherwise not occur.

Support in the Senate remains solidly in favor of the compromise approach to developing a voluntary national test.

Faced with a choice between banning the tests and transferring control to an independent board, 87 Senators less than a month ago voted in favor of developing the tests under the governing board.

I recently worked with 43 Senators to sign a very strong letter pledging to filibuster the conference report if it banned development of the tests before States or districts could decide. This support overwhelms the opposition of a small part of the Senate, led by Senator ASHCROFT.

If necessary, this is more than enough to block consideration of the conference report or support a Presidential veto—regardless of how the House votes.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. LEAHY, and Mr. JOHNSON):

S. 1264. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD SAFETY ENFORCEMENT ENHANCEMENT ACT OF 1997

Mr. HARKIN. Mr. President, today, I along with Senators LEAHY, DASCHLE, and JOHNSON will introduce legislation to enhance the enforcement of our Nation's meat and poultry inspection laws and preserve consumer confidence in the safety of the food they eat. Earlier this year, Americans were stunned by the recall of 25 million pounds of hamburger. They were further amazed when they learned that the Secretary of Agriculture does not have the authority to demand a recall of adulterated product. He does not even have the authority to impose civil fine on a company which knowingly or repeatedly violates food safety laws.

Given the recent number of E. coli outbreaks across the country, Americans are demanding that we do more to prevent food-borne contamination and to stop it in its tracks once an outbreak has been identified. Farmers and ranchers expect us to do more to protect consumer confidence in the products from which they make their hard-earned living.

This legislation I am introducing, which has been developed in cooperation with the Secretary of Agriculture, will give the USDA important new tools to enforce our food safety laws. The legislation would require processors and handlers to notify the USDA of the existence of adulterated meat and poultry products, allow the Secretary to recall adulterated products, and give him the ability to levy civil penalties.

Currently USDA is limited to the atomic bomb of food safety tools. The Secretary can request a recall of product which is suspected to be tainted, withdraw inspection from a processing plant, and issue press releases alerting consumers. In the case of Hudson, a company went out of business, several people were hospitalized and consumer confidence in beef products was shaken. Clearly we need other tools for the USDA to address food safety concerns short of such extreme measures.

The Secretary already has civil penalty authority under 11 other statutes. He can issue civil penalties for the abuse of a circus elephant, but not for the shipment of adulterated meat. In addition, 68 percent of States with State meat inspection systems have civil penalty authority. The number of states with mandatory E. coli 0157:H7 reporting requirements has more than doubled since 1992.

To be sure, we cannot guarantee that the new enforcement powers in this legislation would have prevented the Hudson recall from occurring or that they will prevent future outbreaks. But mandatory reporting of adulterated meat and mandatory recall authority just makes good sense. With these powers, the USDA will be able to respond more quickly to ensure public safety and consumer confidence.

I view this bill, however, as only the beginning of a process to identify needs in the meat and poultry food chain that can lead to enhanced public safety. All sectors of the food system, from the producer to the consumer need to take responsibility for improved safety. Real food safety cannot be achieved by any one method. We need multiple defenses, using each to their maximum potential. To lower the incidence of food-borne illness we must take a number of steps: Additional research into the way that food-borne pathogens infect animals, remain in the meat products and cause illness in humans; increased research into treatments of food-borne illnesses; improved identification and regulation of hazard points in the production and processing processes; electronic pasteurization as a means of actually reducing pathogens in meat and poultry products; and consumer education on the proper handling and preparation of meat to reduce the risk of illness.

We are currently making progress toward improving food safety. The new Hazard Analysis Critical Control Points [HACCP] meat inspection system will begin to go into effect in 1998. This new science-based inspection system will specifically target E. coli and salmonella in the meat processing system and is designed to prevent, not just identify contamination. We need to get this system in place and inspectors trained as fast and thoroughly as possible.

Clearly we need to do more. The events of the past few months underscore that need. We cannot sit around and wait until the next fatal food-safety scare. We have to act proactively and decisively. All sectors of agricultural economy have a stake in ensuring food safety, from the producer to the consumer. I will work closely with consumer advocates, producers and industry to develop a comprehensive package of legislation that will raise the standard of food safety in this country. I believe this bill is a good starting point.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1264

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 Safety Enforcement Enhancement Act of 1997".

SEC. 2. FOOD SAFETY ENFORCEMENT FOR MEAT AND MEAT FOOD PRODUCTS.

(a) IN GENERAL.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(1) by redesignating section 411 (21 U.S.C. 681) as section 414; and

(2) by inserting after section 410 (21 U.S.C. 679a) the following:

"SEC. 411. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED ARTICLES.

"(a) NOTIFICATION.—A person (other than a household consumer) that has reason to believe that a carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine, goats, horses, mules, or other equines (referred to in this section as an 'article') transported, stored, distributed, or otherwise handled by the person is adulterated or misbranded shall immediately notify the Secretary, in such manner and by such means as the Secretary may by regulation promulgate, of the identity and location of the article.

"(b) NONDISTRIBUTION AND RECALL.—

"(1) VOLUNTARY ACTIONS.—On receiving the notification under subsection (a) or otherwise, if the Secretary finds that an article is adulterated or misbranded and that there is a reasonable probability that human consumption of the article would present a threat to public health, as determined by the Secretary, the Secretary shall provide all appropriate persons, as determined by the Secretary, that transported, stored, distributed, or otherwise handled the article with an opportunity to—

"(A) cease distribution of the article;

"(B) notify all persons transporting, storing, distributing, or otherwise handling the article, or to which the article has been transported, sold, distributed, or otherwise handled, to immediately cease distribution of the article;

"(C) recall the article; and

"(D) in consultation with the Secretary, provide notice to consumers to whom the article is, or may have been, distributed.

"(2) MANDATORY ACTIONS.—If the person refuses to or does not voluntarily take the actions described in paragraph (1) with respect to an article within the time and in the manner prescribed by the Secretary, the Secretary shall, by order, require the person to immediately—

"(A) cease distribution of the article; and

"(B) notify all persons transporting, storing, distributing, or otherwise handling the article, or to which the article has been transported, sold, distributed, or otherwise handled, to immediately cease distribution of the article.

"(3) NOTICE TO CONSUMERS.—The Secretary shall, as the Secretary considers necessary, provide notice to consumers to whom the article was, or may have been, distributed.

"(4) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person transporting, storing, distributing, or otherwise handling the article, or to which the article has been transported, sold, distributed, or otherwise handled, that is notified under paragraph (1)(B) or (2)(B) shall immediately cease distribution of the article.

"(c) INFORMAL HEARING ON ORDER.—

"(1) IN GENERAL.—The Secretary shall provide a person subject to an order under subsection (b) with an opportunity for an informal hearing (pursuant to such rules or regulations as the Secretary shall prescribe) on the actions required by the order and on why the article that is the subject of the order should not be recalled.

"(2) TIMING.—The Secretary shall hold the informal hearing as soon as practicable, but

not later than 2 days, after the issuance of the order.

"(d) RECALL OR OTHER ACTIONS.—

"(1) IN GENERAL.—If, after providing an opportunity for an informal hearing under subsection (c), the Secretary determines that there is a reasonable probability that human consumption of the article that is the subject of an order under subsection (b) presents a threat to public health, the Secretary may—

"(A) amend the order to require recall of the article or other appropriate action;

"(B) specify a timetable during which the recall will occur;

"(C) require periodic reports to the Secretary describing the progress of the recall; and

"(D) provide notice to consumers to whom the article is, or may have been, distributed.

"(2) VACATION OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (c), the Secretary determines that adequate grounds do not exist to continue the actions required by the order, the Secretary shall vacate the order.

"(e) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to any other remedies that may be available.

"SEC. 412. REFUSAL OR WITHDRAWAL OF INSPECTION OF ESTABLISHMENTS.

"(a) IN GENERAL.—The Secretary may, for such period, or indefinitely, as the Secretary considers necessary to carry out this Act, refuse to provide or withdraw inspection under title I with respect to an establishment if the Secretary determines, after opportunity for a hearing on the record is provided to the applicant for, or recipient of, inspection, that the applicant or recipient, or any person responsibly connected with the applicant or recipient (within the meaning of section 401), has committed a willful violation or repeated violations of this Act (including a regulation promulgated under this Act).

"(b) DENIAL OR SUSPENSION OF INSPECTION PENDING HEARING.—The Secretary may deny or suspend inspection under title I, pending opportunity for an expedited hearing, with respect to an action under subsection (a), if the Secretary determines that the denial or suspension is in the public interest to protect the health or welfare of consumers or to ensure the effective performance of an official duty under this Act.

"(c) JUDICIAL REVIEW.—

"(1) IN GENERAL.—A determination and order of the Secretary with respect to the refusal or withdrawal of inspection under this section shall be final and conclusive unless, not later than 30 days after the effective date of the order, the affected applicant for, or recipient of, inspection—

"(A) files a petition for judicial review of the order; and

"(B) simultaneously sends a copy of the petition by certified mail to the Secretary.

"(2) REFUSAL OR WITHDRAWAL OF INSPECTION PENDING REVIEW.—Inspection shall be refused or withdrawn as of the effective date of the order pending any judicial review of the order unless the Secretary directs otherwise.

"(3) VENUE; RECORD.—Judicial review of the order shall be—

"(A) in—

"(i) the United States court of appeals for the circuit in which the applicant for, or recipient of, inspection resides or has its principal place of business; or

"(ii) the United States Court of Appeals for the District of Columbia; and

"(B) on the record on which the determination and order are based.

"(d) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to any other remedies that may be available.

"SEC. 413. CIVIL PENALTIES.

"(a) IN GENERAL.—

"(1) ASSESSMENT.—The Secretary may assess a civil penalty against a person that violates this Act (including a regulation promulgated or order issued under this Act) of not more than $100,000 for each violation.

"(2) SEPARATE OFFENSES.—Each violation and each day during which a violation continues shall be a separate offense.

"(3) NOTICE AND OPPORTUNITY FOR HEARING.—The Secretary shall not assess a civil penalty under this section against a person unless the person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code.

"(4) AMOUNT.—The amount of a civil penalty under this section shall be—

"(A) assessed by the Secretary by written order, taking into account—

"(i) the gravity of the violation;

"(ii) the degree of culpability;

"(iii) the size and type of the business; and

"(iv) any history of prior offenses under this Act; and

"(B) reviewed only in accordance with subsection (b).

"(b) JUDICIAL REVIEW.—

"(1) IN GENERAL.—An order assessing a civil penalty against a person under subsection (a) shall be final and conclusive unless the person—

"(A) not later than 30 days after the effective date of the order, files a petition for judicial review in—

"(i) the United States court of appeals for the circuit in which the person resides or has its principal place of business; or

"(ii) the United States Court of Appeals for the District of Columbia; and

"(B) simultaneously sends a copy of the petition by certified mail to the Secretary.

"(2) RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the violation was found and the civil penalty assessed.

"(c) COLLECTION ACTION FOR FAILURE TO PAY ASSESSMENT.—

"(1) REFERRAL TO ATTORNEY GENERAL.—If a person fails to pay a civil penalty after the order assessing the civil penalty has become final and unappealable, the Secretary shall refer the matter to the Attorney General.

"(2) ACTION BY ATTORNEY GENERAL.—The Attorney General shall bring a civil action to recover the amount of the civil penalty in United States district court.

"(3) SCOPE OF REVIEW.—In the collection action, the validity and appropriateness of the order of the Secretary imposing the civil penalty shall not be subject to review.

"(d) REFUSAL OR WITHDRAWAL OF INSPECTION PENDING PAYMENT.—If a person fails to pay the amount of a civil penalty after the order assessing the civil penalty becomes final and unappealable, the Secretary may refuse to provide or withdraw inspection under title I of the person until the civil penalty is paid or until the Secretary directs otherwise.

"(e) PENALTIES IN LIEU OF OTHER ACTIONS.—Nothing in this Act requires the Secretary to report for prosecution, or for the institution of an action, a violation of this Act if the Secretary believes that the public interest will be adequately served by assessment of a civil penalty.

"(f) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to any other remedies that may be available.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended by adding at the end the following:

"(w) PERSON.—The term 'person' means any individual, partnership, corporation, association, or other business unit.".

(2) The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(A) by striking "person, firm, or corporation" each place it appears and inserting "person";

(B) by striking "persons, firms, and corporations" each place it appears and inserting "persons"; and

(C) by striking "persons, firms, or corporations" each place it appears and inserting "persons".

SEC. 3. FOOD SAFETY ENFORCEMENT FOR POULTRY AND POULTRY FOOD PRODUCTS.

The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended—

(1) in the first sentence of section 5(c)(1) (21 U.S.C. 454(c)(1))—

(A) by striking ", by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act,"; and

(B) by striking "sections 1–4, 6–10, and 12–22 of this Act" and inserting "sections 1 through 4, 6 through 10, 12 through 22, and 31 through 33"; and

(2) by adding at the end the following:

"SEC. 31. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED ARTICLES.

"(a) NOTIFICATION.—A person (other than a household consumer) that has reason to believe that any poultry or poultry product (referred to in this section as an 'article') transported, stored, distributed, or otherwise handled by the person is adulterated or misbranded shall immediately notify the Secretary, in such manner and by such means as the Secretary may by regulation promulgate, of the identity and location of the article.

"(b) NONDISTRIBUTION AND RECALL.—

"(1) VOLUNTARY ACTIONS.—On receiving notification under subsection (a) or otherwise, if the Secretary finds that an article is adulterated or misbranded and that there is a reasonable probability that human consumption of the article would present a threat to public health, as determined by the Secretary, the Secretary shall provide all appropriate persons, as determined by the Secretary, that transported, stored, distributed, or otherwise handled the article with an opportunity to—

"(A) cease distribution of the article;

"(B) notify all persons transporting, storing, distributing, or otherwise handling the article, or to which the article has been transported, sold, distributed, or otherwise handled, to immediately cease distribution of the article;

"(C) recall the article; and

"(D) in consultation with the Secretary, provide notice to consumers to whom the article is, or may have been, distributed.

"(2) MANDATORY ACTIONS.—If the person refuses to or does not voluntarily take the actions described in paragraph (1) with respect to an article within the time and in the manner prescribed by the Secretary, the Secretary shall, by order, require the person to immediately—

"(A) cease distribution of the article; and

"(B) notify all persons transporting, storing, distributing, or otherwise handling the article, or to which the article has been transported, sold, distributed, or otherwise

handled, to immediately cease distribution of the article.

"(3) NOTICE TO CONSUMERS.—The Secretary shall, as the Secretary considers necessary, provide notice to consumers to whom the article was, or may have been, distributed.

"(4) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person transporting, storing, distributing, or otherwise handling the article, or to which the article has been transported, sold, distributed, or otherwise handled, that is notified under paragraph (1)(B) or (2)(B) shall immediately cease distribution of the article.

"(c) INFORMAL HEARING ON ORDER.—

"(1) IN GENERAL.—The Secretary shall provide a person subject to an order under subsection (b) with an opportunity for an informal hearing (pursuant to such rules or regulations as the Secretary shall prescribe) on the actions required by the order and on why the article that is the subject of the order should not be recalled.

"(2) TIMING.—The Secretary shall hold the informal hearing as soon as practicable, but not later than 2 days, after the issuance of the order.

"(d) RECALL OR OTHER ACTIONS.—

"(1) IN GENERAL.—If, after providing an opportunity for an informal hearing under subsection (c), the Secretary determines that there is a reasonable probability that human consumption of the article that is the subject of an order under subsection (b) presents a threat to public health, the Secretary may—

"(A) amend the order to require recall of the article or other appropriate action;

"(B) specify a timetable during which the recall will occur;

"(C) require periodic reports to the Secretary describing the progress of the recall; and

"(D) provide notice to consumers to whom the article is, or may have been, distributed.

"(2) VACATION OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (c), the Secretary determines that adequate grounds do not exist to continue the actions required by the order, the Secretary shall vacate the order.

"(e) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to any other remedies that may be available.

"SEC. 32. REFUSAL OR WITHDRAWAL OF INSPECTION OF ESTABLISHMENTS.

"(a) IN GENERAL.—The Secretary may, for such period, or indefinitely, as the Secretary considers necessary to carry out this Act, refuse to provide or withdraw inspection under this Act with respect to an establishment if the Secretary determines, after opportunity for a hearing on the record is provided to the applicant for, or recipient of, inspection, that the applicant or recipient, or any person responsibly connected with the applicant or recipient (within the meaning of section 18(a)), has committed a willful violation or repeated violations of this Act (including a regulation promulgated under this Act).

"(b) DENIAL OR SUSPENSION OF INSPECTION PENDING HEARING.—The Secretary may deny or suspend inspection under this Act, pending opportunity for an expedited hearing, with respect to an action under subsection (a), if the Secretary determines that the denial or suspension is in the public interest to protect the health or welfare of consumers or to ensure the effective performance of an official duty under this Act.

"(c) JUDICIAL REVIEW.—

"(1) IN GENERAL.—A determination and order of the Secretary with respect to the refusal or withdrawal of inspection under this section shall be final and conclusive unless, not later than 30 days after the effective date of the order, the affected applicant for, or recipient of, inspection—

"(A) files a petition for judicial review of the order; and

"(B) simultaneously sends a copy of the petition by certified mail to the Secretary.

"(2) REFUSAL OR WITHDRAWAL OF INSPECTION PENDING REVIEW.—Inspection shall be refused or withdrawn as of the effective date of the order pending any judicial review of the order unless the Secretary directs otherwise.

"(3) VENUE; RECORD.—Judicial review of the order shall be—

"(A) in—

"(i) the United States court of appeals for the circuit in which the applicant for, or recipient of, inspection resides or has its principal place of business; or

"(ii) the United States Court of Appeals for the District of Columbia; and

"(B) on the record on which the determination and order are based.

"(d) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to any other remedies that may be available.

"SEC. 33. CIVIL PENALTIES.

"(a) IN GENERAL.—

"(1) ASSESSMENT.—The Secretary may assess a civil penalty against a person that violates this Act (including a regulation promulgated or order issued under this Act) of not more than $100,000 for each violation.

"(2) SEPARATE OFFENSES.—Each violation and each day during which a violation continues shall be a separate offense.

"(3) NOTICE AND OPPORTUNITY FOR HEARING.—The Secretary shall not assess a civil penalty under this section against a person unless the person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code.

"(4) AMOUNT.—The amount of a civil penalty under this section shall be—

"(A) assessed by the Secretary by written order, taking into account—

"(i) the gravity of the violation;

"(ii) the degree of culpability;

"(iii) the size and type of the business; and

"(iv) any history of prior offenses under this Act; and

"(B) reviewed only in accordance with subsection (b).

"(b) JUDICIAL REVIEW.—

"(1) IN GENERAL.—An order assessing a civil penalty against a person under subsection (a) shall be final and conclusive unless the person—

"(A) not later than 30 days after the effective date of the order, files a petition for judicial review in—

"(i) the United States court of appeals for the circuit in which the person resides or has its principal place of business; or

"(ii) the United States Court of Appeals for the District of Columbia; and

"(B) simultaneously sends a copy of the petition by certified mail to the Secretary.

"(2) RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the violation was found and the civil penalty assessed.

"(c) COLLECTION ACTION FOR FAILURE TO PAY ASSESSMENT.—

"(1) REFERRAL TO ATTORNEY GENERAL.—If a person fails to pay a civil penalty after the order assessing the civil penalty has become final and unappealable, the Secretary shall refer the matter to the Attorney General.

"(2) ACTION BY ATTORNEY GENERAL.—The Attorney General shall bring a civil action to recover the amount of the civil penalty in United States district court.

"(3) SCOPE OF REVIEW.—In the collection action, the validity and appropriateness of the order of the Secretary imposing the civil penalty shall not be subject to review.

"(d) REFUSAL OR WITHDRAWAL OF INSPECTION PENDING PAYMENT.—If a person fails to pay the amount of a civil penalty after the order assessing the civil penalty becomes final and unappealable, the Secretary may refuse to provide or withdraw inspection under this Act of the person until the civil penalty is paid or until the Secretary directs otherwise.

"(e) PENALTIES IN LIEU OF OTHER ACTIONS.—Nothing in this Act requires the Secretary to report for prosecution, or for the institution of an action, a violation of this Act if the Secretary believes that the public interest will be adequately served by assessment of a civil penalty.

"(f) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to any other remedies that may be available.".

Mr. DASCHLE. Mr. President, today I am pleased to join Senator HARKIN and others to introduce legislation that would strengthen the U.S. Department of Agriculture's ability to protect the public from contaminated meat and poultry products. The United States has the safest food in the world, and this USDA-supported food safety initiative, the Food Safety Enforcement Enhancement Act of 1997, would take important steps to ensure it stays that way.

I have considered food safety policy to be of great significance for many years. As chair of the Agriculture Subcommittee on Agriculture Research, Conservation, Forestry and General Legislation in 1993 and 1994, I held a number of hearings on meat and poultry inspection, including a 1993 hearing to consider the *E. coli* crisis in the Pacific Northwest. Subsequent to a series of congressional hearings related to that incident, Senator LEAHY and I introduced a bill requiring USDA to replace its old meat inspection process with a modern system called the Hazard Analysis and Critical Control Point System [HACCP].

HACCP is a major improvement over the old system because it uses scientific understanding of harmful bacteria to prevent contamination from occurring in the first place. Inspectors observe operations at critical control points and test for pathogens in samples scientifically collected at meat and poultry processing plants.

Because USDA needs the tools to respond swiftly and appropriately to violations, our legislation also would have allowed USDA to fine meat packing plants and processors for safety violations, and order mandatory recalls of contaminated meat and poultry products.

Congress did not pass that bill, but USDA was able to implement many of the bill's provisions through administrative means, including the new

HACCP system of meat and poultry inspection. USDA did not have the authority, however, to implement provisions of the bill that would have strengthened the agency's regulatory authority. Today USDA lacks the regulatory tools that were intended to complement the new inspection system.

The Food Safety Enforcement Enhancement Act of 1997 would amend the Federal Meat Inspection Act [FMIA] and the Poultry Products Inspection Act [PPIA] by adding three new enforcement sections: First, to provide for mandatory recall of meat and poultry products; second, to provide more explicit authority to refuse or withdraw inspection; and third, to provide the power to assess civil monetary penalties. This bill would further ensure that the meat in grocery stores and restaurants is free of *E. coli*, salmonella, and other harmful bacteria.

Civil fines and mandatory recall authority are important improvements, and both are employed by other Federal agencies. Civil fines deter undesirable practices, can be imposed more quickly than criminal penalties or inspection withdrawal, and can be tailored to specific cases. The Food Safety Enforcement Enhancement Act of 1997 is careful to combine ample due process protection with the potential for fines. A hearing before an independent administrative law judge is one of the first steps in the process, and an appeals mechanism is also part of the process.

Mandatory recall is an important improvement to a system that currently relies on voluntary recalls by industry. Although the industry historically has cooperated by voluntarily recalling products when food safety has been in question, USDA needs to be able to swiftly recall meat or poultry in the event voluntarism one day fails.

Science allows us to know more today about food safety than ever before in history and to have higher standards than ever before. It is imperative that we use this science to identify and implement the most effective, efficient production practices. The Food Safety Enforcement Enhancement Act of 1997 surely would enable USDA to take great strides in using HACCP to this end.

By Mr. DODD:

S. 1265. A bill to amend the Occupational Safety and Health Act of 1970 to expand the provisions to include construction safety requirements; to the Committee on Labor and Human Resources.

THE CONSTRUCTION SAFETY, HEALTH, AND EDUCATION IMPROVEMENT ACT OF 1997

Mr. DODD. Mr. President, today I am again introducing the Construction Safety, Health, and Education Improvement Act of 1997. In 1970, the passage of the Occupational Safety and Health Act signified a pledge to American workers that workplaces would be safe and healthy. Sadly, 27 years later, we still have a long way to go to fulfill that promise.

Nationally, more than 6,200 people died from work-related injuries in 1995, as average of 17 people each day. More than 1,000 of those deaths were in the construction industry. In Connecticut, construction deaths remain a significant fact of life for men and women who work in this field. But these are not simply statistics. These deaths represent families and friends losing loved ones.

Construction tends to involve some of the most hazardous work done by workers including roofing, excavation, and trenching. The industry faces many challenges in providing a safe work environment. Often, the worksite changes from week to week, or day to day, and workers and subcontractors come and go as a given project moves forward.

I will never forget the tragedy that occurred at a construction site in my home State more 10 years ago. Twenty-eight people lost their lives during the construction of an apartment building called L'Ambiance Plaza in Bridgeport, CT, when the floors of the building collapsed. Ten years have not healed the wounds from that tragedy. I attended a memorial service earlier this year, and saw many of the same people I saw 10 years ago when this tragedy occurred. They were older, but still carry grief over the loss of a spouse, parent, or friend.

Construction disasters are sadly not isolated to a given State or region. In just the last few months, construction workers in Orlando, Chicago, Indianapolis, Brooklyn, Huntington Beach, and Washington, DC, to name just a few, lost their lives in work related accidents.

The bill I am offering today is straightforward and offers commonsense solutions. I introduced similar legislation in each of the past five Congresses. An office of construction, safety, health and education would be established within OSHA tasked to identify construction employees with a high incidence of injury and noncompliance. The office would establish training in construction safety for inspectors, establish model compliance programs and a toll-free number for reporting safety concerns. The bill would require the development and implementation of a written safety and health plan for each construction project, including an analysis of hazardous activities involved in the project and assurances that all employees are notified of these conditions.

Whether 1 person dies or 25 die, any life lost is one too many. We should not suffer another workplace tragedy before we put in place measures to safeguard construction sites. I urge my colleagues to join me in sponsoring this bill.

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. 1265

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 "Construction Safety, Health, and Education Improvement Act of 1997".

SEC. 2. OFFICE OF CONSTRUCTION SAFETY, HEALTH, AND EDUCATION.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended—

(1) by striking sections 30, 31, and 34;

(2) by redesignating sections 32 through 33 as sections 34 and 35, respectively; and

(3) by inserting after section 29 the following:

"SEC. 30. OFFICE OF CONSTRUCTION SAFETY, HEALTH, AND EDUCATION.

"(a) ESTABLISHMENT.—There is established in the Occupational Safety and Health Administration an Office of Construction Safety, Health, and Education (hereinafter in this section referred to as the 'Office') to ensure safe and healthful working conditions in the performance of construction work.

"(b) DUTIES.—The Secretary shall—

"(1) identify construction employers that have high fatality rates or high lost workday injury or illness rates or who have demonstrated a pattern of noncompliance with safety and health standards, rules, and regulations;

"(2) develop a system for notification of employers identified under paragraph (1);

"(3) establish training courses and curriculum for the training of inspectors and other persons with duties related to construction safety and health who are employed by the Occupational Safety and Health Administration;

"(4) establish model compliance programs for construction safety and health standards and assist employers, employees, and organizations representing employers and employees in establishing training programs appropriate to such standards; and

"(5) establish a toll-free line on which reports, complaints, and notifications required under this Act may be made.".

SEC. 3. CONSTRUCTION SAFETY AND HEALTH PLANS AND PROGRAMS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (as amended by section 2) is further amended by adding after section 30 the following:

"SEC. 31. CONSTRUCTION SAFETY AND HEALTH PLANS AND PROGRAMS.

"(a) PROJECT CONSTRUCTOR.—The Secretary shall, by regulation, require each construction project to have an individual or entity (hereinafter referred to as the 'project constructor') that is responsible for the establishment of the safety and health plan (as described in subsection (b)) for such project and for ensuring that the plan is carried out. Such regulations shall require that—

"(1) if only one general or prime contractor exists on a construction project, such contractor shall be the project constructor, unless such contractor designates another entity with such entity's consent to be the project constructor; and

"(2) if a construction project has more than one general or prime contractor, the

construction owner shall be the project constructor unless such construction owner designates another entity with such entity's consent to be the project constructor.

"(b) CONSTRUCTION SAFETY AND HEALTH PLAN.—

"(1) IN GENERAL.—The Secretary shall, by regulation, require that the project constructor for a construction project develop and implement a written construction safety and health plan for the construction project (hereinafter in this section referred to as the 'plan') to protect employees against hazards which may occur at such project.

"(2) PLAN ELEMENTS.—The plan shall—

"(A) include a hazard analysis and construction process protocol which shall apply to each worksite of the project;

"(B) include assurance that each construction employer on the project has a safety and health program which complies and is coordinated with the plan and the requirements of subsection (c);

"(C) provide for regular inspections of the worksite to monitor the implementation of the plan;

"(D) include a method for notifying affected construction employers of any hazardous conditions at a construction worksite or of noncompliance by an employer with the project safety and health plan;

"(E) include a method for responding to the request of any construction employer, employee, or employee representative, for an inspection of a construction worksite to determine if an imminent danger exists and to stop work at, or remove affected employees from, an area in which such a danger exists;

"(F) provide assurance that a competent person is on site at all times to oversee the implementation of the safety plan and coordinate activities among employers; and

"(G) provide assurance that the plan will be reviewed and modified as the project addresses new safety concerns.

"(3) AVAILABILITY.—Copies of the plan shall be made available to each construction employer prior to commencement of construction work by that employer.

"(c) APPLICATION.—

"(1) IN GENERAL.—The Secretary, by regulation, may modify the requirements of this section, or portions thereof, as such requirements apply to certain types of construction work or operations where the Secretary determines that, in light of the nature of the risks faced by employees engaged in such work or operation, such a modification would not reduce the employees' safety and health protection. In making such modification, the Secretary shall take into account the risk of death or serious injury or illness, and the frequency of fatalities and the lost work day injury rate attendant to such work or operations.

"(2) EMERGENCY WORK.—If it is necessary to perform construction work on a worksite immediately in order to prevent injury to persons, or substantial damage to property, and such work must be conducted before compliance with the requirements of the regulations under subsections (a) and (b) can be made, the Secretary shall be given notice as soon as practicable of such work. Compliance with such requirements shall then be made as soon as practicable thereafter.".

SEC. 4. STATE CONSTRUCTION SAFETY AND HEALTH PLANS.

Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) is amended by adding at the end the following:

"(i) Any State plan that covers construction safety and health shall contain requirements which, and the enforcement of which, are, and will be, at least as effective, in providing safe and healthful employment and places of employment in the construction industry as the requirements contained in subsection (c), and the requirements imposed by, and enforced under, this Act and section 107 of the Contract Work Hours Standards Act (40 U.S.C. 333), including requirements relating to construction safety and health plans.".

SEC. 5. ENFORCEMENT.

(a) CITATIONS.—Section 9(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658(a)) is amended by inserting ", 8, or 31" after "section 5".

(b) PROJECT CONSTRUCTORS.—Section 9 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658) is amended by adding at the end the following:

"(e) For purposes of this section and sections 8, 10, 11, and 17 a project constructor shall be considered an employer.".

SEC. 6. REPORTS TO CONGRESS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (as amended by section 3) is further amended by adding after section 31 the following:

"SEC. 32. REPORTS TO CONGRESS.

"The Secretary shall include in the annual report submitted to the President under section 26 additional information on the construction industry as such information relates to the general subjects described in section 26, including the operation of the Office of Construction Safety, Health, and Education.

SEC. 7. FEDERAL CONSTRUCTION CONTRACTS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (as amended by section 6) is further amended by adding after section 32 the following:

"SEC. 33. FEDERAL CONSTRUCTION CONTRACTS.

"Not later than 90 days after the date of the enactment of this section, the Secretary shall deliver to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate recommendations regarding legislative changes required to make the safety records (including records of compliance with Federal safety and health laws and regulations) of persons bidding for contracts subject to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) a criterion to be considered in the awarding of such contracts.".

SEC. 8. DEFINITIONS.

Section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652) is amended by adding at the end thereof the following:

"(15) For purposes of sections 30 and 31, the following terms shall have the following meanings:

"(A) The term 'construction employer' means an employer as defined in paragraph (5) (including an employer who has no employees) who is engaged primarily in the building and construction industry or who performs construction work under a contract with a construction owner, except that a utility providing or receiving mutual assistance in the case of a natural or man-made disaster shall not be considered a construction employer.

"(B) The term 'construction owner' means a person who owns, leases or has effective control over property with or without improvements, a structure, or other improvement on real property on which construction work is being, or will be, performed.

"(C) The term 'construction project' means all construction work by one or more construction employers which is performed for a construction owner and which is described in work orders, permits, requisitions, agreements, and other project documents.

"(D) The term 'construction work' means work for construction, alteration, demolition, or repair, or any combination thereof, including painting and decorating, but does not include work performed under a contract between a construction employer and a homeowner for work on the homeowner's own residence, or routine maintenance and upkeep performed at least monthly, and such term shall include work performed under a contract between a construction employer and an agency of the United States or any State or political subdivision of a State.

"(E) The term 'construction worksite' means a site within a construction project where construction work is performed by one or more construction employers.".

SEC. 9. RELATIONSHIP TO EXISTING LAW AND REGULATIONS.

(a) IN GENERAL.—Nothing contained in the amendments made by this Act or the regulations issued to carry out the amendments shall limit the application of, or lessen, any of the requirements of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Contract Work Hours Standards Act (40 U.S.C. 327 et seq.), or the standards or regulations issued by the Secretary of Labor to carry out either such Act.

(b) PROJECT CONSTRUCTORS.—The presence and duties of a project constructor or a project safety coordinator on a project shall not in any way diminish the responsibilities of construction employers under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) for the safety and health of their employees.

ADDITIONAL COSPONSORS

S. 193

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 714

At the request of Mr. AKAKA, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 714, a bill to make permanent the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs.

S. 801

At the request of Mr. GRAHAM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs, and for other purposes.

S. 969

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 969, a bill ordering the preparation of a Government report detailing injustices suffered by Italian-Americans during World War II, and a formal acknowledgment of such injustices by the President.

S. 1008

At the request of Mr. DURBIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1008, a bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates.

S. 1105

At the request of Mr. DORGAN, his name 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. 1195

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1195, a bill to promote the adoption of children in foster care, and for other purposes.

S. 1212

At the request of Mr. DORGAN, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of 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.

S. 1213

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1213, a bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 1220

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Michigan [Mr. LEVIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

AMENDMENTS SUBMITTED

THE BIPARTISAN CAMPAIGN REFORM ACT OF 1997

JEFFORDS AMENDMENT NO. 1304

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill (S. 25) to reform the financing of Federal elections; as follows:

Strike section 501 and insert the following:

SEC. 501. REQUIREMENTS TO ENSURE EXPENDITURES OF CORPORATIONS AND EXEMPT ORGANIZATIONS FOR POLITICAL PURPOSES ARE VOLUNTARY.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(c) RESTRICTIONS ON THE REVENUES OF NATIONAL BANKS AND CORPORATIONS AND DUES OF EXEMPT ORGANIZATIONS USED FOR POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful—

"(A) for any national bank or corporation described in this section to use for political activities any portion of any revenues or amounts received from any shareholder or employee; or

"(B) for any organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (other than an organization described in section 501(c)(3) of such Code) to use for political activities any portion of any dues, initiation fee, or other payment collected or assessed from any member or nonmember of such organization.

"(2) REQUIREMENTS.—

"(A) NOTICE.—Each bank, corporation, or organization described in paragraph (1) which seeks to make any disbursements for any political activities from dues, initiation fees, or other payments shall—

"(i) provide to each individual a statement of such dues, fee, or other payment before the period to which such dues, fee, or payment applies, and

"(ii) include with each such statement a written notice which includes—

"(I) a reasonable estimate of the budget for such political activities,

"(II) a detailed itemization of all amounts disbursed for political activities in the 2 previous years,

"(III) a reasonable estimate of the dollar amount of the dues, fee, or payment which is to used for such political activities, and

"(IV) a space for the individual to check off that the individual does or does not consent to the expenditure of any portion of such dues, fee, or payment for political activities.

The period covered by any statement shall not exceed 12 months.

"(B) LIMITATION ON AMOUNT; REFUND.—A bank, corporation, or organization required to provide notice under subparagraph (A) shall—

"(i) not make disbursements for political activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of individuals consenting to such disbursements under subparagraph (A)(ii)(III) bears to the total number of individuals making payment of such dues, fees, or other payments, and

"(ii) with respect to each individual who does not consent to such disbursements under subparagraph (A)(ii)(III), either—

"(I) not collect from the individual the percentage of the dues, fee, or other payment which was to be used for such disbursements, or

"(II) refund to the individual an amount equal to such percentage.

"(C) SPECIAL RULE.—For purposes of subparagraph (B)(i), if an individual does not provide a response under paragraph (2)(A)(ii)(IV), the individual shall be treated as not having consented to the use of any portion of such dues, fee, or payment for political activities.

"(D) AVAILABILITY OF RECORDS.—An organization required to provide notice under subparagraph (A) shall make available to any affected members and nonmembers of the organization at the organization's main office any records on which the information required under subparagraph (A) is based.

"(d) CORPORATE SHAREHOLDERS MUST CONSENT TO DISBURSEMENTS FOR POLITICAL ACTIVITIES FROM FUNDS.—

"(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful for a corporation to which this section applies to make a disbursement to fund political activities from sources not described in subsection (c).

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Any corporation described in paragraph (1) which seeks to make disbursements for political activities during any 12-month period from sources not described in subsection (c) shall, in advance of such period, transmit to each of its shareholders a written notice which includes—

"(i) a reasonable estimate of the budget for such political activities,

"(ii) a detailed itemization of all amounts disbursed for political activities for the previous 2 years,

"(iii) the method by which a shareholder may vote (at its annual meeting or by proxy in connection with the meeting) to approve or disapprove of such disbursements.

"(B) LIMITATION ON AMOUNT.—

"(i) IN GENERAL.—A corporation required to provide notice under subparagraph (A) shall not make disbursements for political activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of shares voted at an annual meeting to approve such disbursements bears to the total number of shares voted with respect to such issue.

"(ii) SPECIAL RULE.—If a shareholder votes by proxy with respect to 1 or more issues to be considered at an annual meeting but does not vote by proxy with respect to the issue of disbursement of funds for political activities, the shareholder shall be treated as having voted to disapprove such disbursements.

"(e) POLITICAL ACTIVITIES.—For purposes of subsections (c) and (d), the term 'political activities' means communications or other activities which involve donations to, or participation or intervention in, any political campaign or political party, including—

"(1) any activity described in subparagraph (A), (B), or (C) of subsection (b)(2), and

"(2) any communication that attempts to influence legislation or public policy."

(b) DISCLOSURE OF CERTAIN EXPENDITURES.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 301(9)(B)(iii), by striking "Federal office, except" and all that follows through the semicolon and inserting "Federal office;"; and

(2) in section 316(b)(2), by inserting at the end the following flush sentence:

"Disbursements made for activities described in subparagraphs (A), (B), and (C) shall be reported to the Commission in accordance with clauses (i) and (ii) of section 304(a)(4)(A).".

(c) EFFECTIVE DATE.—This section shall take effect upon enactment of this Act.

TORRICELLI AMENDMENTS NOS. 1305–1306

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to the bill, S. 25, supra; as follows:

AMENDMENT NO. 1305

At the appropriate place in the bill, insert the following:

SEC. 302. BROADCAST MEDIA RATES FOR CANDIDATES.

Section 315(b)(1) of the Communications Act (47 U.S.C. 315(b)(1)) is amended by—

(1) striking "forty-five" and inserting "30";

(2) striking "sixty" and inserting "60";

(3) inserting "an amount not to exceed 50 percent of" before "the lowest unit"; and

(4) inserting after section 315(b)(2) the following:

"(3) In order to qualify for the broadcast media rate in section 315(b)(1), an advertisement must be at least 60 seconds in length and the candidate purchasing the ad must appear for at least 75% of the duration of the advertisement."

AMENDMENT NO. 1306

On page 53, strike lines 14 through 21 and insert the following:

SEC. 601. SEVERABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of any provision or amendment to any person or circumstance, is held invalid, the holding shall not affect—

(1) the other provisions of this Act and amendments made by this Act; or

(2) the application of the provisions of this Act and amendments made by this Act to other persons and circumstances.

(b) EXCEPTION.—If any part of paragraph (20) of section 301 of the Federal Election Campaign Act of 1971 (as added by section 201), or the application of any part of that paragraph to any person or circumstance, is held invalid, section 324 of the Federal Election Campaign Act of 1971 (as added by section 101) shall be of no effect.

TORRICELLI (AND JOHNSON) AMENDMENT NO. 1307

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by them to the bill, S. 25, supra; as follows:

At the end of the bill, add the following: "It is the sense of the Senate that if comprehensive campaign finance reform is not signed into law by the President, the President should appoint a bipartisan panel of campaign finance experts to study comprehensive campaign finance reform and propose legislation for the consideration of the 105th Congress."

TORRICELLI AMENDMENT NO. 1308

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 25, supra; as follows:

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF DONOR LISTS FOR CERTAIN TAX-EXEMPT ORGANIZATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"( ) REQUIRED DISCLOSURE.—An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that is required to file a report under this Act with respect to independent expenditures shall include in such report the name and address of any contributor whose contributions to the organization during the calendar year and the preceding calendar year exceed $5,000. The organization does not need to disclose contributors that have been disclosed in a previous report and have not made any contributions since the last disclosure.".

JEFFORDS AMENDMENT NO. 1309

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment to an amendment proposed by Mr. LOTT to the bill, S. 25, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. REQUIREMENTS TO ENSURE EXPENDITURES OF CORPORATIONS AND EXEMPT ORGANIZATIONS FOR POLITICAL PURPOSES ARE VOLUNTARY.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(c) RESTRICTIONS ON THE REVENUES OF NATIONAL BANKS AND CORPORATIONS AND DUES OF EXEMPT ORGANIZATIONS USED FOR POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful—

"(A) for any national bank or corporation described in this section to use for political activities any portion of any revenues or amounts received from any shareholder or employee; or

"(B) for any organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (other than an organization described in section 501(c)(3) of such Code) to use for political activities any portion of any dues, initiation fee, or other payment collected or assessed from any member or nonmember of such organization.

"(2) REQUIREMENTS.—

"(A) NOTICE.—Each bank, corporation, or organization described in paragraph (1) which seeks to make any disbursements for any political activities from dues, initiation fees, or other payments shall—

"(i) provide to each individual a statement of such dues, fee, or other payment before the period to which such dues, fee, or payment applies, and

"(ii) include with each such statement a written notice which includes—

"(I) a reasonable estimate of the budget for such political activities,

"(II) a detailed itemization of all amounts disbursed for political activities in the 2 previous years,

"(III) a reasonable estimate of the dollar amount of the dues, fee, or payment which is to used for such political activities, and

"(IV) a space for the individual to check off that the individual does or does not consent to the expenditure of any portion of such dues, fee, or payment for political activities.

The period covered by any statement shall not exceed 12 months.

"(B) LIMITATION ON AMOUNT; REFUND.—A bank, corporation, or organization required to provide notice under subparagraph (A) shall—

"(i) not make disbursements for political activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of individuals consenting to such disbursements under subparagraph (A)(ii)(III) bears to the total number of individuals making payment of such dues, fees, or other payments, and

"(ii) with respect to each individual who does not consent to such disbursements under subparagraph (A)(ii)(III), either—

"(I) not collect from the individual the percentage of the dues, fee, or other payment which was to be used for such disbursements, or

"(II) refund to the individual an amount equal to such percentage.

"(C) SPECIAL RULE.—For purposes of subparagraph (B)(i), if an individual does not provide a response under paragraph (2)(A)(ii)(IV), the individual shall be treated as not having consented to the use of any portion of such dues, fee, or payment for political activities.

"(D) AVAILABILITY OF RECORDS.—An organization required to provide notice under subparagraph (A) shall make available to any affected members and nonmembers of the organization at the organization's main office any records on which the information required under subparagraph (A) is based.

"(d) CORPORATE SHAREHOLDERS MUST CONSENT TO DISBURSEMENTS FOR POLITICAL ACTIVITIES FROM FUNDS.—

"(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful for a corporation to which this section applies to make a disbursement to fund political activities from sources not described in subsection (c).

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Any corporation described in paragraph (1) which seeks to make disbursements for political activities during any 12-month period from sources not described in subsection (c) shall, in advance of such period, transmit to each of its shareholders a written notice which includes—

"(i) a reasonable estimate of the budget for such political activities,

"(ii) a detailed itemization of all amounts disbursed for political activities for the previous 2 years,

"(iii) the method by which a shareholder may vote (at its annual meeting or by proxy in connection with the meeting) to approve or disapprove of such disbursements.

"(B) LIMITATION ON AMOUNT.—

"(i) IN GENERAL.—A corporation required to provide notice under subparagraph (A) shall not make disbursements for political

activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of shares voted at an annual meeting to approve such disbursements bears to the total number of shares voted with respect to such issue.

"(ii) SPECIAL RULE.—If a shareholder votes by proxy with respect to 1 or more issues to be considered at an annual meeting but does not vote by proxy with respect to the issue of disbursement of funds for political activities, the shareholder shall be treated as having voted to disapprove such disbursements.

"(e) POLITICAL ACTIVITIES.—For purposes of subsections (c) and (d), the term 'political activities' means communications or other activities which involve donations to, or participation or intervention in, any political campaign or political party, including—

"(1) any activity described in subparagraph (A), (B), or (C) of subsection (b)(2), and

"(2) any communication that attempts to influence legislation or public policy."

(b) DISCLOSURE OF CERTAIN EXPENDITURES.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 301(9)(B)(iii), by striking "Federal office, except" and all that follows through the semicolon and inserting "Federal office;"; and

(2) in section 316(b)(2), by inserting at the end the following flush sentence:

"Disbursements made for activities described in subparagraphs (A), (B), and (C) shall be reported to the Commission in accordance with clauses (i) and (ii) of section 304(a)(4)(A).".

(c) EFFECTIVE DATE.—This section shall take effect upon enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, October 7, 1997, at 9 a.m. in SR-328A to consider the nominations of Ms. Sally Thompson to be Chief Financial Officer of the U.S. Department of Agriculture and Mr. Joe Dial to be Commissioner of the Commodity Futures Trading Commission.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 7, 1997, at 10 a.m. on the nominations of Terry Garcia to be Assistant Secretary of NOAA and Raymond Kammer to be Director of NIST.

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

COMMITTEE ON FINANCE AND THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, JOINTLY

Mr. GRAMM. Mr. President, the Finance Committee Subcommittees on Social Security and Family Policy and on Health Care and the Banking Committee Subcommittee on Securities request unanimous consent to conduct a joint hearing on Tuesday, October 7, 1997, at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 7, 1997, at 10 a.m. and 3 p.m. to hold hearings.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, October 7, at 10 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 7, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "Vindication of Property Rights: Improving Citizens' Access to Justice."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Nomination of Charles Jeffress to be an Assistant Secretary of Labor [OSHA] during the session of the Senate on Tuesday, October 7, 1997, at 9:45 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRAMM. Mr. President, the Committee on Veterans' Affairs requests unanimous consent to hold a markup on the following pending legislation: S. 309, S. 464, S. 623, as amended, S. 714, as amended, S. 730, as amended, S. 801, as amended, S. 813, S. 986, as amended, S. 987, as amended, and S. 999.

The markup will be held at 3 p.m., on Tuesday, October 7, 1997, in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 7, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 725, a bill to direct the Secretary of the Interior to convey the Collbran Reclamation project to the Ute Water Conservancy District and the Collbran Conservancy District; S. 777, a bill to authorize the construction of the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; H.R. 848, a bill to extend the deadline under the Federal Power Act applicable to the collection of the AuSable Hydroelectric project in New York, and for other purposes; H.R. 1184, a bill to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric project in the State of Washington, and for other purposes; H.R. 1217, a bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington, and for other purposes; S. 1230, a bill to amend the Small Reclamation Projects Act of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; and S. 841, a bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

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

ADDITIONAL STATEMENTS

HIS HOLINESS ARAM I

• Mr. ABRAHAM. Mr. President, I rise to speak of a special event which is taking place in the State of Michigan. On October 17, 1997 until October 20, 1997, the greater metropolitan Detroit Armenian community and Michigan, welcomes His Holiness Aram I, Catholicos of the Great House of Cilicia.

His Holiness has served as the spiritual leader of the Holy See of Cilicia of the Armenian Apostolic Church since 1995 and his visit to Michigan and the Armenian community is truly a blessing. Prior to his consecration as Catholicos he has served as the prelate of the Armenian community in Lebanon for 15 years. His Holiness is to be commended for his spiritual leadership not only in the Armenian Apostolic Church but also in regions of the world which face persistent unrest and violence. Through his ministry, published articles and lectures, His Holiness continues to impact lives and provide steadfast love.

The Armenian community has faced many hardships throughout its history, yet the spirit of the Armenian people and its leaders has never diminished. I am honored to recognize His Holiness

for his dedication to religious understanding and the goal of peace throughout the world. May each of us be inspired to seek greater meaning in all that we do. Again, I extend my heartfelt best wishes to His Holiness as he visits Michigan.•

COMPREHENSIVE COAL ACT REFORM ACT

• Mr. DORGAN. Mr. President, I rise today to add my name as a cosponsor of the Comprehensive Coal Act Reform Act of 1997, a bipartisan bill introduced by Senators COCHRAN and CONRAD just prior to the August recess. This bill seeks to alleviate inequities and unforeseeable hardships caused by the reachback tax provisions of the Coal Industry Health Benefit Act of 1992 [the Coal Act], while safeguarding the Combined Fund established under the Coal Act to ensure that retired mine workers get the health benefits they deserve.

As part of the Energy Policy Act of 1992, Congress passed a proposal to help protect health benefits of retired mine workers by allowing the trustees of the newly created Combined Fund to reach back and require former employers of retired coal miners to pay substantial assessments to the fund in order to finance such benefits. While its goals are laudable, this sweeping proposal contains some serious shortcomings. For one thing, it unfairly imposes excessive assessments on some companies, while under-assessing others.

Senators COCHRAN and CONRAD have worked for some time to develop a compromise bill that addresses some of the shortcomings in the Coal Act. This effort led to the introduction of the Comprehensive Coal Act Reform Act of 1997, S. 1105, which I think makes a number of needed changes. I applaud efforts of these Senators to find a workable and fair solution to the reachback problem. And I've added my name as a cosponsor of S. 1105 because I support the primary thrust and goals of this bill.

I do not know if the formula adopted in S. 1105 perfectly resolves the problems created by the Coal Act. Some companies will probably continue to argue that they are paying too much and that others are paying too little into the Combined Fund. Retired mine workers will undoubtedly be concerned by any bill modifying the Coal Act until it's shown that the proposal causes no harm to them.

Finally, let me be very clear about one point. My cosponsorship of this bill should not be construed by anyone as a weakening of my support for retired mine workers and their families. They worked tirelessly in their jobs—often at substantial risk to their personal health and safety—to help meet the energy needs of this country. They are entitled to retirement benefits earned for their dedicated years of service. Any corrective action we take in Congress must ultimately be consistent with this obligation.•

THE 100TH ANNIVERSARY OF MIDDLETOWN HIGH SCHOOL FOOTBALL

• Mr. D'AMATO. Mr. President, as you may be aware, the 1997 season marks the 100th team to play football for Middletown High School.

During these 100 years, Middletown football teams have been coached by Messrs. Bright, Massee, Sjellander, Cady, Spaulding, Greason, Southwell, Sundstrom, Downing, Springman, Goes, Sampson, Hughes, Finch, Bateman, Rodiak, Nania, Whitehead, Brunner, Wolslayer, Ryder, and Scali.

Asylum, Hayes, Wilson, and Faller are the football fields where the Middletown High School teams have played their games during the past century.

For the past 100 years, Middletown football teams have embraced the spirit of competition and have established a winning tradition.

Counted among former MHS football players are elected officials, teachers, doctors, coaches, construction workers, lawyers, businessmen, and members of the military who continue to make positive contributions to their community.

For the past 100 years, the "Middies" have been supported by the board of education, government, civic and fraternal organizations, and the greater Middletown community.

For these reasons, we ask that you give pause.•

RECOGNIZING THE AMERICAN ASSOCIATION OF MENTAL RETARDATION ILLINOIS CHAPTER'S 1997 DIRECT SERVICE PROFESSIONAL HONOREES

• Ms. MOSELEY-BRAUN. Mr. President, it is my distinct pleasure to join the Illinois Chapter of the American Association of Mental Retardation in honoring the recipients of the 1997 Direct Service Professional Award. These honorees are being recognized for their outstanding commitment and contributions to the lives of people in Illinois with developmental disabilities.

These award winners have distinguished themselves through their compassion, dedication, patience, and professionalism. Their work not only enriches the lives of those who they care for, but also enriches all of our lives and sets an example of service for all Americans to follow.

It is indeed my privilege to recognize and celebrate the achievements of the following Illinois direct service professionals: Sunshyne Albers, Angie Berquist, Amy Birdett, Kathy Bouras, Barbara Eakin, Janet Hayes, Bertha Hernandez, Donna Johnson, Marcella Jones, Gertrude Kilpatrick, Thurman McGee, Rosalyn Moore, Charlotte Morrison, Gary Perkins, Larry Pullums, Carolyn Racki, Crystal Rapp, Dolores Sollenberger, Ellis "Steve" Stephens, Viparwon Thongchai, Lisa Vito, Cassandra Wilkins, and Larry Yaus.

I take this opportunity to join the Illinois Chapter of the American Association of Mental Retardation in saluting the winners of the 1997 Direct Service Professional Award. It is my honor to serve them in the U.S. Senate.•

HUMANITARIAN RELIEF IN IRAQ

• Mr. ABRAHAM. Mr. President, I stand before you today to speak of a situation which is of great concern. As Iraqi children returned to school last week, they began another year under difficult circumstances. For 7 years, the innocent children and citizens of Iraq have endured hardships and suffering which are immeasurable for many in this country. Economic sanctions imposed upon the country of Iraq by the United Nations were never intended to deprive the Iraqi people of the necessities of life. While some relief has occurred I believe that much more must be done.

Yet, the situation in Iraq is grim. According to the United Nations Food And Agriculture Organization [FAO], the Iraqi children are perhaps the most vulnerable and hardest hit. More than 600,000 children have died and it is estimated that 4,500 children are dying each month from problems related to malnutrition and shortages of medical supplies. While the sanctions continue, the regime prospers. It is time for the citizens and leaders of our country to continue to provide humanitarian aid to the most innocent of Iraq.

The United States Department of State has not objected to the issuance of licenses to United States organizations and individuals donating food, medicine, and other materials for essential civilian needs in Iraq. I am pleased that my office was able to assist the International Relief Association [IRA] based out of St. Clair Shores, MI, in obtaining a license to provide much needed supplies to the children and elderly of Iraq. I believe that it is essential to continue to seek out organizations and individuals who wish to assist in bringing further humanitarian relief to Iraq and to help them in obtaining the proper licenses to do so. Let it be known, that I encourage my colleagues to invoke the spirit of American humanitarianism and for each of them to examine the simple fact that aid must continue in this region of the world. I commend each organization and individual who has assisted in providing relief to the people of Iraq. May each of us be reminded that political and economic sanctions should not affect the lives of those who innocently suffer.•

SUSAN LANDON

• Mr. BINGAMAN. Mr. President, I rise today to express my deep sorrow about the death of Susan Landon on September 28, 1997. Ms. Landon, a citizen of New Mexico and resident of the city of Albuquerque, graduated from the University of New Mexico. She went on to fulfill a rich and varied career writing for the Albuquerque Journal. I have become familiar with Susan's work, as she reported on a range of issues spanning much of the breadth of contemporary New Mexico life.

Ms. Landon worked as the youth page editor, and as a reporter for general assignments, education, and State news. She began writing for the Journal's editorial page in 1992, and continued to do so until a few weeks before her death. Susan excelled in her assignments, winning numerous city, State, and national journalism awards. She found particular satisfaction through her work covering various Native American issues, and was thanked publicly by the president of the Navajo Nation for the sensitivity and understanding which was reflected in her writings.

I would like to quote from an article written by Jim Belshaw, a friend and colleague of Susan, in which he said "Susan Landon was smart and fair and irreverent and compassionate and tough; she was a native New Mexican who knew and loved the State and its people. She had an unerring ability to cut through rhetoric and get to the heart of a matter, regardless of its camouflage."

Mr. President, I ask today that the full text of Mr. Belshaw's article be printed in the RECORD, as it provides a unique perspective on the life of this dedicated individual whom New Mexico will miss very much.

The article follows:

PRIZED REPORTER SHARED HER GIFT WITH N.M.

(By Jim Belshaw)

Susan Landon, my friend and colleague of 20 years, died Sunday. She was 47 years old. She left a gift—a photograph!

At first, I believed the photograph spoke only to those of us who toil in journalistic fields. But I was mistaken as well as myopic. The photograph's message, clear and sharp as a New Mexico autumn, is meant not just for the people who worked at Susan's side all these years but for anybody who cares to embrace it.

The black-and-white photo shows a young newspaper reporter on the job. She stands in muddy, ankle-deep flood water. She writes in a notebook while the man whose name and words will appear in the next morning's newspaper leans on the shovel he has been using to fling muck out of his flooded home.

"Look who shot this," Susan said the first time she showed me the picture.

Stamped on the back of the print was the name of the Journal photographer—Jim Nachtwey, a mutual friend who has gone on to renown as one of the world's foremost photojournalists.

The picture is dated June 15, 1977; a handwritten note on the back of the photo describes the scene's circumstances.

"My mother wrote this," Susan said, smiling at the singular pride only a mother can have in a child.

"Famous Journal Reporter," the note's formal title announces. "Susan Landon with David Starkey—covering story when irrigation ditch wall broke in South Valley, flooding 4 homes."

I don't remember how long it's been since that first time she showed me the photograph. After that conversation, I never said anything more about it, though I thought of it often because its message was so clear and irrefutable.

Then one day a few weeks ago, after it became clear that she would lose the fight against the cancer that attacked her, Susan handed me the picture and said, "I want you to have this."

Susan Landon was smart and fair and irreverent and compassionate and tough—all the things a reporter should be.

She was a native New Mexican who knew and loved the state and its people. She had an unerring ability to cut through rhetoric and get to the heart of a matter, regardless of its camouflage.

She was painfully shy and militantly private, but she never backed away from the demands of the job. At her core lay a righteous anger, a philosophic pilot light ready to ignite when confronted with inequity; the flame burned especially hot when she encountered a bully abusing power.

She spent the final years of her newspaper career as an editorial writer, but when she spoke of what she missed most it had nothing to do with the inside of the building.

"I miss the reservation," she once said, looking back to the years she covered the Navajo Nation. "I miss being out there talking to the people. I miss writing about them. It was the best time for me."

When she gave me the photograph, it occurred to me that it should be made into a poster and pinned up on the bulletin boards of journalism schools all over the country. It is a clean, pure image of what this job is supposed to be.

Each time I looked at it. I thought about the peripheral circus that follows us these days: Seminars and focus groups and dazzling graphics and endless analysis; the Internet and Web pages and cyberspace prophets issuing incessant revelations predicting the printed world's imminent doom.

Then I look again at Susan's photograph and I am reminded of what the job is supposed to be—any job, not just ours. The photograph transcends journalism, its simple eloquence unable to be contained within the confines of a single endeavor.

This image of Susan with her pen and note pad is the image of a woman doing the job with no complaints, no excuses, no sleight of hand, no gimmicks.

It speaks to anyone engaged in any undertaking. It says the only thing that really counts is getting the job done. Anything else is just an excuse and deep in our hearts we all know it.

My dear friend, Susan, has died and left a gift that at first glance seems to be a photograph but is much more. Susan left us a compass. It points to true north.•

CHALDEAN FEDERATION OF AMERICA DINNER

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event which is taking place in the State of Michigan. On this day, October 14, 1997, many have gathered to celebrate the Chaldean Federation of America's fifth annual dinner and awards banquet. Each of the individuals in attendance deserve special recognition for their commitment and steadfast support of the Chaldean community.

I am pleased to recognize the recipients of tonight's awards: Dr. Nathima Atchoo—Humanitarian Award, Mayor Gerald Naftaly—Civic Humanitarian Award, Hayat Jajonie and Salim Sarafa—Community Service Awards, Janan Senawi—Volunteer Recognition Award, Ismael Ahmed and Sargon Lewie—CFA President's Award, Isam Yaldo—Business/Community Award, and Deacon Sadik Barno—Cultural Award. Each of these recipients should take great pride in receiving these distinguished awards.

While it is important to pay special tribute to the awardees, it is also essential to honor each citizen of the Chaldean community. In many respects, the Chaldean community of Michigan is a true example of a thriving community. Through strong economic growth, inspiring leaders, and unwavering dedication, the State of Michigan has greatly benefited from Chaldean-Americans. One such organization that has exemplified the spirit of the Chaldean community is the International Relief Association.

The International Relief Association [IRA] continues to assist in supplying humanitarian relief to the children of Iraq. This association which is based in St. Louis Clair Shores, MI, has been a tireless advocate for the innocent individuals which have been so deeply affected by the trade embargo imposed on Iraq since 1990. According to the United Nations International Children's Education Fund, it is estimated that some 4,500 children are dying each month from malnutrition and the shortage of much-needed supplies. I commend the IRA for its active participation in the lives of the people of Iraq.

While the IRA continues to help to support the people of Iraq, I believe that each of us must examine what role we can play. It is essential that collectively we begin to raise awareness concerning this region of the world. Again, I am deeply honored to lend my support to the work of the IRA and to the countless individuals whose own private efforts often go unnoticed.

To the Chaldean-American community and to the awardees, I send my sincere best wishes and may the spirit of this evening continue to inspire each of you.•

TRIBUTE TO THE ST. THOMAS AQUINAS SCHOOL

• Mr. SMITH of New Hampshire. Mr. President I rise today to honor the St. Thomas Aquinas School in Drew, NH, for receiving the State Champion

Award for the President's Challenge on Physical Fitness.

The State Champion Award is presented to schools with the highest number of students scoring at or above the 85th percentile on the President's Challenge.

The five assessments of the President's Challenge measure four components of physical fitness: a 1-mile run/walk for heart and lung endurance, curl-ups for abdominal strength and endurance, a "sit and reach" stretch for muscular flexibility, pull-ups for upper body strength and endurance, and a shuttle run for agility.

St. Thomas Aquinas is a private Catholic school filled with 300 students in grades kindergarten through 8.

Excelling in physical fitness is a positive step toward making healthy lifestyle choices that will provide lifelong benefits. I am very proud of the students at St. Thomas Aquinas for their accomplishments and applaud the efforts and dedication of the school.•

THE FIFTH ANNUAL AMERICAN ARAB CHAMBER OF COMMERCE BANQUET

• Mr. ABRAHAM. Mr. President, today I rise to extend my best wishes for the American Arab Chamber of Commerce-Michigan's annual banquet on October 19. The American Arab Chamber of Commerce-Michigan will again hold this yearly event which recognizes individuals and their contributions in helping to promote a strong Michigan economy.

This year's banquet is an especially notable event. October 19 marks the fifth year for the chamber of commerce's banquet. While this is worthy of note, I am especially honored to have the opportunity to welcome His Royal Highness Crown Prince El-Hassan bin Talal of the Hashemite Kingdom of Jordan to Detroit. Attending the event with His Royal Highness will be several members of the Jordanian Cabinet and His Exellency Dr. Marwan Muasher, Ambassador to the United States. The participation of Crown Prince Hassan and the other Jordanian emissaries affords everyone the opportunity to learn of new business and cultural possibilities between Michigan and Jordan. Furthermore, as the keynote speaker, Crown Prince Hassan will provide valuable insight for the American Arab Chamber of Commerce-Michigan on the trade relationship between the United States and Jordan.

I am proud of the Arab-American community's continual efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the community's image and understanding throughout the United States and beyond.

We can all be proud of these efforts. I also take pride in the American-Arab Chamber of Commerce's efforts to include the entire spectrum of businesses in Michigan. Members of the chamber of commerce range in size from small entrepreneurial companies to large international corporations, with every individual committed to promoting Michigan's economic vitality. This vibrant community adds a great deal to Michigan, and I am very pleased to have the opportunity to recognize the chamber's efforts.•

BUDGET SCORING OF THE CONFERENCE AGREEMENT ON H.R. 2378

• Mr. DOMENICI. Mr. President, I rise in support of the conference agreement on H.R. 2378, the Treasury and general Government appropriations bill for fiscal year 1998.

This bill provides new budget authority of $25.4 billion and new outlays of $22.5 billion to finance operations of the Department of the Treasury, including the Internal Revenue Service, U.S. Customs Service, Bureau of Alcohol, Tobacco, and Firearms, and the Financial Management Service; as well as the Executive Office of the President, the Office of Personnel Management, the General Services Administration, and other agencies that perform central Government functions.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 302(b) allocation and generally consistent with the bipartisan balanced budget agreement. I also commend the chairman for his strong support of law enforcement, including the Federal Law Enforcement Training Center.

When outlays from prior-year BA and other adjustments are taken into account, the bill totals $25.4 billion in BA and $25.2 billion in outlays. The total bill is $2 million below the Senate subcommittee's 302(b) nondefense discretionary allocation for budget authority and outlays. The bill is at the subcommittee's violent crime trust fund allocation for BA and under its allocation for outlays by $8 million.

Mr. President, I ask to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 2378.

The table follows:

H.R. 2378, TREASURY-POSTAL APPROPRIATIONS, 1998, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 1998, $ millions]

	Defense	Non-defense	Crime	Mandatory	Total
Conference report:					
Budget authority		12,604	131	12,713	25,448
Outlays		12,377	118	12,712	25,207
Senate 302(b) allocation:					
Budget authority		12,606	131	12,713	25,450
Outlays		12,379	126	12,712	25,217
President's request:					
Budget authority		12,960	118	12,713	25,791
Outlays		12,495	105	12,712	25,312
House-passed bill:					
Budget authority		12,401	97	12,713	25,211
Outlays		12,170	94	12,712	24,976
Senate-passed bill:					
Budget authority		12,466	131	12,713	25,310
Outlays		12,268	112	12,712	25,092
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority		−2			−2
Outlays		−2	−8		−10
President's request:					
Budget authority		−356	13		−343
Outlays		−118	13		−105
House-passed bill:					
Budget authority		203	34		237
Outlays		207	24		231
Senate-passed bill:					
Budget authority		138			138
Outlays		109	6		115

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

FOCUS:HOPE'S "WALK 1997"

• Mr. ABRAHAM. Mr. President, I rise today to pay homage to an organization which is working to help create a better America. On Sunday, October 12, Focus:HOPE will hold its annual walk. This walk raises awareness of the community's needs and reaffirms Focus:HOPE's commitment to metropolitan Detroit.

This year has been very challenging for Focus:HOPE. The organization was struck by a terrible tragedy: the loss of Father Cunningham. His passing was a blow to not only the program he founded, but to the entire Detroit community. The dedication and vigor with which he pursued his goal of creating an environment where all people live in harmony was unsurpassed; his optimism and belief in Detroit was overwhelming; faced with the task before him, his spirit remained undaunted. Truly, he was one man who made a difference. This year Focus:HOPE's spirit was shaken and so too were its foundations. Earlier this year, storms swept through metropolitan Detroit, ravaging the area. A tornado sped through the city and left Focus:HOPE's facilities severely damaged in its wake.

Now, Focus:HOPE is rebuilding. Although a great part of Focus:HOPE is gone, Father Cunningham's vision lives on. The many volunteers and supporters walking this year represent a renewed commitment. Sunday will be an occasion for the organization to rededicate itself to helping provide every needy individual with the means to succeed. Over the years, Focus:HOPE has flourished and grown into a shining example of what can be accomplished through dedication and hard work. As much as this occasion is a reflection on the past, it is more appropriately a time to contemplate what the future may hold. The 21st century is drawing near and Focus:HOPE'stands ready to meet all challenges head-on. I am confident this year's walk will inspire people to follow Father Cunningham's lead and help make the city of Detroit, the State of Michigan, and the entire Nation a better place.•

DISTRICT OF COLUMBIA APPROPRIATIONS ACT

Mr. LOTT. Mr. President, in view of the agreement and the effort that has been made by Senator MACK, Senator GRAMM of Texas, and Senator GRAHAM of Florida, they understand they have perhaps worked this issue out but they want to actually get it written up, and they will have it available tomorrow morning. So we believe we can complete action on the District of Columbia appropriations bill tomorrow.

There will be no further votes this evening. The next vote will occur at approximately 12 noon on Wednesday.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

CAMPAIGN FINANCE REFORM

Mr. FAIRCLOTH. Mr. President, there is in this country a need for campaign reform. Something could well be done but the approach from the Clinton-Gore administration is in no way a sincere effort. It is a gossamer facade at reform. In reality, it is nothing more than an attempt to divert people's attention from the flagrant abuses of the campaign finance laws already on the books—laws they have broken on a regular basis.

It takes absolute unmitigated gall for President Clinton and Vice President GORE to talk about campaign finance reform when they cannot and have not obeyed the existing laws. For the President and Vice President to be talking about campaign finance reform, it would be similar to Jesse James leading a crusade for stricter bank robbery laws. They both remind me of two people that have stolen your horses and go flying down the road by your house saying "lock your barn, lock your barn." They have gotten the horses and gone.

The truth is that this is a first step in a liberal effort to get the American taxpayer to pay for political campaigns. It would be a massive mistake to take the electoral process away from the private sector and turn it into another Federal Government bureaucracy. And that is exactly what this bill would do. What they are hoping to do is to make campaigns a public bureaucracy paid for by the taxpayers whether they want to or not. When they talk about campaign finance reform, there is one thing they have in mind: Getting their hands into the public till to pay for their political campaigns.

If you want to see how well public financing works, you can just look at the 1996 Presidential campaign. Have you ever seen a more flagrant disregard for the laws of this country than happened in that? President Clinton and Vice President GORE didn't need to raise money from Buddhist monks, Asian temples, international arms dealers, and the Chinese Government because their general election campaign was already paid for by the American taxpayers. But, no, they were so greedy they had to go everywhere and hunt every illegal contribution they could find.

They wonder why fewer and fewer Americans are checking off the contribution box for the President's election fund on their tax forms. Why check it off? Simply make a trip to the Buddhist temple and fund your own campaign.

The private sector works. If people want to support a candidate with their contributions, they will. But don't force the taxpayers to fund the ideological campaigns of candidates they don't support. And that is exactly where we are heading.

Mr. President, as I said, there is a need for campaign finance reform. I have supported several specific items which I believe could help bring some balance to the system. Indexing contributions would be one. Another is to make sure that workers have an option whether they want to support the union political activities or not. One of the most important things is to protect their paycheck. We need faster and fuller disclosure of contributions, and if we really wanted to do something for campaign finance reform we could go with term limits, if we were really serious about controlling it.

Most importantly, politicians should start obeying the campaign finance laws that are already on the books. Why should we start passing more reform laws when in the past campaign we saw the President and the Vice President break the ones that were there day in and day out. And I am tired of the "everybody did it" excuse that we are hearing out of this administration. Even if that were true, it is time for the President to muster the intestinal fortitude on his own and stop doing it. There is no excuse for him to do it because somebody—they were saying this morning in the hearing—20 years ago did it. He should be responsible for himself.

It is already illegal to accept contributions from foreign countries. Why do we not enforce the existing law rather than going for new ones? Mr. President, we need real campaign finance reform but spare us the moral outrage coming from President Clinton and Vice President GORE. We have enough cynicism in politics as it is now. It is time to end it. It is time for the President and Vice President to take responsibility for their personal actions.

Mr. President, I thank you and I yield the floor.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, OCTOBER 8, 1997

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that when the

Senate completes its business for the day, it stand in adjournment until the hour of 11 a.m. on Wednesday, October 8. I further ask that on Wednesday, immediately following the morning prayer, the routine requests through the morning hour be granted and the hour prior to the cloture vote on S. 25 be equally divided in the usual form and the mandatory quorum under rule XXII be waived.

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

PROGRAM

Mr. FAIRCLOTH. Tomorrow, at 11 a.m., the Senate will begin debate on the motion to invoke cloture on S. 25, the McCain-Feingold finance reform bill. Therefore, the cloture vote will occur at 12 noon tomorrow with the mandatory quorum being waived. Assuming cloture is not invoked, the Senate will then move to proceed to S. 1173, the so-called ISTEA legislation. Hopefully, the Senate will be able to make good progress on that legislation with votes occurring Wednesday afternoon on the ISTEA bill. As previously announced, the Senate may also consider any appropriate conference reports that may be available.

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.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. FAIRCLOTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:08 p.m., adjourned until Wednesday, October 8, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 1997:

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD UDNER TITLE 14 UNITED STATES CODE, SECTION 271:

To be lieutenant commander

THOMAS FLORA, x...
ALFREDO T. SORIANO, x...
WILLIAM E. THOMPSON,
ALLEN B. CLEVELAND, x...
TIMOTHY M. FITZPATRICK, x...
MICHAEL J. KELLY, x...
PETER W. SEAMAN, x...
WILLIAM P. GREEN, x...
JOHN R. TURLEY, x...
MARKUS D. DAUSSES, x...
JOHN L. BRAGAW, x...
GLENN L. GEBELLE, x...
MICHAEL S. SABELLICO, x...
LAURA H. O'HARE, x...
SUSAN K. VUKOVICH, x...
CRAIG O. FOWLER, x...
DANIEL S. CRAMER, x...
JOHN J. METCALF, x...
STEVEN J. REYNOLDS, x...
SEAN M. MAHONEY, x...
KEVIN J. MCKENNA, x...
CHRISTOPHER E. ALEXANDER, x...
JAMES W. SEBASTIAN, x...
HAN KIM, x...
PHYLLIS E. BLANTON, x...
ANDREW C. PALMIOTTO, x...
MATTHEW K. CREELMAN, x...
CALEB CORSON, x...
MARCH H. NGUYEN, x...
CYNTHIA L. STOWE, x...
CHARLES JENNINGS, x...
MARY J. SOHLBERG, x...
JOHN F. MALONEY, x...
CRAIG T. HOSKINS, x...
JAMES P. MCLEOD, x...
RAYMOND D. HUNT, x...
KENNETH V. FORDHAM, x...
JON S. KELLAMS, x...
KEITH M. SMITH, x...
DONNA L. COTTRELL, x...
JAMES W. CROWE, x...
PETER D. CONLEY, x...
KELLY L. KACHELE, x...
SCOTT A. BUTTRICK, x...
JANET R. FLOREY, x...
MELISSA A. BULKLEY, x...
JAMES H. WHITEHEAD, x...
WILLIAM R. KELLY, x...
JASON LYUKE, x...
JOHN M. DANAHER, x...
JOHN E. BORIS, x...
MARK D. BERKELEY, x...
RICHARD A. SANDOVAL, x...
CHARLES M. GREENE, x...
BRIAN P. HALL, x...
ERIC P. CHRISTENSEN, x...
RONALD J. HAAS, x...
MARK D. WALLACE, x...
MATTHEW C. STANLEY, x...
FRANK G. DELEON, x...
ROD D. LUBASKY, x...
DARCY D. GUYANT, x...
PERRY S. HUEY, x...
DONALD F. POTTER, x...
KEVIN M. BALDERSON, x...
PATRICK FLYNN, x...
WAYNE A. STACEY, x...
PATRICK G. MCLAUGHLIN, x...
WAYNE C. CONNER, x...
JEFFREY S. PHELPS, x...
MICHAEL G. BLOOM, x...
ROGER D. MASON, x...
MICHAEL W. DUGGAN, x...
BRUCE E. GRAHAM, x...
LAMBERTO D. SAZON, x...
HENRY D. KOCEVAR, x...
BRUCE D. HENSON, x...
SEAN A. MCBREARTY, x...
ROBERT C. WILSON, x...
GARY L. BRUCE, x...
JIM L. MUNRO, x...
KEVIN P. FROST, x...
ROBERT D. KIRK, x...
WILLIAM L. STINEHOUR, x...
SCOTT B. VARCO, x...
DAWAYNE R. PENBERTHY, x...
KEITH R. BILLS, x...
RICHARD K. WOOLFORD, x...
TIMOTHY A. ORNER, x...
DOUGLAS M. GORDON, x...
JAMES D. JENKINS, x...
LARRY D. BOWLING, x...
DREW J. TROUSDELL, x...
SCOTT W. BORNEMANN, x...
PAUL A. TITCOMBE, x...
WILLIAM M. DRELLING, x...
KRISTIN A. WILLIAMS, x...
JOHN E. HURST, x...
KEVIN D. CAMP, x...
STEVEN W. POORE, x...
ARTHUR R. THOMAS, x...
THOMAS E. CAFFERTY, x...
JEFFREY A. REEVES, x...
RONALD L. HENSEL, x...
MARC P. LEBEAU, x...
BARRY O. ARNOLD, x...
SAMUEL SHORT, x...
GARY E. BRACKEN, x...
DAVID C. HARATT, x...
RICHARD T. GATLIN, x...
JOSEPH P. KELLY, x...
ERIC V. WALTERS, x...
COREY J. JONES, x...
MICHAEL J. BOSLEY, x...
ROGER R. LAFERRIERE, x...
JOHN G. KEETON, x...
ROBERT S. YOUNG, x...
JOHN J. DOLAN, x...
ALAN W. CARVER, x...
LEONARD C. GREIG, x...
DAVID A. WALKER, x...
DAVID L. HARTLEY, x...
MICHAEL A. MEGAN, x...
WILLIAM J. BOEH, x...
STEWART M. DIETRICK, x...
THOMAS TARDIBUONO, x...
JOHN E. SOUZA, x...
TIMOTHY J. HEITSCH, x...
JULIE A. GAHN, x...
DONALD E. CULKIN, x...
BYRON L. BLACK, x...
JAMES E. HANZALIK, x...
KURT A. SEBASTIAN, x...
GREGORY J. SANIAL, x...
FRANK R. PARKER, x...
JOHN A. HEALY, x...
TINA L. BURKE, x...
JOHN D. WOOD, x...
JAN M. JOHNSON, x...
TIMOTHY G. STUEVE, x...
KEITH A. RUSSELL, x...
JOHN F. MORIARTY, x...
MICHAEL P. RYAN, x...
JOHN B. SULLIVAN, x...
LARRY R. KENNEDY, x...
ROBERT P. HAYES, x...
STUART L. LEBRUSKA, x...
CHRISTOPHER J. MEADE, x...
CHARLES A. RICHARDS, x...
DONALD JILLSON, x...
CHARLES E. RAWSON, x...
JANET E. STEVENS, x...
CHRISTOPHER D. NICHOLS, x...
JOEL D. SLOTTEN, x...
DOMINIC DIBARI, x...
STEPHEN P. CZERWONKA, x...
KURT C. OBRIEN, x...
ROBERT T. MCCARTHY, x...
KEVIN P. FREEMAN, x...
JOEL D. DOLBECK, x...
RICHARD D. FONTANA, x...
SEAN M. BURKE, x...
EDGARS A. AUZENBERGS, x...
JOEL D. MAGNUSSEN, x...
MICHAEL J. LOPEZ, x...
THOMAS F. RYAN, x...
ALAN N. ARSENAULT, x...
PETER N. DECOLA, x...
THOMAS G. NELSON, x...
JAMES CARLSON, x...
PHILIP J. SKOWRONEK, x...
PAT DEQUATTRO, x...
DAVID M. DERMANELIAN, x...
AUSTIN J. GOULD, x...
STEPHEN M. SABELLICO, x...
ANDY J. FORDHAM, x...
SCOTT D. PISEL, x...
LAURENCE J. PREVOST, x...
JOSEPH M. PESCI, x...
CHARLES L. CASHIN, x...
JESSE K. MOORE, x...
GLENN M. SULMASY, x...
MATTHEW J. ZAMARY, x...
ANTHONY S. LLOYD, x...
KIRK A. BARTNIK, x...
WILLIAM J. WOLTER, x...
FRANCIS E. GENCO, x...
DAVID P. CROWLEY, x...
JOSEPH F. HESTER, x...
JOHN C. RENDON, x...
CHARLES S. CAMP, x...
WILLIAM R. MEESE, x...
MICHAEL P. CAROSOTTO, x...
STEVEN A. BANKS, x...
JOSEPH E. MANJONE, x...
TIMOTHY F. PETTEK, x...
KEITH T. WHITEMAN, x...
JAMES E. SCHEYE, x...
JOSEPH E. BALDA, x...
JAMES R. OLIVE, x...
JAMES TABOR, x...
GARY A. CHARBONNEAU, x...
EDWARD J. CUBANSKI, x...
ERIC G. JOHNSON, x...
PATRICK J. MCGUIRE, x...
BRADFORD CLARK, x...
JOSEPH J. LOSCIUTO, x...
VICTORIA A. HUYCK, x...
ROMUALDO DOMINGO, x...
CAMERON T. NARON, x...
JASON A. FOSDICK, x...
ADAM J. SHAW, x...
IAN LIU, x...
PATRICK FOLEY, x...
BASIL F. BROWN, x...
GEORGE M. ZEITLER, x...
CHRISTIAN J. HERZBERGER, x...
ROBERT F. OLSON, x...
MICHAEL Z. ERNESTO, x...
MITCHELL C. EKSTROM, x...
MICHAEL D. CALLAHAN, x...
ROBERT E. STYRON, x...
DOUGLAS M. RUHDE, x...
DARWYN A. WILMOTH, x...
STEVEN M. SHERIDAN, x...
JAMES B. NICHOLSON, x...
JOSEPH L. DUFFY, x...
ROBERT A. LAAHS, x...
CEDRIC A. HUGHES, x...
CARMEN T. LAPKIEWICZ, x...
GLENA T. SANCHEZ, x...
RODERICK D. DAVIS, x...
BRIAN K. GOVE, x...
RUSSELL C. PROCTOR, x...
GERARDO MORGAN, x...
DAVID S. FISH, x...
KEVIN C. BURKE, x...
MICHAEL A. JENDROSSEK, x...

TONY C. CLARK, X...
ROBERT D. PHILLIPS, X...
STEVEN R. SATOR, X...
THEODORE R. SALMON, X...
JASON L. TENGAN, X...
MARK S. RYAN, X...
ROBERT J. GREVE, X...
PETER M. KILFOYLE, X...
BRIAN K. MOORE, X...
WILLIAM F. ADICKES, X...
MARK J. WILBERT, X...
THURMAN T. MAINE, X...
CRAIG A. PETERSEN, X...
ROBERT I. GRIFFIN, X...
DONALD R. LING, X...
JEFFREY S. HUDKINS, X...
MARK J. GANDOLFO, X...
DIRK A. GREENE, X...
DAVID J. ROKES, X...
TODD A. TSCHANNEN, X...
MICHAEL R. OLSON, X...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) IN THE MEDICAL CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 628, 531, AND 3064:

To be lieutenant colonel

REED S. CHRISTENSEN, X...
*THADDEUS J. KROLICKI, X...
*ROBERT W. WILKESON, X...

To be major

RAMCHANDRA J. LAHORI, X...
STEPHEN C. LEE, X...
JAMES E. RAGAN, X...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR ARMY APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 628, AND 531:

To be major

PERRY W. BLACKBURN, JR., X...
*PAUL A. WHITTINGSLOW, X...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant colonel

PAUL D. MCGRAW, X...

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 531 (IDENTIFIED WITH AN ASTERISK) AND X...:

To be lieutenant

*FREDERICK BRASWELL, X...
*KENNETH S. LANE, X...
EDWIN A. THARPE, X...

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant commander

LEIGH P. ACKART, X...
GILBERTO ACOSTA, X...
SALVADOR AGUILERA, X...
MICHAEL T. AKIN, X...
PAUL M. ALEXANDER, X...
DANIEL L. ALLEN, X...
JENNIFER M. ALLEN, X...
KATHRYN A. ALLEN, X...
STEVEN E. ALLEN, X...
DAVID C. ALLISON, X...
LOUIS AMBLARD, X...
PAMELA K. AMBROZ, X...
KARLYNA L. D. ANDERSEN, X...
JAMES J. ANDERSON, X...
THERESA M. ANTOLDI, X...
JOEL M. APIDES, X...
JULIA J. ARCHER, X...
MARC E. A. ARENA, X...
ELLEN A. ARGO, X...
JAMES B. ARON, X...
DALE A. BAKER, X...
RANDY L. BALDWIN, X...
MARILOU P. BARKER, X...
CHRISTOPHER P. BARNES, X...
TIMOTHY D. BARNES, X...
STEVEN M. BARNEY, X...
BENJAMIN J. BARROW, X...
MICHAEL M. BATES, X...
THOMAS E. BATES, X...
KRISTEN M. BATTAGLIA, X...
LAWRENCE L. BATZLOFF, X...
WILLIAM P. BAUGH, X...
LYNN L. BEACH, X...
LUNDY BEARD, X...
JAMES G. BEASLEY, X...
MARGARET S. BEAUBIEN, X...
THOMAS BECKMAN, X...
BORIS S. BELCHOFF, X...
BRYAN L. BELL, X...
DARL V. BELL, X...
THERESA A. BELL, X...
JOHN L. BENDER, X...
JOSEPH A. BERNETSKI, X...
SCOTT A. BERNOTAS, X...
JON BERRY, X...
BRUCE A. BETTS, X...
WALTER S. BEW, X...
MANUEL A. BIADOG, X...
SEAN BIGGERSTAFF, X...
JOSEPH B. BLACKBURN, X...
TAMMY BLANKENSHIP, X...
BARRY R. BLANKFIELD, X...
ALISA J. BLITZSEIBERT, X...
ELDON G. BLOCH, X...
ANGELA J. H. BOATMAN, X...
SUSAN K. BOBO, X...
PATRICK H. BONDAD, X...
SIDNEY L. BOURGEOIS, X...
MARK J. BOURNE, X...
BRENDA F. BRADLEY, X...
DENA A. BRADLEY, X...
JIMMY A. BRADLEY, X...
ROBERT R. BRASWELL, X...
DENISE BREAULT, X...
KEVIN M. BREW, X...
KENNETH J. BROOMER, X...
BENEDICT J. BROWN, X...
CARLOS V. BROWN, X...
PATRICK C. BROWN, X...
PATRICK W. BROWN, X...
FORREST R. BROWNE, III, X...
MARGUERITE D. BRUCE, X...
JOHN D. BRUGHELLI, X...
WILLIAM C. BRUNNER, X...
DORRIE E. BRYSON, X...
FREDERICK F. I. BURGESS, X...
JAMES L. BURK, X...
JOSEPH F. BURKARD, X...
ALAN L. BURLINGAME, II, X...
SUE A. BURNETT, X...
CASEY C. BURNS, X...
MARK L. BURTMAN, X...
STANLEY R. BUSH, X...
MAUREEN R. N. BUTLER, X...
JACK C. CAIN, X...
MARGARET CALLOWAY, X...
JOSEPH A. CAMPBELL, X...
NICHOLAS M. CARDINALE, X...
ROY J. CARLS, X...
BRETT B. CARMICHAEL, X...
WILLIAM S. CARNEVALI, X...
DAVID T. CARPENTER, X...
RONALD K. CARR, X...
KEVIN J. CARRIER, X...
THOMAS P. CARROLL, X...
JOHN J. CARTY, X...
HAROLD H. CASERTA, X...
BROOKS D. CASH, X...
PEDRO L. CASINGAL, JR, X...
ANTHONY P. CATANESE, X...
THOMAS G. CATENA, X...
RODANTE CATUBAY XX...
KEITH C. CELEBREZZE, X...
VIDMANTAS A. CEMARKA, X...
JAY E. CHAMBERS, X...
CONNIE CHAN, X...
MARK K. CHO, X...
STEPHEN L. CHRISTOPHER, X...
MICHAEL A. CIAMPI, X...
GARY B. CLARK, X...
JAMES F. CLEARY, X...
TIMOTHY L. CLENNEY, X...
DAVID W. CLINE, X...
THOMAS R. CLOUTHIER, X...
STEVEN J. COATY, X...
HARRIET E. COFFEY, X...
LINDA J. COLEMAN, X...
SHERI R. COLEMAN, X...
JAMES A. COLLINS, X...
JOHN P. COLMENARES, X...
LINDA A. CONIGLIO, X...
KATHERINE H. CONNOLLY, X...
ALBERT E. COOMBS, X...
CATHERINE S. COPENHAVER, X...
JOHN CORONADO, X...
PATRICIA M. CORSELLO, X...
MICHAEL T. COURIS, X...
ROBERT R. COX, X...
STEPHEN COX, X...
RANDAL B. CRAFT, X...
KEVIN L. CRAIG, X...
TIMOTHY G. CRAVEN, X...
LUZ M. CRELLIN, X...
JAMES R. CRISFIELD, JR, X...
MARK C. CROWELL, X...
RACHELE A. CRUZ, X...
ERIC E. CUNHA, X...
MARK S. CURNOW, X...
DEBORAH A. CURRAN, X...
SCOTT A. CURTICE, X...
DALE P. CURTIS, X...
ERIC W. CZANDER, X...
RHODEL F. DACANAY, X...
MASON X. DANG, X...
ELIZABETH A. DANIS, X...
TIMOTHY M. DANNEMILLER, X...
AGNES G. DAVID, X...
ANDREW M. DAVIDSON, X...
GREGORY W. DAVIS, X...
SUBRATO J. DEB, X...
MONTE R. DEBOER, X...
DEBRA A. DELEO, X...
EUGENE D. DELLAMAGGIORE, X...
JULIE D. DELVECCHIO, X...
BRIAN J. DEMASTER, X...
EDWARD A. DEMPSTER, X...
JOHN E. DEORDIO, X...
KRISTI B. DEPPERMAN, X...
JUDITH M. DICKERT, X...
KENNETH DIXON, X...
ROBERT N. DOBBINS, X...
MATTHEW C. DOLAN, X...
REBECCA L. DONALDSON, X...
CHRISTOPHER R. DONOVAN, X...
ANTHONY P. DORAN, X...
CHRISTINE E. DORR, X...
LISA S. DOWNING, X...
GERALD W. DRYDEN, JR, X...
MARIBETH T. DUFFY, X...
LOLA DURHAM, X...
KATHLEEN DURYEA, X...
JEFFREY J. DYER, X...
LAURA M. DYER, X...
TEDDIE L. DYSON, X...
GUS EADY, X...
MARVIN R. EARLES, X...
MATTHEW L. EARLY, X...
WALTER E. EAST, X...
MICHAEL E. EBY, X...
DEMETRI ECONOMOS, X...
BARBARA A. ELKO, X...
JEROME G. ENAD, X...
JOHN W. EPLING, X...
PHILIP J. EVANS, X...
TODD L. EVANS, X...
RONALD D. EVERS, X...
LENORE R. EZERNACK, X...
TED M. FANNING, X...
JACKIE S. FANTES, X...
PETER T. FAVREAU, X...
JASON S. FEINBERG, X...
JOSE J. FERNANDEZ, JR, X...
WENDY C. FEWSTER, X...
DANNY E. FIELD, X...
PAUL E. FINLEY, X...
TERENCE FINNERTY, X...
JEFFREY A. FISCHER, X...
KEVIN FITZPATRICK, X...
JOSEPH W. FLANAGAN, X...
JONATHAN T. FLEENOR, X...
CAROLINE M. FLINT, X...
MARIA C. FLYNN, X...
BRYAN A. FOX, X...
THOMAS C. FRANCHINI, X...
MICHAEL I. FREW, X...
MARK A. FRIEND, X...
DAVID R. FULCHER, X...
CRAIG A. FULTON, X...
LEONARD T. GAINES, X...
ROBERT E. GAINOR, X...
GREGORY GANSER, X...
DARIN S. GARNER, X...
STEPHEN G. GARNER, X...
DANIEL C. GAUGHAN, X...
MICHAEL R. GAURON, X...
JANET M. K. GEHRING, X...
REX W. GERDING, X...
RICHARD R. GESSNER, X...
CHERYL A. GIBSON, X...
KEVIN GILDNER, X...
DANIEL N. GILL, X...
STEPHEN M. GILL, X...
MARK T. GILLAND, X...
MERRILL L. GLADDEN, JR, X...
DANIEL J. GLATT, X...
TODD E. GOODE, X...
BRIAN M. GOODWIN, X...
SCOTT H. GOODWIN, X...
KELVIN J. GOODWINE, X...
MATTHEW O. GOTCH, X...
WILLIAM R. GRAF, X...
KARIS K. GRAHAM, X...
JOHN C. GRAVES, X...
WALTER M. GREENHALGH, X...
JIMMIE S. GRIFFEA, X...
JAMES M. GRIMES, X...
JOHN L. GRIMWOOD, X...
MARGARET M. GRISSINGER, X...
JOHN C. GROESCHEL, X...
KURT E. GRUNAWALT, X...
RODNEY L. GUNNING, X...
PAUL E. GUTT, X...
MICHAEL N. HABIBE, X...
BRADLEY H. HAJDIK, X...
BEVERLY HALL, X...
KRIS B. HALL, X...
MICHAEL A. HALL, X...
CRAIG S. HAMER, X...
JADA L. HAMILTON, X...
KEITHE A. HANLEY, X...
DOUGLAS W. HANNA, X...
MICHAEL S. HANSEN, X...
GERALYN A. HARADON, X...
ERIC P. HARDEE, X...
JOHN V. HARMON, X...
DENISE Y. HARRINGTON, X...
ROBERT A. HARRIS, X...
GREGORY W. HARSHBERGER, X...
SHEHERAZAD A. HARTZELL, X...

WILLIAM P. HAYES, X...
WILLIAM R. HAYES, X...
CHARLES K. HEAD, X...
MARJORIE F. HEBERLE, X...
DANIEL J. HEBERT, X...
PENNY M. HEISLER, X...
JAMES D. HELLAUER, X...
MICHAEL N. HENDEE, X...
CHRISTOPHER C. HENDERSON, X...
JENIFER L. HENDERSON, X...
ERROL D. HENRIQUES, X...
JOHN M. HERNANDEZ, X...
JOY M. HERNANDEZHORTON, X...
JAVIER HERRERA, X...
THOMAS D. HICKEY, X...
THOMAS E. HICKEY, X...
JAMES F. HILES, III, X...
JAMES M. HILL, X...
MARY C. HILTON, X...
KEVIN W. HINSON, X...
SCOTT HINTON, X...
CHARLES C. HOFF, X...
WILLIAM K. HOLLAND, X...
HARNATH C. HOLMES, X...
ANTHONY R. HOOVLER, X...
MICHAEL T. HOPKINS, X...
MARY C. L. HORRIGAN, X...
LILY X. HOU, X...
RAYMOND G. HOULE, X...
MARK H. HOVATTER, X...
MARCUS H. HOWELL, X...
CHARLES R. HOWSARE, X...
DAVID R. HOYT, X...
FRANK J. HRUSKA, X...
JENNIFER A. HUEBNER, X...
DONALD S. HUGHES, X...
WALTER B. HULL, X...
JOHN F. HUNT, X...
ROBERT J. HUNT, X...
THANH T. HUYNH, X...
JOEL INMAN, X...
MARK R. IPPOLITO, X...
CURTIS M. IRBY, X...
GILLIAN V. JAEGER, X...
JULIE A. JARVIS, X...
M. Z. JASSER, X...
ELESIA M. JEMISON, X...
ROBERT M. JENNINGS, X...
JAMES JOHNSON, JR., X...
LAURENCE C. JOHNSON, X...
MARILANNE JOHNSON, X...
PETER M. JOHNSON, X...
RANDALL G. JOHNSON, X...
CHRISTINE M. JOLLY, X...
GREGORY W. JONES, X...
SHERRY K. JONES, X...
TAMMY C. JONES, X...
BENJAMIN W. JORDAN, X...
STANLEY J. JOSSELL, X...
MILAN J. JUGAN, JR., X...
RICHARD D. KACERE, X...
ALEXANDER J. KALLEN, X...
KENN K. KANESHIRO, X...
FREDERICK C. KASS, X...
SARA M. KASS, X...
KIMBERLY M. KAUFFMAN, X...
NINA L. KAZEROONI, X...
THOMAS J. KEANE, X...
DAVID J. KEBLISH, X...
FRANCES G. KELLER, X...
FREDERIC J. KELLEY, III, X...
EDWARD W. KELLY, X...
JOHN S. KENNEDY, X...
TINA L. KEY, X...
PAUL C. KIAMOS, X...
BARBARA J. KINCADE, X...
KRISTIAN J. KINEL, X...
KEVIN L. KLETTE, X...
MARK A. KOBELJA, X...
JOSEPH J. KOCHAN, III, X...
TADEUSZ J. KOCHEL, X...
RONALD J. KOCHER, X...
PETER H. KOPFER, X...
KAREN J. KOPMANN, X...
PATRICK M. KORTEBEIN, X...
ERNEST P. KOTSOS, X...
TODD M. KRAFT, X...
WILLIAM K. KREBS, X...
MATTHEW L. KRONISCH, X...
DAVID G. KUPKOWSKI, X...
WILLIAM E. KUTZERA, X...
CHARLES S. KUZMA, X...
GREGORY L. LABENZ, X...
CARLA R. LAMB, X...
JOSEPH M. LARA, X...
PATRICK R. LARABY, X...
CATHY T. LARRIMORE, X...
THOMAS R. LATENDRESSE, X...
JOSEPH T. LAVAN, X...
PATRICK L. LAWSON, X...
RANDAL K. LEBLANC, X...
JEFFREY S. LECLAIRE, X...
JONATHAN Y. LEE, X...
NORMAN LEE, X...
PATRICIA LEE, X...
JOHN W. LEFAVOUR, X...
PAUL H. LENTO, X...
SCHALK J. LEONARD, X...
WILLIAM J. LEONARD, JR., X...
THOMAS A. LEONG, X...
SHARRON A. LEWIS, X...
JAMES R. LIBERKO, X...
CON Y. LING, X...
GLENN J. LINTZ, X...
FRANCESCA K. LITOW, X...
DAVID P. LONCARICH, X...
DONALD A. LONERGAN, X...
ROGER D. LORD, X...
MICHAEL J. LOUTHAN, X...
ANN M. LUCAS, X...
ANNA W. LUCAS, X...
STACEY L. LUDLOW, X...
PATRICK F. LUEDTKE, X...
JOSEPH P. LUKASIEWICZ, X...
THOMAS C. LUKE, X...
MARY A. MACY, X...
RICHARD N. MAENHARDT, X...
JASON D. MAGUIRE, X...
RICHARD T. MAHON, X...
GERARD J. MAHONEY, X...
ROBERT R. MAIN, X...
WILLIAM W. MAK, X...
MARTIN A. MAKELA, X...
DOUGLAS J. MARSHALL, X...
KEVIN M. MARTIN, X...
THOMAS C. MARTIN, JR., X...
CARLOS J. MARTINEZ, X...
JESUS MARTINEZ, X...
KEVIN J. MASON, X...
MARSHALL L. MASON, III, X...
THERESA M. P. MASON, X...
GARY L. MASTERS, JR., X...
JOHN W. MAURICE, JR., X...
CHRISTOPHER B. MAWN, X...
BRUCE C. MAXWELL, X...
CHRISTOPHER J. MCARTHUR, X...
STACY MCBROOM, X...
MARTIN D. MCCUE, X...
JOHN M. MCCURLEY, X...
DAVID M. MCELWAIN, X...
RONALD C. MCGAUGH, JR., X...
MICHAEL T. MCHALE, X...
GEORGE R. MCKEMEY, X...
DENNIS P. MCKENNA, X...
SHANTHA C. MCKINLAY, X...
JOSEPH P. MCMAHON, II, X...
ELLEN M. MCMANUS, X...
DANIEL A. MCNAIR, X...
JOHN M. MCVEIGH, X...
MICHAEL J. MEDINA, X...
KENNETH J. MELCHIORRE, X...
JAMES J. MENSCHING, X...
JANET L. MENZIE, X...
ROBERT D. MENZIES, X...
BRETT T. METCALF, X...
THOMAS P. MEZZETTI, JR., X...
MICHAEL H. MICHALSKI, JR., X...
MARK E. MICHAUD, X...
CHARLES H. MILLER, IV, X...
JEFFREY S. MILLER, X...
FREDERICK W. MINOR, X...
ALLEN O. MITCHELL, X...
JACK H. MITSTIFER, X...
GORDON E. MODARAI, X...
LUIS M. MOLINA, X...
GEORGE R. MOON, X...
THOMAS F. MOONEY, III, X...
JOLENE M. MOORE, X...
LESLIE A. MOORE, X...
MICHAEL K. MOORE, X...
THOMAS P. MOORE, X...
DONNA M. MORGAN, X...
ROBERT C. MORRIS, X...
CHRISTOPHER S. MOSHER, X...
SHERYL B. MOVSAS, X...
ANDREW B. MUECK, X...
MARK S. MURPHY, X...
MICHAEL B. MURPHY, X...
SCOTT J. MURPHY, X...
MICHAEL J. MURRAY, X...
JOSEPH S. MYERS, JR., X...
MICHAEL A. NACE, X...
JOHN H. NAGELSCHMIDT, X...
HELEN A. NAPIER, X...
WILLIAM C. NASH, X...
KENNETH T. NATIONS, X...
DANIEL X. NESBITT, X...
JOHN B. NEWMAN, X...
WILLIAM C. NEWTON, X...
TRANG D. NGUYEN, X...
SANDOR S. NIEMANN, X...
ANGELA S. NIMMO, X...
GREGORY P. NOONE, X...
ROBIN Y. NOYES, X...
ELVIN R. NUNES, II, X...
ANITA M. NUSBAUM, X...
ROBERT C. NUSBAUM, X...
ROBERT B. OAKELEY, X...
JAMES M. OAKS, X...
KRISTIN L. OAKS, X...
KATHRYN A. OBRIEN, X...
WILLIAM F. OBRIEN, X...
MICHAEL J. ODONOGHUE, JR., X...
CHRISTOPHER OHARA, X...
DAVID A. OLIVER, X...
LORI K. OLIVER, X...
DONALD E. OLOFSSON, X...
DANIEL W. ONEILL, X...
LUIS A. ORTEGA, X...
CHERYL A. OSTROWSKI, X...
MICHAEL OTTNEY, X...
JOSEPH F. PALERMO, X...
DEIDRA R. C. PALMER, X...
JOHN T. PALMER, X...
RICHARD M. PANKO, X...
JOHN J. PAPE, X...
RONALD D. PARKER, X...
GARY V. PASCUA, X...
THERESA M. PASERB, X...
JEANMARIE PATNAUDE, X...
KELLY S. PAUL, X...
RICHARD J. PAVER, X...
VIOLET A. A. PAYNE, X...
ERICK PERROUD, X...
MARIA E. PERRY, X...
DARRYL N. PERSON, X...
TODD B. PETERSON, X...
JOANNE M. PETRELLI, X...
MARK J. PETRUZZIELLO, X...
ROSELLE C. PETTORINO, X...
GARY M. PHILLIPS, X...
BRANT D. PICKRELL, X...
STEPHEN P. PIKE, X...
PAMELA M. PLETCHER, X...
JEFFREY M. PLUMMER, X...
DAVID S. PLURAD, X...
JAMES B. POINDEXTER, III, X...
MARK A. POLCA, X...
ROBERT J. POMPHREY, X...
JOAN POOCHOON, X...
TIMOTHY J. POREA, X...
MAE M. POUGET, X...
THOMAS M. PRATER, X...
KEVIN T. PRINCE, X...
JAMES A. PROTIN, X...
LARRY J. PRUITT, X...
KENNETH G. PUGH, X...
CHARLES T. PULLEN, X...
SALLY R. PULLEN, X...
SCOTT W. PYNE, X...
CHRISTOPHER S. QUARLES, X...
RICHARD D. QUATTRONE, X...
TIMOTHY R. QUINER, X...
JEFFREY D. QUINLAN, X...
JAMES D. RAILEY, X...
ROBERT C. RAYMOND, X...
DON S. RAYMUNDO, X...
LESLIE E. REARDANZ, III, X...
MARK A. REED, X...
WILLIAM J. REED, X...
WILLIAM F. REICH, IV, X...
MICHAEL R. REIDER, X...
RICHARD N. REILLY, X...
EDWARD W. RHOMBERG, X...
RANDY S. RICH, X...
DAWN D. RICHARDSON, X...
MONIQUE R. RICHEY, X...
WILLIAM G. RINCON, X...
JUAN P. RIVERA, X...
STEVEN R. ROBERTS, X...
GARY C. ROBERTSON, X...
DAVID F. ROCKWELL, X...
LAUREN P. RODIER, X...
SHELLY D. ROGERS, X...
STACY J. ROGERS, X...
MENDEZ A. E. ROIS, X...
SALLY A. ROLDAN, X...
BRUCE A. ROLL, X...
MARY A. RONALD, X...
SHARON L. RONCONE, X...
MICHAEL J. ROPIAK, X...
PHILIP G. ROSENBERG, X...
BARBARA C. ROSENTHAL, X...
JASON J. ROSS, X...
MICHAEL B. ROTH, X...
MICHAEL S. ROUNDY, X...
MARY K. RUSHER, X...
JOSEPH F. RUSSELL IV, X...
MICHAEL H. RYAN, X...
ERICA L. SAHLER, X...
NYDIA I. SANCHEZ, X...
JOHN W. SANDERS III, X...
JOHN T. SANTOSALVO, X...
FRANKLIN R. SARRA, JR., X...
ELIZABETH K. SATTER, X...
RICHARD B. SAUL, X...
TROY SAUNDERS, X...
MICHAEL A. SAVANNAH, JR., X...
JOSEPH W. SCHAUBLE, X...
MARY D. SCHETZSLE, X...
BRYAN P. SCHUMACHER, X...
LINWOOD R. SCHWARTZ, X...
CLIFFORD G. SCOTT, X...
DELENE SCRAFFORD, X...
SCOTT M. SEATON, X...
ROBERT E. SEDLACK, X...
PETER W. SEELEY, X...
HELEN N. SEMPIRA, X...
DAVID A. SERAFINI, X...
JAVAID A. SHAD, X...
DAVID G. SHELDON, X...
MICHAEL A. SHERMAN, X...
THOMAS SHIEH, X...
RUSSELL D. SHILLING, X...
JAMES H. SIMON, X...
PAUL E. SIMS, X...
ALLEN J. SKIBBA, X...
WILLIAM T. SKINNER, X...
DOROTHEA A. SLEDGE, X...
STEPHANIE M. SMART, X...
DAVID M. SMITH, X...
GORDON R. SMITH, X...
MARK W. SMITH, X...
SERESE Y. SMITHHAXTON, X...
MARK E. SNIDER, X...
MICHAEL S. SNYDER, X...

KAREN M. SOMERS, x...
PAUL S. SON, x...
THOMAS C. H. SONG, x...
GARY A. SPENCER, x...
ROBERT C. STABLEY, x...
DAVID A. STAHL, x...
PETER G. STAMATOPOULOS, x...
DIANNE STANTONSANCHEZ, x...
J. C. STARK, x...
MITCHELL E. STASHOWER, x...
DICK E. STEARNS III, x...
JULIE A. STENGER, x...
SHEREE D. STEPHENS, x...
CHRISTOPHER A. STEWART, x...
TROND A. STOCKENSTROM, x...
JAMES T. STONE, x...
JASON D. STONER, x...
MICHAEL C. STONER, x...
KARL D. STOUT, JR, x...
MICHAEL J. STRUNC, x...
KEITH A. STUESSI, x...
DAWN E. SULLIVAN, x...
PATRICIA M. SULZBACH, x...
TODD E. SUMNER, x...
JACKELENE SUTTON, x...
STEPHEN A. SZABO, x...
KURT M. TAMARU, x...
DAVID A. TARANTINO, JR, x...
GREGORY J. TARMAN, x...
PAULINE M. TAYLOR, x...
BRADLEY E. TELLEEN, x...
MICHAEL D. THOMAS, x...
WILLIAM C. THOMAS, x...
P. H. G. THOMPSON, x...
STEVEN C. THORNE, x...
JONATHAN S. THOW, x...
TUDOR R. TIEN, x...
ANTHONY L. TIMKO, x...
GREGORY N. TODD, x...
WILLIAM E. TODD, x...
JENNIFER E. TONGEMARTIN, x...
OREN G. TOWNSEND, x...
JOHN M. TRAMONT, x...
DAVID J. TRETTEL, x...
JEFFREY R. TRIMARK, x...
DONALD P. TROAST, x...
SAMUEL K. TSANG, x...
BING S. TSAY, x...
MARK A. ULRICH, x...
GUIDO F. VALDES, x...
JASON L. VANBENNEKOM, x...
ROBERTO S. VASQUEZ, x...
SHARON S. VETTER, x...
JONATHAN H. WAGSHUL, x...
DELANO I. WALTERS, x...
SCOTT S. WANIEWSKI, x...
DAVID C. WARUNEK, x...
DAVID L. WASBERG, x...
MICHAEL A. WEAVER, x...
VICKIE A. WEAVER, x...
PETER WECHGELAER, x...
PETER A. WEISSKOPF, x...
ANN C. WEISZ, x...
MARK W. WERNER, x...
DONNA Y. WESTLAKE, x...
CHRISTOPHER WESTROPP, x...
KEVIN L. WHEELOCK, x...
JAMES H. WHITE, x...
RENEE T. WHITE, x...
EDNA C. WHITMORE, x...
CHRISTOPHER J. WHITNEY, x...
JAMES R. WHITSETT, x...
ANDREW F. WICKARD, x...
MELISSA A. WIGGINS, x...
PERRY N. WILLETTE, x...
DONALD J. WILLIAMS, x...
JAMES O. WILLIAMS, JR, x...
SANDRA F. WILLIAMS, x...
TRACI E. WILLIAMS, x...
BRIAN K. WILLIAMSON, x...
MICHAEL D. WILLIAMSON, x...
PAMELA Y. WILLSBORGSTEDE, x...
MICHAEL J. WILSON, x...
DEBORAH K. WINBURN, x...
JAMES P. WINCELOWICZ, x...
MICHAEL T. WINKLER, x...
LAURA A. WOLFGANG, x...
ROBERT O. WOODBURY, x...
JON S. WOODS, x...
PETER G. WOODSON, x...
YANCY C. YORK, x...
MARY E. YOUNGMAN, x...
MICHAEL A. ZANOLI, x...
ROBERT S. ZARUM, x...
JOHN A. ZULICK, x...

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant

WILLIAM L. ABBOTT, x...
SCOTT R. ADAMS, x...
MICHAEL A. ADRIANO, x...
RONALD L. AKERS, x...
RICHARD M. AMATO, x...
MICHAEL A. AMIG, x...
MARTIN A. ANDERSON, JR, x...
ARTHUR P. ARKO, x...
PETER J. BACHAND, x...
DAVID R. BALLANCE, x...
THOMAS C. BEHNE, x...
NONITO V. BLAS, x...
KARL J. BLAU, xx...
JAMES B. BLEAKLEY, x...
ROGER J. BROUILLET, x...
ALEX S. BROWN, x...
HOMER W. BUCKNER, x...
LAWRENCE C. CALLAHAN, x...
DENNIS L. CAMERON, x...
JERRY M. CARR, x...
TERRY V. CARROLL, x...
BARBARA A. CARTER, x...
PAUL C. CATOE, x...
GREGORY N. CHANDLER, x...
JERRY T. CHAPMON, x...
JERRY D. CHASE, x...
QUIRION CHRISTIAN, x...
TIMOTHY J. COCHRAN, x...
FRANK T. COGSWELL, x...
JOHN C. COLUCCI, x...
JAMES CONLEY, JR, x...
MICHAEL C. CONTONI, x...
THOMAS R. CORLEY, x...
JOHN E. CROSS, x...
DAVID A. DEARMAN, x...
JOHN F. DEDITIUS, x...
CHARLES A. DENNIS, x...
MARK P. DITTIG, x...
JOHN M. DOGGETT, x...
ROBERT J. DOHENY, x...
KENNETH P. DONALDSON, x...
ROBERT C. DOTSON, x...
RICHARD C. DUNAWAY, x...
GARRY S. DUNCAN, x...
DAVID A. DYMARCIK, x...
GREGORY T. ECKERT, x...
WILLIAM C. ECKES, x...
KEVIN L. ECKMANN, x...
DION J. EDON, x...
STEVEN J. EISENHAUER, x...
DAVID H. ELLER, x...
JEFFREY A. ELLIOTT, x...
ROBERT W. ESCHNER, x...
ROBERT R. FARMER, x...
MICHAEL P. FEELEY, x...
JOHN K. FERGUSON, x...
THEODORE H. FIEFFER, x...
WILLIAM P. FLINN, x...
YGNACIO V. FLORES, x...
RUSSELL D. FLORESKE, x...
RONALD E. FOUDRAY, x...
MARCIA A. FRITSCH, x...
ROBERT D. FUENTES, x...
GARRETT L. GARDNER, x...
MARK J. GIBSON, x...
GERARD F. GILES, x...
CLAY K. GLASHEEN, x...
HILTON J. GLYNN, x...
MARC D. GREGORY, x...
WALTER L. GRIFFIN, x...
BRUCE A. GRUBB, x...
COLLEEN E. HALLETT, x...
JEFFERY N. HANSON, x...
DAVID W. HARPER, x...
RICHARD F. HART, x...
TODD A. HAYNES, x...
SUSAN L. HENSLEY, x...
CHRISTOPHER A. HERNANDEZ, x...
MARK A. HOCHSTETLER, x...
PATRICK J. HODGSON, x...
CYNTHIA A. HOHWEILER, x...
RONALD J. HOLZMAN, x...
JOHN T. HONEA, x...
JOSEF S. HORAK, x...
RONALD P. HOSKINS, x...
STEVEN D. HULL, x...
GREGORY S. IRETON, x...
WILLIAM R. JOHNSON, x...
LAWRENCE A. JONES, x...
WILLIAM JONES, x...
MARK H. JORDEN, x...
HERBERT G. KAATZ, x...
GEORGE F. KELLY, x...
TRENT A. KERBS, x...
REBECCA L. KIRK, x...
EDWARD M. KNODLE, x...
DONALD J. KOBIEC, x...
LARRY G. KRULL, x...
GARY C. KYTE, x...
GEORGE C. LAFEMINA, x...
BRET R. LANCASTER, x...
MICHAEL D. LANTHORN, x...
MICHAEL LAPRADE, x...
WILLIAM S. LASKY, x...
CHRISTOPHER T. LESTER, x...
ERIC C. LEWIS, x...
KELVIN M. LEWIS, x...
GREGORY P. LIED, x...
MICHAEL A. LILE, x...
JOHN M. LOTH, x...
SCOTT B. LYONS, x...
JAMES W. MACEY, x...
ANNE E. MACFARLANE, x...
CRAIG T. MAJOR, x...
MANUEL S. MARGUY, x...
ROBERT B. MARRS, x...
ANTHONY S. MARTIN, x...
KELLY J. MATTESON, x...
MATTHEW M. MAURER, x...
MARTIN P. MCCABE, x...
JOHN D. MCCANN, x...
CHRIS E. MCDANIEL, x...
STEPHANIA Y. MCGARITY, x...
ROBERT E. MERCER, x...
DARRELL E. MERON, x...
SEAN M. MERSH, x...
MARK A. MESKIMEN, x...
ANTHONY O. MILLER, x...
PHILLIP G. MILLER, x...
WILLIAM F. MILLER, x...
RICHARD J. MORAWSKI, x...
DENNIS S. MOYER, x...
CHERYL A. MUIRHEAD, x...
STEVEN B. MULESKI, x...
DAVID T. MYATT, x...
GARY W. MYERS, x...
MICHAEL NIXON, x...
SCOTT E. NORR, x...
MARIAN S. OGRADY, x...
ROLANDO OLIVAS, x...
KEVIN R. OLSON, x...
JEFFREY M. PAFFORD, x...
RONNIE PARKS, x...
JAMES M. PARTICKA, x...
MICHAEL G. PASQUARETTE, x...
MOYNE J. PATTERSON, x...
RUSSELL L. PEACOCK, x...
THOMAS A. PETRELLA, x...
VICTORIA J. PHELPS, x...
DAVID L. POWELL, x...
THOMAS E. POWERS, x...
WILLIAM M. PRESCOTT, x...
ROBERT L. RAINES, x...
KEITH W. RANSOM, x...
RONALD L. REID, x...
PAUL K. REMICK, x...
JAMES A. ROBERTS, x...
MARK H. ROBERTSON, x...
THOMAS A. RODDY, x...
STEPHEN P. RODES, x...
CAITLIN G. ROOT, x...
BRADLEY J. SCHWAKE, x...
WILLIAM J. SCOGGIN, x...
MICHAEL A. SCOTT, x...
GERALD A. SHEALEY, x...
RICHARD T. SHELAR, x...
VINCENT S. SIEVERT, x...
SCOTT D. SILK, x...
ERIC J. SIMON, x...
MICHAEL G. SMITH, x...
REMBRANDT V. SMITH, x...
ROBERT E. SMITHBERGER, x...
JERRY M. SOLICH, x...
THOMAS G. SPANGLER, x...
EDWARD A. SPURLIN, x...
PETER J. STEVENS, JR., x...
JOHN M. STEVENSON, x...
RICHARD M. STEWART, x...
HILARY STROSE, x...
RANDY S. TANNER, x...
FRANKLIN R. TAYLOR, x...
ROY A. TELLER, x...
GREGORY A. TESCHNER, x...
MCDONALD THOMAS, x...
EDWARD S. THOMPSON, x...
DIANE E. TINKER, x...
MICHAEL B. TOMBLIN, x...
ROBERT J. TRAYNOR, x...
DENNIS B. TROUT, x...
ROBERT K. TUCKER, x...
JAMES P. TURNER, x...
STEVEN J. URSO, x...
ALEXANDER VANWORMER, x...
EFRAIN VELAZQUEZ, x...
MATTHEW W. VINCENT, x...
GLENN A. VOPPER, x...
TIMOTHY P. WADLEY, x...
TERRY P. WALDENMAIER, x...
SCOTT A. WALKER, x...
TIMOTHY J. WALTERS, x...
JOHN C. WANACHECK II, x...
DAVID S. WARNER, x...
RONALD T. WASHINGTON, x...
BRYAN F. WATTS, x...
LAURA A. WENDEL, x...
RAY R. WETMORE, JR, x...
DONALDSON E. WICKENS, x...
JURGEN H. WIESE, x...
JIMMY N. WILLIAMS, x...
WILLIAM A. WILLIAMS, x...
BARRY E. WISDOM, x...
JEFFREY N. WOOD, x...
ALLEN W. WOOTEN, x...
THERESA E. WRIGHT, x...
DONALD L. YOUNG, x...
STEVEN D. ZIEGLER, x...

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 5721:

To be lieutenant commander

WILLIAM B. ALLEN, x...
DANIEL D. ARENSMEYER, x...
KENNETH G. BECK, x...
MARK D. BEHNING, x...
CRAIG R. BLAKELY, x...
DAVID C. BORAH, x...
LEONARD H. BORGDORFF, x...
DENNIS R. BOYER, x...
WOODS R. BROWN, x...

ANTONIO J. CARDOSO, X...
ROBERT J. CLARK, X...
JOHN R. CRAIG, X...
JOHN H. CUNNINGHAM, X...
EUGENE J. DOYLE, X...
SEAN T. EPPERSON, X...
KEVIN S. FORD, X...
BRYAN P. FRATELLO, X...
BARRY J. GITTLEMAN, X...
JOHN R. GORMAN, X...
THOMAS C. GRAVES, X...
DANIEL P. HENDERSON, X...
MATTHEW HERMSTEDT, X...
EDWARD L. HERRINGTON, X...
WILLIAM J. HOUSTON, X...
JAMES H. JONES, X...
DAVID A. JULIAN, X...
FREDERICK A. KOONEY, X...
ERIC L. LONBORG, X...
PERRY L. MCDOWELL, X...
DARREN J. MCGLYNN, X...
JOHN P. MCGRATH, X...
TYLER L. MEADOR, X...
MARK V. METZGER, X...
JOHN C. MOHN, JR, X...
SANTOS L. MOLINA, X...
JOHN T. MYERS, X...
JAMES R. NELSON, X...
SCOTT W. PAPPANO, X...
EDWARD A. PITTMAN, X...
BRIAN D. ROTH, X...
JOHN A. SAGER, X...
DOUGLAS A. SAMPSON, X...
GEORGE B. SAROCH, X...
THOMAS A. SCHARES, X...
JAMES C. SEALS, X...
WILLIAM B. SEAMAN, X...
JAMES W. SKINNER, X...
MICHAEL J. SOWA, X...
JAMES L. SPENCER, X...
WILLIAMS R. STEVENSON, X...
MICHAEL J. TAYLOR, X...
DAVID W. WARNER, X...
JAMES P. WATERS, X...

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant colonel

REBECCA G. ABRAHAM, X...
CHARLES E. ACREE, X...
KELLY M. ADAMS, X...
TERRY R. ADLER, X...
RICARDO AGUILAR, X...
JOHN J. AHERN, X...
FRANK ALBANESE, X...
JAMES V. ALDERMAN, X...
SCOTT C. ALEXANDER, X...
EDGAR ALICEAORTIZ, X...
ALETA S. ALLEN, X...
STEPHEN F. ALLTOP, X...
PATRICK A. ALMAZAR, X...
ANDREW C. ALPAUGH, X...
DOUGLAS H. ALSTON, X...
KURT S. ANDERS, X...
NIELS T. ANDERSEN, X...
ALAN K. ANDERSON, X...
BRYAN K. ANDERSON, X...
LISA M. ANDERSON, X...
JOSEPH O. ANDREWS, X...
MICHAEL ANGLEY, X...
MARK ANTHONY, X...
GLEN A. APGAR, X...
HAROLD J. ARATA, III, X...
ROBERT A. ARBACH, X...
CHIC A. AREY, X...
THOMAS ARKO, X...
JONATHAN A. ARNOLD, X...
TIMOTHY D. ARRINGTON, X...
THOMAS A. ARTIS, X...
CARLOS V. ARVIZU, X...
STEVEN V. AUCHTER, X...
ROGER P. AUSTIFF, X...
JOHN C. AUTEN, X...
JOHN F. AYMONIN, X...
ALAN E. BABCOCK, X...
GARRY C. BACCUS, X...
DANIEL D. BADGER, JR, X...
FREDERICK L. BAEDKE, X...
LAURELL BAEZ, X...
OCTAVIO NMI BAEZ, JR, X...
STEVEN A. BAGNASCHI, X...
HOWARD B. BAKER, X...
STEVEN F. BAKER, X...
TODD J. BALAWAJDER, X...
STEVEN A. BALDOCK, X...
DAVID S. BALLARD, X...
GUILLERMO B. BALMASEDA, X...
MICHAEL S. BALOG, X...
DANIEL C. BANKS, X...
ERIC A. BANKS, X...
MARTIN D. BANNON, X...
MARK JOSEPH BARNABO, X...
RICHARD D. BARTHOLOMEW, X...
MICHAEL L. BARTLEY, X...
RICHARD R. BASKIN, X...
DIANNA J. BATCHELOR, X...
JERRY L. BATEMAN, JR, X...
GLENN C. BAUGHER, X...
WILLIAM H. BAUMAN, III, X...
GREGORY M. BAYLEY, X...
MICHAEL O. BEALE, X...
CHARLES M. BEARD, X...
THOMAS J. BEATTIE, X...
STEVEN J. BEATTY, X...
ROBERT D. BECERRA, X...
KARL H. BECKER, X...
DENNIS J. BEERS, X...
EDWARD N. BEERY, X...
JEFFERY A. BELL, X...
ROBERT F. BELLACICCO, X...
THOMAS L. BELLNOSKI, X...
ROBERT S. BELLOMY, X...
GARY C. BENDER, X...
JOSEPH T. BENDER, X...
RALPH K. BENDER, X...
DALE P. BENEDETTI, X...
GORDON R. BENNETT, X...
BRYAN J. BENSON, X...
MICHAEL P. BENSON, X...
EDWARD J. BERGEMANN, X...
DANIEL E. BERGERON, X...
WILLIAM J. BERNARD, X...
LOUIS A. BERRENA, X...
ALAN T. BERRYMAN, X...
BRUCE R. BEVILLE, X...
LARRY W. BEWARD, X...
HAROLD W. BIDLACK, X...
THOMAS W. BILLICK, X...
DENNIS C. BILLIG, X...
PHILLIP E. BINGMAN, X...
CHRISTOPHER P. BISGROVE, X...
JONATHAN E. BITLER, X...
LANE S. BITTICK, X...
KIM R. BJERKEBEK, X...
MATTHEW T. BLACK, X...
ERIC L. BLACKMON, X...
LEMOYNE F. BLACKSHEAR, X...
MARY W. BLACKWELL, X...
LARRY R. BLADES, X...
RANDY L. BLAISDELL, X...
CAROLYN M. BLALOCK, X...
MICHAEL S. BLAND, X...
EDWIN K. BLASI, X...
ROBERT G. BLEDSOE, X...
GRACE M. BLEVINSHOLMAN, X...
JODIE L. BLISS, X...
KENNETT G. BLOCK, X...
ROLAND J. BLOOM, X...
MICHAEL J. BLOOMFIELD, X...
BRIAN W. BOARDMAN, X...
BRENDA J. BOBBITT, X...
LOUIS G. BOCHAIN, X...
JOHN A. BOCKHOLD, X...
CHRISTOPHER C. BOGDAN, X...
HELEN A. BOHN, X...
GLYN F. BOLASKY, X...
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TIMOTHY M. BOUDREAUX, X...
GREGG B. BOURKE, X...
DANIEL J. BOURSON, X...
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JOHN M. BOWERS, X...
CHRISTOPHER W. BOWMAN, X...
PAUL A. BOWMAN, X...
JOHN P. BOYLAN, X...
ROBERT M. BOZUNG, X...
JOHN L. BRAINERD, X...
GARY A. BRAND, X...
LORRIE L. P. BRANTLEY, X...
LEANN D. BRASURE, X...
LLOYD W. BRASURE, X...
KENNETH E. BRAY, X...
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JOHN E. BRENCE, X...
WILLIAM P. BRIDGES, X...
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ANDREW J. BRITSCHGI, X...
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TIMOTHY R. BRITT, X...
JERRY BROOKS, X...
EDWARD D. BROWN, X...
MARIAN J. BROWN, X...
ROBERT L. BROWN, X...
RONALD G. BROWN, X...
SCOT C. BROWN, X...
SCOTT W. BROWN, X...
CHRISTOPHER M. BROYHILL, X...
NORMAN J. BROZENICK, JR, X...
STEPHEN M. BRUMMOND, X...
JOHN A. BRUNDERMAN, X...
KENNETH A. BRUNER, X...
JOHN S. BRUNHAVER, X...
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JAN M. BRUNS, X...
OLIVER L. BRYANT, JR, X...
CURTIS L. BUCKLES, X...
ARNOLD W. BUNCH, JR, X...
LARRY E. BUNTING, X...
DARRYL R. BURGAN, X...
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TIM R. BURKES, X...
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JAY S. CARLSON, X...
CHARLES R. CARR, X...
DAVID B. CARR, X...
DAVID W. CARR, X...
STEPHEN S. CARR, X...
RUSSELL L. CARRAWAY, X...
MARVIN D. CARROLL, X...
VERONIQUE M. D. CARSTENS, X...
RONNIE CARVER, X...
JOHN D. CASEY, X...
JOHN C. CASSERINO, X...
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GIL V. CASTILLO, X...
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WILLIAM J. CHANGOSE, X...
DONALD R. CHAPMAN, JR, X...
RAYMOND J. CHAPMAN, X...
WILLIAM G. CHAPMAN, X...
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JOHN S. CLARK, JR, X...
LEO T. CLARK, X...
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PATRICK A. COE, X...
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RANDALL G. COLEMAN, X...
CHRISTOPHER E. COLEY, X...
JOSE R. COLL, X...
JAMES M. COLLINS, X...
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VINCENT J. CONSTANTINO, X...
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GREGORY P. COOK, X...
TIMOTHY M. COOK, X...
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MICHAEL A. CORBETT, X...
MARIA L. CORDERO, X...
DAVID C. CORDON, X...
JOHN T. CORRIGAN, X...
JEFFREY A. CORVEY, X...
RICHARD D. COSGROVE, X...
THOMAS H. COUCH, X...
CRAIG A. COWGILL, X...
MICHAEL A. COX, X...
ROBERT M. COX, X...
SAMUEL D. COX, X...
DANIEL H. CRAFT, X...
MICHAEL D. CRAIG, X...
WILLIAM O. CRAIG, X...
JOHN A. CRAWFORD, X...
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JOHN S. CROW, X...
MILES A. CROWELL, X...
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ELLIOT F. CRUZ, X...
YOLANDA CRUZ, X...
ALEX U. CRUZMARTINEZ, X...
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EDWIN CUNNINGHAM, X...
SUSAN M. CUNNINGHAM, X...
TOBY L. CUNZ, X...
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STEPHEN B. CZERWINSKI, X...

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DIK A. DASO, X...
JOHN F. DAUGHTRY, JR., X...
KEVIN P. DAVIDSON, X...
ROBERT D. DAVIS, III, X...
ROBERT J. DAVIS, X...
BRUCE C. DEARY, X...
ROBERT A. DEASY, III, X...
RICHARD D. DEFRIES, X...
RUSSELL P. DEFUSCO, X...
DENNIS J. DEGRAFF, X...
WILLIAM J. DELEHUNT, X...
WILLIAM G. DENBLEYKER, X...
TODD E. DENNING, X...
JAMES E. DENNIS, X...
STEVEN J. DEPALMER, X...
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MARK L. DEVIRGILIO, X...
BRUCE R. DEWITT, X...
TERRY L. DICKENSHEET, X...
BRIAN D. H. W. DICKERSON, X...
DEREK R. DICKEY, X...
IAN R. DICKINSON, X...
TERESA L. DICKS, X...
ERIC D. DIDOMENICO, X...
MARK L. DIEDRICK, X...
SCOTT A. DINAPOLI, X...
LAURA A. H. DISILVERIO, X...
TERESA AH DJURIC, X...
EUGENE W. DOBRY, JR., X...
PAUL T. DOLSON, X...
BLAKE L. DONALD, X...
MATTHEW J. DORSCHEL, X...
TYRONE DORSEY, X...
MARTIN G. DOURTE, X...
SCOTT M. DOWTY, X...
JAMES J. DREW, X...
JOSEPH D. DRUCTOR, X...
SCOTT B. DUFAUD, X...
DONALD F. DUMAS, X...
ALTON L. DUNHAM II, X...
HELMUT S. DUNLAP, X...
ALBERT G. DUNN, JR., X...
JAMES A. DUNN, X...
THOMAS J. DUPRE, X...
WILLIAM E. DURALL, X...
MATTHEW J. DURHAM, X...
JAMES E. EDGE, X...
MICHAEL D. EDWARDS, X...
THOMAS J. EDWARDS, X...
GEORGE V. EICHELBERGER, X...
JAMES E. EISENHART, X...
DAVID C. EISENSTADT, X...
KIM F. ELLARD, X...
LISA K. ELLARD, X...
MICHAEL D. ELLIS, X...
STEPHEN J. ELLISON, X...
THOMAS F. ELSESSER, X...
TAYLOR C. EMANUEL, X...
JOHN L. EMICH, JR., X...
NELSON W. ENGLISH, X...
MATTHEW C. ENGLUND, X...
JAMES C. EPTING, X...
MICHAEL J. ERICKSEN, X...
RAYMOND W. ERICKSON, JR., X...
STEVEN P. ERNST, X...
DAVID ERTESCHIK, X...
JAMES L. ESOLA, X...
JOHN L. EUNICE III, X...
JAMES J. EVANKO, X...
JOHN W. FAGNANT, X...
STEPHEN C. FAIRBAIRN, X...
ANNE R. FAIRCHILD, X...
MARK J. FARENBAUGH, X...
MARK A. FASSIO, X...
ANTHONY W. FAUGHN, X...
TERRY M. FEATHERSTON, X...
BRIAN C. FENELON, X...
BRYAN S. FERGUSON, X...
JEFFREY B. FETNER, X...
HOWARD P. FIELDS, X...
RICHARD E. FINCH, X...
THOMAS V. FINKE, X...
JAMES L. FITCH, X...
DARYL K. FITZGERALD, X...
MARK P. FITZGERALD, X...
JOHN W. FLADE, X...
WYATT R. FLEMING, X...
JAVIER FLORES, X...
KEVIN A. FOLEY, X...
ROGER A. FOLEY, X...
TERRENCE J. FOLEY, X...
DAVID A. FOLTS, X...
RONALD J. FONTANEZ, X...
GREGORY E. FOO, X...
WAYNE C. FOOTE, X...
DEWEY G. FORD, X...
JOSEPH M. FORD, X...
MICHAEL R. FOWLER, X...
MICHAEL J. FRAHM, X...
MARTIN E. BARTEAU FRANCE, X...
GREGG A. FRANK, X...
RANDAL C. FRANKLIN, X...
WARREN H. FRANKLIN, X...
DAVID T. FREANEY, X...
WALTER E. FRED, X...
NEIL B. FRIEDLI, X...
LINDA K. FRONCZAK, X...
MICHAEL K. FRYE, X...
HERBERT N. FULLER, X...
PAUL A. FULTON, X...
ANN P. FUNK, X...
FRANCIS R. GABRESKI, X...
PAUL A. GACKE, X...
JAMES J. GALLAGHER, X...
JAMES P. GALLOWAY III, X...
CALIXTO M. GARCIA, X...
IGOR J.P. GARDNER, X...
MICHAEL T. GARDNER, X...
ERIC P. GARRISON, X...
GREGG A. GARRISON, X...
WANDA K. GARRITY, X...
ERIC D. GARVIN, X...
JORGE S. GARZA, X...
JOHN J. GASKA, X...
MILO R. GAVIN, X...
PAUL T. GEIER, X...
JOHN P. GEIS II, X...
CHRISTIAN G. GEISEL, X...
JOHN R. GEISSLER, JR., X...
DONALD S. GELOSH, X...
KEITH E. GENTILE, X...
MARK S. GIANNINI, X...
PHILLIP G. GIBBONS, X...
DAVID G. GIBBS, X...
RICHARD F. GIBBS II, X...
TOM GILBERT, X...
VANCE F. GILSTRAP, X...
DORILYNN D. GIMONDO, X...
CRAIG S. GIRARD, X...
LOWELL S. GLOVER, X...
DUANE A. GOEHRING, X...
CAROL V. GOFF, X...
HAROLD R. GOFF, X...
MATTHEW S. GOGAN, X...
JAMES M. GOLASH, X...
ROBERT A. GOLDBERG, X...
JULIA K. GONZALES, X...
WILLIAM GONZALEZ, JR., X...
JOHN PHILLIP GOOD, X...
DAVID E. GOSS, X...
JESSE R. GOSSNER, X...
LESTER O. GRADY, JR., X...
JUDY M. GRAFFIS, X...
KENNETH C. GREEN, X...
ERIC GREENBLATT, X...
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RODERICK I. GREGORY, X...
MARK W. GREISING, X...
ALAIN M. GRIFFIN, X...
BOBBIE L. GRIFFIN, JR., X...
NATALIE A. GROSEK, X...
KENNETH P. GROSSELIN, JR., X...
RONALD A. GRUNDMAN, X...
GLEN E. GULLEKSON, X...
JOHN D. GYTRI, X...
MORRIS E. HAASE, X...
STEVEN L. HACK, X...
MICHAEL H. HACKETT, JR., X...
MARK E. HACKLER, X...
STEVEN M. HADFIELD, X...
DAVID L. HAFICH, X...
CHARLES E. HAINES, X...
RICHARD A. HAIR, X...
CHRISTOPHER B. HALE, X...
THELMA R. HALES, X...
BRIAN K. HALL, X...
BYRON E. HALL, X...
RANDALL D. HALL, X...
ROGER L. HALL, X...
ERIC V. HALMON, X...
DONALD J. HALPIN, X...
CHARLES A. HAMILTON, X...
ROBERT E. HAMM, JR., X...
HARVEY L. HAMMOND, JR., X...
DEXTER R. HANDY, X...
RUSSELL J. HANDY, X...
DONA J. HANLEY, X...
PHILLIP C. HANNAH, JR., X...
JEFFREY A. HANSON, X...
WILLIAM L. G. HARDEN, X...
MICHAEL R. HARGROVE, X...
ROBERT J. HARPER, X...
TIMOTHY A. HARRIS, X...
ROBERT HARRISON, X...
ANTHONY C. HART, X...
CARL J. HARTKE, X...
JAMES W. HARVARD, X...
MARVIN K. HARVEY, JR., X...
WALTER B. HARVEY III, X...
KEN R. HASEGAWA, X...
GREGORY S. HASTY, X...
CASS HATCHER, X...
JAMES C. HATFIELD, X...
TIM HAWES, X...
CLIFTON A. HAYNES, JR., X...
JONATHAN K. HAYWARD, X...
KELLY P. HAZEL, X...
DAVID M. HAZELTON, X...
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CRAIG W. HEISE, X...
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ROBERT J. HENRY, X...
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KENNETH C. HERBERT, X...
WILLIAM E. HERR, X...
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STEPHEN R. HESS, X...
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TROY A. HITHE, X...
PAMELA R.C. HODGE, X...
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JOHNNY R. HORN, X...
WILLIAM T. HORN, X...
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DANA J. HOURIHAN, X...
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DAVE C. HOWE, X...
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ARTHUR F. HUBER II, X...
BENJAMIN C. HUFF, X...
STEPHEN L. HUFFMAN, X...
ARLEY J. HUGGHINS, X...
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CHARLES E. HUGHES, X...
CRAIG A. HUGHES, X...
WILLIAM D. HUGHES III, X...
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JOHN C. JACKSON III, X...
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JEROME M. JANKOWIAK, X...
LEONARD P. JANKOWSKI, X...
DAVID J. JAY, X...
DONALD L. JENKINS, JR., X...
EDWARD T. JESPERSEN, X...
DREW D. JETER, X...
GLEN G. JOERGER, X...
KENNETH J. JOHNS, X...
BRUCE A. JOHNSON, X...
CHARLES W. JOHNSON, X...
DAVID C. JOHNSON, X...
DORIS A. JOHNSON, X...
JEFFREY R. JOHNSON, X...
LAWRENCE M. JOHNSON III, X...
PAUL T. JOHNSON, X...
THOMAS E. JOHNSON, X...
SAMUEL C. JOHNSTON, X...
GERARD JOLIVETTE, X...
CAROL ANN JONES, X...
STEPHEN M. JONES, X...
MARK H. JORDAN, X...
MARTHA K. JORDAN, X...
DANIEL O. JOYCE, X...
THOMAS F. JOYCE, X...
GREGORY J. JUDAY, X...
EDWARD P. JUERSIVICH, X...
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MICHELLE S. KALKOWSKI, X...
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KEVIN J. KEEFER, X...
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JON A. KIMMINAU, X...
LELAND W. KINDLE, X...
CHRISTOPHER B. KING, X...
ROBYN M. KING, X...
BRET T. KLASSEN, X...

KURT A. KLAUSNER, X...
KEVIN P. KLINGENBERG, X...
FREDERICK D. KLUG, X...
ANDREW Q. KNAPP, X...
GASTON R. KNIGHT, X...
ALAN P. KNOPF, X...
MARK E. KOECHLE, X...
RICHARD C. KOLOIAN, X...
VENKATRAO KONERU, X...
DOUGLAS J. KOSKI, JR., X...
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JEFFREY KRAUSERT, X...
JOHN P. KROGMAN, X...
MARK F. KRUSAC, X...
MICHAEL KUKULSKI, X...
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MARSHA J. KWOLEK, X...
ROBERT D. LAFEBRE, X...
GARY J. LAMMERS, X...
PAUL S. LAND, X...
DONALD R. LANDING, X...
DAVID A. LANDRY, X...
CHRIS S. LANE, X...
GARY W. LANE, X...
RICHARD A. LANE, X...
JIMMY L. LANGLEY, JR., X...
RICHARD W. LAVERGNE, X...
THOMAS E. LAWRENCE, JR., X...
TIMOTHY S. LEAPTROTT, X...
DANIEL K. LEAR, X...
RODNEY L. LEATHERY, X...
NORMAN R. LECLAIR, X...
CHRISTOPHER B. LECRAW, X...
DAVID S. LEDIN, X...
DAVID C. LEE, X...
TERENCE B. K. LEE, X...
RODERICK W. LEES, X...
DOUGLAS W. LEFFORGE, X...
LEE J. LEHMKUHL, X...
ROXANNE L. LEHR, X...
RICHARD W. LEIBACH, X...
JOHN W. LENT, X...
SHERON R. LEONARD, X...
JOSEPH P. LEPANTO, X...
ROBERT P. LEROUX, X...
MARK J. LEWAKOWSKI, X...
ALFRED M. LEWIS, X...
MICHAEL LEWIS, X...
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JOHN C. LIBURDI, X...
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JOHN S. LILLY, X...
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RODNEY K. H. LIU, X...
DARRELL A. LIVINGSTON, X...
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ROSEMARIE M. LOERAKKER, X...
JEFFREY G. LOFGREN, X...
JAMES C. LONG, X...
JAMES T. LONG, X...
JOHN A. LOPER, X...
KEVIN W. LOPEZ, X...
PAUL M. LOUGHNANE, X...
WILLIAM P. LOVELACE, X...
MARY J. LOWE, X...
ROBERTA R. LOWE, X...
MARC A. LUIKEN, X...
GEOFFREY T. LUM, X...
DONALD A. LUNDIE, X...
TIMOTHY T. LUNDIN, X...
TERRY L. LUST, X...
MICHAEL C. LUTS, X...
RUSSELL T. LUTTON, X...
GREGORY R. LYNCH, X...
KENNETH O. LYNN, X...
MITCHELL S. LYONS, X...
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WILLIAM C. MACKINZIE, III, X...
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GREGORY J. MAIN, X...
SHERMAN A. MALONE, X...
LAWRENCE E. MANNING, JR., X...
LEONARDO J. MANNING, X...
THEODORE J. MANOLAS, JR., X...
MICHAEL A. MARCINIAK, X...
DANE A. MAROLT, X...
DAVID P. MARONE, X...
CALVIN T. MARTIN, X...
EDWARD B. MARTIN, X...
KEVIN L. MARTIN, X...
WILLIAM H. MARTIN, JR., X...
LOUIS J. MARTUCCI, X...
CALVIN B. MASON, X...
ANN M. MATONAK, X...
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BARRY L. MCCALL, X...
EARL V. MCCALLUM, JR., X...
KEVIN P. MCCANDLESS, X...
DAVID R. MCCARTHY, X...
MARK R. MCCAUSLAND, X...
ROBERT S. MCCORMICK, X...
WAYNE L. MCCOY, JR., X...
LINDA K. MCCULLERS, X...
ROBERT K. MCCUTCHEN, JR., X...

JERRY C. MCDANIEL, X...
KENNETH C. MCDANIEL, X...
WILLIAM M. MCDANIEL, X...
JOHN R. MCDONALD, X...
ROBERT F. MCENIRY, X...
ANNE E. MCGEE, X...
RICHARD M. MCGIVERN, X...
MICHAEL A. MCGOVERN, X...
LAMBERT R. MCGRATH, III, X...
GREGORY A. MCINTYRE, X...
WILLIAM L. MCINTYRE, X...
STEVEN E. MCKAY, X...
CYNTHIA A. MCKINLEY, X...
JAMES H. MCKINNEY, JR., X...
JAMES K. MCLAUGHLIN, X...
CHARLES G. MCMILLAN, X...
MICHAEL B. MCMILLAN, X...
BEVERLY Y. MCNAIR, X...
MICHAEL R. MCPHERSON, X...
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JOSEPH MEANS, JR., X...
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ELLEN MERKLE, X...
JOHNNY E. MERRICK, X...
LYNNANNE MERTEN, X...
SAMUEL H. METZLER, X...
KEITH A. MICHEL, X...
MICHELE MIDDLESWORTH, X...
MARK R. MILARDO, X...
FRANK M. MILES, JR., X...
JOHN K. MILKS, X...
DAVID A. MILLER, X...
DENNIS M. MILLER, X...
JOEL E. MILLER, X...
MARCUS S. MILLER, X...
MARK A. MILLER, X...
SCOTT A. MILLER, X...
STEVEN F. MILLER, X...
KENNETH D. MILLS, X...
WILLIAM H. MILTON, X...
TIMOTHY R. MINISH, X...
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MICHAEL J. MIXON, X...
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STEVEN J. MOES, X...
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JAMES P. MOLLOY, X...
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TODD L. MONTGOMERY, X...
GREGG MONTIJO, X...
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CHRISTOPHER L. MOORE, X...
DAVID A. MOORE, X...
MICHAEL A. MORABITO, X...
LEWIS C. MORANT, X...
MICHAEL J. MORGAN, X...
WILLIAM A. MORGAN, X...
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DAVID NEGRON, JR., X...
ANGELA NELSON, X...
DEAN A. NELSON, X...
DOUGLAS A. NELSON, X...
ERIC G. NELSON, X...
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RANDY E. NELSON, X...
SYLVIA S. NELSON, X...
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ROXANN A. OYLER, X...
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LOWELL B. PECK, X...
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JOSEPH PELCHAR, X...
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JOSEPH A. PERDUE, X...
GEORGE PERKINS, X...
MARK C. PERKINS, X...
JOHN J. PERLEONI, X...
PHILLIP L. PERRY, X...
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ALAN B. PETERSON, X...
RANDALL C. PETERSON, X...
WILLIAM E. PETERSON, X...
WILLIAM J. PFAU, X...
EDWARD J. PHILLIPS, X...
THERESA MARY PHILLIPS, X...
HOSEA L. PICKETT, X...
STEVEN A. PIETRUSZKA, X...
ANTHONY S. PINO, X...
ALFRED L. PITTS, X...
DAVID E. PLANT, X...
JONATHAN H. PLOTT, X...
NICOLE H. PLOURDE, X...
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JAMES P. PLYLER, X...
JAMES B. POCOCK, X...
ROBERT D. POLLOCK, X...
ROBERT N. POLUMBO, X...
GARY W. POND, X...
BILL POPE, X...
MARK A. POPE, X...
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GLENDA P. RAICHLEN, X...
DOUGLAS J. RAILEY, JR., X...
LEONARD H. RAK, X...
LUIS A. RAMIREZ, X...
LOUIS G. RANHOFER, JR., X...
CHARLES P. RAUPACH, X...
SHIRLEY A. RAWLS, X...
STEVENSON L. RAY, X...
MICHAEL K. REAGAN, X...
TIMOTHY P. REAGAN, X...
NORMAN W. REECE, X...
BRUCE A. REED, X...
DOUGLAS J. REED, X...
ROBERT E. REHBEIN, X...
JOSEPH L. REHM, X...
RICHARD B. REHS, X...
JACK L. REIMANN, X...
JERRY RENNE, X...
LARRY L. REXFORD, X...
CURTIS R. REYNOLDS, X...
RICHARD A. REYNOLDS, X...
PATRICK L. RHODE, X...
WILLIAM H. RHODES, JR., X...
DON K. RHUDY, X...
ROBERT E. RICCI, X...

DAVID L. RICHARDS, X...
CAROLYN E. RICHARDSON, X...
EDDIE L. RICHARDSON, X...
JOHN C. RILEY, X...
TIMOTHY J. RINCON, X...
TIMOTHY P. RINGDAHL, X...
DENEAN P. RIVERA, X...
HECTOR V. RIVERA, X...
TINA G. RIZZO, X...
LARRY E. ROAN, X...
DARRYL L. ROBERSON, X...
REID A. ROBERTS, X...
WILLIAM E. ROBERTS, III, X...
ALBERT L. ROBERTSON, JR. X...
THOMAS E. ROBICHAU, X...
STEVEN W. ROBINETTE, X...
CHARLES M. ROBINSON, X...
LORI J. ROBINSON, X...
RICHARD A. ROCLEVITCH, X...
JOHN ROGERS, X...
JOSEPH T. ROHRET, X...
MARK A. ROLING, X...
CALVIN J. ROMRELL, X...
SUSAN B. ROSE, X...
TIMOTHY J. ROSE, X...
THOMAS E. ROSENSTEEL, X...
DUANE P. ROSS, X...
RAYMOND J. ROTTMAN, X...
STEVEN A. RUEHL, X...
STEVEN A. RUGGLES, X...
KEVIN E. RUMSEY, X...
GARY W. RUSSELL, X...
JOSEPH D. RUTKOWSKI, X...
COLLEEN M. RYAN, X...
MICHAEL C. RYAN, X...
FREDERIC C. RYDER, X...
RUSSELL E. SACKETT, X...
PAUL D. SADOWSKI, JR. X...
MAURICE E. SALCEDO, X...
DAVID H. SAMMONS, JR. X...
JAMES F. SANDERS, X...
STEPHEN J. SATAVA, X...
MARK T. SATTERLY, X...
DAVID C. SAUTTER, X...
STEPHEN D. SAWYER, X...
JOHN J. SCANLON, X...
LARRY J. SCHAEFER, X...
SCOTT H. SCHAFER, X...
ALFRED C. SCHARFF, X...
FRED S. SCHEPPELE, X...
JOHN M. SCHIAVI, X...
DAVID P. SCHILLER, X...
MAX M. SCHINDLER, X...
THOMAS J. SCHLUCKEBIER, X...
OLIVER E. SCHMOKER, III, X...
CHARLES J. SCHNEIDER, X...
JAMES S. SCHOENEMAN, X...
SHEILA L. SCHROCK, X...
SCOTT G. SCHROEDER, X...
DONALD R. SCHUBACK, JR. X...
PAUL A. SCHUBERT, X...
JOHN F. SCHULTE, X...
BERNARD A. SCHWARTZE, X...
JOSEPH H. SCHWARZ, X...
JAMES A. SCHWINDT, X...
JAMES M. SCIFRES, X...
GEORGE D. SCISS, X...
DAVID A. SCOTT, X...
PAUL L. SCOTT, X...
ROBERT W. SCOTT, X...
REBECCA N. SEEGER, X...
WILLIAM D. SELLERS, X...
RUSSELL J. SEVERINO, JR. X...
JEFFERSON L. SEVERS, X...
LEON A. SHAFER, X...
JAMES D. SHAFFER, X...
ROBERT H. SHAMBLIN, X...
JOHN N. T. SHANAHAN, X...
KENNETH M. SHARPLESS, X...
DEBRA A. SHATTUCK, X...
RICHARD G. SHAUGHNESSY, X...
MARK D. SHEEDY, X...
JOHN J. SHELPMAN, JR, X...
WILLIAM L. SHELTON, JR, X...
MICHAEL M. SHEPARD, X...
SETH D. SHEPHERD, X...
ROBERT S. SHEROUSE, X...
JOHN R. SHROYER, X...
PAUL D. SIEVERT, X...
MICHAEL O. SILAS, X...
KEVIN J. SILVA, X...
ROBERT C. SILVA, X...
MICHAEL A. SILVER, X...
JOHN D. SILVIA, X...
DONALD E. SIMMONS, X...
THOMAS L. SIMPSON, X...
ERIC N. SINGLE, X...
KEITH D. SINGLETON, X...
ROBIN C. SITES, X...
LARRY C. SKOGEN, X...
RANDALL A. SKOV, X...
ALBERT L. SLY, X...
LEONARD C. SMALES, X...
DAVID R. SMITH, X...
GREGORY A. SMITH, X...
HULAND C. SMITH, X...
JAMES E. SMITH, X...
JEFFRY F. SMITH, X...
KENRIC SMITH, X...
KEVIN B. SMITH, X...
STEWART C. SMITH, X...
TIMOTHY J. SMITH, X...
HARRY L. SNODGRASS, X...
WILLIAM R. SNOW, X...
MARK E. SNYDER, X...
JOHN L. SOKOLSKY, X...
DAVID F. SOLOMON, X...
DONALD G. SOMERVILLE, X...
BAXTER L. SOSEBEE, X...
TERENCE J. SPANN, X...
DON W. SPARKS, X...
WILLIAM X. SPEIGHT, JR. X...
MARTIN J. SPITEK, X...
JEFFREY W. SPRAGGINS, X...
ANITA K. SPRINGER, X...
TIMOTHY M. SPRINGER, X...
DANA M. STABIN, X...
KEITH B. STACHOWSKI, X...
ROBERT J. STAIB, X...
ELLEN J. STALEY, X...
ROBERT M. STAMBAUGH, X...
EDWARD M. STANHOUSE, X...
MICHAEL W. STANSBURY, X...
WENDELL T. STAPLER, X...
CLARENCE B. STARK, II, X...
JOHN D. STAUFFER, X...
KERMIT L. STEARNS, II, X...
LARRY STEELE, X...
CAREY A. STEGALL, X...
JOSEPH V. STEPHANS, X...
ERIC J. STEPHEN, X...
WILLIAM D. STEPHENS, X...
GREGORY A. STEVENS, X...
ROBERT K. STITH, X...
GREG J. STOCK, X...
LOWELL J. STOCKMAN, X...
MICHAEL R. STOCKWELL, X...
RALPH O. STOFFLER, X...
RICHARD E. STONE, X...
KURT A. STONEROCK, X...
BRIAN W. STORCK, X...
MICHAEL S. STOUGH, X...
ROBERT A. STOWE, X...
ROBERT L. STRADFORD, X...
DAVID A. STRAND, X...
JOHN R. STRASBURGER, II, X...
SUSAN E. STREDNANSKY, X...
XAVIER L. STREETER, X...
PAUL C. STRICKLAND, X...
ANTHONY B. STRINES, X...
ELISABETH J. STRINES, X...
PATRICK A. STROMAN, X...
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CRAIG O. SUTTON, X...
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EDWIN C. SWEDBERG, X...
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CHRISTOPHER L. SWIDER, X...
TERRENCE C. SYKES, X...
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JOHN R. TAYLOR, JR, X...
KERRY W. TAYLOR, X...
TIMOTHY S. TAYLOR, X...
KURT A. TEMPEL, X...
JOSEPH MICHAEL TERRY, X...
DEAN THEODOSAKIS, X...
BOB J. THOMAS, X...
KENNETH L. THOMAS, X...
LEE E. THOMAS, X...
ANTHONY C. THOMPSON, X...
DONALD W. THOMPSON, X...
GEORGE L. THOMPSON, X...
JEFFERY G. THOMPSON, X...
JOHN F. THOMPSON, X...
DAVID W. THORSEN, X...
CARL D. THUNBERG, X...
TERRY D. TICHENOR, X...
ROBERT E. TILLEMA, X...
KELLY TIMMONS, X...
THOMAS L. TINSLEY, X...
STEVEN M. TIPPETS, X...
RICHARD C. TOLLINI, X...
THOMAS G. TOMARAS, X...
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ROBERT R. TOPP, X...
GEORGE TORRES, JR, X...
JUAN TORRES, JR, X...
JOSEPH A. TORSANI, III, X...
THOMAS J. TRASK, X...
KIM C. TRAVER, X...
RUSSELL W. TRAVIS, X...
TIMOTHY N. TRAVIS, X...
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DAVID P. TROTTIER, X...
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WILLIAM D. VALENTI, X...
PAUL A. VALENTIC, X...
BURTON L. VANDENBURG, X...
RICHARD S. VANDERBURGH, X...
DEBORAH S. VANDEVEN, X...
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RICHARD G. VAUGHT, X...
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GREGG K. VERSER, X...
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ERIC VINCENT, X...
STEPHEN W. E. VINCENT, X...
TIMOTHY D. VINOSKI, X...
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GLENN A. WADDELL, X...
MICHAEL F. WAGNER, X...
RONALD J. WAGNER, X...
STEVEN D. WAGNER, X...
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PAUL C. WALKER, X...
TRACEY A. WALKER, X...
ERNEST E. WALLACE, X...
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STEPHEN J. WALSH, X...
RONALD G. WALTERS, X...
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JOHN D. WEIDERT, X...
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JOHN E. WILLIAMS, X...
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MICHAEL P. WINSLOW, X...
DONALD L. WIRTH, X...
RICHARD L. WOJICK, JR, X...
JOHN R. WOODCOCK, X...
ELDON A. WOODIE, X...
JEFFREY S. WOOLSTON, X...
WILLIAM N. WOOTTON, X...
EDWARD G. WORLEY, X...
JOSEPH WOTTON, X...
CELEO WRIGHT, X...
ROBERT F. WRIGHT, JR, X...
DONALD E. WUSSLER, JR, X...
PETER R. WYMAN, X...
CHARLES E. WYNNE, X...
MARK D. YAKABE, X...
GARY E. YALE, X...
SEAN M. YERONICK, X...
STEPHEN M. YOUNG, X...
JEFFREY YUEN, X...
LYNN M. ZABKAR, X...
FELIX A. ZAMBETTI, III, X...
CLIFFORD A. ZAPF, X...
DARRELL P. ZELKO, X...
RICHARD E. ZIEBARTH, X...
DAVID W. ZIEGLER, X...
DAVID A. ZIOMEK, X...
ROBERT J. ZYRIEK, II, X...

HOUSE OF REPRESENTATIVES—*Tuesday, October 7, 1997*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. PACKARD].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 7, 1997.

I hereby designate the Honorable RON PACKARD to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested.

S. 590. An act to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado; and

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, appoints Charles Terrell, of Massachusetts, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1997.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Massachusetts [Mr. MCGOVERN] for 5 minutes.

THREE CHEERS FOR UNIVERSITY PARK CAMPUS SCHOOL

Mr. MCGOVERN. Mr. Speaker, I wish to share with my colleagues the history of a remarkable school that has just come into being in the Third Congressional District of Massachusetts. It is called the University Park Campus School.

This school, which opened its doors this fall to its first class of seventh graders, is a collaboration between Worcester Public Schools and Clark University, located in the Main South neighborhood of Worcester. Over the next 5 years, the school will expand to cover students in grades 7 through 12 by enrolling a new class of seventh graders each year.

What makes this school so very special? First, Clark University has guaranteed every student who enters and completes University Park Campus School and then passes Clark University's entrance requirement will be able to attend Clark University for 4 years tuition free. That is right, tuition free. Clark University is promising these seventh graders a college education if they study hard and complete the 5-year program of University Park Campus School.

The University Park Campus School is a college preparatory school for neighborhood students, predominantly at-risk, underprepared students. Many had the dream of going to college, but never thought that dream could be achieved. Several other students and their families never even began to dream until Worcester Public Schools and Clark University presented them with this magnificent opportunity.

This year, 35 students were chosen from 60 applicants. Academic standing was not considered in the application process. What mattered most was a commitment to learning, judged from an essay written by the students, letters of recommendation from teachers, and promises from parents or guardians to be closely involved. Students also had to commit themselves to putting in a longer school day and more homework time 4 days a week. On the fifth day students will be involved in community service and special seminars.

The small student-teacher ratio and the involvement of Clark University faculty and students will provide these young people with the very best of quality education.

Now, I have visited University Park Campus School and I am here to tell you that these kids, who are entering the first seventh-grade class, are really excited about going to college and achieving the American dream of a good education and good job. They are committed to this program, their families are committed to becoming active and involved in this school, and the community is committed to the success of each and every one of these students.

Recently I met with Donna Rodrigues, the school coordinator, and the school's two teachers, Dermot Shea and June Eressy. After talking with them, I have no doubt about the abilities of these educators to help make these children's dreams come true. Clark University faculty, who come from a host of different disciplines, may be involved in these students' education for as long as 10 years, from seventh grade through college, providing academic and professional support and mentoring that few students receive.

University Park Campus School, however, was once only a dream, a dream in the mind and heart of Clark University President Richard Traina. President Traina found an able partner in Jim Garvey, superintendent of Worcester public schools, and together they turned this dream into a reality. Planning for this school was made possible as part of a Federal grant from the U.S. Department of Housing and Urban Development to promote the redevelopment of the Main South neighborhood. Enthusiastic support from Worcester Public School Committee, the neighborhood surrounding the university, and the campus community, have brought all the pieces together.

Perhaps we should never have doubted that this innovative school could be built and operated in Worcester innercity. After all, 87 percent of all kids eligible to attend Worcester public schools do attend public schools. That is because Superintendent Garvey has made a commitment to bring quality education to all Worcester's children.

I hope others will follow the model of University Park Campus School. Here is a university that is giving back to the community that supports it. Here is a public school system committed to bring quality education to all Worcester's children, and here are students and parents who are encouraged to set their expectations at the very highest level.

Can you imagine walking into an innercity seventh-grade classroom where every single student is talking to you about how they are going to college and what they are going to choose as their major?

Mr. Speaker, I wish every one of my colleagues could meet these students and faculty members. I invite my colleagues to visit Worcester and University Park Campus School, truly a model for public education that we can all praise and support.

Mr. Speaker, I include the following materials on the University Park Campus School.

UNIVERSITY PARK CAMPUS SCHOOL—THE SCHOOL WITH A PROMISE

(By Donna Rodrigues)

After phone calls, brochures, visits to elementary feeder schools, family informational meetings, and personal interviews with 35 families and children, I proudly present University Park Campus School's Class of 2003 to you. You will find quotes from family members and children that I found irresistible on the sides of each page.

THE PROCESS

The school day for UPCS is longer than any other school in Worcester, and reflects best thought from practice and research. Children will attend school from 7:45 to 4:00 for four days per week, with an optional 4:00–5:00 homework center available during which time "Big Kids" from Clark may tutor and serve as mentors. The fifth day, designed with two large three hour blocks of time, we integrate community service and special seminars into the curriculum, and will begin at 8:30 and end at 3:00. Teachers will see fewer students for longer periods of time. The last hour of each day will be devoted to what was learned that day, with some students needing remediation and others acceleration.

A PREREQUISITE: FAMILY INVOLVEMENT

Children from the neighborhood did not have to take an entrance exam nor were their test scores or grades analyzed before admittance, but they did have to attend an informational meeting with their parents and/or guardians.

Sarah Lawrence Lightfoot said that "children bring their families to school with them," and that they did during our informational meetings. The first of four family informational meetings brought 75 adults with 25 children to the Lurie Room at Clark University. Generations filled the room to hear about the "new school." The more I spoke about high academic expectations, hours of homework, and shutting off the television to read, the more families shook their heads in agreement and nudged their children. I told them that this was not a school for everyone, it is a school for those who want to make a commitment to their education, a school with promise, one made by Clark University for the possibility of free tuition, and one made by UPCS to prepare these children for the demands of a four year competitive college or university.

COLLABORATIONS WIN-WIN

As news of UPCS spread throughout the Clark campus, professors and students approached Donna Rodrigues to discuss the school and possible connections. The Special Seminar arrangements we made turned out to be equally beneficial to Clark and UPCS. It appears that many Clark students can benefit from experience with younger children to broaden their resumes.

Theater and film students need experience producing and directing younger children for job experience; education students need to observe best practice and work with exceptional mentor teachers; education students, with provisional certification, in the Masters Program will be able to realize a "Ted Sizer dream" of a year long site-based program; foreign language students will be able to increase their conversational skills by conversing with native speakers; psychology students will be able to be involved in a sustained mentoring program; community service projects at Clark have a new meaning; and UPCS students and families will provide a wealth of information about the neighborhood.

UPCS also has collaborations planned with: University of Massachusetts Medical Center Pipeline; Worcester Foundation for Biomedical Research; Broad Meadow Brook Farm; New England Science Center; Worcester Art Museum; State initiatives: PALMS, CUSER; PACE at Harvard University; Northeastern University RESEED Program; and Sturbridge Village.

EXCELLENCE BEGINS IN THIS COMMUNITY

What Makes the University Park Campus School Unique?

A College Preparatory school for neighborhood students; predominately "at-risk," underprepared students.

A school culture that emphasizes "respect and responsibility" and strong ties to the Main South community—all students participate in community service/research internships.

Radically redesigned school schedule and pacing of the day; organization of core academic material into 2 large academic blocks—Humanities and Math/Science.

Opportunities for teachers to know their students well—teachers teach fewer students over the course of the day and over multiple years, and meet with small "advisory/tutorial" groups everyday.

Sustained intellectual partnerships with Clark faculty and students—through guest lectures, "special seminars," and a program supporting Clark students to serve as tutors and coreseachers, as part of their undergradute and graduate preparation.

A school culture that emphasizes "effort" over "ability": multiple second chances and opportunities for academic support (Homework Center, after-school program, summer courses).

High standards and performance-based exit requirements for each two year "stage," with the expectation that some students will take longer and need more support to meet the performance and content knowledge requirements.

Emphasis on teacher as intellectual, researcher and educational leader, with time built into each school day for reflection, collaboration with fellow teachers and Clark faculty and students, and on-going research.

Demonstration/Teaching school—a resource for the entire Worcester Public School community.

Innovative pedagogy promoting a strategic mix of "hands-on," inquiry based learning and more traditional, "direct instruction."

Strong emphasis on "basic," enabling skills (mathematics, reading/writing, analysis, the use of multi-media technologies for research and communication) in combination with sustained, interdisciplinary investigations.

Innovative assessment plan—emphasizing developmental assessment (with clear, public standards and rubrics) for students and parents coupled with strict exit requirements requiring content and process mastery (demonstrated through exhibitions, examinations, and projects—all standards and tests designed to be "taught to").

Active "test preparation" for all standardized tests (MCAS, PSATs, SATs, etc.) that students will be expected to take.

Thoughtful approach to conferencing with parents, teachers, and students—twice a year, using assessment plan to build home/school partnership.

QUOTES FROM STUDENTS SELECTED FOR UPCS—UNEDITED EXCERPTS FROM STUDENT'S APPLICATION ESSAY

"One of the reasons I want to attend this school is I want to be a somebody and the only way that you can be a somebody is to have a excellent and brillent egecation. My mom also wants to be a part of it and I think that it will help me and my mom learn more about others. I also want to be in a safe environment not to worry about people asking to try drugs or be in a gang."—Michael Donnelly, 6th Grader, Heard Street School.

"I would appreciate very much if I could get the opportunity to go to UPCS. I think I'll do a lot better in a smaller class. Going to a University has been my one dream, and without an EDUCATION there is no room in this world and no career for me. If given this opportunity I'll assure you that I will be the best and brightest boy in your school. I was born in St. Lucia a Caribbean Island. I could remember 6 years ago, my first day in Worcester, my mother pointed out to me. This is the university I want you to go too. All I knew that coming to America was coming for an education, because my grand parents was so excited since I will be their first grand son with the college education. They believe in me and I believe in myself. I want to make them proud of me."—Neal Kangal, 6th Grader, Goddard School.

"I think that it's going to be wonderful because their's going to be a lot of help for kids that need it. Because I'm one of those kids who needs a lot of help. Signing off"—Danielle Chase, 6th Grader, Canterbury Street School.

"I think that it is a great learning opportunity. Because when I start high school I need to think about my future to go to college and become a writer. To me a neighborhood should be a place where you can feel safe. Like you can trust people around you."—Taryn Kodel, 6th Grader, Gates Lane School.

QUOTES FROM PARENTS OF SELECTED STUDENTS OF UPCS—EXCERPTS FROM UPCS BROCHURE: FAMILIES OF THE CLASS OF 2003

"You're giving my girls a future—one I never could give them. I work ten hours a day, and I can't make ends meet."—A Father.

"I grew up in this neighborhood, and I always thought that I would work at the Foundry. They called 21 of us into the office, and 3 kept their jobs, the ones that could use the computer. At 50, I had no job, no choices, no options . . . no computer or academic skills. Now I take courses here at Clark with my 24-year-old daughter. I want my son to go to this school (UPCS). I want him to have choices."—A Father.

"Please tell me again that this is really true—it's too good for me—I've never been picked for anything good."—A Father.

"I got goose bumps when you were talking about the school. I couldn't believe it."—A Grandmother.

TRIBUTE TO THE PROMISE KEEPERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized

during morning hour debates for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I rise this morning to pay special tribute to a group of people that were in this town this weekend, a large group of people, the Promise Keepers.

They were in town, a large group, predominantly men, but there were some women there too, to recommit themselves to their faith in God and to the most important things in their lives here, and that is their families.

When I watched the media and the media treatment of this particular event, I could not help but think back to when I first entered into politics myself. With no political experience or background behind me, I went into politics thinking that if we talked about our faith in God and our commitment to our family and our commitment to our country, and what a great country it was, where you could start a business in the basement of our home and build that business because of the opportunities that exist here, build that business into a company that provided job opportunities for 250 people, I thought that was what was right and good about this great Nation that we live in.

When I went into politics, I learned that they treated the business success, they said well, that makes you rich and therefore you are a bad guy. Even though the business started in the basement of the house and we busted our tails and did what this great country is all about, built that business from the ground up to provide job opportunities for our people, they twisted that around.

When they learned of a faith in God and a commitment to family, well, they twisted that around too and started using names like "right wing radical." Well, if right wing radical means that you are committed to your faith and God and you are committed very strongly to your family, and if you believe in this great country we live in that if people work hard you should have an opportunity to start a business in the basement of your home and build it, well, then so be it, and let us hope the whole country is right wing radical, because that is what made America great in the first place.

I brought with me this morning all seven promises that the Promise Keepers make, because sometimes in the media this stuff gets twisted around, so I thought I would read all seven of them this morning. Here are the promises, the seven promises of a Promise Keeper, the people that were here this weekend.

Number 1, a Promise Keeper is committed to honor Jesus Christ through worship, prayer, and obedience to God's word in the power of the Holy Spirit.

Number 2, a Promise Keeper is committed to pursue vital relationships with a few other men, understanding that he needs brothers to help him keep his promises, promises being the faith.

Number 3, and here is one that they like to twist around, No. 3, a Promise Keeper is committed to practice spiritual, moral, ethical, and sexual purity. That is, the husbands that were here are committed to their wives and their families.

Let me read No. 3 one more time, because I think it is extremely important. A Promise Keeper is committed to practice spiritual, moral, ethical, and sexual purity.

Number 4, a Promise Keeper is committed to build strong marriages and families through love, protection, and Biblical values.

Number 5, a Promise Keeper is committed to support the mission of his church by honoring and praying for his pastor and by actively giving his time and resources.

Number 6, a Promise Keeper is committed to reach beyond any racial and denominational barriers to demonstrate the power of Biblical unity.

Number 7, a Promise Keeper is committed to influence his world, being obedient to the Great Command and the Great Commission, the Great Command being in Mark 12:30–31, and the Great Commission is found in Matthew 28:19–20.

Now, I have just read the entire commitment of the people that were here in Washington this weekend, and again I refer to some of the press coverage of this, where instead of treating it as people who were sincerely committed to what made America the greatest Nation in the world in the first place, a commitment to faith, the freedom to worship in our country as we see fit and appropriate in our lives, a commitment to our families, knowing that a husband and wife raising children is what is great in this country and what has built this country and been the backbone of America, and an understanding that in this great Nation that we live in we have the opportunity to start a business in the basement of a home and build that business through hard work and effort into something that provides job opportunities to lots of people.

Well, after two races which we lost and getting beat up over these very issues, I have come back to the conclusion that in fact these are the right values for the future of this country, and I sincerely hope that the other people in America will come back to the conclusion that a commitment to a faith in God, a commitment to our families, and an understanding that, with hard work, in America the opportunity to get ahead and live the American dream is still here, I hope those are the values that we carry forward from our generation to the next generation.

THANKING CONGRESS FOR USING D.C. STUDENT INTERNS IN SEPTEMBER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor today to sincerely thank Members of the House and Senate for affording the opportunity for 254 high school students to participate as volunteer interns in 175 of your offices during the first 3 weeks of September when D.C. schools were closed for roof repairs. I want especially to thank the gentlewoman from the Virgin Islands, Ms. DONNA CHRISTIAN-GREEN, the gentleman from Pennsylvania, Mr. TOM FOGLIETTA, and the gentlewoman from California, Ms. JANE HARMAN, who not only accepted interns in their office, but who also have themselves come to the floor to speak of their experience with our students and to commend the young people. I will include for the RECORD their statements and other materials from this experience.

Congress was due back at the same time the schools were due to open in the District. General Julius Becton and other school officials tried desperately to find ways to get schools open, but an extraordinarily rigid and restrictive court ruling made this impossible. Shortly before we were due back, it became clear to me that all options had been exhausted. With only a few days to go before September 2, the day school was to open, my staff and I got to work to recruit Members to accept interns.

My first "Dear Colleague" produced an immediate response of 20 Representatives and Senators and the numbers mounted quickly with each "Dear Colleague." The Speaker also generously sent his own "Dear Colleague." Initially using an application process, we had only a handful of students. I then put aside this process. With the energetic help of at-large board of education member Tonya Kinlow, we went straight to the source. We enlisted principals to call some of these students directly. On September 2, we had so many students that we had to give each student a number and some had to be called by phone at home as our own phone calls to Members of the House and Senate produced more places.

Ultimately, we placed every student within a couple of days. These students found universal receptivity among Members of the House and Senate, for which I am very grateful. Throughout the 3-week period, I was constantly stopped by Members and staff members who heaped praise on these youngsters. The D.C. students they said were very helpful in assisting with many significant tasks. They spoke of the energy, enthusiasm, hard work, and collegiality of the students. Some Members

have already invited students to continue to work in their offices.

Not every Member could accommodate a student for a longer period. However, I have been encouraged by this experience to establish a permanent D.C. congressional intern program. The program will be flexible to meet the needs of Members and to give students what many regard as a rich, once in a lifetime chance, to work here with us in the House and in the Senate.

Mr. Speaker, through the brief intern program, Members got to see District residents in a way that is seldom available. These students were not the District government or even the District. These were young people, the young people I feel very fortunate to represent. Because of your gracious generosity, these D.C. high school students put a new face on the District of Columbia. They are our best face. I hope you will keep these bright young faces in mind when the D.C. Congressional High School Intern Program comes knocking.

Mr. Speaker, I include the following for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 20, 1997.

HOST A D.C. STUDENT AS A VOLUNTEER IN YOUR OFFICE

DEAR COLLEAGUE: Please join me in hosting a student from the District of Columbia school system as an intern in your office for about three weeks from September 2 to September 22. Because funds to fix school roofs became available so late, school opening has had to be pushed back. Therefore, hundreds of junior high and high school students are in need of work opportunities and are willing to volunteer in congressional offices during this period. I am asking for your help in keeping these youngsters off the streets and giving them something to do.

Whether simply "shadowing" a staffer or doing tasks in a congressional office, you would be offering a wonderful opportunity which District youngsters would appreciate to see how the legislative process actually works first hand. Given the incredibly busy nature of our offices, there are probably a number of tasks on which a young person could assist your staff. Students would be available to work whatever number of hours each day you decide.

Please host a student for this three-week period. Please RSVP to me or Kirra Jarratt in my office at 5-8050 to host a student or to get more information.

Sincerely,

ELEANOR HOLMES NORTON.

[Release of August 21, 1997]

HOUSE AND SENATE MEMBERS RESPOND TO NORTON CALL TO HOST A D.C. STUDENT DURING ROOF REPAIRS

WASHINGTON, D.C.—Congresswoman Eleanor Holmes Norton (D-D.C.) has already received more than 20 calls from the offices of Members of the House and Senate in response to her "Dear Colleague" letter sent yesterday encouraging them to host a D.C. student while school roofs are being repaired. Many have said that they would take two students. In her letter she said: "Whether simply shadowing a staffer or doing tasks in a congressional office, you would be offering a wonderful opportunity, which District youngsters would appreciate, to see how the legislative process actually works first hand. Given the incredibly busy nature of our offices, there are probably a number of tasks on which a young person could assist your staff."

MEMORANDUM OF AUGUST 26, 1997

To: Members of the District of Columbia City Council and Members of the District of Columbia Board of Education

Re: DC Student Volunteers in Congressional Offices

We are recruiting Members of the House and Senate to host senior high school students to volunteer in congressional offices from September 2nd to September 22nd while schools are being repaired. The response has been overwhelming—thus far 50 members of the House and Senate have agreed to host one or two students. However, we need help locating students for this opportunity.

We are working with Board of Education At-Large Member Tonya Kinlow and School Superintendent General Julius Becton's office to administer this program. I would appreciate your forwarding names of interested students you would like to recommend to Tonya Kinlow at 724-4289 (fax 724-2040) or Erin Prangley in my office at 225-8050 (fax 225-3002).

ELEANOR HOLMES NORTON.

[Release of Aug. 28, 1997]

EIGHTY-FIVE MEMBERS OF THE HOUSE AND SENATE WILL HOST D.C. STUDENTS WHILE SCHOOL ROOFS ARE BEING REPAIRED

WASHINGTON, DC.—Congresswoman Eleanor Holmes Norton today announced that eighty Senators and Members of the House of Representatives have agreed to host D.C. high school students in their congressional offices while D.C. schools' roofs being repaired. Orientation for students is Tuesday, September 2 at 9:00 a.m. in the Gold Room (2168) of the Rayburn House Office Building on the corner of South Capitol Street and Independence Avenue, SE.

Because of the short time frame, D.C. high school students who wish to participate are asked to report to the orientation even if they have not yet filled out the application and will be assigned on a first come, first serve basis. At the moment, there are plenty of spaces available. Parents and students should call Congresswoman Eleanor Holmes Norton's office at (202) 225-8050 or Erin Prangley during the evening or weekend at (202) 225-5129 for more information.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 29, 1997.

DEAR COLLEAGUE: 90 House and Senate Members will host D.C. students while school roofs are being repaired from September 2 to September 19.

Have you signed up?

Call Erin Prangley in Congresswoman Norton's office at 5-8050.

Sincerely yours,

ELEANOR HOLMES NORTON.

[Release of Aug. 29, 1997]

SPEAKER NEWT GINGRICH JOINS CONGRESSWOMAN ELEANOR HOLMES NORTON CALLING FOR MEMBERS OF THE HOUSE AND SENATE TO HOST D.C. STUDENTS WHILE SCHOOL ROOFS ARE BEING REPAIRED

WASHINGTON, DC.—Congresswoman Eleanor Holmes Norton today announced that Members of the House and Senate have made available 110 places for D.C. students who will be out of class for most of September while new roofs are being put on D.C. schools. Speaker Newt Gingrich is among the almost 100 members of the House and Senate who have already offered places and have come forward for D.C. students and more are expected. In addition to Norton's "Dear Colleague" letters which have served to recruit the Members who have already volunteered, the Speaker has now sent his own "Dear Colleague" to Member asking them to come on aboard.

D.C. students in or entering senior high school who want to participate in the program should come to orientation on Tuesday, September 2nd at 9:00 a.m. in the Gold Room (Room 2168) of the Rayburn House Office Building located on the corner of South Capitol Street and Independence Avenue, SE. Students will be accommodated on a first come, first serve basis. However, an attempt will be made first to accommodate students who have called Congresswoman Norton's office to reserve a place if they are on time. Following orientation on Tuesday, students will be taken to their assigned offices in the House or Senate.

At the orientation, students will hear from Congresswoman Norton and from the School Board Member with whom she has been working, At-Large School Board Member Tonya Kinlow. Richard Bess, Specialist in American National Government with the Congressional Research Service ("CRS") will talk to the students about the workings of Congress and Mike Fauntroy, Summer Policy Intern from CRS will tell D.C. students what they can expect from their internship experience.

Congresswoman Norton said: "The response from Members of the House and Senate has been nothing short of overwhelming. I believe that it will be beneficial to Members of Congress and their staffs to have contact with D.C. youngsters to get an appreciation for their energy, intelligence and zest for learning. Although our students are Washingtonians, most have little contact with the Congress. I expect that the intern opportunity will be a valuable educational experience."

Parents and students should call Congresswoman Eleanor Holmes Norton's office at (202) 225-8050 or Erin Prangley during the evening or weekend at (202) 225-5129 for more information.

Congresswoman Norton also has a program called D.C. Students at the Capitol ("DCSC") that has had a steady backlog since it began last school year. Teachers bring D.C. students to tour the Capitol, sit in on sessions of the House and Senate as well as a hearing and meet with their congresswoman. Congresswoman Norton's goal is to have every D.C. youngster visit the Capitol as part of this program before graduating from high school. Adult groups also can participate in the program. To make a reservation for DCSC call 783-5065.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 2, 1997.

DEAR COLLEAGUE: Wanted! 100 more Members of House and Senate to host D.C. High School Students until September 19th while D.C. Schools are repaired. These are eager, intelligent, and energetic young people.

This morning 250 Students arrived and we had places for only 170. My special thanks to the 100 Members and Senators who have already volunteered.

For additional information or to volunteer, please call Erin Prangley at 225–8050.

Sincerely,

ELEANOR HOLMES NORTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 2, 1997.

DEAR STUDENT: Thank you for volunteering your time to help in a congressional office. If you take full advantage of this experience, it should be invaluable to you. We are very appreciative that so many Members of the House and Senate have signed up to host D.C. students during this period when school is not open. Please respond by being on time, doing a good job and dressing appropriately every day. I am very proud to represent you in the Congress, and I want my colleagues in Congress to share my enthusiasm about your energy, intelligence, and willingness to work hard.

Although you have been assigned to a Member of the House or Senate, you should feel free to call my office (225–8050) or come by (Longworth 1424) if we can be of any additional assistance to you or simply to say hello.

Sincerely,

ELEANOR HOLMES NORTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 1997.

DEAR STUDENT: Enclosed you will find information on different events being offered this week as a part of the Congressional Black Caucus Foundation Annual Legislative Conference. We encourage you to attend these optional events. Please remember to check with your supervisor before attending any optional programs, as your first responsibility lies with your congressional office duties.

We have also enclosed a form to be completed by those of you who are using this opportunity to complete your community service hours. Please direct any questions regarding this program to the school board at 724–4289. Finally, if your packet includes an application, please complete it and return it to my office at 1424 Longworth or fax it to 225–3002.

Feel free to call my office (225–8050) or come by (1424 Longworth) if we can be of any additional assistance to you or simply to say hello.

Sincerely,

ELEANOR HOLMES NORTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 1997.

MR. SPEAKER: I rise today to commend Tatiana Naboa and Alexander Prince, two young citizens of the District of Columbia, who voluntarily offered their services to my office, through my colleague Representative Eleanor Holmes Norton's Internship Program.

They chose to turn a negative situation into a positive fulfilling experience for themselves and well as my Washington staff. They carried out all tasks assigned to them and was always ready to assist in any way they could.

Tatiana and Alex are products of the much maligned DC school system. Obviously, there are some things wrong, but there are a lot of good things happening to our children when they attend the public schools in the district. From my experience with Tatiana & Alex, I know my colleagues who participated in the Internship program, can support me when I say that the students were respectful, knowledgeable and inquisitive. This can only come through the school's reinforcement of values instilled by their families.

As we go about the daily business of instituting laws for our fellow Americans, we must continue to provide opportunities for our younger Americans. We must give them a reason to accept the challenges they will face, make it meaningful and guide them to become productive members of our society. Tatiana and Alex are shining examples of what is possible.

My staff join me in wishing these two outstanding District of Columbia students continued success in the future.

DONNA M. CHRISTIAN-GREEN,
Member of Congress.

PRAISE OF D.C. HIGH SCHOOL STUDENTS

Ms. HARMAN. Mr. Chairman, I rise today in praise of two outstanding young people who have been interning in my office for two and a half weeks, Christiana Hodge of Eastern High School and Calvin Wingfield of Banneker High School.

Thanks to the internship program for D.C. high school students organized by my colleague, Representative Eleanor Holmes Norton, I have had the pleasure to work with these two bright and dedicated students whose contribution to my office has been invaluable.

Mr. Chairman, I have been so impressed by Christiana and Calvin's willingness to spend three weeks interning on Capitol Hill—and working hard—while waiting for the school year and new challenges to begin. It is my hope that this experience has been as rewarding for them as it has for me.

I know Christiana and Calvin will go far in life, because of their outstanding qualities. I thank them for their help over these past weeks, and I thank Eleanor Holmes Norton for bringing me in contact with them.

CLINTON FOREIGN POLICY STATUS REPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. GOSS] is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Mr. Speaker, the President appears set on establishing a legacy for himself as the 20th century peacemaker. Obviously we applaud that, and as chairman of the House Permanent Subcommittee on Intelligence, of course, I share the goal of improving the peace and security of our global community, and, of course, particularly the United States of America.

But I am concerned there is not enough thought given to such crucial matters in critical places as defining what we mean when we say our national interests. There appears to be precious little long-term planning going on, not enough commitment to understanding exit strategies and contingency plans, things like that that matter. There is no real vision apparently behind this administration's foreign policy; it is day-to-day ad hoc.

Mostly what we see are photo ops, and some of them are the distressing images of our men and women in uniform in harm's way without a clear mission. In Bosnia, for instance, we recently reached an agreement to end funding for the U.S. mission there by June. That would be June of next year. The President could extend the mission if he certified that it was in the national interest, however that might be defined, to do so.

Then, a few days later, NATO and the United States troops we read in the papers unexpectedly seized four television transmitters which had been controlled by the hardliners supporting one of the Bosnian Serb leaders, in this case Radovan Karadzic.

I am troubled that while the administration talks to Congress about wrapping up the mission in Bosnia, it is getting ever more deeply involved in Bosnian politics and affairs, to the point of running the evening news.

What is our mission in Bosnia? Where are we going? Where is this all heading? How much is it going to cost? The Bosnia scenario, though, is unfortunately not an isolated case for this administration. In some respects it reminds me of what has happened in Haiti.

The U.N. mission in Haiti is set to expire on November 30. As that deadline approaches, the administration ought to be talking about ways to get our troops out, to ease the transition, to help the Haitians continue along the path to a stabilized democracy.

Although we have now spent at least $3 billion of United States taxpayers' dollars in Haiti, it is unclear whether anyone has figured out an exit strategy so the Haitian people can get on with running their own country. In fact, I am not sure what we have gotten for that $3 billion.

A number of obstacles to democracy remain in Haiti. Investigations into the various politically motivated murders have not gone forward, and those that were responsible have not been brought to justice. These are political assassinations I am talking about.

Not one state-run industry has begun the privatization process, thus there is no foreign investment in Haiti and the economy is in the basket. The leading force for economic reform, Rosny Smarth, resigned his post as Prime Minister because he was unwilling to certify the April 6 elections for one-third of the Senate and local council. In other words, democracy, the ballot box system, has broken down there. The turnout for the elections, incidentally, was a dismal 5 percent.

Many independent observers have charged the elections were riddled with fraud and significant violations of local law. This is not success. The dispute over these elections is yet to be resolved and Haiti is still without a new prime minister.

Sadly, Jean-Bertrand Aristide, the man U.S. troops restored to power, you will remember, with 20,000 U.S. troops,

is often cited as an obstacle to essential reform these days, and I am not alone in this dire assessment. A leading scholar of Latin America and the Caribbean area has recently stated that "Haitian democracy is heading for a major derailment." Remember, we spent $3 billion trying to ensure Haitian democracy.

I am troubled that this administration still points to Haiti as a foreign policy success. If this is a success, we are going to be in serious trouble in other places.

As the New Republic recently pointed out, "The Clinton Administration has achieved less than it might have and almost nothing irreversible," a euphemism for saying we have struck out.

It is time for the administration to lay out a realistic and workable Haiti policy that takes us beyond the involvement of United States troops and further along the road to true democracy in Haiti, as we have all repeatedly asked.

Mr. Speaker, the Clinton administration has a number of difficult foreign policy questions that need to be addressed. What is happening in the Middle East? We pick up the papers, we see political assassination attempts, we see uproar going on. The peace process is not working, despite the heroic efforts of some of our folks in their shuttle diplomacy. It is just not happening the way it was supposed to.

What about North Korea? That is not an accident waiting to happen; that is an accident that is happening today. People are starving, it is a country that is in another era, and it is not a friend of Western democracy.

Where do we stand in Africa? Here is a whole continent besieged with incredible grievous obstacles to a future, whether it is starvation, chaos, political problems, genocide, whatever we read about every day in the paper.

So, a legacy is more than just photo ops that declare "Peace in our time has arrived." We need some consistent, long-term foreign policy planning at the White House, and a focused look at what our national interests really are in today's world. When we understand that, perhaps we will be able to effectively protect the United States of America and the peace we want for the world.

TRIBUTE TO ORANGE COUNTY, CA HEAD START

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. SANCHEZ] is recognized during morning hour debates for 3 minutes.

Ms. SANCHEZ. Mr. Speaker, the recently passed Labor-HHS appropriations bill will provide some of the most cost effective money our Government can spend to protect the health and welfare of all Americans. I am happy to announce that the Orange County Head Start Program just received $1.3 million in an expansion grant, benefits of the 8-percent increase which the Head Start Program received this year.

This grant will allow additional children to be served through Orange County Head Start programs. Head Start is especially important to me, because I am a Head Start kid. I was one of the first in 1965. My mother and my father, very hard-working parents, working with children and yet below the poverty line, my mother picked up the newspaper one day and read about Head Start and said "This must be a program for Loretta."

I believe that I am the only Head Start kid in Congress. And while I entered that first day into Head Start crying, the fact of the matter was that I learned many things. I learned about peanut butter, I learned about nap time, and, most importantly, I learned how to spell my name and how to speak English.

Head Start helped me to change from a shy, quiet girl, into an inquisitive and eager child, fully prepared to begin kindergarten at the same level as the rest of my classmates. That is why I believe Head Start is one of the best programs that we can help children across the United States with. To this day, Head Start continues to benefit countless children with their mental, their emotional, and their physical development. Head Start also helps families. It helped my mother and my father to understand about parenting, to understand about working with the schools, to understand about helping their children, and they went on to have seven successful college graduated children.

I congratulate Orange County Head Start for their grant award. It is through their efforts that disadvantaged children are getting the Head Start they need.

GLOBAL WARMING: DO NOT OVERREGULATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to address the subject of global warming. Today marks the beginning of the White House Conference on Global Climate, a precursor to the Kyoto Conference in December.

The conference, of course, is expected to highlight the usual rhetoric, that the world is heating up, the ice is melting, the oceans are rising, that doomsday is fast approaching. Reality, however, shows that the global warming is still without accurate data for confirmation.

The great majority of the scientists that the administration parades as proof positive of global warming are not really knowledgeable of atmospheric physics, although some may know a lot about forestry, fisheries or agriculture. In other words, the administration is relying mostly on social scientists, policy experts and government functionaries.

Nevertheless, the White House persists in its claims. In fact, they plan to move towards a costly global climate treaty, armed with questionable United Nations intergovernmental panel information on climate change, the IPCC reports, which make the case that the world is heating up and humans are to blame.

But before we rush to judgment, Mr. Speaker, we should know the facts. The 1995 IPCC report lowered its best estimate for warming by about a third from the 1990 IPCC report. In fact, that shows they were off by one-third. Also, the sea level estimates have been reduced. In the 1970's, scientists estimated a 25-foot rise. Today they estimate a 1.5-foot rise.

Why all the uncertainty? Forecasts of global warming rely on computer models which attempt to simulate the Earth's climate. Climate change proponents have always been quick to point out that the models predict a discernible amount of warming resulting from CO_2 buildup. What they are hesitant to discuss is the relative confidence they have in their own models, and in fact confidence levels are low for two main reasons. One is a lack of computer power.

There are 14 orders of magnitude in the climate system. So far researchers have only been able to model the two largest, the planetary scale and the scale of weather disturbances. To model the third, thunderstorms, would require 1,000 times more computer speed.

Even if researchers could model smaller scales, they would run into the second obstacle, a very sketchy understanding of the Earth's climate. Researchers, for example, are still debating the impact of clouds on the Earth's climate. Until these questions are resolved, it is difficult to build models that make accurate predictions.

Now, many scientists think it will be more than a decade before we have the technology to adequately predict the planet's future. Of course, scientists do accept the existence of a natural greenhouse effect in the atmosphere, which has been known since the 19th century and is not to be confused with any influence from human activity. Another accepted fact is that the greenhouse gasses have been increasing as a consequence of an expanding world population, carbon dioxide from burning fossil fuels, for instance, and methane from raising cattle. But the climate warming of the past 100 years, which occurred mainly before 1940, in no way

supports the results of computer models that predict a drastic future warming.

The pre-1940 warming is likely a natural recovery from a previous natural cooling. Most important though is the fact that weather observations have shown no global warming trend in the past 20 years whatsoever.

The discrepancy between calculated predictions of warming and the actual observations of no warming has produced a crisis for these scientists. Those who want to believe in global warming keep hoping that proof is just around the corner. In the meantime, unfortunately, it is the American taxpayers who will bear the burden of this uncertainty.

Mr. Speaker, let us be careful not to over regulate.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in North Carolina we are pausing this week to draw attention to the need to focus greater efforts on the problem of domestic violence, and this is National Domestic Violence Awareness Month.

Just as we are confronted with the blight of hunger in America, we are faced with the blight of domestic violence, a public and personal health problem. Imagine the incidence of domestic violence in the world if indeed that is the situation that we face in America, that in America some 4 million women are battered every year, every year, one woman every 13 seconds.

It is for that reason the United Nations 4th Conference on Women held in Beijing, China, in September 1995, directly addressed this issue. Violence against women is an obstacle to equality, development, and peace. That was one of the conclusions of the conference.

Another conclusion, violence against women violates both their human rights and their fundamental freedom. Among several other actions to be taken, the conference urged that we condemn violence against women and refrain from invoking any custom, tradition, or religious consideration to avoid our obligation with respect to its elimination.

Being passive in this vital effort is not enough. Merely making the statement that one does not commit domestic violence does not go far enough in solving the problem. We must be proactive. If I may borrow from a well-worn phrase from several decades ago, if you are not part of the solution, you are said to be part of the problem.

Violence against women occurs in nearly every daily area of our lives. Women are assaulted on the street, at workplaces, in schools and campuses. But it has been the hidden violence in the home at times in our Nation that is particularly difficult. It is the hushed tone, it is not acceptable, it is not talked about. But it is now gaining serious and sensible community-wide attention, as it should be.

Today most States now enact some form of domestic violence legislation and the public has now come to understand that it is a problem. As part of the crime bill, Congress passed the Violence Against Women Act. The President created within the Department of Justice the Violence Against Women Office. Significant funding has been directed toward this problem under the Violence Against Women Act.

Still attitudes are slow to change, and much more needs to be done. Victims of domestic violence continue to face an unacceptable gap in legal representation when required to make appearances in key proceedings affecting their personal safety and the safety of their families.

Domestic violence remains a strong risk factor for female homicide. More women are murdered by their husband or their boyfriends than half of them murdered by strangers. Poor women are still far more likely to be victims of domestic violence than other women, and domestic violence endures as the leading cause of injury to women. More women are indeed harmed by domestic violence than all combined, street accidents, automobile accidents, or assault by strangers. More of their friends harm them and their loved ones than strangers do.

The problem of domestic violence also affects rural areas as well as urban areas. Women of all races, social, religious, ethnic, economic groups, all ages are affected by domestic violence.

Once domestic violence occurs, it reoccurs, and often times it escalates. This week and this month will only have meaning if each of us makes a new commitment to take a firm stand and to understand to do something, no matter how small, to help bring an end to the spread of domestic violence.

Changes begin with awareness, but it happens with action. Condemn violence against women and refrain from invoking any custom, tradition, or religious consideration to avoid our obligation with respect to its elimination. On this issue, each of us can be a part of the solution.

CURE FOR SOCIAL SECURITY DILEMMA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. SMITH] is recognized during morning hour debates for 4 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am going to sort of give an hour lecture on Social Security, and I am going to try to do that in 4 minutes.

With these charts, the first chart represents what is going to be happening in Social Security when we have less money coming in in taxes than are required to payout benefits. Since it is a pay-as-you-go system where current taxes immediately go to pay current benefits, and there is no savings or very little savings, it is becoming a bigger and bigger problem.

Look at this chart. A short-term surplus only lasts until 2011, and then the benefits for payouts to retirees are much larger than the taxes coming in. The red on this chart represents what happens to the deficits, how much more money we are going to add to the taxes coming in on Social Security in order to meet the benefit obligations.

You see it goes all the way to $400 billion a year. There has been a lot of talk about if we just would keep the cotton-picking hands of Congress away from the trust fund, away from the surpluses, but these surpluses now amount today to $600 billion. Six-hundred billion dollars is not enough to cover benefit payments on Social Security for 2 years. So that is not a long-term solution.

This chart shows what is happening to Americans that are living longer. When we started Social Security in 1935, the average age of death was 61 years old, so most people never even reached the 65-year-old age that entitled them for any benefits. So they died earlier, most people, and Social Security funding was not as big a problem.

As you see on this chart, life expectancy has gone from 61 when we started Social Security, and today it is 74 years old. So people are living longer. That is good, but it makes a problem with keeping the system solvent.

I have introduced a bill, and I will be introducing my next bill in the next few weeks. That has been scored by the Social Security Administration to keep Social Security solvent for the next 75 years. The population growth of seniors is going up at the rate of 73 percent. The population rate of workers is increasing at 14 percent. That means that there are fewer workers paying in their taxes to cover the benefits. So the question is, What do we do?

In 1950, we had 17 people working paying in their taxes for each Social Security recipient. Today there are only three people working. By 2029, there are going to be two people working. We cannot continue to raise taxes on workers in America. We have increased taxes 36 times since 1971. So today most of the American workers pay more in the Social Security tax than they pay in the payroll tax; 78 percent of American workers now pay more in the Social Security tax than they do in the income tax.

Now, here is the bottom line: If you are over 50 years old, you are going to have to live about 26 years after you retire just to break even on the taxes that you and your employer paid into Social Security. That is why private investment has got to be part of the solution.

If you are a lucky enough individual to break even, and that is even if Congress does not face up to the problem, then I think it is very important that Congress wakes up to the fact that the longer we delay a solution for Social Security, the more drastic that solution is going to have to be.

So what my proposal says is let us start private investment, where part of that Social Security tax can go into a personal retirement investment fund that is the property of the worker, and if they are lucky enough to meet the average of the last 80 years it will increase at the rate of 8.5 percent per year, and through the magic of compound interest it will result in greater benefits and save Social Security.

SUPPORT PUBLIC EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Michigan [Ms. STABENOW] is recognized during morning hour debates for 4 minutes.

Ms. STABENOW. Mr. Speaker, I rise today to talk about one of the most critical issues facing our country, and that is support for public education and developing and expanding a skilled work force that is able to compete in the world in the 21st Century.

We are going to be discussing this week on this floor issues related to public education. We are going to be talking about the D.C. schools and the fact that there are leaky roofs, roofs falling in, and what the solution should be.

We are going to hear from the majority that the solution to leaky roofs is vouchers. We on the minority side are going to say that the solution to leaky roofs is to fix the roof, it is to then go on and make sure we have quality teachers teaching basic skills with technology in their classrooms, safe classrooms, children coming into kindergarten prepared to learn, and that we make a national commitment to our public education system all across this country.

Our democracy is founded on the belief that we have to provide a quality public education to every child in every neighborhood if we are to remain strong and independent as a country.

There are wonderful examples of supporting public schools in my district in Michigan. I attended on Sunday a celebration of a restoration of the Mason public schools, where in their elementary schools and their high school they have been investing in increasing their science labs and putting more technology into the buildings, a new field house, renovating their auditorium for the arts.

That community has made a strong public commitment and said to the young people of that community, "We believe in you, we will invest in you, and we want your public schools to be the best they can be."

All across my district now we are involved in a private sector effort called Net Day, where the business community has come together investing dollars, the labor community, through the leadership of IBEW and our electricians, are donating their personal time on Saturdays to come into the schools, working with our educators, working with every part of the community to wire our schools for the textbook of the future called the Internet, whether it is the Lansing public schools where we are wiring, in fact have wired 29 schools and are now moving on to bring volunteers to work with young people on basic reading skills, whether it is Pinckney elementary school that was wired, Lake Fenton a week ago, or the Fenton public schools on November 1.

We have a strong commitment in Michigan to bringing together all parts of the community to make the public school system the best that it can be. Do we need variety? Yes. Do we need choices? Of course. But if we pull dollars away from our public school system to put into private schools and thereby undermine the ability of every child to get a quality education, we do not do well for the future of this country.

There is a fundamental debate going on in this Chamber, a fundamental debate that each of us will be participating in through our votes. I strongly encourage my colleagues to step up and support a continuing strong public school system for the future.

Our children are moving into a world that is very different, that involves competing with people all over the world. They need skills that will allow them to be prepared to be successful in that world. It starts with a strong public school system.

LOW-INCOME CHILDREN DESERVE BEST SHOT AT GOOD EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas, Mr. SAM JOHNSON, is recognized during morning hour debates for 4 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I agree, we got to keep the public schools going, but why does the President continue to deny low income students a chance to excel academically? Why does he insist that children attend unsafe and often drug-infested schools?

Well, to be honest, I am still trying to find the answer to these questions. I find it ironic that both the President and Vice President send their children not to the District's struggling public schools, but to safe and challenging private schools. They understand and they want their children to get the best education, get it in a safe and friendly environment. They do not want their children to walk through metal detectors and have police roaming the walks and the halls or witness a drug buy or a shooting, and I do not blame them.

But I believe that every child, black, white, rich or poor, should have the same choice. They should be able to get a first rate education, one that fosters growth and learning, not hopelessness and despair.

For all the President's talk of equality and opportunity for all, he is now the obstacle to those parents who want only the same privileges he has, to give their kids the best education possible.

He seems to be more interested in bureaucrats, unions and Federal control than in the well-being of our children. Our President does not believe that you parents are smart enough to do what is best by your kids, by denying you the freedom of choice that he and the First Lady exercise, he is denying your children their best shot at the American dream.

What is wrong with letting parents make their own decision, use their own money, that their children would be better served in a private school or a public school on the other side of town? What is wrong with this? What is the President trying to save? Clearly it is not our children's future.

Mr. Speaker, the answer is simple; it is school choice. The answer is simple; it is parental control. The answer is freedom to choose how and where your child gets an education. The President must not prevent our children from succeeding. The future of America depends on it.

EDUCATION, A TOP PRIORITY WITH DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, Democrats have made education a top priority this Congress and our emphasis has been on improving public schools, including raising educational standards and addressing infrastructure needs. I listened to the previous speaker, and my concern is that the Republican leadership, after trying to make the deepest education cuts in history last year, is now emphasizing vouchers to pay for private schools as the way to reform our education system.

I listened to the previous speaker, and he talked about how the President and Mrs. Clinton send their kids to private school. But what he neglected to say is that they are paying for that out of their own pocket. The problem with the voucher system that the Republican leadership is talking about is that this is public dollars, tax dollars, that they want to take that to be used to improve the public schools and take those tax dollars and give it to private schools.

Now, I have no problem with choice. The President and Mrs. Clinton exercised the choice, and they pay privately out of their own pocket to send their kids to private school, and I think choice is great. Everyone, if they can afford it, if they have the money, they have the ability throughout this great land of ours to send their kids to private school or parochial school. But the difference is the use of public dollars, public money that could be used to improve the infrastructure of the schools, to pay for more teachers, to provide smaller classrooms, to teach and to improve basic skills. Those public dollars should not be taken away from the public schools and given to private schools to pay for private education for a very few.

In my opinion, vouchers will not help public schools; just the opposite, they will drain away resources that could be used to improve public school standards and rebuild crumbling or overcrowded schools.

Mr. Speaker, the Republican leadership's latest experiment with vouchers will be rolled out this week right here in the District of Columbia. Their plan will be considered as part of the D.C. appropriations bill I think this Thursday. It will provide up to $3,200 to 2,000 children in Washington to attend private schools.

This is about $45 million in Federal funds that would be made available to pay for private education for about 3 percent of the District of Columbia students, 3 percent of the students.

Mr. Speaker, in my opinion it makes no sense to take away $45 million that could be made available to the city of Washington to improve basic schools or to fix deteriorated buildings in the public schools and use this money for private schools.

Now, we know because of the decrepit physical condition of many schools in the District of Columbia, the opening of the school year was postponed for 3 weeks. The voucher programs will take away money that could be used to fix these schools that were in fact closed. Why, so that 3 percent of the students can take advantage of the situation, and the other 97 percent who remain in the public schools will suffer?

With 9 out of 10 children in America attending public schools, Democrats understand that we need to rebuild and reform public schools, not to destroy them.

Today our House Democratic Task Force on Education is going to unveil a new Democratic agenda to improve public schools, and I am not going to get into all aspects of it, but I just wanted to mention some of the key elements again to the public schools.

First of all, the emphasis will be on academic excellence in the basics. Every student has to learn the basics, reading, writing, arithmetic. That is what it is all about if they are going to succeed later in life.

Second, we are talking about better training teachers to help children achieve high standards. We need to better train our teachers if they are going to better train our students.

Third, we are talking about a major infrastructure program to basically improve the situation with the decrepit buildings in many of our communities around the country. We have overcrowding, we need new schools, we have schools in disrepair that need to be fixed up, we have schools that need to be improved so they can accommodate the new high technology age that can be wired for computers, so they can have students so they can be involved in the Internet, for example.

The other thing that we keep talking about is the fact that a small amount of money can be used on the Federal level to support local initiatives for strong neighborhood public schools. Democrats believe in the neighborhood school concept. We think the Federal dollars can help in that regard. Also we need to empower parents. We need to get parents more involved in the public schools so they can choose the best public schools for their children.

Again, choice is fine, choice within the public schools. Choice is also fine if people want to pay to send their kids to public schools. But let us use the public dollars to improve the public schools.

I want to say I believe very strongly, Mr. Speaker, that Americans overwhelmingly support the Democratic commitment to public schools, and they want to make our public schools safer, improve the quality of teachers, and get parents more involved in education. That is what the Democrats wanted. Fix the public schools, improve the public schools.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Reverend Jay Scribner, First Baptist Church, Branson, MO, offered the following prayer:

Let us pray, please.

Our gracious Heavenly Father, we are grateful for the privilege of living in America. We are thankful for the many freedoms which we enjoy. Freedoms which were framed by our forefathers and perpetuated by our representative form of government in this great Republic.

I pray for these men and women who by virtue of their election, have assumed a very honorable position as a servant representative to the people of these United States. May the decisions which they make today be made with wisdom from on high, with integrity from within, with justice and fairness for all people, and may it be obvious that even though they sit on both sides of the aisle, today they are one in purpose and intention to make right and wise decisions. May they be decisions that will reestablish righteousness as the foundation of morality for America, a pride in our heritage, love for our neighbor, and honor for our God and Saviour.

May the biblical Gospel be central to their public activism. May godliness be central to their personal attributes. And may God be central to their political action. All because righteousness exalts a nation.

We pray this in the name of Christ the Lord. Amen.

THE JOURNAL

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

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

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

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. MCNULTY] come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY 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.

WELCOME TO THE REVEREND JAY SCRIBNER

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

Mr. BLUNT. Mr. Speaker, it is a great honor to follow our guest chaplain Rev. Jay Scribner today. Reverend Scribner has been pastor of the First Baptist Church in Branson for the past 20 years. Branson has grown tremendously in the 20 years that Jay has been there. This town of 3,500 will host 5 million visitors this year. Each Sunday Reverend Scribner has the potential to preach to visitors from all over the world.

During his ministry the First Baptist Church in Branson has quadrupled in size. He has led the church through two significant building programs resulting in debt-free additions. We probably should seek his financial advice while he is here with us today.

Reverend Scribner has been a constant leader in the community of Branson where he is continually an influence for biblical principles and family values. He has led the First Baptist Church to help mission churches in Missouri and in Wyoming and in the country of Belarus.

He has been involved in Promise Keepers and kept his own promises, always being conscientious to put his family first. He and his wife Kay just celebrated 30 years of marriage. Today, as on so many other days, Kay is at his side. As a father he has always taken time to spend with his sons when they were going to school and by planning special outings for them.

Thanks, Jay and Kay, for providing an example for us to follow.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. NEY). This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

GLOBAL EXPLORATION AND DEVELOPMENT CORP., KERR-McGEE CORP., AND KERR-McGEE CHEMICAL CORP.

The Clerk called the bill (H.R. 1211) for the relief of Global Exploration and Development Corp., Kerr-McGee Corp., and Kerr-McGee Chemical Corp.

There being no objection, the Clerk read the bill, as follows:

H.R. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.

(a) PAYMENT OF CLAIMS.—The Secretary of the Treasury shall pay, out of money not otherwise appropriated—

(1) to the Global Exploration and Development Corporation, a Florida corporation incorporated in Delaware, $9,500,000;

(2) to Kerr-McGee Corporation, an Oklahoma corporation incorporated in Delaware, $10,000,000; and

(3) to Kerr-McGee Chemical Corporation, an Oklahoma corporation incorporated in Delaware, $0.

(b) CONDITION OF PAYMENT.—(1) The payment authorized by subsection (a)(1) is in settlement and compromise of all claims of Global Exploration and Development Corporation, as described in the recommendations of the Court of Federal Claims set forth in 36 Fed. Cl. 776.

(2) The payment authorized by subsections (a)(2) and (a)(3) are in settlement and compromise of all claims of Kerr-McGee Corporation and Kerr-McGee Chemical Corporation, as described in the recommendations of the Court of Federal Claims set forth in 36 Fed. Cl. 776.

SEC. 2. LIMITATION ON FEES.

No more than 15 percent of the sums authorized to be paid by section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sums. Any person violating this section shall be fined not more than $1,000.

With the following committee amendment in the nature of a substitute:

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

SECTION 1. SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.

(a) PAYMENT OF CLAIMS.—The Secretary of the Treasury shall pay, out of money not otherwise appropriated—

(1) to the Global Exploration and Development Corporation, a Florida corporation incorporated in Delaware, $9,500,000;

(2) to Kerr-McGee Corporation, an Oklahoma corporation incorporated in Delaware, $10,000,000; and

(3) to Kerr-McGee Chemical Corporation, an Oklahoma corporation incorporated in Delaware, $0.

(b) CONDITION OF PAYMENT.—(1) The payment authorized by subsection (a)(1) is in settlement and compromise of all claims of Global Exploration and Development Corporation, as described in the recommendations of the Court of Federal Claims set forth in 36 Fed. Cl. 776.

(2) The payments authorized by subsections (a)(2) and (a)(3) are in settlement and compromise of all claims of Kerr-McGee Corporation and Kerr-McGee Chemical Corporation, as described in the recommendations of the Court of Federal Claims set forth in 36 Fed. Cl. 776.

SEC. 2. LIMITATION ON FEES.

No more than 15 percent of the sums authorized to be paid by section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sums. Any person violating this section shall be fined not more than $1,000.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

A motion to reconsider was laid on the table.

LLOYD B. GAMBLE

The Clerk called the bill (H.R. 998) for the relief of Lloyd B. Gamble.

There being no objection, the Clerk read the bill, as follows:

H.R. 998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Lloyd B. Gamble of Fairfax, Virginia, the sum of $253,488.

(b) BASIS.—The payment required by subsection (a) shall be to compensate Lloyd B. Gamble for the injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1957.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1 shall be in full satisfaction of all claims Lloyd B. Gamble may have against the United States for any injury described in such section.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

Upon payment of the sum referred to in section 1, Lloyd B. Gamble shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury described in such section.

SEC. 4. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any agent or attorney for any service rendered to Lloyd B. Gamble in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NANCY B. WILSON

The Clerk called the bill (H.R. 1313) for the relief of Nancy B. Wilson.

There being no objection, the Clerk read the bill, as follows:

H.R. 1313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENTITLEMENT TO WIDOW'S INSURANCE BENEFITS.

(a) IN GENERAL.—For purposes of determining the eligibility of Nancy B. Wilson, the widow of Alphonse M. Wilson (social security number 271-18-9548), to widow's insurance benefits under section 202(e) of the Social Security Act (42 U.S.C. 402(e)), Nancy B. Wilson shall be deemed to have been married to Alphonse M. Wilson for a period of not less than 9 months immediately prior to the day on which Alphonse M. Wilson died.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on March 21, 1991.

(c) PAYMENT.—Any benefits to which Nancy B. Wilson is entitled for the period prior to the date of the enactment of this Act shall be paid to her in a lump sum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

THE IRS

(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, I hold right here in my hands evidence that the IRS is acting illegally against the hard working men and women of this country. Despite the fact that quotas were outlawed 9 years ago, an inner-office memorandum that I received in my office clearly shows that the IRS continues to use quotas. IRS employees note that they are hounded by their superiors to bring in a predetermined amount of money, rather than the correct amount actually owed by the taxpayer. If they hope to receive promotions, these IRS employees are told they must meet the monthly quota by collecting amounts that these employees know to be above the actual amount due.

Mr. Speaker, this is an outrage. It is wrong by anyone's standard and it must be stopped. The IRS must be held accountable for their actions. I urge my colleagues to join me in cosponsoring the bipartisan IRS Restructuring and Reform Act. Let us put an end to the outrageous and illegal abuse of power by this bloated Federal bureaucracy.

GALLAUDET UNIVERSITY CONGRESSIONAL BASKETBALL CLASSIC

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

Mr. BONIOR. I rise this morning to encourage all Members and staff and others who are interested to attend the annual, semiannual, I should say, Gallaudet University congressional basketball classic in which the Democrats and the Republicans play against each other. The Dunkin' Donkeys, as the Democrats are known, will play the Fighting Elephants on Wednesday, October 8, which is tomorrow, at 7 p.m. Admission is free. It is at Gallaudet University. That is the national university for the deaf and hearing impaired. I happen to be a board member along with the gentleman from Illinois [Mr. LAHOOD]. It is a great place.

We are raising funds for the university. It is being sponsored by the NBA, the Washington Wizards, COMSAT and the Milwaukee Bucks, HERB KOHL's Milwaukee Bucks. We encourage everyone to come out. It is a great evening. It is lots of fun. The Republicans have a very good team. They won last year, I think by two points. We are the underdogs but we are up for it and we look forward to seeing everybody there cheering us on.

ETHICS AND THE ADMINISTRATION

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

Mr. HEFLEY. Mr. Speaker, so what is the latest from the most ethical administration in history? Well, the same administration that gave us Webster Hubbell, Mike Espy, Hazel O'Leary, Ron Brown, John Huang, Craig Livingstone and countless witnesses with law degrees from Yale and Harvard who just cannot quite recall whenever they are hauled before a congressional committee, now give us incomplete tapes of White House coffees.

But with this administration we just do not know what we are going to get next. First we have documents which were subpoenaed by the special counsel suddenly turn up in the White House book room 2 years later. We have the guy put in charge of the White House security operation who somehow ends up with 900 FBI files of Republicans; and, oh yes, no one can seem to recall who hired this guy.

Then we have over 50 people who have either fled the country or taken the fifth in order to avoid telling us what they know about illegal foreign campaign contributions. Now we learn about the existence of tapes of White House fundraisers, I mean coffees, which conveniently are released just after the Attorney General says the coffees are OK. Stay tuned. The soap opera continues.

EUROPE AND THE UNITED STATES

(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, France has cut a $2 billion natural gas deal with Iran, that is right, Iran. And the 15 European nations told Uncle Sam to butt out, "It is not your business, Uncle Sam." Unbelievable. Was it Uncle Sam's business when hundreds of thousands of Americans died to liberate France and Europe from Nazi rule? Is it Uncle Sam's business to protect Europe with NATO dollars? Is Bosnia our business?

Unbelievable, folks. Iran gets $2 billion from France, Iran buys missiles from China and Russia. Iran points missiles at Uncle Sam. Beam me up. France and Europe are a bunch of asset kissers. We are financing it. I say it is time to send Europe a big fat bill. Maybe then they will appreciate freedom and Uncle Sam.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are guests of the House and that any manifestations of approval or disapproval of the proceedings is in violation of the rules of the House.

A SIMPLE, FAIR TAX SYSTEM

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

Mr. JONES. Mr. Speaker, the Internal Revenue Service is creating real problems for many Americans. People in my district did not need to see congressional hearings to know this. Too many of them have been entangled in IRS red tape.

Mr. Speaker, I am glad to see that the issue of IRS reform is finally getting the national attention it deserves. It is time for the debate to start about how to save the American taxpayer from the IRS burden. Americans spend 5 billion hours and $225 billion preparing their tax returns annually.

The American taxpayer has been overburdened long enough. In addition to the need for IRS reform, it is time to reform the Tax Code. The Congress owes the American taxpayer a simpler, fairer tax system.

□ 1015

BREAST CANCER CARE PETITION DRIVE

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

Ms. ESHOO. Mr. Speaker, I strongly encourage my colleagues this morning to visit a new site on the Internet

called the on-line Breast Cancer Care Petition Drive. It is located at breastcare.shn.com.

The site offers people a chance across this country to sign a petition calling for hearings on two very important bills, H.R. 135 and H.R. 164, the first legislation to ban drive-through mastectomies and the second bill to require insurance companies that now cover mastectomies to also cover reconstructive breast surgery.

Perhaps more impressive than the petition itself is the part of the site that allows people to post their own perspectives on, and experience with, breast cancer and tell their poignant stories. One survivor wrote:

There are real tears being shed by real women every day across the country. They are your neighbors, your colleagues, your kids' teachers, the clerk at the grocery store. Breast cancer survivors have enough to deal with. Do the right thing, Congress, pass this legislation and help make the tears fewer for those who will follow us.

Mr. Speaker, I urge my colleagues to visit this breastcare.shn.com and help get this legislation through Congress.

THE WHITE HOUSE COFFEE COLLECTION VIDEOTAPES

(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, now from the White House tapes and records comes the coffee collection: The first tape, "The Fugitive", starring Charlie Trie, Pauline Kanchanalak, and John Huang. The next one, "Liar, Liar", an interview, Harold Ickes and Don Fowler. "True Lies", an FEC review of the DNC financial report. "Rent", filmed on location in the Lincoln bedroom. "The Conspiracy Theory", starring FRED THOMPSON and DAN BURTON. "Devil's Advocate", starring Janet Reno. "Independent Counselor's Day", starring HENRY HYDE. "Indiana Al in the Buddhist Temple of Doom". "The Con Heir Apparent and Michael Crittendon's Lost Words", starring John Huang on closed caption, where he is seen saying, in the words of Jerry McGuire, "Show me the money."

But, remember, unlike the Lincoln bedroom, these tapes and videos are not for rent. You have to get them with a subpoena. So see a lawyer near you and join up today. Get your coffee collector's video series from White House Productions.

SUPPORT LAW ENFORCEMENT OFFICERS

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

Mr. ETHERIDGE. Mr. Speaker, it is with a heavy heart that I rise on behalf of the people of North Carolina to call for aggressive action to crack down on juvenile violence.

Just 2 weeks ago two teenage brothers, in a stolen vehicle on I–95 outside Fayetteville shot and killed two North Carolina law enforcement officers with a military style AK–47 assault rifle. The victims were a state trooper, Ed Lowry, and Cumberland County sheriff's deputy David Hathcock, gunned down in the line of duty. The authorities in Harnett County arrested these culprits after an extensive chase.

Like my North Carolina neighbors, I was shocked and appalled by this senseless tragedy that has shattered the community and taken these two heroes' lives. Trooper Lowry was a 23-year veteran of the patrol, and Deputy Hathcock had been on the force for 17 years. More than 3,000 mourners attended the memorial services to express sympathy to the victims' families.

Mr. Speaker, law enforcement officers put their lives on the line day in and day out to keep our streets and neighborhoods and communities safe from these types of juveniles and thugs. Police officers need our help and support as they do their increasingly difficult job.

In the name of Ed Lowry and David Hathcock, I call on this Congress to pass tough and smart legislation to help these brave men and women fight juvenile crime.

LOCAL JUDGE'S RULING VETOES SCHOOL CLEAN-UP

(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, last weekend the city of Washington witnessed a wonderful phenomenon on the mall. A million men came from all over the country for the "Promise Keepers" rally to pray for their wives, their children and for their nation's leaders. But even more remarkable was the fact that thousands of these men—carpenters, painters, and electricians—decided to leave something more tangible behind.

According to the Washington Times, 2,000 Promise Keepers went to Taft Jr. High School—the most dilapidated school in Washington, and turned it into the cleanest. The incredible thing is that thousands more men wanted to go into every single dilapidated school in Washington, D.C., paint them, clean them, and repair them so they would be fit for our children to occupy. Unbelievably, a local superior court judge in Washington named Kaye Christian prevented them from doing it.

Today, Mr. Speaker, children all over the District of Columbia are going into some of the most substandard schools in our country, and the parents of those children have a right to know from that judge why she did not heed President Clinton and Colin Powell's call for volunteerism. She should have let those children be educated today in schools that are clean, safe and fit for occupation. Because of her order, a great opportunity to do something for needy children was lost.

PUBLIC SCHOOLS HAVE MADE THIS NATION STRONG

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

Ms. DELAURO. Mr. Speaker, with nine out of every ten children in America attending public schools, Democrats understand that we need to rebuild and reform our public schools, not destroy them. Yes, our public schools have problems, some serious problems, but we should not dismantle public education in this country.

Public education has been the great equalizer allowing youngsters from every social stratum, from every economic background, whatever gender, to be able to realize their potential and their God given talents.

My colleagues on the other side of the aisle have a plan that would drain funds from America's public schools, put that money into private schools and private education. Speaker GINGRICH wants to impose this experimental voucher program on school districts all across this country.

We have a message for the Speaker: Our children are not his guinea pigs. Democrats will not allow this experiment to go forward.

It is our public schools that have made this Nation strong. It has put the American dream within reach of all of our children and Democrats want to improve and not destroy America's public school system.

VICE PRESIDENT GORE WARNS OF OVERPOPULATION

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

Mr. LEWIS of Kentucky. Mr. Speaker, Vice President AL GORE warned the other day that overpopulation fosters global warming. He suggested expanding birth control and abortion programs in developing countries would help reduce the environmental threat. Noting that Third World nations are producing too many children too fast, in addition to too much pollution, Mr. GORE said it is time to ignore the controversy over family planning and cut out-of-control population growth.

This is the man that says there is not enough spotted owls, there is not enough trees on the planet, but we have too many children being born.

What is wrong with this picture? Too many children being born in the Third World nations.

He said one way that we can cut the child mortality rate in this speech was by aborting them before they could be born. Again, what is wrong with this picture? Kill them before they are born so we can cut child mortality rates?

I think Mr. GORE is in real trouble with that kind of argument.

INVEST IN PUBLIC EDUCATION; NOT A PRIVILEGED FEW

(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, there is nothing more important than our children's education. That is why Democrats want to invest in our classrooms, our teachers, our crumbling school buildings and in our children's future.

Since they came to power, Republicans have vowed to cut education. Now they propose taking millions out of public education and putting it into vouchers, allowing a privileged few to attend private schools. We should not punish the many to help a privileged few. That is not right, it is not fair, it is not just. That is why Democrats will continue to stand. We will continue to fight for quality education for every child.

Abolish the Department of Education, end the school lunch program, cut funding for education, and now divert money to private schools. That is the Republican education plan. Is it any wonder the American people do not trust their children's education in the hands of Speaker GINGRICH?

PRESIDENT'S ACTION REPRESENTS ABUSE OF LINE ITEM VETO AUTHORITY

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

Mrs. FOWLER. Mr. Speaker, I rise to condemn the President's decision yesterday to line item veto 38 military construction projects.

The President's action represents a blatant violation of the budget agreement reached earlier this year between the executive and the legislative branches. Funding for the projects included in this year's military construction appropriations bill was entirely within the cap set forth by that agreement.

The President's action represents a clear abuse of the line item veto authority. In the case of the projects for Naval Station Mayport in my district the pier improvements in question are necessary to meet near-term home porting requirements set forth by the Navy. These improvements will be built at a later date but at a higher cost to the taxpayers.

The President acted based on false information provided by the Office of Management and Budget. According to OMB and the President, the Mayport project did not begin construction until fiscal year 1998. This is patently untrue and I advised OMB of that last week. This project would have begun construction in June of 1998.

The President's action was an abuse of his power and authority. Every Member needs to be on notice we need to remind the President that the Founding Fathers did not intend this body to be a rubber stamp.

CONGRESS SHOULD DO REAL EDUCATION REFORM

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

Mr. WYNN. Mr. Speaker, today Democrats are very concerned about education in America. We want to rebuild our schools. We want to upgrade our schools. We want to repair our schools. We believe that is the way to help local communities. The Republicans, on the other hand, believe the way to do it is to take money out of public schools and put it into vouchers.

The fact of the matter is that the majority of American students, nine out of ten, will go to public schools. Under their voucher program, a few people, under an experimental program, will get money to go to vouchers, the very poor. That will leave the middle class and the working class in public schools and classrooms that are sub par.

A third of our Nation's schools need extensive repair or replacement. One-half of our schools have major environmental problems, such as poor ventilation, asbestos, poor heating or lighting. We have overcrowding in many of our Nation's schools. We need to help local communities rebuild America's education infrastructure. We need to put money in public education where it really counts, and that is rebuilding and upgrading American schools. I urge Congress to do real education reform.

CAMPAIGN REFORM SHOULD FREE THE PAYCHECKS OF AMERICAN WORKERS

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

Mr. TIAHRT. Mr. Speaker, imagine the outcry if your utility company added to your bill money that you would have to pay to support their political agenda, and each year you would have to give the utility company hundreds of dollars so they could push for their political agenda, support their political candidates and protect their monopoly.

Well, it happens every month here in America. Working men and women are forced to pay compulsory dues used for political ploys which they do not support. Forced to fund campaigns. Forced to fund candidates. And they do not have a voice in how the money is spent.

The Supreme Court said it was illegal to do it in the Beck decision, but the administration through Executive order deliberately chose not to uphold the Court's decision. Thomas Jefferson said it was tyranny and a sin to force our citizens to financially support political agendas with which they disagreed.

Americans know it is wrong. Campaign reform should not and must not occur without freeing the paychecks of American workers.

EDUCATION INFRASTRUCTURE IS IN A CRISIS

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

Mr. STRICKLAND. Mr. Speaker, we need to do more for the education of our children. In my home State of Ohio education is in a crisis, and yet we make decisions to take tax dollars from working moms and dads and give those tax dollars to wealthy urban areas so that they can build sports stadiums.

I received a letter from a local school superintendent who said, "Dear Ted, I want to thank you for your article in the Portsmouth Daily Times about putting the education of our children above the building of sports stadiums. It is going to take tough decisions to solve the school funding problem."

Then he says, "It is so unfair for our students to have academic classes in an old remodeled tiny locker room, and yet a new stadium is the priority."

"Last week," he said, "I had to move a kindergarten class out into the hallway because of sewer gas fumes. There were no empty spare rooms to hold the children for such an emergency."

Mr. Speaker, we need to support public education in order to educate our children in the way they deserve to be educated.

□ 1030

HERE WE GO AGAIN

(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, here we go again. First it was Whitewater, then Travelgate, then Filegate, then White House phone calls. And if that was not enough, now we have a thing called Laundrygate.

Three of Ron Carey's political consultants pled guilt to a money-laundering scheme which has caused the 1996 Teamsters election to be overturned. Their cooperation with Federal prosecutors has shed new light on how to raise laundered money. And to no one's surprise, it seems the White House and DNC and several lobbying groups have been implicated.

Mr. Carey claims he was a victim. The Clinton/Gore campaign and DNC say they know nothing about it. Yet, when you follow the money, the money trail points right to them, in their direction.

Frankly, Mr. Speaker, I am beginning to wonder who exactly is in control. Maybe it is the guy next door, perhaps even more than they care to admit. I really wonder.

LUPUS AWARENESS MONTH

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, this is October, Lupus Awareness Month.

Many people have not heard of lupus. It is a disease that is extremely widespread but not well-known. We have an immune system which protects our bodies against viruses, bacteria, and other foreign materials. However, a person who has lupus, their immune system, which is supposed to be their protector, becomes the attacker.

Perhaps the most discouraging aspect of lupus is the fact that there is no cure. I know this from firsthand experience, having lost a sister and very close friend to lupus.

I have introduced a bill (H.R. 1111), the Lupus Research and Care Amendment Act of 1997, which would increase research and deliver essential services to individuals with lupus and their families.

Think about it; many of my colleagues have people in their family who suffer from lupus. It is a young woman's disease. It usually attacks women in their childbearing years. It is like arthritis, rheumatism, but it attacks every system of the body.

I urge all of my colleagues, Mr. Speaker, to join with me in cosponsoring H.R. 1111.

COMMENTS BY VICE PRESIDENT GORE REGARDING SOLUTION FOR GLOBAL WARMING

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

Mr. PITTS. Mr. Speaker, I rise to express outrage at the recent comments made by Vice President AL GORE to the effect that abortion is the solution for global warming.

I would like to enter into the RECORD a letter many of us in Congress will be sending him today. Let me read a portion of it.

Mr. Gore, as the father of four children, surely you see the value of your own children to our society. Since we are sure you do not regard your own children as a threat to our environment, it is difficult to understand why you would regard a large African, Asian, or Latin American family as an environmental threat.

Your statements contain a crucial fallacy of logic; namely, that human life is incompatible with sound environmental policy. We believe it is practically and morally essential that these two goals be pursued together. A pristine environment will be of no use to the millions of children who would be sacrificed to the policies you endorse.

You accused those who oppose abortion as part of U.S.-funded population control programs of creating controversy needlessly. Let us be clear; it is not our reaffirmation of human dignity that ought to be controversial but, rather, the violence and degradation inflicted upon women and children through these programs.

Mr. Speaker, I urge the Members of the House to seek environmental health for our world without endangering the lives of defenseless children.

The letter referred to follows:

Hon. ALBERT GORE,
The White House,
Washington, DC.

DEAR VICE PRESIDENT GORE: We write to express our concern over the comments you made to TV weather forecasters on climate control at the White House on October 1, 1997. Your conviction that abortion programs in developing countries are crucial to saving the environment is directly at odds with the American commitment to protecting human life.

Mr. Gore, as the father of four children, surely you see the value of your own children to our society. Since we are sure you do not regard your own children as a threat to our environment, it is difficult to understand why you would regard a large African, Asian, or Latin American family as an environmental threat.

Your statements contain a crucial fallacy of logic, namely that human life is incompatible with sound environmental policy. We believe it is practically and morally essential that these two goals be pursued together. A pristine environment will be of no use to the millions of children who would be sacrificed to the policies you endorse.

You accused those who oppose abortion as part of U.S.-funded population control programs of creating "controversy" needlessly. Let us be clear: it is not our reaffirmation of human dignity that ought to be controversial, but rather the violence and degradation inflicted upon women and children through these programs.

Mr. Vice President, we urge you to seek environmental health for our world without endangering the lives of defenseless children. I hope that you and others in the Administration will bear in mind that when it comes to solving the problems of our planet, human beings are our first natural resource.

MILITARY CONSTRUCTION CUT AT DYESS AFB, TEXAS

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

Mr. STENHOLM. Mr. Speaker, yesterday the President used his newfound line item veto authority to cut a number of congressionally and Defense Department approved military construction projects at military installations around the United States.

Among those projects eliminated was a squadron operations facility at Dyess Air Force Base in Abilene, TX. With one stroke of his pen, he has eliminated the means of building a facility needed to serve the 500 to 1,000 men and women who will make up the 13th Bomber Squadron in the year 2000.

One of the reasons given for vetoing this project is that it did not meet the so-called quality of life requirement for funding military construction projects. I do not know what the President's definition of quality of life is, but I do know that there are currently no existing facilities to house the 13th Bomber Squadron.

Without this facility, the 500 to 1,000 men and women of the 13th Bomber Squadron will be denied the tools they need to do their job. How will this add to their quality of life or their ability to discharge their duties?

This is a programmed project. The appropriate committees of the House and Senate saw the value of this project and funded it for the good of the Air Force and our national security.

Mr. President, you were wrong to veto this project.

ERRONEOUS INFORMATION CAUSES BAD DECISIONS

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

Mr. SKEEN. Mr. Speaker, imagine working where buildings do not meet current safety regulations, the heating and cooling systems do not work, the septic tanks are failing, facilities are crumbling, adequate fire detection and suppression systems do not exist, and in one instance a building is a breeding ground for the hantavirus due to rat infestation.

What am I describing? The White House? No. It is difficult to imagine, but these working conditions do exist for approximately 200 men and women who work at the military launch complexes in southern New Mexico. These are people who are protecting our national interest by testing vital national defense systems, such as the Patriot Missile, one of the most widely recognized and successful systems.

Yesterday, by saying "no" to improving working conditions, when the President vetoed portions of the military construction legislation, he said "no" to the women and men by denying them the opportunity to perform

their duties in the safest facilities possible.

I am introducing legislation today that will restore funding for this and other meritorious projects. The President's decision was misguided. This is not about deficit reduction. This is about the President taking the "Washington knows best" approach and ignoring the judgment of individuals who are closest to the problems.

AL GORE'S STATEMENTS MADE AT WEATHER FORECASTERS' MEETING

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

Mr. SHIMKUS. Mr. Speaker, I too rise today to take exception to the statements made by Vice President AL GORE last Wednesday in a meeting of the weather forecasters.

In this speech, Vice President GORE claimed that overpopulation was a major cause of worldwide environmental problems and global warming. But what was indefensible were the solutions which he offered for the still disputed problem of global warming.

The Vice President praised President Clinton for the repeal of the Mexico City policy, which permitted hundreds of millions of tax dollars to flow to organizations which perform or actively promote abortion as a method of family planning in Third World countries.

According to the Washington Times, Mr. GORE also stated that industrialized nations have stabilized their populations through birth control, abortion, and a reduction in child mortality rates but that world population would grow if developing nations are not targeted now.

Has the Vice President's environmental extremism gone so far that he now advocates the worldwide killing of innocent babies as the solution to the still unproven problem of global warming?

TODAY IS GREAT DAY FOR CONGRESS

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

Mr. BARTON of Texas. Mr. Speaker, today is a great day for the Congress. It shows that the system does work. There are going to be two bills on the suspension calendar that I worked on very hard for the last several years.

The first bill is a comprehensive FDA reform bill to reform the Food and Drug Administration. It is the culmination of a series of 3 years of work on a bipartisan basis to bring the American people the safest food and the most technologically advanced drugs and medical devices in the world.

The second bill is the suspension bill that will ratify low-level nuclear waste compact between my State, Texas, and the great States of Maine and Vermont. Again, this bill is a culmination of 5 years of work between those States' Governors and State delegations on a bipartisan basis.

So we are going to have two bills on the floor today, both good public policy, and I would encourage all of my colleagues to vote for them.

FOOD AND DRUG ADMINISTRATION REGULATORY MODERNIZATION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1411) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biological products, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Food and Drug Administration Regulatory Modernization Act of 1997".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING REGULATION OF DRUGS

Sec. 101. Fees relating to drugs.
Sec. 102. Pediatric studies of drugs.
Sec. 103. Expediting study and approval of fast track drugs.
Sec. 104. Expanded access to investigational therapies.
Sec. 105. Information program on clinical trials for serious or life-threatening diseases.
Sec. 106. Dissemination of information on new uses.
Sec. 107. Studies and reports.
Sec. 108. Approval of supplemental applications for approved products.
Sec. 109. Health care economic information.
Sec. 110. Clinical investigations.
Sec. 111. Manufacturing changes for drugs.
Sec. 112. Streamlining clinical research on drugs.
Sec. 113. Data requirements for drugs.
Sec. 114. Content and review of applications.
Sec. 115. Scientific advisory panels.
Sec. 116. Dispute resolution.
Sec. 117. Informal agency statements.
Sec. 118. Positron emission tomography.
Sec. 119. Requirements for radiopharmaceuticals.
Sec. 120. Modernization of regulation.
Sec. 121. Pilot and small scale manufacture.
Sec. 122. Insulin and antibiotics.
Sec. 123. FDA mission and annual report.
Sec. 124. Information system.
Sec. 125. Education and training.
Sec. 126. Centers for education and research on drugs.
Sec. 127. Harmonization.
Sec. 128. Environmental impact review.
Sec. 129. National uniformity.
Sec. 130. FDA study of mercury compounds in drugs and food.
Sec. 131. Notification of discontinuance of a life saving product.

TITLE II—IMPROVING REGULATION OF DEVICES

Sec. 201. Dispute resolution.
Sec. 202. Investigational device exemptions; expanded access.
Sec. 203. Special review for certain devices.
Sec. 204. Expanding humanitarian use of devices.
Sec. 205. Device standards.
Sec. 206. Scope of review.
Sec. 207. Premarket notification.
Sec. 208. Classification panels.
Sec. 209. Premarket approval.
Sec. 210. Accreditation for accredited persons.
Sec. 211. Preamendment devices.
Sec. 212. Device tracking.
Sec. 213. Postmarket surveillance.
Sec. 214. Harmonization.
Sec. 215. Reports.
Sec. 216. Practice of medicine.
Sec. 217. Clarification of definition.
Sec. 218. Labeling and advertising regarding compliance with statutory requirements.
Sec. 219. FDA mission and annual report.
Sec. 220. Information system.
Sec. 221. Noninvasive blood glucose meter.
Sec. 222. Rule of construction.

TITLE III—IMPROVING REGULATION OF FOOD

Sec. 301. Flexibility for regulations regarding claims.
Sec. 302. Petitions for claims.
Sec. 303. Health claims for food products.
Sec. 304. Nutrient content claims.
Sec. 305. Referral statements.
Sec. 306. Disclosure of irradiation.
Sec. 307. Irradiation petition.
Sec. 308. Glass and ceramic ware.
Sec. 309. Food contact substances.
Sec. 310. Margarine.
Sec. 311. Effective date.

TITLE I—IMPROVING REGULATION OF DRUGS

SEC. 101. FEES RELATING TO DRUGS.

(a) 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 the letters of _____, and _____, 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, as set forth at ___ Cong. Rec. _____ (daily ed. _____, 1997).

(b) 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 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 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 amending the first sentence of paragraph (5) to read as follows:

"(5) The term 'prescription drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other and at which one or more prescription drug products are manufactured in final dosage form.".

(5) in paragraph (7)(A)—

(A) by striking "employees under contract" and all that follows through "Administration," the second time it occurs 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) in subparagraph (B), by striking "1992" and inserting "1997"; 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) one 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.".

(c) AUTHORITY TO ASSESS AND USE DRUG FEES.—

(1) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(A) by striking "Beginning in fiscal year 1993" and inserting "Beginning in fiscal year 1998";

(B) in paragraph (1)—

(i) 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.";

(ii) 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

(iii) 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), if 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.";

(C) by striking paragraph (2) and inserting in lieu the following:

"(2) PRESCRIPTION DRUG ESTABLISHMENT FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each person that is named as the applicant in a human drug application, and 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 one 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 the manufacture of the product began.".

(D) in paragraph (3)—

(i) 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 paid" 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

(ii) in subparagraph (B), by striking "505(j)." and inserting the following: "505(j), under an abbreviated application filed under section 507, 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.".

(2) 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.".

(3) INCREASES AND ADJUSTMENTS.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) in the subsection heading, by striking "INCREASES AND";

(B) in paragraph (1)—

(i) 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";

(ii) in subparagraph (A), by striking "increase" and inserting "change";

(iii) in subparagraph (B), by striking "increase" and inserting "change"; and

(iv) 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.";

(C) 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

(D) in paragraph (3), by striking "paragraph (2)" and inserting "this subsection".

(4) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(A) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively and indenting appropriately;

(B) 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 one or more fees assessed under subsection (a) where the Secretary finds that—";

(C) in subparagraph (C) (as so redesignated by subparagraph (A)), by striking ", or" and inserting a comma;

(D) in subparagraph (D) (as so redesignated by subparagraph (A)), by striking the period and inserting ", or";

(E) by inserting after subparagraph (D) (as so redesignated by subparagraph (A)) the following:

"(E) the applicant is a small business submitting its first human drug application to the Secretary for review."; and

(F) 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.".

(5) ASSESSMENT OF FEES.—Section 736(f)(1) (21 U.S.C. 379h(f)(1)) is amended—

(A) by striking "fiscal year 1993" and inserting "fiscal year 1997"; and

(B) by striking "fiscal year 1992" and inserting "fiscal year 1997 (excluding the amount of fees appropriated for such fiscal year)".

(6) CREDITING AND AVAILABILITY OF FEES.—Section 736(g) (21 U.S.C. 379h(g)) is amended—

(A) 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).";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "Acts" and inserting "Acts, or otherwise made available for obligation,"; and

(ii) 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

(C) 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.".

(7) REQUIREMENT FOR WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND FEES.—Section 736 (21 U.S.C. 379h) is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) 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.".

(8) SPECIAL RULE FOR WAIVER, REFUNDS, AND EXCEPTIONS.—Any requests for waivers, refunds, or exceptions for fees assessed 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.

(d) ANNUAL REPORTS.—

(1) PERFORMANCE 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 subsection (a)(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(2) FISCAL 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.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1997.

(f) TERMINATION OF EFFECTIVENESS.—The amendments made by subsections (b) and (c) cease to be effective October 1, 2002, and subsection (d) ceases to be effective 120 days after such date.

SEC. 102. PEDIATRIC STUDIES OF DRUGS.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

"PEDIATRIC STUDIES OF DRUGS

"SEC. 505A. (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 shall 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 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 subsections (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 subsections

(b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) 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 section 505(c)(3) or section 505(j)(4)(B) 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 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 to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b), the holder agrees to the request, the studies are completed within any such timeframe and the reports thereof are submitted in accordance with subsection (d)(2) or accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsection (c)(3)(D)(ii) or (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 section 505(c)(3) or section 505(j)(4)(B) 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 section 505(c)(3) or section 505(j)(4)(B) 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 section 505(b)(2) or 505(j) 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 section 505(b)(2) or 505(j), respectively, 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 section 505(b)(2) or (j) for a drug will be subject to the provisions of this section.

"(g) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least one 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.

"(h) 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).

"(i) RELATIONSHIP TO REGULATIONS.—Notwithstanding any other provision of law, if any pediatric study is required pursuant to regulations promulgated by the Secretary, such study shall be deemed to satisfy the requirement for market exclusivity pursuant to this section.

"(j) SUNSET.—No period of market exclusivity shall be granted under this section based on studies commenced after January 1, 2002. The Secretary shall conduct a study and report to Congress not later than January 1, 2001, 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 on taxpayers and consumers, including the impact of the lack of lower cost generic drugs on lower income patients; and

"(4) any suggestions for modification that the Secretary deems appropriate.".

SEC. 103. EXPEDITING STUDY AND APPROVAL OF FAST TRACK DRUGS.

(a) IN GENERAL.—Chapter VII is amended by adding at the end the following:

"SUBCHAPTER D—FAST TRACK PRODUCTS

"SEC. 741. FAST TRACK PRODUCTS.

"(a) DESIGNATION OF DRUG AS A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—The Secretary shall facilitate the development and expedite the review of new drugs 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 section, such products shall be known as 'fast track products'.

"(2) REQUEST FOR DESIGNATION.—The sponsor of a drug may request the Secretary to designate the drug as a fast track product. 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)(3) 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 product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

"(b) APPROVAL OF APPLICATION FOR A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—The Secretary may approve an application for approval of a fast track product under section 505(b) or section 351 of the Public Health Service Act (21 U.S.C. 262) upon a determination that the

product has an effect on a clinical endpoint or on a surrogate endpoint that is reasonably likely to predict clinical benefit.

"(2) LIMITATION.—Approval of a fast track product 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 effect on the clinical endpoint; and

"(B) that the sponsor submit copies of all promotional materials related to the fast track product during the preapproval review period and, following approval and for such period thereafter as the Secretary deems appropriate, at least 30 days prior to dissemination of the materials.

"(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a fast track product using expedited procedures (as prescribed by the Secretary in regulations which shall include 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 product fails to verify clinical benefit of the product;

"(C) other evidence demonstrates that the fast track product is not safe or effective under the conditions of use; or

"(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

"(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—If the Secretary determines, after preliminary evaluation of clinical data submitted by the sponsor, that a fast track product may be effective the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant (A) provides a schedule for submission of information necessary to make the application complete, and (B) pays 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 disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions applicable to fast track products established under this section; and

"(2) establish a 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 shall issue guidance for fast track products (as defined in section 741(a)(1) of the Federal Food, Drug, and Cosmetic Act) that describes the policies and procedures that pertain to section 741 of such Act.

SEC. 104. 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 (as defined in regulations prescribed by the Secretary) for the diagnosis 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 (as defined in regulations prescribed by the Secretary) for the diagnosis 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 or treat the disease or condition involved, and that the risk to the person from the investigational drug 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 in the case described in paragraph (1);

"(3) the Secretary determines that provision of the investigational drug will not interfere with the initiation, conduct, or completion of clinical investigations to support marketing approval; and

"(4) the sponsor, or clinical investigator, of the investigational drug submits to the Secretary a clinical protocol consistent with the provisions of section 505(i) and any regulations promulgated under section 505(i) describing the use of investigational drugs in a single patient or a small group of patients.

"(c) TREATMENT INDS.—Upon submission by a sponsor or a physician of a protocol intended to provide widespread access to an investigational drug for eligible patients, the Secretary shall permit such investigational drug to be made available for expanded access under a treatment investigational new drug application if the Secretary determines that—

"(1) under the treatment investigational new drug application, the investigational drug is intended for use in the diagnosis or treatment of a serious or immediately life-threatening disease or condition;

"(2) there is no comparable or satisfactory alternative therapy available to diagnose or treat that stage of disease or condition in the population of patients to which the investigational drug is intended to be administered;

"(3)(A) the investigational drug is under investigation in a controlled clinical trial for the use described in paragraph (1) under an effective investigational new drug application; or

"(B) all clinical trials necessary for approval of that use of the investigational drug have been completed;

"(4) the sponsor of the controlled clinical trials is actively pursuing marketing approval of the investigational drug for the use described in paragraph (1) with due diligence;

"(5) the provision of the investigational drug will not interfere with the enrollment of patients in ongoing clinical investigations under section 505(i);

"(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) and regulations promulgated under section 505(i). 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 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) of the Public Health Service Act.

"(d) TERMINATION.—The Secretary may, at any time, with respect to a sponsor, physician, manufacturer, or distributor described in this section, terminate expanded access provided under this section for an investigational drug if the requirements under this section are no longer met.".

SEC. 105. 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, 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 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

of the Federal Food, Drug, and Cosmetic Act that provides a description of the purpose of each experimental drug, either with the consent of the protocol sponsor, or when a trial to test effectiveness 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 trials to test clinical effectiveness have begun.

"(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 under section 551(c) of the Federal Food, Drug, and Cosmetic Act; or

"(ii) as a Group C cancer drug (as defined by the National Cancer Institute).

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 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 shall not be used 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 section 402(j) 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—

(A) of the public health need, if any, for inclusion of device investigations within the scope of the registry requirements set forth in section 402(j) of the Public Health Service Act;

(B) on 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; and

(C) on such other issues relating to such section 402(j) as the Secretary may deem appropriate.

SEC. 106. DISSEMINATION OF INFORMATION ON NEW USES.

(a) IN GENERAL.—Chapter VII (2 U.S.C. 371 et seq.), as amended by section 103, is amended by adding at the end the following:

"SUBCHAPTER E—DISSEMINATION OF TREATMENT INFORMATION

"SEC. 745. REQUIREMENTS FOR DISSEMINATION OF TREATMENT INFORMATION ON DRUGS.

"(a) IN GENERAL.—Notwithstanding sections 301(d), 502(f), and 505 and section 351 of the Public Health Service Act (42 U.S.C. 262), a manufacturer may disseminate to—

"(1) a health care practitioner,

"(2) a pharmacy benefit manager,

"(3) a health insurance issuer,

"(4) a group health plan, or

"(5) a Federal or State governmental agency,

written information concerning the safety, effectiveness, or benefit of a use not described in the approved labeling of a drug if the manufacturer meets the requirements of subsection (b).

"(b) SPECIFIC REQUIREMENTS.—A manufacturer may disseminate information about a new use of a drug under subsection (a) only if—

"(1) there is in effect for such drug an application filed under section 505(b) or a biologics license issued under section 351 of the Public Health Service Act;

"(2) the information meets the requirements of section 746;

"(3) the information to be disseminated is not derived from clinical research conducted by another manufacturer or if it was derived from research conducted by another manufacturer, the manufacturer disseminating the information has the permission of such other manufacturer to make the dissemination;

"(4) the manufacturer has, 60 days before such dissemination, submitted to the Secretary—

"(A) a copy of the information to be disseminated; and

"(B) any clinical trial information the manufacturer has relating to the safety or effectiveness of the new use, any reports of clinical experience pertinent to the safety of the new use, and a summary of such information;

"(5) the manufacturer has complied with the requirements of section 748 (relating to certification that the manufacturer will submit a supplemental application with respect to such use);

"(6) the manufacturer includes along with the information to be disseminated under this subsection—

"(A) a prominently displayed statement that discloses—

"(i) that the information concerns a use of a drug that has not been approved by the Food and Drug Administration;

"(ii) if applicable, that the information is being disseminated at the expense of the manufacturer;

"(iii) if applicable, the name of any authors of the information who are employees of, consultants to, or have received compensation from, the manufacturer, or who have a significant financial interest in the manufacturer;

"(iv) the official labeling for the drug and all updates with respect to the labeling;

"(v) 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

"(vi) the identification of any person that has provided funding for the conduct of a study relating to the new use of a drug for which such information is being disseminated; and

"(B) a bibliography of other articles from a scientific reference publication or scientific or medical journal that have been previously published about the use of the drug covered by the information disseminated (unless the information already includes such bibliography).

"(c) ADDITIONAL INFORMATION.—If the Secretary determines, after providing notice of such determination and an opportunity for a meeting with respect to such determination, that the information submitted by a manufacturer under subsection (b)(3)(B), with respect to the use of a drug for which the manufacturer intends to disseminate information, fails to provide data, analyses, or other written matter that is objective and balanced, the Secretary may require the manufacturer to disseminate—

"(1) additional objective and scientifically sound information that pertains to the safety or effectiveness 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; and

"(2) an objective statement of the Secretary, based on data or other scientifically sound information available to the Secretary, that bears on the safety or effectiveness of the new use of the drug.

"SEC. 746. INFORMATION AUTHORIZED TO BE DISSEMINATED.

"(a) AUTHORIZED INFORMATION.—A manufacturer may disseminate the information on the new use of a drug under section 745 only if the information—

"(1) is in the form of an unabridged—

"(A) reprint or copy of an article, peer-reviewed by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug, which was published in a scientific or medical journal (as defined in section 750(6)), which is about a clinical investigation with respect to the drug, and which would be considered to be scientifically sound by such experts; or

"(B) reference publication, described in subsection (b), that includes information about a clinical investigation with respect to the drug 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 that is the subject of such a clinical investigation; and

"(2) is not false or misleading and would not pose a significant risk to the public health.

"(b) REFERENCE PUBLICATION.—A reference publication referred to in subsection (a)(1)(B) is a publication that—

"(1) has not been written, edited, excerpted, or published specifically for, or at the request of, a manufacturer of a drug;

"(2) has not been edited or significantly influenced by a such a manufacturer;

"(3) is not solely distributed through such a manufacturer but is generally available in bookstores or other distribution channels where medical textbooks are sold;

"(4) does not focus on any particular drug of a manufacturer that disseminates information under section 745 and does not have a primary focus on new uses of drugs that are marketed or under investigation by a manufacturer supporting the dissemination of information; and

"(5) presents materials that are not false or misleading.

"SEC. 747. ESTABLISHMENT OF LIST OF ARTICLES AND PUBLICATIONS DISSEMINATED AND LIST OF PROVIDERS THAT RECEIVED ARTICLES AND REFERENCE PUBLICATIONS.

"(a) IN GENERAL.—A manufacturer may disseminate information under section 745 only if the manufacturer prepares and submits to the Secretary biannually—

"(1) a list containing the titles of the articles and reference publications relating to the new use of drugs that were disseminated by the manufacturer to a person described in section 745(a) 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 745(a)) that received the articles and reference publications for the 6-month period described in paragraph (1).

"(b) RECORDS.—A manufacturer that disseminates information under section 745 shall keep records that may be used by the manufacturer when, pursuant to section 749, 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 such section. Such records, at the Secretary's discretion, may identify the recipient of information provided pursuant to section 745 or the categories of such recipients.

"SEC. 748. REQUIREMENT REGARDING SUBMISSION OF SUPPLEMENTAL APPLICATION FOR NEW USE; EXEMPTION FROM REQUIREMENT.

"(a) IN GENERAL.—A manufacturer may disseminate information under section 745 on a new use only if—

"(1) the manufacturer meets the condition described in subsection (b) or in subsection (c); or

"(2) there is in effect for the manufacturer an exemption under subsection (d) from the requirement of paragraph (1).

"(b) SUPPLEMENTAL APPLICATION; CONDITION IN CASE OF COMPLETED STUDIES.—For purposes of subsection (a)(1), a manufacturer may disseminate information on a new use if the manufacturer has submitted to the Secretary an application containing a certification that—

"(1) the studies needed for the submission of a supplemental application for the new use have been completed; and

"(2) the supplemental application will be submitted to the Secretary not later than 6 months after the date of the initial dissemination of information under section 745.

"(c) SUPPLEMENTAL APPLICATION; CONDITION IN CASE OF PLANNED STUDIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), a manufacturer may disseminate information on a new use if—

"(A) the manufacturer has submitted to the Secretary an application containing—

"(i) a proposed protocol and schedule for conducting the studies needed for the submission of a supplemental application for the new use; and

"(ii) a certification that the supplemental application will be submitted to the Secretary not later than 36 months after the date of the initial dissemination of information under section 745 (or, as applicable, not later than such date as the Secretary may specify pursuant to an extension under this paragraph or paragraph (3)); and

"(B) the Secretary has determined that the proposed protocol is adequate and that the schedule for completing such studies is reasonable.

The Secretary may grant a longer period of time for a manufacturer to submit a supplemental application if the Secretary determines that the studies needed to submit such an application cannot be completed and submitted within 36 months.

"(2) PROGRESS REPORTS ON STUDIES.—A manufacturer that submits to the Secretary an application under paragraph (1) shall submit to the Secretary periodic reports describing the status of the studies involved.

"(3) EXTENSION OF TIME REGARDING PLANNED STUDIES.—The period of 36 months authorized in paragraph (1)(A)(ii) for the completion of studies may be extended by the Secretary if the manufacturer involved submits to the Secretary a written request for the extension and the Secretary determines that the manufacturer has acted with due diligence to conduct the studies in a timely manner. Such extension may not provide more than 24 additional months.

"(d) EXEMPTION FROM REQUIREMENT OF SUPPLEMENTAL APPLICATION.—

"(1) IN GENERAL.—For purposes of subsection (a)(2), a manufacturer may disseminate information on a new use if—

"(A) the manufacturer has submitted to the Secretary an application for an exemption from meeting the requirement of subsection (a)(1); and

"(B)(i) the Secretary has approved the application in accordance with paragraph (2); or

"(ii) the application is deemed under paragraph (3)(A) to have been approved (unless such approval is terminated pursuant to paragraph (3)(B)).

"(2) CONDITIONS FOR APPROVAL.—The Secretary may approve an application under paragraph (1) for an exemption only if the Secretary determines that—

"(A) it would be economically prohibitive with respect to such drug for the manufacturer to incur the costs necessary for the submission of a supplemental application for reasons, as defined by the Secretary, such as the lack of availability under law of any period during which the manufacturer would have exclusive marketing rights with respect to the new use involved or that the population expected to benefit from approval of the supplemental application is small; or

"(B) it would be unethical to conduct the studies necessary for the supplemental application for a reason such as the new use involved is the standard of medical care for a health condition.

"(3) TIME FOR CONSIDERATION OF APPLICATION; DEEMED APPROVAL.—

"(A) IN GENERAL.—The Secretary shall approve or deny an application under paragraph (1) for an exemption not later than 60 days after the receipt of the application. If the Secretary does not comply with the preceding sentence, the application is deemed to be approved.

"(B) TERMINATION OF DEEMED APPROVAL.—If pursuant to a deemed approval under subparagraph (A) a manufacturer disseminates written information under section 745 on a new use, the Secretary may at any time terminate such approval and under section 749(b)(3) order the manufacturer to cease disseminating the information.

"(e) REQUIREMENTS REGARDING APPLICATIONS.—Applications under this section shall be submitted in the form and manner prescribed by the Secretary.

"(f) TRANSITION RULE.—For purposes of this section, in any case in which a manufacturer has submitted to the Secretary a supplemental application for which action by the Secretary is pending as of the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, the application is deemed to be a supplemental application submitted under subsection (b).

"SEC. 749. CORRECTIVE ACTIONS; CESSATION OF DISSEMINATION.

"(a) POSTDISSEMINATION DATA REGARDING SAFETY AND EFFECTIVENESS.—

"(1) CORRECTIVE ACTIONS.—With respect to data received by the Secretary after the dissemination of information under section 745 by a manufacturer has begun (whether received pursuant to paragraph (2) or otherwise), if the Secretary determines that the data indicate that the new use involved may not be effective or may present a significant risk to public health, the Secretary shall, after consultation with the manufacturer, take such action regarding the dissemination of the information as the Secretary determines to be appropriate for the protection of the public health, which may include ordering that the manufacturer cease the dissemination of the information.

"(2) RESPONSIBILITIES OF MANUFACTURERS TO SUBMIT DATA.—After a manufacturer disseminates information pursuant to section 745, the manufacturer shall submit to the Secretary a notification of any additional knowledge of the manufacturer on clinical research or other data that relate to the safety or effectiveness of the new use involved. If the manufacturer is in possession of the data, the notification shall include the data. The Secretary shall by regulation establish the scope of the responsibilities of manufacturers under this paragraph, including such limits on the responsibilities as the Secretary determines to be appropriate.

"(b) CESSATION OF DISSEMINATION.—

"(1) FAILURE OF MANUFACTURER TO COMPLY WITH REQUIREMENTS.—The Secretary may order a manufacturer to cease the dissemination of information pursuant to section 745 if the Secretary determines that the information being disseminated does not comply with the requirements established in this subchapter. Such an order may be issued only after the Secretary has provided notice to the manufacturer of the intent of the Secretary to issue the order and has provided an opportunity for a meeting with respect to such intent unless paragraph (2)(B) applies. If the failure of the manufacturer constitutes a minor violation of this subchapter, the Secretary shall delay issuing the order and provide to the manufacturer an opportunity to correct the violation.

"(2) SUPPLEMENTAL APPLICATIONS.—The Secretary may order a manufacturer to cease the dissemination of information pursuant to section 745 if the Secretary determines that—

"(A) in the case of a manufacturer to which section 748(b) applies, the Secretary determines that the supplemental application received under such section does not contain adequate information for approval of the new use with respect to which the application was submitted; or

"(B) in the case of a manufacturer to which section 748(c) applies, the Secretary determines, after an informal hearing, that the manufacturer is not acting with due diligence to complete the studies involved.

"(3) TERMINATION OF DEEMED APPROVAL OF EXEMPTION REGARDING SUPPLEMENTAL APPLICATIONS.—If under section 748(d)(3) the Secretary terminates a deemed approval of an exemption, the Secretary may order the manufacturer involved to cease disseminating the information. A manufacturer shall comply with an order under the preceding sentence not later than 60 days after the receipt of the order.

"(c) CORRECTIVE ACTIONS BY MANUFACTURERS.—

"(1) IN GENERAL.—In any case in which under this section the Secretary orders a manufacturer to cease disseminating information, the Secretary may order the manufacturer to take action to correct the information that has been disseminated, except as provided in paragraph (2).

"(2) TERMINATION OF DEEMED APPROVAL OF EXEMPTION REGARDING SUPPLEMENTAL APPLICATIONS.—In the case of an order under subsection (b)(3) to cease disseminating information, the Secretary may not order the manufacturer involved to take action to correct the information that has been disseminated unless the Secretary determines that the new use described in the information would pose a significant risk to the public health.

"SEC. 750. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'health care practitioner' means a physician, or other individual who is a provider of health care, who is licensed under the law of a State to prescribe drugs.

"(2) The terms 'health insurance issuer' and 'group health plan' have the meaning given such terms under section 2791 of the Public Health Service Act.

"(3) The term 'manufacturer' means a person who manufactures a drug, or who is licensed by such person to distribute or market the drug.

"(4) The term 'new use', with respect to a drug, means a use that is not included in the approved labeling of the drug.

"(5) The term 'pharmacy benefit manager' means an organization that—

"(A) manages pharmaceutical costs through—

"(i) pharmacy benefit administration, including claims processing adjudication, pharmacy networks, mail service, and data reporting;

"(ii) formulary management and contracting, including evaluating drugs for formulary status, negotiations of contracts with manufacturers, and disbursement of rebates; and

"(iii) utilization management, including communicating and enforcing therapy guidelines and drug use principles to physicians, pharmacists, and patients; and

"(B) serves 2 principal types of customers which are—

"(i) employers, both private- and public-sector, who use either self-funded health benefits through a third party administrator's insurance carrier or use traditional indemnity coverage, using providers from a preferred provider network or in a fee-for-service capacity; and

"(ii) health maintenance organizations.

"(6) 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; and

"(E) that is not in the form of a special supplement that has been funded in whole or in part by 1 or more manufacturers.

"SEC. 751. RULES OF CONSTRUCTION.

"(a) UNSOLICITED REQUEST.—Nothing in section 745 shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner.

"(b) DISSEMINATION OF INFORMATION ON DRUGS 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, in accordance with section 745, shall not be construed by the Secretary as evidence of a new intended use of the drug that is different from the intended use of the drug set forth in the official labeling of the drug. Such dissemination shall not be considered by the Secretary as labeling, adulteration, or misbranding of the drug.

"(c) PATENT PROTECTION.—Nothing in section 745 shall affect patent rights in any manner.

"(d) AUTHORIZATION FOR DISSEMINATION OF ARTICLES AND FEES FOR REPRINTS OF ARTICLES.—Nothing in section 745 shall be construed as prohibiting an entity that publishes a scientific journal (as defined in section 750(6)) from requiring authorization from the entity to disseminate an article published by such entity or charging fees for the purchase of reprints of published articles from such entity.".

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The dissemination of information in violation of section 745.".

(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) SUNSET.—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. 107. STUDIES AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study—

(1) to determine the impact of the amendments made by section 7 on the resources of the Department of Health and Human Services; and

(2) of the scientific issues raised as a result of the amendments made by section 7, including issues relating to—

(A) the effectiveness of such amendments with respect to the provision of useful scientific information to health care practitioners;

(B) the quality of the information being disseminated pursuant to such amendments;

(C) the quality and usefulness of the information provided, in accordance with such amendments, by the Secretary or by a manufacturer at the request of the Secretary; and

(D) the impact of such amendments on research in the area of new uses of drugs, indications for new uses, or dosages of drugs for new uses, particularly the impact on pediatric indications and rare diseases.

(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 under subsection (a).

SEC. 108. APPROVAL OF SUPPLEMENTAL APPLICATIONS FOR APPROVED PRODUCTS.

(a) PERFORMANCE STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register performance standards for the prompt review of supplemental applications submitted for approved drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262).

(b) GUIDANCE TO INDUSTRY.—Not later than 180 days after the date of enactment of this Act, the Secretary 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 shall designate an individual in each center within the Food and Drug Administration which is responsible for the review of applications for approval of drugs 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 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. 109. HEALTH CARE ECONOMIC INFORMATION.

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.".

SEC. 110. CLINICAL INVESTIGATIONS.

(a) CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.—Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: "If the Secretary determines, based on relevant science, that data from one adequate and well-controlled clinical investigation and confirmatory evidence (obtained prior to or after such investigation) are sufficient to establish effectiveness, the Secretary may consider such data and evidence to constitute substantial evidence for purposes of the preceding sentence.".

(b) WOMEN AND MINORITIES.—Section 505(b)(1) (21 U.S.C. 355(b)(1)) is amended by adding at the end the following: "The Secretary shall, in consultation with the Director of the National Institutes of Health, review and develop guidance, as appropriate, on the inclusion of women and minorities in clinical trials required by clause (A).".

SEC. 111. MANUFACTURING CHANGES FOR DRUGS.

(a) IN GENERAL.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 106, is amended by adding at the end the following subchapter:

"SUBCHAPTER F—MANUFACTURING CHANGES

"SEC. 755. MANUFACTURING CHANGES.

"(a) IN GENERAL.—With respect to a drug for which there is in effect an approved application under section 505 or 512 or a license under section 351 of the Public Health Service Act, a change from the manufacturing process approved pursuant to such application or license may be made, and the drug as made with the change may be distributed, if—

"(1) the holder of the approved application or license (referred to in this section as a 'holder') has validated the effects of the change in accordance with subsection (b); and

"(2)(A) in the case of a major manufacturing change, the holder has complied with the requirements of subsection (c); or

"(B) in the case of a change that is not a major manufacturing change, the holder complies with the applicable requirements of subsection (d).

"(b) VALIDATION OF EFFECTS OF CHANGES.—For purposes of subsection (a)(1), a drug made with a manufacturing change (whether a major manufacturing change or otherwise) may be distributed only if, before distribution of the drug as so made, the holder involved validates the effects 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, bioequivalence, bioavailability, or effectiveness of the drug.

"(c) MAJOR MANUFACTURING CHANGES.—

"(1) REQUIREMENT OF SUPPLEMENTAL APPLICATION.—For purposes of subsection (a)(2)(A), a drug made with a major manufacturing change may be distributed only if, before the distribution of the drug as so made, the holder involved submits to the Secretary a supplemental application for such change and the Secretary approves the application. The application shall contain such information as the Secretary determines to be appropriate, and shall include the information developed under subsection (b) by the holder in validating the effects of the change.

"(2) CHANGES QUALIFYING AS MAJOR CHANGES.—For purposes of subsection (a)(2)(A), a major manufacturing change is a manufacturing change that—

"(A) is determined by the Secretary to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as they may relate to the safety, bioequivalence, bioavailability, or effectiveness of a drug; and

"(B)(i) is made in the qualitative or quantitative formulation of the drug involved or in the specifications in the approved application or license referred to in subsection (a) for the drug (unless exempted by the Secretary from the requirements of this subsection);

"(ii) is determined by the Secretary by regulation or guidance to require completion of an appropriate clinical study demonstrating equivalence of the drug to the drug as manufactured without the change; or

"(iii) is determined by the Secretary by regulation or guidance to have a substantial potential to adversely affect the safety or effectiveness of the drug.

"(d) OTHER MANUFACTURING CHANGES.—

"(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the Secretary may regulate drugs made with manufacturing changes that are not major manufacturing changes as follows:

"(A) The Secretary may authorize holders to distribute such drugs without prior approval by the Secretary.

"(B) The Secretary may require that, prior to the distribution of such drugs, holders submit to the Secretary supplemental applications for such changes.

"(C) The Secretary may establish categories of such changes and designate categories to which subparagraph (A) applies and categories to which subparagraph (B) applies.

"(2) CHANGES NOT REQUIRING SUPPLEMENTAL APPLICATION.—

"(A) SUBMISSION OF REPORT.—A holder making a manufacturing change to which paragraph (1)(A) applies shall submit to the Secretary a report on the change, which shall contain such information as the Secretary determines to be appropriate, and which shall include the information developed under subsection (b) by the holder in validating the effects of the change. The report shall be submitted by such date as the Secretary may specify.

"(B) AUTHORITY REGARDING ANNUAL REPORTS.—In the case of a holder that during a single year makes more than one manufacturing change to which paragraph (1)(A) applies, the Secretary may in carrying out subparagraph (A) authorize the holder to comply with such subparagraph by submitting a single report for the year that provides the information required in such subparagraph for all the changes made by the holder during the year.

"(3) CHANGES REQUIRING SUPPLEMENTAL APPLICATION.—

"(A) SUBMISSION OF SUPPLEMENTAL APPLICATION.—The supplemental application required under paragraph (1)(B) for a manufacturing change shall contain such information as the Secretary determines to be appropriate, which shall include the information developed under subsection (b) by the holder in validating the effects of the change.

"(B) AUTHORITY FOR DISTRIBUTION.—In the case of a manufacturing change to which paragraph (1)(B) applies:

"(i) The holder involved may commence distribution of the drug involved 30 days after the Secretary receives the supplemental application under such paragraph, unless the Secretary notifies the holder within such 30-day period that prior approval of the application is required before distribution may be commenced.

"(ii) The Secretary may designate a category of such changes for the purpose of providing that, in the case of a change that is in such category, the holder involved may commence distribution of the drug involved upon the receipt by the Secretary of a supplemental application for the change.

"(iii) If the Secretary disapproves the supplemental application, the Secretary may order the manufacturer to cease the distribution of the drugs that have been made with the manufacturing change.".

(b) TRANSITION RULE.—The amendment made by subsection (a) takes effect upon the effective date of regulations promulgated by the Secretary of Health and Human Services to implement such amendment, or upon the expiration of the 24-month period beginning on the date of the enactment of this Act, whichever occurs first.

SEC. 112. STREAMLINING CLINICAL RESEARCH ON DRUGS.

Section 505(i) (21 U.S.C. 355(i)) is amended by adding "(1)" before "The Secretary", by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, by striking the last two sentences, and by adding the following new paragraphs:

"(2) Subject to paragraph (3), a clinical investigation of a new drug may begin 30 days after the Secretary has received from the manufacturer or sponsor of the investigation a submission containing such information about the drug and the clinical investigation, including —

"(A) information on design of the investigation and adequate reports of basic information, certified by the applicant to be accurate reports, necessary to assess the safety of the drug for use in clinical investigation; and

"(B) adequate information on the chemistry and manufacturing of the drug, controls available for the drug, and primary data tabulations from animal or human studies.

"(3)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this paragraph as a 'clinical hold') if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

"(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is that—

"(i) the drug involved represents an unreasonable risk to the safety of the persons who are the subject of the clinical investigation, taking into account the qualifications of the clinical investigators, information about the drug, the design of the clinical investigation, the condition for which the drug is to be investigated, and the health status of the subjects involved; or

"(ii) the clinical hold should be issued for such other reasons as the Secretary may by

regulation establish (including reasons established by regulation before the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997).

Such regulations shall provide that such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that experts using such drugs for investigational purposes certify to such manufacturer or sponsor that they will inform any human beings to whom such drugs, or any controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes and will obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs.

"(C) Any request to the Secretary from the sponsor of an investigation that a clinical hold be removed shall receive a decision, in writing and specifying the reasons therefor, within 30 days after receipt of such request. Any such request shall include sufficient information to support the removal of such clinical hold.".

SEC. 113. DATA REQUIREMENTS FOR DRUGS.

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, for certain types of studies, 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). Such guidance shall describe the kinds of studies for which abbreviated reports are appropriate and the appropriate abbreviated report formats.

SEC. 114. CONTENT AND REVIEW OF APPLICATIONS.

(a) SECTION 505(b).—Section 505(b) (21 U.S.C. 355(b)) is amended by adding at the end the following:

"(4)(A) The Secretary shall issue guidance for the review of applications submitted under paragraph (1) relating to promptness, technical excellence, lack of bias and conflict of interest, and knowledge of regulatory and scientific standards which shall apply equally to all individuals who review such applications.

"(B) The Secretary shall meet with a sponsor of an investigation or an applicant for approval under this section or section 351 of the Public Health Service Act if the sponsor or applicant makes a reasonable request for a meeting, for the purpose of reaching agreement on the design and size of clinical trials. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant upon request.

"(C) Agreement regarding the parameters of the design and size of clinical trials of a new drug that are reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

"(i) with the written agreement of the sponsor or applicant; or

"(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the division in which the drug is reviewed, that a substantial scientific issue essential to determining the safety or effectiveness of the drug has been identified after the testing has begun.

"(D) A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director documents the scientific issue involved.

"(E) The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance division personnel unless such field or compliance division personnel demonstrate to the reviewing division why such decision should be modified. For purposes of this paragraph, the reviewing division is the division responsible for the review of an application for approval of a drug (including all scientific and medical matters, chemistry, manufacturing, and controls).

"(F) No action by the reviewing division may be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe and effective drug.".

(b) SECTION 505(j).—

(1) AMENDMENT.—Section 505(j) (21 U.S.C 355(j)) is amended by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively, and by adding after paragraph (2) the following:

"(3)(A) The Secretary shall issue guidance for the review of applications submitted under paragraph (1) relating to promptness, technical excellence, lack of bias and conflict of interest, and knowledge of regulatory and scientific standards which shall apply equally to all individuals who review such applications.

"(B) The Secretary shall meet with an applicant for approval of a drug under this subsection if the applicant makes a reasonable request for a meeting for the purpose of reaching agreement on the design and size of studies needed for approval of such application. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant.

"(C) Agreements regarding the parameters of design and size of bioavailability and bioequivalence trials of a drug under this subsection that are reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

"(i) with the written agreement of the sponsor or applicant; or

"(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the division in which the drug is reviewed, that a substantial scientific issue essential to determining the safety or effectiveness of the drug has been identified after the testing has begun.

"(D) A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director documents the scientific issue involved.

"(E) The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance office personnel unless such field or compliance office personnel demonstrate to the reviewing division why such decision should be modified. For purposes of this paragraph, the reviewing division is the division responsible for the review of an application under this subsection (including scientific matters, chemistry, manufacturing, and controls).

"(F) No action by the reviewing division may at any time be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe and effective drug.".

(2) CONFORMING AMENDMENTS.—Section 505(j) (21 U.S.C. 355(j)), as amended by paragraph (1), is amended—

(A) in paragraph (2)(A)(i), by striking "(6)" and inserting "(7)";

(B) in paragraph (4), by striking "(4)" and inserting "(5)";

(C) in paragraph (4)(I), by striking "(5)" and inserting "(6)"; and

(D) in paragraph (7)(C), by striking "(5)" each place it occurs and inserting "(6)".

SEC. 115. SCIENTIFIC ADVISORY PANELS.

Section 505 (21 U.S.C. 355) is amended by adding at the end the following:

"(n)(1) For the purpose of providing expert scientific advice and recommendations to the Secretary regarding a clinical investigation of a drug or the approval for marketing of a drug under section 505 or section 351 of the Public Health Service Act, the Secretary shall establish panels of experts or use panels of experts established before the date of the enactment of this subsection, or both.

"(2) The Secretary may delegate the appointment and oversight authority granted under section 904 to a director of a center or successor entity within the Food and Drug Administration.

"(3) The Secretary shall make appointments to each panel established under paragraph (1) so that each panel shall consist of—

"(A) members who are qualified by training and experience to evaluate the safety and effectiveness of the drugs to be referred to the panel and who, to the extent feasible, possess skill and experience in the development, manufacture, or utilization of such drugs;

"(B) members with diverse expertise in such fields as clinical and administrative medicine, pharmacy, pharmacology, pharmacoeconomics, biological and physical sciences, and other related professions;

"(C) a representative of consumer interests and a representative of interests of the drug manufacturing industry not directly affected by the matter to be brought before the panel; and

"(D) 2 or more members who are specialists or have other expertise in the particular disease or condition for which the drug under review is proposed to be indicated.

Scientific, trade, and consumer organizations shall be afforded an opportunity to nominate individuals for appointment to the panels. No individual who is in the regular full-time employ of the United States and engaged in the administration of this Act may be a voting member of any panel. The Secretary shall designate one of the members of each panel to serve as chairman thereof.

"(4) Each member of a panel shall publicly disclose all conflicts of interest that member may have with the work to be undertaken by the panel. No member of a panel may vote on any matter where the member or the immediate family of such member could gain financially from the advice given to the Secretary. The Secretary may grant a waiver of any conflict of interest upon public disclosure of such conflict of interest if such waiver is necessary to afford the panel essential

expertise, except that the Secretary may not grant a waiver for a member of a panel when the member's own scientific work is involved.

"(5) The Secretary shall provide education and training to each new panel member before such member participates in a panel's activities, including education regarding requirements under this Act and related regulations of the Secretary, and the administrative processes and procedures related to panel meetings.

"(6) Panel members (other than officers or employees of the United States), while attending meetings or conferences of a panel or otherwise engaged in its business, shall be entitled to receive compensation for each day so engaged, including traveltime, at rates to be fixed by the Secretary, but not to exceed the daily equivalent of the rate in effect for positions classified above grade GS-15 of the General Schedule. While serving away from their homes or regular places of business, panel members may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(7) The Secretary shall ensure that scientific advisory panels meet regularly and at appropriate intervals so that any matter to be reviewed by such panel can be presented to the panel not more than 60 days after the matter is ready for such review. Meetings of the panel may be held using electronic communication to convene the meeting.

"(8) Within 60 days after a scientific advisory panel makes recommendations on any matter under its review, the Food and Drug Administration official responsible for the matter shall review the conclusions and recommendations of the panel, and notify the affected persons of the final decision on the matter, or of the reasons that no such decision has been reached. Each such final decision shall be documented including the rationale for the decision.

"(9) A scientific advisory panel under this subsection shall not be subject to the annual chartering and annual report requirements of the Federal Advisory Committee Act.".

SEC. 116. DISPUTE RESOLUTION.

Chapter V (21 U.S.C. 351 et seq.), as amended by section 102, is amended by inserting after section 505A the following:

"DISPUTE RESOLUTION

"SEC. 506. If, regarding an obligation under this Act, there is a scientific controversy between the Secretary and a person who is a sponsor, applicant, or manufacturer and no specific provision of this Act or regulation promulgated under this Act provides a right of review of the matter in controversy, the Secretary shall, by regulation, establish a procedure under which such sponsor, applicant, or manufacturer may request a review of such controversy by an appropriate scientific advisory panel under section 505(n). Such review shall take place in a timely manner. The Secretary shall promulgate such regulations within 180 days of the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997.".

SEC. 117. INFORMAL AGENCY STATEMENTS.

Section 701 (21 U.S.C. 371) is amended by adding at the end the following:

"(h)(1)(A) The Secretary shall develop guidance documents with public participation and ensure that the existence of such documents and the documents themselves are made available to the public both in written form and through electronic means. Such documents shall not create or confer any rights for or on any person, although they present the views of the Secretary on matters under the jurisdiction of the Food and Drug Administration.

"(B) Although guidance documents shall not be binding on the Secretary, the Secretary shall ensure that employees of the Food and Drug Administration do not deviate from such guidances without appropriate justification and supervisory concurrence.

"(C) For guidance documents that set forth initial interpretations of statute or regulation, changes in interpretation or policy that are of more than a minor nature, complex scientific issues, or highly controversial issues, the Secretary shall ensure public participation prior to implementation of any guidance documents, unless the Secretary determines that for reasons of the public health need, such prior public participation is not feasible. In such cases, the Secretary shall provide for public comment upon implementation, and take such comment into account.

"(D) For guidance documents that set forth existing practices or minor changes in policy, the Secretary shall provide for public comment upon implementation.

"(2) In developing guidance documents, the Secretary shall ensure uniform nomenclature and uniform internal procedures for approval of such documents. The Secretary shall ensure that guidance documents and revisions of such documents are properly dated and indicate the nonbinding nature of the documents.

"(3) The Secretary, through the Food and Drug Administration, shall maintain electronically and publish periodically in the Federal Register a list of guidance documents. Such list shall be updated quarterly. All such documents shall be made available to the public.

"(4) The Secretary shall report to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate no later than July 1, 2000, on the implementation of these practices.".

SEC. 118. POSITRON EMISSION TOMOGRAPHY.

(a) REGULATION OF COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS.—

(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 on 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 on 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. 119. 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 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, one 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. 120. MODERNIZATION OF REGULATION.

(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) 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—

"(i) 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; and

"(ii) 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).

"(3) 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 new drug applications under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)).

(g) EXAMINATIONS AND PROCEDURES.—Paragraph (3) of section 353(d) of the Public Health Service Act (42 U.S.C. 263a(d)) is amended to read as follows:

"(3) EXAMINATIONS AND PROCEDURES.—The examinations and procedures identified in paragraph (2) are laboratory examinations and procedures which have been approved by the Food and Drug Administration for home use or which, as determined by the Secretary, are simple laboratory examinations and procedures which have an insignificant risk of an erroneous result, including those which—

"(A) employ methodologies that are so simple and accurate as to render the likelihood of erroneous results by the user negligible, or

"(B) the Secretary has determined pose no unreasonable risk of harm to the patient if performed incorrectly.".

SEC. 121. PILOT AND SMALL SCALE MANUFACTURE.

(a) HUMAN DRUGS.—Section 505(c) (21 U.S.C. 355(c)) is amended by adding at the end thereof the following:

"(4) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain approval prior to scaling up to a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.".

(b) ANIMAL DRUGS.—Section 512(c) (21 U.S.C. 360b(c)) is amended by adding at the end the following:

"(4) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain approval prior to scaling up to a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.".

SEC. 122. INSULIN AND ANTIBIOTICS.

(a) CERTIFICATION OF DRUGS CONTAINING INSULIN.—

(1) AMENDMENT.—Section 506 (21 U.S.C. 356), as in effect before the date of the enactment of this Act, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 301(j) (21 U.S.C. 331(j)) is amended by striking "506, 507,".

(B) Subsection (k) of section 502 (21 U.S.C. 352) is repealed.

(C) Sections 301(i)(1), 510(j)(1)(A), and 510(j)(1)(D) (21 U.S.C. 331(i)(1), 360(j)(1)(A), 360(j)(1)(D)) are each amended by striking ", 506, 507,".

(D) Section 801(d)(1) (21 U.S.C. 381(d)(1)) is amended by inserting after "503(b)" the following: "or composed wholly or partly of insulin".

(E) Section 8126(h)(2) of title 38, United States Code, is amended by inserting "or" at

the end of subparagraph (B), by striking "; or" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(b) CERTIFICATION OF ANTIBIOTICS.—

(1) AMENDMENT.—Section 507 (21 U.S.C. 357) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 201(aa) (21 U.S.C. 321(aa)) is amended by striking out "or 507", section 201(dd) (21 U.S.C. 321(dd)) is amended by striking "507,", and section 201(ff)(3)(A) (21 U.S.C. 321(ff)(3)(A)) is amended by striking ", certified as an antibiotic under section 507,".

(B) Section 301(e) (21 U.S.C. 331(e)) is amended by striking "507(d) or (g),".

(C) Section 306(d)(4)(B)(ii) (21 U.S.C. 335a(d)(4)(B)(ii)) is amended by striking "or 507".

(D) Section 502 (21 U.S.C. 352) is amended by striking subsection (l).

(E) Section 520(l) (21 U.S.C. 360j(l)) is amended by striking paragraph (4) and by striking "or Antibiotic Drugs" in the subsection heading.

(F) Section 525(a) (21 U.S.C. 360aa(a)) is amended by inserting "or" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(G) Section 525(a) (21 U.S.C. 360aa(a)) is amended by striking ", certification of such drug for such disease or condition under section 507,".

(H) Section 526(a)(1) (21 U.S.C. 360bb) is amended by striking "the submission of an application for certification of the drug under section 507,", by inserting "or" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(I) Section 526(b) (21 U.S.C. 360bb(b)) is amended—

(i) in paragraph (1), by striking ", a certificate was issued for the drug under section 507,"; and

(ii) in paragraph (2) by striking ", a certificate has not been issued for the drug under section 507," and by striking ", approval of an application for certification under section 507,".

(J) Section 527(a) (21 U.S.C. 360cc(a)) is amended by inserting "or" at the end of paragraph (1), by striking paragraph (2), by redesignating paragraph (3) as paragraph (2), and by striking ", issue another certificate under section 507,".

(K) Section 527(b) (21 U.S.C. 360cc(b)) is amended by striking ", if a certification is issued under section 507 for such a drug, or", "of the issuance of the certification under section 507,", and "issue another certification under section 507, or".

(L) Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking ", section 507 (d) or (g)".

(M) Section 735(1) (21 U.S.C. 379g(1)(C)) is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(N) Subparagraphs (A)(ii) and (B) of sections 5(b)(1) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A), 360ee(b)(1)(B)) are each amended by striking "or 507".

(O) Section 45C(b)(2)(A)(ii)(II) of the Internal Revenue Code of 1986 is amended by striking "or 507".

(P) Section 156(f)(4)(B) of title 35, United States Code, is amended by striking "507," each place it occurs.

(c) EXPORTATION.—Section 802 (21 U.S.C. 382) is amended by adding at the end thereof the following:

"(i) Insulin and antibiotic drugs may be exported without regard to the requirements in this section if the insulin and antibiotic drugs meet the requirements of section 801(e)(1).".

(d) EFFECT.—The amendments made by subsection (b) shall not apply with respect to any application for a drug that contains an active ingredient (including any ester or salt of the active ingredient) that was an antibiotic drug within the meaning of section 507 of such Act and was the subject of an approved or pending application under such section 507 for certification or exemption from certification before the date of the enactment of this Act.

SEC. 123. FDA MISSION AND ANNUAL REPORT.

(a) MISSION.—Section 903 (21 U.S.C. 393) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by adding after subsection (a) the following:

"(b) MISSION.—The Food and Drug Administration shall promote the public health by promptly and efficiently reviewing clinical research and taking appropriate action on the marketing of regulated products in a timely manner, and with respect to such products shall protect the public health by ensuring that—

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

"(2) human and veterinary drugs are safe and effective;

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

"(4) cosmetics are safe and properly labeled; and

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

The Food and Drug Administration shall participate with other countries to reduce the burden of regulation, harmonize regulatory requirements, and achieve appropriate reciprocal arrangements.".

(b) ANNUAL REPORT.—Section 903 (21 U.S.C. 393), as amended by subsection (a), is amended by adding at the end the following:

"(e) ANNUAL REPORT.—The Secretary shall, simultaneously with the submission each year of the budget for the Food and Drug Administration, submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate an annual report which shall—

"(1) review the performance of the Food and Drug Administration in meeting its mission and the development of Food and Drug Administration policies to implement such mission;

"(2) review the performance of the Food and Drug Administration in meeting its own performance standards, including its own outcome measurements, and statutory deadlines for the approval of products or for other purposes contained in this Act;

"(3) describe the staffing and resources of the Food and Drug Administration;

"(4)(A) list each bilateral and multinational meeting held by the Food and Drug Administration to address methods and approaches to reduce the burden of regulation, to harmonize regulation, and to seek appropriate reciprocal arrangements, (B) describe the goals, activities, and accomplishments of the Food and Drug Administration in such meetings, and (C) list issues that the Food and Drug Administration is considering or has presented for each such meeting.".

SEC. 124. INFORMATION SYSTEM.

Chapter IX is amended by adding at the end the following section:

"SEC. 906. INFORMATION SYSTEM.

"The Secretary shall establish and maintain an information system to track the status and progress of each application or submission (including a petition, notification, or other similar form of request) submitted to the Food and Drug Administration requesting agency action.".

SEC. 125. EDUCATION AND TRAINING.

Chapter IX, as amended by section 124, is amended by adding at the end the following sections:

"SEC. 907. EDUCATION.

"The Secretary shall conduct training and education programs for the employees of the Food and Drug Administration relating to the regulatory responsibilities and policies established by this Act, including programs for scientific training and training in administrative process and procedure and integrity issues.".

SEC. 126. CENTERS FOR EDUCATION AND RESEARCH ON DRUGS.

Chapter IX, as amended by section 125, is amended by adding at the end the following section:

"SEC. 908. DEMONSTRATION PROGRAM REGARDING CENTERS FOR EDUCATION AND RESEARCH ON DRUGS.

"(a) IN GENERAL.—The Secretary, acting through the Commissioner of Food and Drugs, shall establish a demonstration program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in subsection (b).

"(b) REQUIRED ACTIVITIES.—The activities referred to in subsection (a) are the following:

"(1) The conduct of state-of-the-art clinical and laboratory research for the following purposes:

"(A) To increase awareness of new uses of drugs and the unforeseen risks of new uses of drugs.

"(B) To provide objective clinical information to the following entities:

"(i) Health care practitioners or other providers of health care goods or services.

"(ii) Pharmacy benefit managers.

"(iii) Health maintenance organizations or other managed health care organizations.

"(iv) Health care insurers or governmental agencies.

"(C) To improve the quality of health care while reducing the cost of health care through the prevention of adverse effects of drugs and the consequences of such effects, such as unnecessary hospitalizations.

"(2) The conduct of research on the comparative effectiveness and safety of drugs.

"(3) Such other activities as the Secretary determines to be appropriate, except that the grant may not be expended to assist the Secretary in the review of new drugs.

"(c) APPLICATION FOR GRANT.—A grant under subsection (a) may be made only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) PEER REVIEW.—A grant under subsection (a) may be made only if the application for the grant has undergone appropriate technical and scientific peer review.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 1998, and $3,000,000 for fiscal year 1999.".

SEC. 127. HARMONIZATION.

Section 803 (21 U.S.C. 383) is amended by adding at the end the following:

"(c) The Secretary shall participate in meetings with representatives of other countries to discuss methods and approaches to reduce the burden of regulation and harmonize regulatory requirements if the Secretary determines that such harmonization continues consumer protections consistent with the purposes of this Act. The Secretary shall report to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate at least 60 days before executing any bilateral or multilateral agreement under subsection (b).".

SEC. 128. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII, as amended by section 111, is amended by adding at the end the following:

"SUBCHAPTER G—ENVIRONMENTAL IMPACT REVIEW

"SEC. 761. ENVIRONMENTAL IMPACT REVIEW.

"Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published at part 25 of 21 C.F.R. (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.".

SEC. 129. NATIONAL UNIFORMITY.

(a) NONPRESCRIPTION DRUGS.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 128, is amended by adding at the end the following:

"SUBCHAPTER H—NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS FOR HUMAN USE AND PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS

"SEC. 771. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS FOR HUMAN USE.

"(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 intended for human use that is not subject to the requirements of section 503(b)(1); 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.—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—

"(1) protects an important public interest that would otherwise be unprotected;

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

"(3) would not unduly burden interstate commerce.

"(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, except that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subclause, 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, except that the requirements of this subclause with respect to alphabetical order shall apply only to nonprescription drugs that are not also cosmetics and this subclause 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, except that to the extent that compliance with the requirements of clause (A)(ii) or (iii) or this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(d) COSMETICS.—Subchapter H of chapter VII, as amended by subsection (a), is further amended by adding at the end the following:

"SEC. 772. 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 that is 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. 130. FDA STUDY OF MERCURY COMPOUNDS IN DRUGS AND FOOD.

(a) LIST AND ANALYSIS.—The Secretary of Health and Human Services shall, through the Food and Drug Administration—

(1) compile a list of drugs and foods that contain intentionally introduced mercury compounds, and

(2) provide a quantitative and qualitative analysis of the mercury compounds in the list under paragraph (1).

The Secretary shall compile the list required by paragraph (1) within 2 years after the date

of the enactment of this section and shall provide the analysis required by paragraph (2) within 2 years of such date of enactment.

(b) STUDY.—The Secretary of Health and Human Services, acting through the Food and Drug Administration, shall conduct a study of the effect on humans of the use of mercury compounds in nasal sprays. Such study shall include data from other studies that have been made of such use.

(c) STUDY OF MERCURY SALES.—

(1) STUDY.—The Secretary of Health and Human Services, acting through the Food and Drug Administration and subject to appropriations, shall conduct, or shall contract with the Institute of Medicine of the National Academy of Sciences to conduct, a study of the effect on humans of the use of elemental, organic or inorganic mercury when offered for sale as a drug or dietary supplement. Such study shall, among other things, evaluate—

(A) the scope of mercury use as a drug or dietary supplement; and

(B) the adverse effects on health of children and other sensitive populations resulting from exposure to, or ingestion or inhalation of, mercury when so used.

In conducting such study, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Chair of the Consumer Product Safety Commission, and the Administrator of the Agency for Toxic Substances and Disease Registry, and, to the extent the Secretary believes necessary or appropriate, with any other Federal or private entity.

(2) REGULATIONS.—If, in the opinion of the Secretary, the use of elemental, organic or inorganic mercury offered for sale as a drug or dietary supplement poses a threat to human health, the Secretary shall promulgate regulations restricting the sale of mercury intended for such use. At a minimum, such regulations shall be designed to protect the health of children and other sensitive populations from adverse effects resulting from exposure to, or ingestion or inhalation of, mercury. Such regulations, to the extent feasible, should not unnecessarily interfere with the availability of mercury for use in religious ceremonies.

SEC. 131. NOTIFICATION OF DISCONTINUANCE OF A LIFE SAVING PRODUCT.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 129, is further amended by adding at the end the following:

"Subchapter I—Notification of the Discontinuance of a Life Saving Product

"SEC. 781. DISCONTINUANCE OF A LIFE SAVING PRODUCT.

"(a) IN GENERAL.—A manufacturer that is the sole manufacturer of a drug (including a biological product) or device—

"(1) that is—

"(A) life supporting;

"(B) life sustaining; or

"(C) intended for use in the prevention of a debilitating disease or condition; and

"(2) for which an application has been approved under section 505(b), 505(j), or 515(d),

shall notify the Secretary of a discontinuance of the manufacture of the drug or device at least 6 months prior to the date of the discontinuance.

"(b) REDUCTION IN NOTIFICATION PERIOD.—On application of a manufacturer, the Secretary may reduce the notification period required under subsection (a) for the manufacturer if good cause exists for the reduction, such as a situation in which—

"(1) a public health problem may result from continuation of the manufacturing for the 6-month period;

"(2) a biomaterials shortage prevents the continuation of the manufacturing for the 6-month period;

"(3) a liability problem may exist for the manufacturer if the manufacturing is continued for the 6-month period;

"(4) continuation of the manufacturing for the 6-month period may cause substantial economic hardship for the manufacturer; or

"(5) the manufacturer has filed for bankruptcy under chapter 7 or 11 of title 11, United States Code.

"(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute information on the discontinuation of the drugs and devices described in subsection (a) to appropriate physician and patient organizations.".

TITLE II—IMPROVING REGULATION OF DEVICES

SEC. 201. DISPUTE RESOLUTION.

Section 506, as added by section 116, is amended in the first sentence by inserting before the period the following: ", or under section 515(g)(2)(B), as applicable".

SEC. 202. INVESTIGATIONAL DEVICE EXEMPTIONS; EXPANDED ACCESS.

Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

"(6)(A) Not later than 120 days after the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, the Secretary shall by regulation establish, with respect to a device for which an exemption under this subsection is in effect, the following:

"(i) Procedures and conditions under which the Secretary will, without requiring an additional approval of an application for an exemption or the approval of a supplement to such an application, permit—

"(I) developmental changes in the device that do not constitute a significant change in design or in basic principles of operation and that are made in response to information gathered during the course of an investigation; and

"(II) changes or modifications to clinical protocols that do not affect the validity of data or information resulting from the completion of an approved protocol and do not alter the relationship of likely patient risk to benefit relied upon to approve a protocol.

"(ii) Procedures and conditions under which the Secretary will, outside of an approved investigational protocol (subject to compliance with regulations for the protection of patients), permit uses of the device in the diagnosis, monitoring, or treatment of diseases or conditions that are life-threatening or could be irreversibly debilitating, when—

"(I) the treating physician determines that the investigational use of the device likely will provide a benefit; that the risk of not using the device exceeds the probable risk of using the device; and that there is no legally marketed device alternative for the satisfactory treatment or diagnosis of such disease or condition;

"(II) the Secretary determines that there is sufficient evidence of safety and effectiveness to support the investigational use of the device in the case described in subclause (I);

"(III) the Secretary determines that the investigational use of the device will not interfere with the initiation, conduct, or completion of clinical investigations to support marketing approval; and

"(IV) the sponsor, or clinical investigator, of the investigational use of the device submits to the Secretary a clinical protocol consistent with the provisions of paragraph (3) and any regulations promulgated under such paragraph describing the investigational use of devices in a single patient or a small group of patients.

"(B) Regulations under subparagraph (A)(i) shall provide that a change or modification described in such subparagraph is not permitted unless, not later than 5 days after making the change or modification, a notice of the change or modification is submitted to the Secretary.

"(C) Regulations under subparagraph (A)(ii) shall provide that, under appropriate conditions described by the Secretary in the regulations, the Secretary will authorize the shipment of investigational devices (as defined in the regulations) for the diagnosis, monitoring, or treatment of a serious disease or condition in emergency situations.

"(7)(A) In the case of a person intending to investigate the safety or effectiveness of a class III device or any implantable device, the Secretary shall ensure that the person has an opportunity, prior to submitting an application to the Secretary or to an institutional review board, to submit to the Secretary, for review, an investigational plan (including a clinical protocol). If the applicant requests a meeting with the Secretary regarding such review, the Secretary shall meet with the applicant not later than 30 days after receiving the request for the meeting.

"(B) Agreements regarding the parameters of an investigational plan (including clinical protocol) that are reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreements shall not be changed, except—

"(i) with the written agreement of the sponsor or applicant; or

"(ii) pursuant to a decision, made in accordance with subparagraph (C) by the director of the office in which the device involved is reviewed, that a substantial scientific issue essential to determining the safety or effectiveness of the device involved has been identified.

"(C) A decision under subparagraph (B)(ii) by the director shall be in writing, and may be made only after the Secretary has provided to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant are present and at which the director documents the scientific issue involved.".

SEC. 203. SPECIAL REVIEW FOR CERTAIN DEVICES.

Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by adding at the end the following:

"(5) In order to provide for more effective treatment or diagnosis of life-threatening or irreversibly debilitating human diseases or conditions, the Secretary shall provide review priority for devices—

"(A) representing breakthrough technologies,

"(B) for which no approved alternatives exist,

"(C) which offer significant advantages over existing approved alternatives, or

"(D) the availability of which is in the best interest of the patients.".

SEC. 204. EXPANDING HUMANITARIAN USE OF DEVICES.

(a) SECTION 520(m).—Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (2), by inserting after and below subparagraph (C) the following:

"The request shall be in the form of an application to the Secretary. Within 60 days of

the date of the receipt of an application, the Secretary shall issue an order approving or denying the application, except that if the Secretary convenes a scientific advisory panel, the Secretary shall within 120 days of the receipt of an application issue such order.";

(2) by amending paragraph (5) to read as follows:

"(5) The Secretary may suspend or withdraw an exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device, after providing notice and an opportunity for an informal hearing, if any condition for granting such exemption for such device set forth in paragraphs (2) through (4) no longer is met."; and

(3) by amending paragraph (6) to read as follows:

"(6) 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.".

(b) REGULATIONS.—Any provision in a regulation included in title 21 of the Code of Federal Regulations pertaining to humanitarian devices which is inconsistent with the amendments made by subsection (a) shall be deemed rescinded on the date of the enactment of this Act. The Secretary shall amend regulations pertaining to humanitarian devices to conform with the amendments made by subsection (a).

SEC. 205. DEVICE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end thereof the following:

"Listing of Recognized Standards

"(c)(1) The Secretary shall issue notices identifying and adopting applicable nationally or internationally recognized standards (or portions of such standards) to which a person may self-certify compliance for the purpose of demonstrating a reasonable assurance that a device is safe or effective or to determine compliance with any requirement of this Act. Such notices shall be published in the Federal Register, and the Secretary shall provide an opportunity for public comment on the standards involved.

"(2) The Secretary shall accept a certification that a device conforms with each type of standard referenced in subsection (a) and identified in such certification to the extent such standard applies, except that the Secretary may, at any time, require the person who submitted the certification to submit the data and information which such person relied upon in making such certification, and may reject the certification if the Secretary determines that the data and information do not demonstrate compliance with the standards identified in the certification. Such person shall maintain the data and information for a period of 2 years after the submission of the certification, or for the expected design life of the device, whichever is later.

"(3) The Secretary may remove from the list of standards adopted under subsection (a) a standard (or portion of a standard) which the Secretary determines is not reliable for the purpose set out in such subsection.

"(4) In the case of a person who does not self-certify compliance pursuant to paragraph (1) regarding a device, the person may elect to utilize data other than those required by standards under paragraph (1) to demonstrate a reasonable assurance of the safety or effectiveness of the device.".

(b) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 106(b), is amended by adding at the end the following:

"(y) The falsification of a certification under section 514(c) or the failure or refusal to provide data or information required by the Secretary under such section.".

(c) ADULTERATED DEVICES.—Section 501(e) (21 U.S.C. 351(e)) is amended by striking "subject to a performance standard" and all that follows and inserting the following: "subject to a performance standard established under subsection (b) of section 514, unless such device is in all respects in conformity with such standard; or subject to a standard listed under subsection (c) of such section (in the case of a person who has self-certified to such standard), unless such device is in all respects in conformity with such standard.".

(d) CONFORMING AMENDMENTS.—

(1) DEFINITION OF CLASS II DEVICE.—Section 513(a)(1)(B) (21 U.S.C. 360c(a)(1)(B)) is amended by inserting after "performance standards," the following: "the listing of standards under section 514(c),".

(2) RELATIONSHIP TO PERFORMANCE STANDARDS.—Section 514(a) (21 U.S.C. 360d(a)) is amended—

(A) in paragraph (1), in the second sentence, by striking "under this section" and inserting "under subsection (b)";

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "under this section" and inserting "under subsection (b)";

(C) in paragraph (3), by striking "under this section" and inserting "under subsection (b)"; and

(D) in paragraph (4), in the matter preceding subparagraph (A), by striking "this section" and inserting "this subsection and subsection (b)".

SEC. 206. SCOPE OF REVIEW.

(a) SECTION 513(a).—Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended—

(1) in subparagraph (A) by inserting "one or more" before "clinical investigation"; and

(2) by adding at the end the following:

"(C) In making a determination of a reasonable assurance of the effectiveness of a device for which an application under section 515 has been submitted, the Secretary shall consider whether the extent of data that otherwise would be required for approval of the application with respect to effectiveness can be reduced through reliance on postmarket controls.

"(D)(i) Upon the request of any person intending to submit an application under section 515, the Secretary shall, not later than 30 days after receiving such request, meet with the 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 proposed conditions of use. Within 30 days of such meeting, the Secretary shall identify, and confirm in writing, the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the proposed conditions of use.

"(ii) Agreements under section 515 regarding the parameters of valid scientific evidence for a device that are reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreements shall not be changed, except—

"(I) with the written agreement of the sponsor or applicant; or

"(II) pursuant to a decision, made in accordance with clause (iii) by the director of the office in which the device involved is reviewed, that a substantial scientific issue essential to determining the safety or effectiveness of the device has been identified.

"(iii) A decision under clause (ii) by the director shall be in writing, and may be made only after the Secretary has provided to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant are present and at which the director documents the scientific issue involved.".

(b) SECTION 513(i).—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) To facilitate reviews of reports submitted to the Secretary under section 510(k), the Secretary shall consider the extent to which reliance on postmarket controls may expedite the classification of devices under subsection (f)(1) of this section.

"(D) Whenever the Secretary requests information to demonstrate that devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to making substantial equivalence determinations. In making such request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and request information accordingly.

"(E)(i) Any determination by the Secretary of the intended use of a device shall be based upon the proposed labeling submitted in a report for the device under section 510(k), unless the director of the organizational unit responsible for regulating devices (in this subparagraph referred to as the 'Director'), after providing an opportunity for consultation with the person who submitted such report, determines and states in writing (I) that there is a reasonable likelihood that the device will be used for an intended use not identified in the proposed labeling for the device, and (II) on the basis of data or the absence of data, that such use could cause harm.

"(ii) Such determination shall—

"(I) be provided to the person who submitted the report within 10 days from the date of the notification of the Director's concerns regarding the proposed labeling;

"(II) specify limitations on the device's labeling which proscribe the use not included in proposed labeling; and

"(III) find the device substantially equivalent when the labeled intended use and the technological characteristics of the device relative to a legally marketed device conform with the requirements of subparagraph (A).

"(iii) The responsibilities of the Director under this subparagraph may not be delegated.

"(iv) This subparagraph has no legal effect after the expiration of the five-year period beginning on the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997.".

(c) SECTION 515(d).—Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by adding after and below clause (ii) the following:

"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."; and

(2) by adding after paragraph (5) (as added by section 5(2)) 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. 207. PREMARKET NOTIFICATION.

(a) SECTION 510.—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (k)—

(A) in the matter preceding paragraph (1), by adding after "report to the Secretary" the following: "or person who is accredited under section 712(a)"; and

(B) by adding after and below paragraph (2) the following:

"Such a report is not required for a device intended for human use that is exempted from the requirements of this subsection under subsection (l) or is classified into class I under section 513. The exception established in the preceding sentence does not apply to any class I device that is intended to be life supporting or life sustaining or is intended for a use which is of substantial importance in preventing impairment of human health, or to any class I device that presents a potential unreasonable risk of illness or injury. With respect to a person who is accredited under section 712(a), such accredited person shall review a report under this subsection that is received by such person and shall submit, not later than 60 days after receiving the report, to the Secretary such person's recommendation for action to be taken by the Secretary on the report."; and

(2) by adding after subsection (k) the following subsection:

"(l) Not later than 30 days after the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device listed by the Secretary shall be exempt from the requirement to file a report under subsection (k) as of the date of the publication of the list in the Federal Register. Beginning on the date that is 1 day after the date of the publication of the list, any person may petition the Secretary to exempt a type of class II device from the reporting requirement of subsection (k). 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. If the Secretary fails to respond to a petition within 120 days of receiving it, the petition shall be deemed to be granted.".

(b) INITIAL CLASSIFICATION.—Section 513(f) (21 U.S.C. 360c(f)) is amended—

(1) in the second sentence of paragraph (1) by striking the period at the end and inserting the following: "unless within 30 days of receiving an order classifying the device into class III the person who submits a report under section 510(k) for such device requests review with respect to the classification of the device and a final order of classification from the Secretary. Such person shall submit to the Secretary data and information supporting the classification of the device into class I or II. After the request, a device classified into class III under this paragraph remains in class III, but shall not be deemed to be finally classified until the Secretary has determined the classification of the device based on the classification criteria set forth in subparagraphs (A) through (C) of subsection (a)(1), within 60 days of receiving the request to review and classify a device. Any device found under this paragraph not to be substantially equivalent to a device described in subparagraph (A)(i) and which is classified by the Secretary into class III may not be commercially distributed in commerce before it is approved under section 515."; and

(2) by adding at the end the following:

"(4) The Secretary may not withhold a determination of the initial classification of a device under paragraph (1) because of a failure to comply with any provision of this Act unrelated to a substantial equivalence decision, including a finding that the facility in which the device is manufactured is not in compliance with good manufacturing requirements as set forth in regulations of the Secretary under section 520(f) (other than a finding that the failure to comply with such regulations is directly related to the safety or effectiveness of the device).".

(c) SECTION 513.—Section 513(i)(1) (21 U.S.C. 360c(i)), as amended by section 206(b), is amended—

(1) in subparagraph (A)(ii)(I), by striking "clinical data" and inserting "appropriate clinical or scientific data" and by inserting "or a person accredited under section 712" after "Secretary";

(2) in subparagraph (A)(ii)(II), by striking "efficacy" and inserting "effectiveness"; and

(3) by adding at the end of paragraph (1) the following:

"(F) For purposes of subparagraph (A), the term 'legally marketed device' includes any device introduced into interstate commerce for commercial distribution before May 28, 1976, and any device determined to be substantially equivalent to such device which has not been removed from the market by an order of the Secretary or a judicial order because it is not safe or not effective.

"(G) Not later than 270 days after the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, the Secretary shall issue guidance specifying the general principles that the Secretary 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 subsection (f) or section 520(l).".

(d) SUNSET.—The amendments made by subsections (a)(1)(A) and (c)(1), to the extent that they relate to an accredited person under section 712 of the Federal Food, Drug, and Cosmetic Act, shall be of no force or effect upon the expiration of 7 years from the date of the enactment of this Act.

SEC. 208. CLASSIFICATION PANELS.

Section 513(b) (21 U.S.C. 360c(b)) is amended by adding at the end the following:

"(5) Classification panels covering each type of device shall be scheduled to meet at such times as may be appropriate for the Secretary to meet applicable statutory deadlines.

"(6)(A) Any person whose device is specifically the subject of review by a classification panel shall have the same rights as the Secretary regarding—

"(i) access to data and information submitted to a classification panel (except for data and information that are not available for public disclosure under section 552 of title 5, United States Code);

"(ii) the submission, for review by a classification panel, of information that is based on the data or information provided in the application submitted under section 515 by the person, which information shall be submitted to the Secretary for prompt transmittal to the classification panel; and

"(iii) the participation of the persons at meetings of the panel.

"(B) Any meetings of a classification panel shall provide adequate time for initial presentations and for response to any differing views by persons whose devices are specifically the subject of a classification panel review, and shall encourage free and open participation by all interested persons.

"(7) After receiving from a classification panel the conclusions and recommendations of the panel on a matter that the panel has reviewed, the Secretary shall review the conclusions and recommendations, shall make a final decision on the matter in accordance with section 515(d)(2), and shall notify the affected persons of the decision in writing and, if the decision differs from the conclusions and recommendations of the panel, shall include the reasons for the difference.

"(8) A scientific advisory panel under this subsection shall not be subject to the annual chartering and annual report requirements of the Federal Advisory Committee Act.".

SEC. 209. PREMARKET APPROVAL.

Section 515(d) (21 U.S.C. 360e(d)), as amended by section 203(1), is amended by inserting after paragraph (1) the following:

"(2) Each application received under subsection (c) shall be reviewed in a manner to achieve final action on such application within 180 days of its receipt. At the request of the applicant, the Secretary shall meet with an applicant under such an application within 90 days of the date of the application's submission.".

SEC. 210. ACCREDITATION FOR ACCREDITED PERSONS.

(a) AMENDMENT.—Subchapter A of chapter VII is amended by adding at the end the following:

"ACCREDITED PERSONS

"SEC. 712. (a) IN GENERAL.—The Secretary shall, not later than 1 year after the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, accredit persons for the purpose of reviewing and initially classifying devices under section 513(f)(1) that are subject to a report under section 510(k). An accredited person may not be used to perform a review of a class III device, or a class II device which is intended to be permanently implantable or life sustaining or life supporting.

"(b) ACCREDITATION.—

"(1) PROGRAMS.—The Secretary shall provide for such accreditation through programs administered by the Food and Drug Administration, other government agencies, or by other qualified nongovernment organizations.

"(2) ACCREDITATION.—

"(A) GENERAL RULE.—Not later than 180 days after the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, the Secretary shall establish and publish in the Federal Register requirements to accredit or deny accreditation to persons who request to perform the duties specified in subsection (a). The Secretary shall respond to a request for accreditation within 60 days of the receipt of the request. The accreditation of such person shall specify the particular activities under subsection (a) for which such person is accredited.

"(B) WITHDRAWAL OF ACCREDITATION.—The Secretary may withdraw accreditation of any person accredited under this paragraph, after providing notice and an opportunity for an informal hearing, when such person acts in a manner that is inconsistent with the purposes of this section or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this section.

"(C) PERFORMANCE AUDITING.—To ensure that persons accredited under this section will continue to meet the standards of accreditation, the Secretary shall—

"(i) make onsite visits on a periodic basis to each accredited person to audit the performance of such person; and

"(ii) take such additional measures as the Secretary determines to be appropriate.

"(D) ANNUAL REPORT.—The Secretary shall include in the annual report required under section 903(e)(2) the names of all accredited persons and the particular activities under subsection (a) for which each such person is accredited and the name of each accredited person whose accreditation has been withdrawn during the year.

"(3) QUALIFICATIONS.—An accredited person shall, at a minimum, meet the following requirements:

"(A) Such person shall be an independent organization which is not owned or controlled by a manufacturer, supplier, or vendor of devices and which has no organizational, material, or financial affiliation with such a manufacturer, supplier, or vendor.

"(B) Such person shall be a legally constituted entity permitted to conduct the activities for which it seeks accreditation.

"(C) Such person shall not engage in the design, manufacture, promotion, or sale of devices.

"(D) Such person shall be operated in accordance with generally accepted professional and ethical business practices and shall agree in writing that as a minimum it will—

"(i) certify that reported information accurately reflects data reviewed;

"(ii) limit work to that for which competence and capacity are available;

"(iii) treat information received, records, reports, and recommendations as proprietary information;

"(iv) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited; and

"(v) protect against the use, in carrying out subsection (a) with respect to a device, of any officer or employee of the person who has a financial conflict of interest regarding the device, and annually make available to the public disclosures of the extent to which the person, and the officers and employees of the person, have maintained compliance with requirements under this clause relating to financial conflicts of interest.

"(4) SELECTION OF ACCREDITED PERSONS.—The Secretary shall provide each person who chooses to use an accredited person to receive a section 510(k) report a panel of at least 2 or more accredited persons from which the regulated person may select 1 for a specific regulatory function.".

(b) CONFORMING AMENDMENT.—Section 301 (21 U.S.C. 331), as amended by section 205(b), is amended by adding at the end the following:

"(z) In the case of a drug, device, or food—

"(1) the submission of a report or recommendation by a person accredited under section 712 that is false or misleading in any material respect;

"(2) the disclosure by a person accredited under section 712 of confidential commercial information or any trade secret without the express written consent of the person who submitted such information or secret to such person; or

"(3) the receipt by a person accredited under section 712 of a bribe in any form or the doing of any corrupt act by such person associated with a responsibility delegated to such person under this Act.".

(c) SUNSET.—The amendments made by subsections (a) and (b) to the extent they relate to an accredited person under section 712 of the Federal Food, Drug, and Cosmetic Act shall be of no force or effect upon the expiration of 7 years from the date of the enactment of this Act.

(d) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the use of accredited persons under section 712 of the Federal Food, Drug, and Cosmetic Act, the extent to which such use was helpful in the implementation of such Act, and the extent to which such use promoted actions which were contrary to the purposes of such Act.

SEC. 211. PREAMENDMENT DEVICES.

Section 515(i) (21 U.S.C. 360e(i)) is amended to read as follows:

"Revision

"(i) Not later than 180 days after the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, the Secretary shall publish in the Federal Register a list of the types of devices classified into class III under section 513(d), which are not subject to a regulation under subsection (b), and for which the Secretary has determined after classification of such devices that premarket approval is unnecessary to protect the public health. Each such type of device listed in the Federal Register publication shall be reclassified into class II or class I, as appropriate.".

SEC. 212. DEVICE TRACKING.

Subsection (e) of section 519 (21 U.S.C. 360i) is amended to read as follows:

"Device Tracking

"(e) The Secretary may by order require a manufacturer to adopt a method of tracking a class II or class III device—

"(1) the failure of which would be reasonably likely to have serious adverse health consequences; or

"(2) which is—

"(A) intended to be an implantable device, or

"(B) a life sustaining or life supporting device used outside a device user facility.".

SEC. 213. POSTMARKET SURVEILLANCE.

Section 522 (21 U.S.C. 360l) is amended to read as follows:

"POSTMARKET SURVEILLANCE

"SEC. 522. (a) IN GENERAL.—The Secretary may by order require a manufacturer to conduct postmarket surveillance for any device of the manufacturer which is a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or which is intended to be—

"(1) an implantable device, or

"(2) a life-sustaining or life-supporting device used outside a device user facility.

"(b) SURVEILLANCE APPROVAL.—Each manufacturer required to conduct a surveillance of a device shall, within 30 days of receiving an order from the Secretary prescribing that the manufacturer is required under this section to conduct such surveillance, submit, for the approval of the Secretary, a plan for the required surveillance. The Secretary, within 60 days of the receipt of such plan, shall determine if the person designated to conduct the surveillance has appropriate qualifications and experience to undertake such surveillance and if such plan will result in information necessary to determine the occurrence of unforeseen events. The Secretary, in consultation with the manufacturer, may by order require a prospective surveillance period of up to 36 months. Any determination by the Secretary that a longer period is necessary shall be made by mutual agreement between the Secretary and the manufacturer or, if no agreement can be reached, after the completion of a dispute resolution process as described in section 506A.".

SEC. 214. HARMONIZATION.

(a) SECTION 520(f).—Section 520(f)(1)(B) (21 U.S.C. 360j(f)(1)(B)) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; and" and by adding after clause (ii) the following:

"(iii) ensure that such regulation conforms, to the extent practicable, with internationally recognized standards defining quality systems, or parts thereof, for medical devices.".

(b) SECTION 803.—Section 803 (21 U.S.C. 383), as amended by section 127, is amended in subsection (c)—

(1) by adding at the end the following sentence: "The Secretary shall, not later than 180 days after the date of enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, make public a plan that establishes a framework for achieving mutual recognition of good manufacturing practices inspections.";

(2) by inserting "(1)" after "(c)"; and

(3) by adding at the end the following:

"(2) The Secretary shall report to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate at least 60 days before executing any bilateral or multilateral agreement under paragraph (1).".

SEC. 215. REPORTS.

(a) REPORTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "manufacturer, importer, or distributor" and inserting "manufacturer or importer"; and

(B) 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.";

(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.".

(c) DEVICE USER FACILITIES.—

(1) IN GENERAL.—Section 519(b) (21 U.S.C. 360i(b)) is amended—

(A) in paragraph (1)(C)—

(i) in the first sentence, by striking "a semi-annual basis" and inserting "an annual basis";

(ii) in the second sentence, by striking "and July 1"; and

(iii) by striking the matter after and below clause (iv); and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "or" after the comma at the end;

(ii) in subparagraph (B), by striking ", or" at the end and inserting a period; and

(iii) by striking subparagraph (C).

(2) SENTINEL SYSTEM.—Section 519(b) (21 U.S.C. 360i(b)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following paragraph:

"(5) With respect to device user facilities that are hospitals or nursing homes:

"(A) The Secretary shall by regulation plan and implement a program under which the Secretary limits user reporting under paragraphs (1) through (4) to a subset of hospitals and nursing homes that constitutes a representative profile of user reports for device deaths and serious illnesses or serious injuries.

"(B) During the period of planning the program under subparagraph (A), paragraphs (1) through (4) continue to apply to such device user facilities.

"(C) During the period in which the Secretary is providing for a transition to the full implementation of the program, paragraphs (1) through (4) apply to such facilities except to the extent that the Secretary determines otherwise.

"(D) On and after the date on which the program is fully implemented, paragraphs (1) through (4) do not apply to such a facility unless the facility is included in the subset referred to in subparagraph (A).

"(E) Not later than one year after the date of the enactment of the Food and Drug Administration Regulatory Modernization Act of 1997, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the plan developed by the Secretary under subparagraph (A) and the progress that has been made toward the implementation of the plan.".

SEC. 216. PRACTICE OF MEDICINE.

Chapter IX, as amended by section 126, is amended by adding at the end the following:

"SEC. 909. PRACTICE OF MEDICINE.

"Nothing in this Act shall be construed to limit or interfere with the authority of a health care practitioner to prescribe or administer any legally marketed device to a patient for any condition or disease within a legitimate health care practitioner-patient relationship. This section shall not limit any existing authority of the Secretary to establish and enforce restrictions on the sale or distribution, or in the labeling, of a device that are part of a determination of substantial equivalence, established as a condition of approval, or promulgated through regulations. Further, this section shall not change any existing prohibition on the promotion of unapproved uses of legally marketed devices.".

SEC. 217. CLARIFICATION OF DEFINITION.

Section 201(h) (21 U.S.C. 321) is amended by adding at the end the following: "A computer software product shall not be considered a device under this paragraph solely on the basis that the primary use of such product is related to the provision of health care.".

SEC. 218. LABELING AND ADVERTISING REGARDING COMPLIANCE WITH STATUTORY REQUIREMENTS.

Section 301 (21 U.S.C. 331) is amended by striking paragraph (l).

SEC. 219. FDA ANNUAL REPORT.

Section 903 (21 U.S.C. 393), as amended by section 123(b), is amended in subsection (e)—

(1) by striking the period at the end of paragraph (4) and inserting "; and"; and

(2) by adding at the end the following:

"(5) summarize and explain each instance in the previous fiscal year in which an application received under section 515(c) was not reviewed in a manner to achieve final action on such application within 180 days of its receipt.".

SEC. 220. INFORMATION SYSTEM.

Section 906, as added by section 124, is amended by adding at the end the following: "With respect to devices, the system shall permit access by the applicant under conditions specified by the Secretary.".

SEC. 221. NONINVASIVE BLOOD GLUCOSE METER.

(a) FINDINGS.—The Congress finds that—

(1) diabetes and its complications are a leading cause of death by disease in America;

(2) diabetes affects approximately 16,000,000 Americans and another 650,000 will be diagnosed in 1997;

(3) the total health care-related costs of diabetes total nearly $100,000,000,000 per year;

(4) diabetes is a disease that is managed and controlled on a daily basis by the patient;

(5) the failure to properly control and manage diabetes results in costly and often fatal complications including but not limited to blindness, coronary artery disease, and kidney failure;

(6) blood testing devices are a critical tool for the control and management of diabetes, and existing blood testing devices require repeated piercing of the skin;

(7) the pain associated with existing blood testing devices creates a disincentive for people with diabetes to test blood glucose levels, particularly children;

(8) a safe and effective noninvasive blood glucose meter would likely improve control and management of diabetes by increasing the number of tests conducted by people with diabetes, particularly children; and

(9) the Food and Drug Administration is responsible for reviewing all applications for new medical devices in the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the availability of a safe, effective, noninvasive blood glucose meter would greatly enhance the health and well-being of all people with diabetes across America and the world.

SEC. 222. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title shall be construed to affect the question of whether the Secretary of Health and Human Services has any authority to regulate any tobacco product, tobacco ingredient, or tobacco additive. Such authority, if any, shall be exercised under the Federal Food, Drug, and Cosmetic Act as in effect on the day before the date of the enactment of this Act.

TITLE III—IMPROVING REGULATION OF FOOD

SEC. 301. FLEXIBILITY FOR REGULATIONS REGARDING CLAIMS.

Section 403(r)(4) (21 U.S.C. 343(r)(4)) is amended by adding at the end the following:

"(D) Subject to the time period in the last sentence of clause (A)(i), proposed regulations under this paragraph may be made effective upon publication at the discretion of the Secretary, notwithstanding the provisions of section 553 of title 5, United States Code, pending consideration of public comment and publication of a final regulation. Such regulations shall be deemed final agency action for purposes of judicial review.".

SEC. 302. PETITIONS FOR CLAIMS.

Section 403(r)(4)(A)(i) (21 U.S.C. 343(r)(4)(A)(i)) is amended—

(1) by adding after the second sentence the following: "If the Secretary does not act within such 100 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by the Secretary and the petitioner.";

(2) in the fourth sentence (as amended by paragraph (1)) by inserting immediately before the comma the following: "or the petition is deemed to be denied"; and

(3) by adding at the end the following: "If the Secretary does not act within such 90 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by the Secretary and the petitioner. If the Secretary issues a proposed regulation, the rulemaking shall be completed within 540 days of the date the petition is received by the Secretary. If the Secretary does not issue such a proposed regulation within such 540 days, the Secretary shall provide the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the reasons action on the proposed regulation did not occur within such 540 days.".

SEC. 303. HEALTH CLAIMS FOR FOOD PRODUCTS.

Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end thereof the following:

"(C) Notwithstanding the provisions of clauses (A)(i) and (B), a claim of the type described in subparagraph (1)(B) which is not authorized by the Secretary in a regulation promulgated in accordance with clause (B) shall be authorized and may be made with respect to a food if—

"(i) a scientific body of the United States 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) or the National Academy of Sciences or any of its subdivisions 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 150 days (during which the Secretary may issue a regulation described in subparagraph (4)(D) and may notify any person who is making a claim as authorized by clause (C) that such person has not submitted all the information required by such clause) before the first introduction into interstate commerce of the food with a label containing the claim, (I) a notice of the claim, which shall include the exact words used in the claim and shall include a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied, (II) a copy of the statement referred to in subclause (i) upon which such person relied in making the claim, and (III) a balanced representation of the scientific literature, including a bibliography of such literature, relating to the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(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 clause, a statement shall be regarded as an authoritative statement of 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 a regulation (including a regulation described in subparagraph (4)(D)) under the standard in clause (B)(i)—

"(I) prohibiting or modifying the claim and the regulation has become effective, or

"(II) finding that the requirements of clause (C) have not been met, including finding that the petitioner has not submitted all the information required by such clause; 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.".

SEC. 304. NUTRIENT CONTENT CLAIMS.

Section 403(r)(2) (21 U.S.C. 343(r)(2)) is amended by adding at the end the following:

"(G) A claim of the type described in subparagraph (1)(A) for a nutrient, for which the Secretary has not promulgated a regulation under clause (A)(i), shall be authorized and may be made with respect to a food if—

"(i) a scientific body of the United States 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) or the National Academy of Sciences or any of its subdivisions has published an authoritative statement, which is currently in effect, which identifies the nutrient level to which the claim refers;

"(ii) a person has submitted to the Secretary, at least 150 days (during which the Secretary may issue a regulation described in subparagraph (4)(D) and may notify any person who is making a claim as authorized by clause (C) that such person has not submitted all the information required by such clause) before the first introduction into interstate commerce of the food with a label containing the claim, (I) a notice of the claim, which shall include the exact words used in the claim and shall include a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied, (II) a copy of the statement referred to in subclause (i) upon which such person relied in making the claim, and (III) a balanced representation of the scientific literature, including a bibliography of such literature, relating to the nutrient level to which the claim refers;

"(iii) the claim and the food for which the claim is made are in compliance with clauses (A) and (B), 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 clause, a statement shall be regarded as an authoritative statement of 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.

"(H) A claim submitted under the requirements of clause (G) may be made until—

"(i) such time as the Secretary issues a regulation (including a regulation described in subparagraph (4)(D))—

"(I) prohibiting or modifying the claim and the regulation has become effective, or

"(II) finding that the requirements of clause (G) have not been met, including finding that the petitioner had not submitted all the information required by such clause; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (G) have not been met.".

SEC. 305. REFERRAL STATEMENTS.

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 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.".

SEC. 306. DISCLOSURE OF IRRADIATION.

Chapter IV (21 U.S.C. 341 et seq.) is amended by inserting after section 403B the following:

"DISCLOSURE

"SEC. 403C. (a) No provision of section 201(n), 403(a), 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 or symbol that discloses that a food has been intentionally subject to radiation.".

SEC. 307. IRRADIATION PETITION.

Not later than 60 days following the date of the enactment of this Act, the Secretary of Health and Human Services shall—

(1) make a final determination on any petition pending with the Food and Drug Administration that would permit the irradiation of red meat under section 409(b)(1) of the Federal Food, Drug, and Cosmetic Act; or

(2) provide the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate an explanation of the process followed by the Food and Drug Administration in reviewing the petition referred to in paragraph (1) and the reasons action on the petition was delayed.

SEC. 308. GLASS AND CERAMIC WARE.

(a) IN GENERAL.—The Secretary may not implement any requirement which would ban, as an unapproved food additive, lead and cadmium based paints in the lip and rim area of glass and ceramic ware before the expiration of one year after the date such requirement is published.

(b) LEAD AND CADMIUM BASED PAINT.—Lead and cadmium based paint may not be banned as an unapproved food additive if it is on glass and ceramic ware—

(1) which has less than 60 millimeters of decorating area below the external rim; and

(2) which is not, by design, representation, or custom of usage intended for use by children.

SEC. 309. 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 that is a food contact substance, there is—

"(A) in effect for such substance a regulation issued under this section prescribing the conditions under which such substance may be safely used and such substance and the use of such substance are in conformity with such regulation; or

"(B) a notification submitted under subsection (h) that is in effect."; and

(4) in the flush matter following paragraph (3) (as added by paragraph (3)), by inserting "or notification" after "regulation" each place it appears.

(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 person manufacturing or supplying 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—

"(A) name of the person;

"(B) identity and intended use of the food contact substance; and

"(C) determination of the person 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 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, within the 120-day period, the Secretary—

"(i) makes a determination 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), or

"(ii) makes a determination under paragraph (3) with respect to the need for a petition under subsection (b) for such food contact substance,

and informs the person of such determination.

"(B) A determination by the Secretary under subparagraph (A)(i) shall constitute final agency action subject to judicial review.

"(C) A notification under this subsection shall be effective only with respect to the person identified in the notification.

"(3)(A) The notification 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 the person manufacturing or supplying the food contact substance agree that such person should submit a petition under subsection (b).

"(B) The Secretary may 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 a 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) with respect to the food contact substance.

"(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) 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 be no longer in effect."; 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. 310. MARGARINE.

(a) SECTION 301(m).—Paragraph (m) of section 301 (21 U.S.C. 331) is amended by striking "section 407(b) or 407(c)" and inserting "section 407".

(b) SECTION 407.—Section 407 (21 U.S.C. 347) is amended to read as follows:

"OLEOMARGARINE AND MARGARINE

"SEC. 407. No person shall sell, or offer for sale, oleomargarine or colored margarine unless the principal display panel of such oleomargarine or margarine bears as one of its principal features the word 'oleomargarine' or 'margarine' which is in—

"(1) bold type on such panel;

"(2) a size reasonably related to the most prominent printed matter; and

"(3) lines generally parallel to the base on which the package rests as it is designed to be displayed.".

(c) ACT OF MARCH 16, 1950.—Sections 3(a) and 6 of the Act of March 16, 1950 (21 U.S.C. 347a, 347b) are repealed.

SEC. 311. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, if my colleagues had told me 3 years ago that FDA modernization would come before the House on the suspension calendar, well, I would have asked them to see their doctor. Yet, here we are.

Today brings to an end almost 3 years of work by the Committee on Commerce. When the committee first discussed the need to modernize the FDA in 1995, we knew that outdated rules were slowing down the vital work of the FDA and that patients were the ones who were suffering.

Vital new medicines and medical devices were not getting to the patients who needed them as quickly as they should. As I said back then, it breaks my heart to see American patients having to go overseas to get medicines and medical devices they need to stay alive.

Congress had to act. But it had to act wisely, with prudence and with balance, because the work of the FDA is just too important to do otherwise. That is why our committee launched what I believe was an unprecedented outreach effort. Literally thousands of hours were devoted to reaching out to all corners of the country on this issue.

Our FDA reform team spoke to patients, to medical specialists, to researchers, and to consumer groups. We held 17 hearings over the last 3 years. We compiled more than 2,000 pages of testimony. Our goal then and our goal now was balanced, well-reasoned legislation, legislation that the President would be eager to sign, legislation that honored the medical oath, "First do no harm."

We have fulfilled our objectives. Last year we produced a package of legislative proposals that have been hailed from all quarters as balanced and reasonable in their approach. Two of the three bills were unanimously reported by the committee. The third was approved by a voice vote.

These are the bills that have been consolidated into the measure before us today: H.R. 1411, the Prescription Drug User Fee Reauthorization and Drug Regulatory Modernization Act of 1997, which is contained as title I of this bill; H.R. 1710, the Medical Device Regulatory Modernization Act of 1997, which is title II; and H.R. 2469, the Food and Nutrition Information Reform of 1997, which is title III.

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All three of these measures prove, once again, that men and women of goodwill working together can bridge differences. When we put the interests of the American people first, there is nothing that can keep us apart. We have done our homework, we have reached our objectives. We have built a stronger, better, more efficient FDA. We have enhanced the safety of the medicines we take, the food we feed our children, and we are going to help a lot of people.

Medicines will be approved faster and medical devices will get to people sooner, and those with serious and life-threatening diseases will get access to the best experimental new drugs that modern medicine can provide. That is important, Mr. Speaker, because when we are sick, when we are suffering, every minute counts.

Some of my colleagues deserve special praise and thanks. Their work on

this issue has been tireless, and the credit for this legislation belongs to them, the members of our FDA reform team: the gentleman from Florida [Mr. BILIRAKIS], chairman of our Subcommittee on Health and Environment, along with the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], the gentleman from Wisconsin [Mr. KLUG], and the gentleman from Kentucky [Mr. WHITFIELD].

I want to reach across the aisle, too, to thank our friends the gentlewoman from California [Ms. ESHOO], the gentleman from New York [Mr. TOWNS] and the gentleman from Texas [Mr. HALL], and I would like to thank our ranking members, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. BROWN], for their invaluable contributions to this effort. My colleagues should all be proud of a job very well done. The American people thank them, and I do too.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is an excellent piece of legislation. I strongly urge my colleagues on both sides of the aisle to support it. I believe it should be adopted and should be signed. It represents some remarkable work in terms of bipartisanship by my good friend, the gentleman from Virginia [Mr. BLILEY], by the ranking member of the subcommittee, by the distinguished chairman of the subcommittee, and by a lot of other Members who have worked very hard on this.

The legislation would extend the Prescription Drug User Fee Act, which has resulted in some enormous advances in terms of the functioning of FDA user fees, which have been wise and right. That is a program which has worked well. Today, virtually all drugs and biological products are reviewed in a year or less. Priority drugs for serious illnesses, drugs that represent true clinical breakthroughs, can be reviewed in 6 months or less.

The entire pharmaceutical industry joins with FDA in supporting this program, and when that happens, we know that we have a winner. This program is indeed a winner, because we have witnessed the continued quality of drugs coming from FDA review, both in terms of safety and consumer protections, and they are a monument to the speedy and careful work now possible to be done by an adequately staffed FDA in this area.

The bill contains reforms in medical device regulation. I am especially pleased that a number of these concerns represent actions suggested by the Committee on Commerce's Subcommittee on Oversight and Investigation's 1993 report, "Less Than the Sum of Its Parts."

One of the important things accomplished during the negotiations on the medical device portions of the legislation was development of provisions that allow improvements in efficiency and reduce regulatory requirements while maintaining strong public health protection. The bill's sponsors responsibly and carefully negotiated a number of difficult compromises to assure patient safety would not be jeopardized in a careless attempt to speed up market clearance and approval of products. I believe that these provisions strike a difficult but important balance.

Finally, Mr. Speaker, the bill includes provisions for modifications in food labeling requirements that will help consumers to get access to good information more easily and more quickly.

In total and on balance, we have a good piece of legislation before us today. Members of the committee have worked closely together, and I want to thank the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, and the gentleman from Florida [Mr. BILIRAKIS], the chairman of the subcommittee, for their courtesies to me and other Democratic members of the committee.

The staffs of the committee have worked closely together: Howard Cohen, Rodger Currie, Eric Berger, and Kay Holcombe, who will be, I regret to inform the House, leaving the committee staff at the conclusion of this Congress. They deserve particular thanks for bringing us to this point; also, the gentlewoman from California [Ms. ESHOO] and others who have worked so hard to make this possible deserve the appreciation of the committee and of the Congress.

I strongly urge my colleagues on both sides of the aisle to support this legislation. It is good legislation, it serves the public interests, it moves forward the regulatory process, and it serves the interests of the consuming public.

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

Mr. BLILEY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS], the chairman of the subcommittee.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today the House is considering landmark legislation which will streamline the drug approval process, provide safer foods to our citizens, and address critical problems in the approval of medical devices.

On September 17, the Subcommittee on Health and Environment approved all three FDA bills by voice vote. On September 25, the full Committee on Commerce approved the drug and food bills by a vote of 43 to zero, and the device bill by voice vote the following day.

In the ensuing days, a small number of outstanding issues were diligently and successfully resolved following bipartisan discussion between Chairman BLILEY and myself, other interested members of the majority, the distinguished ranking member, the gentleman from Michigan, Mr. DINGELL, the gentleman from California, Mr. WAXMAN, and other concerned members of the minority.

As Members may be aware, at the end of last week Chairman BLILEY and the gentleman from Michigan, Mr. DINGELL, coauthored a memo to all members of the Committee on Commerce informing them that these issues had been successfully resolved and that the legislation would be placed on the Suspension Calendar. Since that time, the three reported FDA reform bills, H.R. 1411, H.R. 1710 and H.R. 2469, were consolidated into the substitute version of H.R. 1411. This morning in a bipartisan "Dear Colleague" letter, Chairman BLILEY and the gentleman from Michigan, Mr. DINGELL, urged all Members to support the consolidated bill that is now before the House.

In short, the drafting, negotiations and markup of this legislation have been a shining example of what can be accomplished in the spirit of bipartisanship and cooperation among Members.

The foundation of these bills was developed during the last Congress. For those of my colleagues who may not remember, both Republican and Democrat members of the Committee on Commerce sat shoulder-to-shoulder with the FDA on the legislative package to modernize the agency, and while our committee never actually marked up this legislation, these discussions laid the groundwork for the bill we are considering today.

This has been an open process, one which has been open to anyone who is interested in FDA reform. Since the beginning of the 104th Congress, the Committee on Commerce conducted 17 separate formal hearings on FDA reform and FDA-related issues, which represented 72 hours and 44 minutes and 2,094 pages of testimony.

In addition, members of the committee and their staffs have met with patient and consumer groups, medical consumer groups, manufacturers, the FDA and others who are interested in FDA reform. We have had an open door policy throughout the process, and the fact that this bill was placed on the Suspension Calendar with the full support of the gentleman from Michigan [Mr. DINGELL] is a reflection of our success.

There are many, Mr. Speaker, who deserve credit for bringing this legislation before the House. First I want to thank the gentleman from Pennsylvania [Mr. GREENWOOD], who took the time to educate himself and other Members on complex FDA issues. He

played a key role in developing this bill. I want to thank the gentleman from North Carolina [Mr. BURR] for his willingness to sponsor the drug reform legislation. His bill will accomplish an important goal: Improving the drug approval process.

The gentleman from Wisconsin [Mr. KLUG], along with the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Texas [Mr. HALL], and the gentleman from New York [Mr. TOWNS] have been leaders in reforming food laws.

The gentleman from Texas [Mr. BARTON] and the gentlewoman from California [Ms. ESHOO] have dedicated time and energy to writing a bipartisan medical device bill. Both have been successful in crafting a bill which is considered reasonable and responsible by both Members of Congress and industry.

Finally, I want to thank our full committee chairman, the gentleman from Virginia [Mr. BLILEY], the subcommittee ranking member, the gentleman from Ohio [Mr. BROWN], and the full committee ranking member, the gentleman from Michigan [Mr. DINGELL]. We are considering FDA reform today due to their willingness to work out the details of this legislation with the administration and the FDA.

And of course I also appreciate the support this process has received from both HHS Secretary Donna Shalala and the acting FDA Commissioner, Dr. Michael Friedman. Their leadership and cooperation helped us achieve our ultimate goal of considering practical and thoughtful FDA reform legislation.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

Our first goal must be to ensure that patients have access to safe and effective new products as quickly as humanly and scientifically possible. While this bill continues to include some provisions that give me pause, I also believe it includes provisions that are workable, positive and contribute to the goal of ensuring an FDA operation that works in the best interests of its most important customers: Patients.

Nevertheless, as we proceed with this discussion I think it is important to put a few facts in perspective. Many have argued that FDA reform is essential because new and improved drugs and medical devices are not reaching American patients quickly enough. The facts simply do not bear this out.

For example, through FDA's own management initiatives and without any change in legislation, FDA's Center for Devices has overhauled its operations and dramatically improved its review times for new products. Further, I think the majority of medical device manufacturers will agree that the center is more user-friendly and efficient than ever before. I hope as we proceed to conference with this legislation we will look carefully at provisions relating to medical devices to ensure that we are not increasing requirements for FDA in a way that will set back the progress that has been made.

One of the most important provisions included in this legislation is the reauthorization of the Prescription Drug User Fee program. PDUFA has provided the agency with the resources it clearly needed to allow it to continue to be the world leader in the review and the approval of new drugs. If there were one single reason for the House to pass this bill, drug user fees is that reason.

I am pleased the legislation includes some process improvements related to FDA's regulation of generic drugs. While these products are not the breakthrough miracle drugs we read about in headlines, generic drugs are small miracles to millions of elderly patients, especially those living on fixed incomes, who depend on these alternatives which many times are vastly less expensive than brand name products. Generic products generally save billions of dollars in health care costs.

I was disappointed that the bill did not go further in addressing what I believe are several difficult problems related to the review of generic drugs: Frivolous citizen petitions filed by lawyers representing the large drug companies which divert resources and slow the approval of generic alternatives. I hope we can continue to work on these matters, perhaps in the context of future legislation.

I remain concerned about provisions in the bill that allow manufacturers to distribute information about off-label uses of their products. I am not convinced by the arguments that this kind of system is necessary for physicians to have the information they need to treat patients, especially given the companies' financial interest in promoting their products. I will closely monitor this program to determine whether it, in fact, is in the best interests of patients, or simply serves to enrich drug and device companies.

Mr. Speaker, FDA is a remarkably effective agency. I have never been persuaded that massive changes in laws were needed to correct any dreadful problem lurking under the surface, but working with the gentleman from Virginia [Mr. BLILEY], the gentleman from Florida [Mr. BILIRAKIS], the gentleman from Michigan [Mr. DINGELL], and the gentlewoman from California [Ms. ESHOO], I am pleased that this legislation focuses more on modernizing than completely overhauling this very good public agency.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume to point out that not with us this morning is the gentleman from Pennsylvania [Mr. GREENWOOD], whose father underwent bypass surgery yesterday, and I know all of us will want to have him in our prayers.

With that, I yield 3 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY], and I thank the gentleman from Florida [Mr. BILIRAKIS], the gentleman from Michigan [Mr. DINGELL], the ranking member, and the gentleman from Ohio [Mr. BROWN]. Without their leadership we would not be here today talking about reform of this crucial agency.

I was fortunate in the 104th Congress to be with a group of individuals committed and focused on FDA reform: The gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from Wisconsin [Mr. KLUG], and the gentleman from Texas [Mr. BARTON], and I truly believe that that was the real impetus behind our success that we are here to put into law today. Without their focus, and the addition of the gentlewoman from California [Ms. ESHOO] and the gentleman from Kentucky [Mr. WHITFIELD], we might not have completed this task, and I am grateful for their commitment.

□ 1100

I also realize that this has been a taxing process, one that we could not have completed without Howard Cohen, Eric Berger, Rodger Currie, and Kay Holcombe, staff members who devoted countless hours to the changes that Members sought in this very crucial piece of legislation.

This is extraordinary to have H.R. 1411 on the floor, because today is about one thing and one thing only. It is about patients. It is about patients' access to safe, technologically superior, and affordable medical treatment.

Mr. Speaker, throughout the past 2 years I have compiled countless stories of patients and their experience with the Food and Drug Administration. I remember Lissy Mahler from Lansing, NC, who, after trying everything available at the time, sought an investigational treatment therapy for her cancer. The investigational therapy improved the quality of her life and may have prolonged her life.

And there was Frances Swaim, who wrote me as an elderly mother of a child with multiple sclerosis and said, "Congressman, the only thing I ask is that you change the Food and Drug Administration so that drugs I know are available other places might be approved so my daughter, and others, can in fact benefit with their quality of life."

Countless patients across this country have visited my office. I remember the day that Steve Seigel came in to

talk about Mary Jo's cancer and about the struggle that she went through and the belief that the FDA, to her, had no human face. What have we done over the past 2½ years? We have placed a human face on the FDA and a human face on patients, and for Mary Jo, her dream has become reality.

Mr. Speaker, I also realize that many of the people who visited my office this year will not be back next year because we have not done it quick enough. But it is important that we understand that now is the time for Congress and the Food and Drug Administration to work together to make the changes, to make sure that as the American people cross that "Bridge to the 21st Century," that we do not look back at the FDA, that in fact they go across with us.

FDA modernization is not radical, it is responsible. It is not senseless, it is safe. I urge my colleagues today to remember that in fact passage of this legislation is about patients and their quality of life.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, title II of the legislation we are going to vote on today was known as H.R. 1710, the Medical Device Regulatory Modernization Act, sponsored by the gentleman from Texas [Mr. BARTON] and myself.

My colleague from Texas and I have worked very, very hard to craft a bill that can and should be broadly supported by the full House today. I salute the gentleman from Texas for his work on the bill and his commitment to making it a bipartisan effort.

Mr. Speaker, I also want to salute the gentleman from Virginia [Mr. BLILEY], the distinguished chairman of the Committee on Commerce; the gentleman from Florida [Mr. BILIRAKIS], the distinguished chairman of the Subcommittee on Health and Environment; the gentleman from Michigan [Mr. DINGELL], our very distinguished ranking member; and the gentleman from Ohio [Mr. BROWN]. Together I think that we have produced something that we can all be proud of.

Mr. Speaker, H.R. 1710 passed the Subcommittee on Health and Environment and the full Committee on Commerce by a voice vote, and the bill enjoyed almost 150 bipartisan cosponsors.

This bill provides the FDA with new authority to recognize performance standards and initially classify devices according to risk. Patients will get greater access. And I want to underscore that, it is so important to the American people. They have greater access to investigational devices and access to devices that will benefit small numbers of people, much like the successful Orphan Drug Program.

The bill provides companies with the opportunity to meet with the FDA to resolve their differences and focus their research early in the review process. In short, Mr. Speaker, this legislation will help move the FDA into the next century.

Mr. Speaker, the bill improves current law by focusing FDA's review process for 510(k) applications, which is the process by which lower risk devices get cleared by the FDA for marketing.

To address concerns raised by the Agency that the bill was too restrictive on their ability to look at the intended use of the device not listed on the proposed label, the bill allows for very narrow circumstances under which the Agency could seek information beyond the label. Decisions to look beyond the label will be made by senior Agency officials, not individual reviewers, and are clearly intended to be the exception rather than the rule. FDA supported this.

Mr. Speaker, the bill amends the FDA's current process for postmarket surveillance and replaces it with authority requiring surveillance of high-risk devices for 3 years, allowing for surveillance periods of even longer periods of time if agreed to by the FDA and the manufacturer. This provision, too, was fully supported by the FDA.

I also want to point out a section of the bill dealing with outside reviewers, so my colleagues are clear on what the bill proposes. We have exempted all class III devices from outside review. We have exempted any class II device that is implantable, life-supporting, or life-sustaining from outside review. If there is a device for which FDA believes no qualified third party review exists, then the Agency will not have to accredit such an entity.

In closing, Mr. Speaker, I want to thank some very key people from our respective staffs that have worked so hard to make sure that this legislation would move forward. In particular, I want to salute Kay Holcombe, Howard Cohen, Rodger Currie, and Eric Berger of the committee staff, Beth Hall of the staff of the gentleman from Texas [Mr. BARTON], and Bill Bates of my own. He has aged considerably from being a very young man at the beginning of this process to this moment.

Mr. Speaker, all of these individuals brought forward their commitment to us to bring forward a bill that we could be proud of, that would deserve and enjoy bipartisan support, and, most of all, benefit the American people by the benefit of what the industry can bring forward in this country.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] very much for the leadership that he has provided in this effort today, and I certainly want to commend both sides of the aisle as they worked very hard together. I also want to emphasize the importance of the staff and all of the long hours that they put in on this legislation.

H.R. 2469 passed the Committee on Commerce by a vote of 43 to 0. It is a bill that is going to help us streamline the processing of petitions at FDA. This is a modest first step in our efforts to streamline the Nutrition Labeling and Education Act of 1990. But the changes will provide FDA with additional flexibility as it processes petitions filed at the Agency, provide alternative petition methods for health and nutrient claims, if claims meet the significant scientific standard, and I want to emphasize that that standard is maintained.

This legislation will place a statutory deadline for FDA to complete action on petitions and will address the first amendment problem raised in the Federal court case of The Nutritional Health Alliance versus Shalala. FDA will be required to complete its actions on petitions within 540 days. This is a more liberal standard for FDA than the nonbinding 270-day limitation it placed on itself in response to the Nutritional Health Alliance case I just mentioned.

Of course, many Members wanted to do more, particularly in the area of national uniformity for labeling standards. But as I stated earlier, this is an important first step, and I want to commend all of those who were involved in this legislation.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, the bill we have before us today is the product of a long and intense period of negotiation between people with very different views of the FDA, how it works today, and how it should do its job in the future.

It is a compromise and one that probably makes no one completely happy, but it is a good faith effort to find a common ground so that we could move legislation forward in a timely way to reauthorize what has been one of the most successful programs we have to help the FDA do its job and do it better and faster. That is known as the Prescription Drug User Fee Program, also PDUFA.

It is a program with broad support by industry and the Agency and one that has been widely acknowledged as working and working extremely well. It has led to faster approval of drugs with no diminution of the thoroughness or scope of the review. Throughout the process, it has been the primary goal of every party of this debate to find legislation that could be broadly supported and achieve this reauthorization.

If I were writing the legislation, it would be a very different product than we have before us today. I would not authorize off-label use of drugs or third party review of devices, for example. I would not weaken the FDA authority to fully review devices for all likely

uses, and I firmly believe that over the long run, we will regret that we have changed FDA law in this way.

But, Mr. Speaker, I recognize the broad interest in this body and in the Senate in trying out these changes, and I recognize that the FDA negotiated many protections in the way the off-label provisions would work and that the demonstration of third party review of devices is now considerably more limited than when this debate started.

Most particularly, I recognize that we have provided for a sunset of each of these experimental provisions so that all of us will have an opportunity to understand how they have worked and reconsider them, if necessary. To me, that is a critical aspect of these bills.

Mr. Speaker, I am particularly pleased to see provisions in the bill which expand the clinical trial data base which I think can be helpful to many people around the country dealing with many serious and life-threatening diseases.

I join in supporting this legislation, and will have a further statement in the RECORD.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, at the start of the last Congress, consumers were unhappy with the FDA, the medical community was unhappy with the FDA, patient groups were unhappy with the FDA. I would think if we took a poll within the FDA, many of the FDA employees were unhappy with the FDA. It was so bad that at my first hearing on the FDA, I said that FDA stood for "Foot Dragging and Alibis."

Mr. Speaker, because of the hearings we had in this Congress and in the last Congress, we have before us today a bipartisan piece of legislation that is a giant step in the right direction toward bringing the FDA into the 20th and 21st century.

I want to thank Speaker GINGRICH for making this a priority. I want to thank the gentleman from Virginia [Mr. BLILEY], chairman of the full committee; the gentleman from Michigan [Mr. DINGELL], the ranking member; the gentleman from Pennsylvania [Mr. KLINK], my colleague and ranking member; the gentleman from Florida [Mr. BILIRAKIS]; Donna Shalala; and President Clinton for making this day a possibility.

On the medical device section of the bill, that is the section of the bill that the gentlewoman from California [Ms. ESHOO] and I have worked so long and hard on, we have a number of improvements. We have a system of third party review for class I and most class II medical devices. We have a system for expedited approval and reporting requirements for devices that have already been approved overseas. We have a strong provision to protect the practice of medicine for the medical community. We have a requirement that they will establish a workable appeals process for arbitrating scientific disputes in the statute, and we reclassify all existing devices so that they are not automatically classified as class III when they come into the Agency.

Mr. Speaker, we allow the manufacturers to announce in the promotional materials that their products have actually been FDA approved.

There is one section of the bill that deals with the scope of review that I want to go into further detail on. This is the process that would allow a product to come to market as long as it is substantially equivalent to a product already on the market.

In the original bill, there was a provision that would require the FDA to make a determination solely on the intend use of the label. Some members of the committee and the FDA felt that this would prohibit them from adequately reviewing the product. So in this package, we have a compromise that is a very carefully constructed provision that would allow the FDA to go beyond the label under certain conditions. They have to be exceptional, they have to be carefully controlled circumstances, and the FDA has admitted that this authority will be rarely used, and only in the most exceptional cases.

We have a good bipartisan agreement between us. The FDA no longer stands for "Foot Dragging and Alibis," it stands for "Fair Deals for All."

Mr. Speaker, I hope that we will unanimously support this, and I want to thank my staff member Beth Hall and Bill Bates from the staff of the gentlewoman from California [Ms. ESHOO]. They have done exceptional work, along with the committee staffs on both sides of the aisle.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

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Mr. PALLONE. Mr. Speaker, the legislation before us has been the product of hard work, tough negotiations and true bipartisanship, and the result is a well crafted bill that will reauthorize the Prescription Drug User Fee Act and enact common sense Food and Drug Administration reform.

I want to take the opportunity to congratulate the chairmen and the ranking members of both the full committee and the subcommittee, as well as the professional staff of the Committee on Commerce on both sides of the aisle, particularly Kay Holcombe, whom I work with the most, for a job well done.

Mr. Speaker, this legislation will take the FDA into the 21st century by giving the FDA the tools to continue to do its job effectively while keeping pace with the new technological innovations and medical breakthroughs.

I just wanted to mention, concerning the drug provisions, I am pleased with the inclusion of a bipartisan amendment which would provide for the notification of discontinuance when a company terminates a product the absence of which would cause severe harm to a patient. To allay industry concerns. We have included a "good cause" waiver that allows the FDA to waive the time requirement under certain circumstances.

In addition, there are two amendments concerning mercury that were incorporated into the bill. One of the provisions requires the FDA to study the impact of a form of organic mercury in nasal sprays on the brain. It has already been banned for use on agricultural crops since 1969 and has been considered a neurotoxin. And the second provision would examine the sale of mercury as a drug or for other home use.

Mr. Speaker, with regard to medical devices, I want to congratulate the gentlewoman from California [Ms. ESHOO] and the gentleman from Texas [Mr. BARTON] for their ability to find common ground with the FDA and industry on these issues. I believe that the third party review process has been worked out well. It will free up the FDA's limited resources to review and approve high-risk devices.

Finally, Mr. Speaker, I am pleased that language was included to ensure that this legislation does not hinder the FDA's authority to reduce teen smoking. We already know that 3,000 kids start smoking each day, and that in my State of New Jersey alone over 130,000 children currently under 18 will die prematurely from tobacco-related diseases.

Mr. Speaker, it is my expectation that this bill will pass with overwhelming support today, but along with its passing today we must work quickly in conference to report out a good bill that the President can sign into law. The longer we delay, the more risk we take in slowing the drug approval process.

I have to say certainly that the suspension process today, which I never thought would happen, is a very good indication that every one involved is seeking to move quickly and that any differences with the Senate can be quickly overcome. I certainly urge all of my colleagues, not only Members of the committee but all of our colleagues, to register a strong statement of support by voting overwhelmingly for this legislation today.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I rise in strong support of H.R. 1411, the Food and Drug Administration Regulatory Modernization Act.

Much has been said about the able leadership of our chairman, the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. BARTON], the gentleman from Florida [Mr. BILIRAKIS], and our friends on the other side of the aisle, the gentleman from Michigan [Mr. DINGELL], the gentlewoman from California [Ms. ESHOO], and the gentleman from Ohio [Mr. BROWN].

I would also like to comment on our terrific staff on both sides of the aisle. Howard Cohen, Eric Berger and Jane Williams on my staff spent countless hours walking Members through the myriad of different amendments and travails. It was terrific to see us come together in a great moment of bipartisan harmony and pass this legislation out of our full committee 43 to nothing.

This legislation embodies several basic goals that I believe all of us, patients and consumers, health professionals and drug device and food industries, and the Congress, all share. We want to ensure that patients and consumers continue to enjoy the benefits of innovations in treatments and technologies that bring us lifesaving and enhancing drugs and medical devices, with a safe, abundant healthful, affordable food supply.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, this morning we are considering a bill that I never believed would be debated under suspension rules. In fact, I thought my chances of winning the lottery in Texas were much better than the FDA reform bill being on the suspension calendar.

This bill has had a long and contentious history on the Committee on Commerce. It was not always clear that a compromise bill could be reached. This bill is a step forward for reform. I believe both sides of the aisle should support it, and we have heard this morning they do.

One of the areas that caused the most concern for me was the approval process for medical devices, particularly third party review. I am pleased that the gentlewoman from California [Ms. ESHOO] and the gentleman from Texas [Mr. BARTON] have come together and worked out a compromise that would utilize the expertise of outside reviewers, prevent conflicts of interest, and involve the FDA in the certification of reviewers. Even with the use of outside reviewers, the bill still gives the FDA discretion to accept or deny the recommendations of outside reviewers.

This reform, combined with other portions of the bill, will help medical device companies know what is required of them during the FDA review, and gives them a sense of certainty that their application will be handled within a certain period of time. At the same time, it recognizes the FDA's role at the center of the medical device and drug review process and reassures the American people they will be accountable for the safety and efficacy of drugs and devices.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I rise in support of the bill, and will include concerns which were not addressed in the bill which would allow the FDA and EPA to ban products used by asthmatics that are medically necessary.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise in strong support of H.R. 1411.

E. coli bacteria results in between 10,000 and 20,000 illnesses a year. While proper cooking can kill *E. coli*, it deprives us of something that many of us really like, a nice juicy rare hamburger. Pasteurizing red meat with low-dose irradiation kills bacteria without harming the food. The process has already been approved by FDA for spices, poultry, pork. Why not hamburger?

For more than 3 years the Food and Drug Administration has been sitting on a petition to allow the use of low-dose irradiation for red meat. It is time that they passed. H.R. 1411 includes an amendment I offered to make the FDA complete its review within 60 days. Mr. Speaker, we need to have safer meat. Low-dose irradiation would provide that. A vote for this bill will make all of us a hamburger helper.

Mr. DINGELL. Mr. Speaker, I yield myself 1 minute for the purposes of a colloquy, and I yield to the distinguished gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to thank my colleague from Michigan for yielding to me.

Thirty million Americans rely on CFC propelled metered-dose inhalers. These are the inhalers for asthmatics. Over 30 million Americans rely on them. Yet in March 1997, the FDA proposed a policy that would ban these metered-dose inhalers for asthmatics all across the country, while the FDA did not take into account what alternatives would be available to millions of children in this country.

I want to thank the ranking member of the committee and the chairman for recognizing the need to modify this FDA policy, and look forward to working with them to see that appropriate amendments are made to the FDA law so that metered-dose inhalers are not banned for children in this country.

Mr. DINGELL. Mr. Speaker, the committee considered this matter. We regard it as important and we will pursue it further.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time to close.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, this is what this process is supposed to be about, making legislation to make the people's lives in the United States a little bit better. I believe very strongly that that is what this legislation will do.

I think just for a second though we should remind ourselves that this was not an easy process and it was a long process. I think the work in particular of the gentleman from Michigan [Mr. DINGELL] and other leadership on the Democratic side and the Democratic Members really have brought us toward this point in time. Just 12 months ago, 24 months ago, the FDA legislation that was in front of us was a much more radical, in fact, a radical and really threatening piece of legislation to the American people.

In terms of the prescription drug area, we have made some dramatic strides. I believe there is still one area in the conference committee, I know that the Members, the gentleman from North Carolina [Mr. BURR] in particular, as well as the gentleman from Florida [Mr. BILIRAKIS], will be working on. That is the issue of exclusivity for new antibiotic drugs. The bill limits exclusivity to new antibiotics and that exclusivity would not apply to any drug for which an NDA is already pending. I am also pleased that we have a commitment to continue working on eliminating exclusivity to antibiotics in which there is not a pending I&D, which is the final stage of clinical investigation.

This Congress has made very significant strides in promoting the use of generic drugs in the United States of America as a cost containment and a health issue for all Americans. In an attempt to both balance the need for innovation in terms of resistant strain antibiotics, while at the same time balancing the need for generics and the purpose for generics that this Congress has stated very strongly on many occasions over the last years, I think it is important that any additional exclusivity that we grant in terms of antibiotics, which would be the first time that there would be exclusivity for antibiotic drugs, that it be limited in scope very narrowly to the challenge that we face in terms of resistant strains. I know we have made some moves in that direction, and hopefully as we enter the conference report we can continue that as much as possible within the specifics.

Mr. DINGELL. Mr. Speaker, I yield myself 1 minute for purposes of closure.

I simply want to read the language of the administration on this. It says:

The administration applauds the House for its efforts to produce a bipartisan FDA reform bill and appreciates the responsiveness

to concerns that have been raised. Because of the importance of obtaining a 5-year extension of the Prescription Drug User Fee Act, [PDUFA], the administration has no objection to the House passage of H.R. 1411.

I urge my colleagues to recognize that this is a compromise. This is a good compromise. It represents a bill which makes progress, which serves the public interest, which helps the manufacturers but which also protects the consumer with exquisite care. It is an excellent bill. I urge my colleagues to vote for it.

Mr. BLILEY. Mr. Speaker, I would like to say, it has been said before in the debate but I want to thank the staff, particularly Howard Cohen, Eric Berger, Rodger Currie, and Alan Hill and Kay Holcombe.

With that, Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank the gentleman. I have watched a number of young friends in my district grow a head taller as we have worked on this bill for the past 3 years. And while they have outgrown last year's school clothes, unfortunately they cannot outgrow their diseases. Amber still has juvenile diabetes. Cody still has epilepsy. And Kristin still has asthma. Today's bill will go a long way toward easing their suffering by setting up special testing for new drugs aimed at children and expediting new uses for drugs also aimed at treating children's diseases.

This bill is going to go a long way towards easing the suffering of millions of Americans across this country and obviously not just children. But most importantly, I think that this legislation will go a long way toward changing the culture at the Food and Drug Administration. It is a move away from scare tactics and toward sounds science on food policy, away from red-tape and toward sound science and speedy approval on new medical devices. Perhaps most importantly, it is a move away from bureaucracy, and finally toward compassion.

Congratulations to my colleagues who have worked on this bill for so long and so hard for the past 3 years, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL], the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN], the gentleman from Texas [Mr. BARTON], the gentleman from North Carolina [Mr. BURR], and the gentleman from Pennsylvania [Mr. GREENWOOD]. Our fight has gone back a long way, back to the early days of 1994.

And thanks to the professional staff on both sides who have worked so hard for the last 3 years as well. But most of all, congratulations to my three young friends. For Cody and Amber and Kristin and millions of Americans suffering from diseases across the country, this bill is for them.

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased that today the House has finally taken long-overdue action to reauthorize the Prescription Drug User Fee Act (H.R. 1411).

In 1992, Congress enacted the Prescription Drug User Fee Act (P.L. 102–571) to authorize the Food and Drug Administration [FDA] to collect user fees from pharmaceutical companies to pay for more timely reviews of new, breakthrough drugs. It has been estimated that over $300 million in user fees have been collected under Public Law 102–571 to help finance safety and efficacy trials at the FDA. All of these user fees have been returned directly to the FDA, which used the money to expand its staff and cut review times for new drugs, thereby ensuring that patients ultimately benefit from the program.

H.R. 1411 also institutes a number of important reforms to the FDA to reduce drug review times and provide more information to patients and physicians in a timely manner. The net effect of this legislation will be to save and improve the lives of sick and injured persons across our nation.

But despite these much needed reforms to the FDA, there is much work that remains to be done. Specifically, I am concerned, like many Americans, about the FDA's plans to accelerate the elimination of metered dose inhalers [MDI's] that contain chlorofluorocarbons [CFC's].

As many of you know, on March 6, 1997, the FDA proposed a plan to phase-out the use of CFC's and MDI's, which are used by asthma and cystic fibrosis patients to breathe.

While I agree it is important to institute a transition strategy that will eventually eliminate CFC use, the advance notice of proposed rulemaking [ANPR] published by FDA on March 6 is deeply flawed and should be scrapped in favor of a plan that put patients—not international bureaucrats—first.

And it is Congress which must ensure that the interests of patients are in fact upheld throughout the formation of our country's MDI transition strategy. To that end, my colleague and friend from Florida, Mr. CLIFF STEARNS, and I have introduced legislation, H.R. 2221, that will temporarily suspend the FDA's ANPR until a new proposal can be crafted. It is our intention to offer our legislation as an amendment to H.R. 1411 had we been afforded an opportunity to do so.

Mr. Speaker, our legislation is necessary because the FDA's plan has numerous problems, including the fact that under the plan patients will have significantly fewer choices in asthma medications, which will leave some patients deprived of the medicines that need to breathe.

Specifically, FDA has classified most MDI-delivered respiratory medications into two therapeutic classes. One therapeutic class has five moieties, or drug types which are delivered to the lungs by the MDI, and other has seven moieties. A moiety refers to the drug's active ingredient, and for each moiety there are usually multiple generic versions produced and marketed.

According to the FDA proposal once two moieties are available in a non-CFC MDI form, all other drugs, including generics, in that therapeutic class will be banned. Thus, if you are a patient that relies on a moiety that is banned by the FDA policy, and the two non-CFC MDI's that remain on the market are unsatisfactory or unusable, your very life could be placed at risk.

As Congress continues to assess and debate the best way to craft a CFC transition strategy for metered dose inhalers, I would like to highlight the case of Tommy Farese, a 9-year-old boy from Spring Lake, NJ, who wrote to the FDA in April to oppose their plan. Tommy told the FDA that as someone who depends on Intal, Vanceril, and Provental every day to breathe, he does not want these medications taken away from him.

Under the FDA plan, the entire therapeutic class of drugs Tommy—and other like him—use to survive could be banned when two different non-CFC MDI moieties are marketed. However, if the first two non-CFC MDIs approved by FDA in a therapeutic class do not include the moieties for Intal and Vanceril, Tommy would lose access to the drugs he needs to physically breathe. Mr. Speaker, as the father of two daughters with asthma, I find any plan that could lead to such an outcome completely unacceptable.

Not surprisingly, the FDA's plan has generated a firestorm of opposition from patients, respiratory therapists, and physicians: nearly 10,000 letters in opposition have been received to date by the FDA. Those expressing their concerns about the FDA plan include: Dr. C. Everett Koop, Mothers of Asthmatics, the Joint Council of Allergy, Asthma and Immunology [JCAAI], the Cystic Fibrosis Foundation, the American Medical Association, and the American Association of Respiratory Therapists.

In my view, any plan to remove safe and effective medications from the marketplace needs to place the interests of children like Tommy Farese first and foremost. Sadly, the FDA plans fails in this regard. Indeed, the FDA plan presumes that CFC-free inhalers serve all patient subpopulations—such as children and the elderly—equally well, despite the fact that children have special needs. Therefore, I call upon all Members to support H.R. 2221 and stop the FDA from implementing this terribly flawed and environmentally marginal proposal.

Mr. PAUL. Mr. Speaker, today, out of nowhere, comes the stealth Prescription Drug User Fee Re-authorization and Drug Regulatory Modernization Act of 1997. Regrettably, but unlike certain militarily procured aircraft, a little rain will not make this bill disintegrate.

According to its proponents, this FDA-strengthening bill was more than 3 years in the making—a so-called compromise between industry and the administration, we are told. Yet, despite the 177 pages attempting to reform an administrative agency and its rule-making direction, the leadership did not see fit to announce floor consideration of this bill in the Weekly Whip Notice, yesterday's Shipping Post's "Tuesday's Forecast" section or any other commonly accepted medium as near as I can discern. More curiously, in my attempts to draw some attention to the broadsweeping nature of the bill on the House floor and the process by which it had come up for consideration, I am told by the bill's proponents that "there is no time available to speak regarding the bill." Instead, C–SPAN viewers will be

treated to a love-in during which each of the bill's drafters and advocates commend one another for the fine job of corporatism and internationalism they are about to bestow upon the American citizenry and in such a critical aspect of their lives; that is, their health.

When a 177-page bill comes to the floor under suspension with practically nothing more than an hours notice, one must always question what freedom-depriving regulation is about to be forced upon the citizens. Below is a sneak preview of the latest regulatory loss of individual liberty and State sovereignty.

So-called harmonization language contained in the bill requires the Secretary, through bilateral and multilateral agreements, to "harmonize regulation * * * and seek appropriate reciprocal arrangements" with foreign regulatory agencies. Vocal opponents of this harmonization language convincingly argue this internationalizing of what is already an unconstitutional usurpation of States rights, is very likely to greatly limit the availability of food supplements by requiring prescriptions for dispensation as is the case in certain parts of Europe. Perhaps with such harmonization, we will not only have a Federal war on drugs, but a Federal war on riboflavin, folic acid, and bee pollen. At last, an American alfalfa czar.

Food supplement availability may be the least of concerns amongst those who still revere states' rights and acknowledge the continued existence of the tenth amendment. Section 28 of H.R. 1411, as available on the Internet, entitled "National Uniformity," "prohibits states and subdivisions from regulating food, drugs, or cosmetics * * *" The bill permits the FDA to set national standards for cosmetics but permits States to issue warning labels and take defective products off the shelves.

To the dismay of medical privacy advocates, the bill authorizes the FDA to mandate the tracking of medical patients who use certain medical devices for up to 36 months as well as conduct post-market surveillance of these patients.

The bill limits the speech of manufacturers who would claim health benefits on their product labels without the approval of a scientific agency of the Federal Government. The bill responsibly makes provisions for such Scientific Advisory Panels in section 6. According to the bill, these panels are to be made up of "persons who are qualified by training and experience * * * and who, to the extent feasible, possess skill in the use of, or experience in, the development, manufacture, or utilization of * * * drugs or biological products." Here we have yet another chapter in the book of corporatism detailing the means by which one politically connected private concern gains a competitive advantage or Government privilege at the expense of some less-politically-connected entity or the consumer via some Federal Government, regulatory framework.

A bill effecting a major reformation of the Food and Drug Administration with such serious implications for individual liberties and for States' ability to effectuate their constitutionally-ordained police powers, warrants something more than the "stealth" procedure by which this regulatory "bomb" has been brought to the house floor. This bill apparently will be passed without a real opportunity for responsible debate or even a recorded vote. At a minimum, an opportunity to speak or inquire regarding the bill's provisions on the house floor and/or the opportunity to amend the bill to improve or remove offensive language, should have been provided within the legislative process. Unfortunately, this was not the case. For these reasons, I oppose H.R. 1411.

Mr. TOWNS. Mr. Speaker, I join my colleagues in applauding the scheduling of this measure today. H.R. 1411, the Prescription Drug User Fee Reauthorization and Drug Regulatory Modernization Act of 1997 is the culmination of 2 years of hard work by the Commerce Committee to modernize procedures that the Food and Drug Administration uses to approve drugs, devices, and food products.

Without the modernizing steps that have been incorporated in this legislation today, the FDA would continue to be seen as a barrier to new innovative therapies and products. The bill before us today represents a careful balance between a new, streamlined process and consumer protections against harmful products. These innovations in the way the FDA will do business from now on makes the approval of drugs and devices a more predictable process. This legislation will also provide patients with greater access to information about new investigational treatments. Additionally, we established reasonable national uniformity standards for OTC drugs and cosmetics. These standards offer a excellent beginning for future discussions about national uniformity for food products, discussions which I hope will begin next year with hearings on this issue.

Finally, Mr. Speaker, I am most pleased about the provisions in this bill which relate to food products. I had the wonderful experience of working closely on these issues in a bipartisan fashion with the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Wisconsin [Mr. KLUG], and the gentleman, from Texas [Mr. HALL]. While some argued that food reforms were too controversial to include in this bill, my colleagues and I never stopped believing that we could craft reasonable and meaningful food reforms that would be acceptable to the industry, FDA, and consumers alike. With the able assistance of our committee counsels on both sides of the aisle, Eric Berger and Kay Holcomb, the measures you see before today accomplished this goal. The food issues in this bill build on the success of the Nutrition Labeling and Education Act and they represent a modest downpayment on more significant food law reforms. The bill promises to provide important public health benefits to consumers by enabling FDA to act quickly on petitions for new health and nutrient content claims and by removing impediments to critical food technologies like irradiation.

I join my colleagues from the Commerce Committee in urging the immediate passage of this legislation.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.R. 1411, a package of three bills reforming the Food and Drug Administration.

Clearly, the modernization and streamlining of the FDA are important goals which have commanded considerable thought, time, and energy from Members of Congress, the Agency, and other interested parties. I am pleased that we are acting today on this important legislation, and I look forward to swift passage and enactment.

Mr. Speaker, I come from New Jersey. And I am proud to say that my home State is considered the Nation's medicine chest. New Jersey is home to some of the world's most innovative pharmaceutical companies, including Johnson & Johnson, Merck, American Home Products, Schering Plough, Warner-Lambert, Novartis, Hoffman-La Roche, and Bristol-Myers Squibb, just to name some of them. More than 40,000 pharmaceutical company employees are working in my State, leading the way in discovering, researching, developing, and marketing life-saving new drugs. I am proud to represent these individuals and businesses.

While the bill will benefit these individuals, by reauthorizing the Prescription Drug User Fee Act [PDUFA] and streamlining and modernizing the Agency, I am supporting H.R. 1411 today because it benefits a larger group: America's patients. All Americans who are in desperate need of new therapies for Alzheimer's, Parkinson's disease, cancer, AIDS, and all other maladies for which no adequate drug treatment exists today. Furthermore, our work benefits the world in every country where there is sickness and suffering.

There is so much in this bipartisan bill that is designed to help patients. There is the reauthorization of PDUFA, the enactment of which has meant more to expediting approval of life-saving new therapies than anything else. Last year, the FDA approved 53 new drugs and 9 new biologics. Since enactment of PDUFA, FDA has approved more than 125 new molecular entities—totally new medicines—all of which have brought relief and benefit to patients.

H.R. 1411 also provides for expedited approval of life-saving new medicines and access to unapproved therapies for the most critically ill among us. The bill allows manufacturers to disseminate information about unapproved uses of approved drugs, while ensuring that the information is balanced and encourages additional research on already-approved products.

The package also facilitates the development, clearance, and use of devices to maintain and improve public health and quality of life.

Finally, H.R. 1411 maintains the Agency's high standards of efficacy and consumer safety.

Mr. Speaker, when we enact this legislation, we will be giving the hope of better health and longer lives to millions of Americans and people around the world. That is good news for New Jersey and good news for America. I urge support of this legislation.

Mr. STEARNS. Mr. Speaker, I rise in support of H.R. 1411. First, I would like to thank Chairman BLILEY and Chairman BILIRAKIS and the staff for getting us to this point. It has been a long and at times very difficult process and you are to be commended for your leadership.

I would also like to give special thanks to my colleagues, Representatives RICHARD BURR, JOE BARTON, and ED WHITFIELD for all their hard work on these three bills.

Legislative proposals to reform the FDA to speed up the approval process for new drugs and medical devices and to improve the regulation and labeling of food is long overdue. Today's vote is historic and I am pleased to see that we have finally gotten to this point.

The problems associated with FDA's regulation of products and related issues are already known in the biomedical industry. Several key issues are: how regulation affects patient access to new drugs, how it impedes new drugs and biotechnology products from being brought to market, and how regulatory delays are forcing drug and medical device companies overseas.

If we are to continue to compete in this global economy, we must streamline the current FDA approval process. Because European review of new medical technologies is more efficient and timely than the FDA, these companies are increasingly moving out of the United States. Start-up biotech companies, also unable to meet the capital demands due to the lengthy and uncertain FDA process, have lost thousands of jobs through both direct exports and opportunity costs.

While our position has slipped in recent years, the United States is still the world's leader in the development and production of medical technology. However, the sad fact is that the United States is beginning to lose ground in health technology to foreign competitors. Unless we provide relief for this industry and curb FDA's burdensome over regulation and countless delays in the approval process, we will continue to see a steady erosion in an industry in which we have always been recognized as a world leader.

It is very gratifying to be a part of this process and I want to applaud the Commerce Committee's desire to make these necessary changes contained in the legislation before us today. We have an opportunity to reverse the trends which have our companies going outside the United States to conduct initial development of new products. When this occurs, not only do we lose jobs, but we also lose U.S.-produced technologies.

One question that we might ask is: What are we doing in comparison to the rest of the world. For instance, it might be useful to have a list of these products and whether they have been approved in tier one countries and for how long. Perhaps there should be some type of annual report that provides us with that type of data. If the FDA objects to this, I think it might be advisable to ask what we can do to make sure that the FDA makes such information available in the future.

While I wholeheartedly support H.R. 1411, I want to call my colleagues attention to an issue I believe is of tremendous importance and that needs to be addressed.

On March 6, 1997, the FDA issued an advance notice of proposed rulemaking [ANPR] that set forth its plan to ban CFC-containing metered-dose inhalers once certain criteria are met. The plan was developed in collaboration with the Environmental Protection Agency [EPA] and is intended to eliminate the minuscule amount of CFC's currently allowed to be used for medications delivered by metered-dose inhalers.

We need to protect the health and well-being of the millions of Americans that use chlorofluorocarbon-containing metered-dose inhalers to treat their respiratory conditions. My colleague, CHRISTOPHER SMITH, and I introduced H.R. 2221. This bill will require the Secretary of Health and Human Services to take no further action on FDA's proposed ban on chlorofluorocarbon [CFC]-containing metered-dose inhalers.

During the full committee markup of PDUFA, I offered an amendment to rectify a serious issue that has arisen due to actions taken by the FDA. Because I did not want to impede the process, I withdrew my amendment. However, I do intend to pursue this issue until I am satisfied that all patients who rely on such life saving drugs will not be denied their rights to such medications.

Again, I want to reiterate my support for H.R. 1411 and look forward to its final passage.

Mr. RAMSTAD. Mr. Speaker, I rise in support of the package of Food and Drug Administration [FDA] reform bills before us today.

I support this entire package, but I would like to specifically talk about title II of this bill, which addresses medical devices.

Reforming FDA's approval process for medical devices is something I have worked on since I first come to Congress in 1991. I have long argued we can save lives, health care dollars, and jobs by creating a more hospitable climate for our biotechnology, pharmaceutical, food, and medical device industries.

That's why, in November 1993, former Rep. Tim Valentine—D–NC—and I founded the bipartisan House Medical Technology Caucus to educate our colleagues on the issues facing the medical technology sector, including the FDA approval process.

As a cosponsor of H.R. 1710, the base language for title II, I know the legislation to expedite review of medical devices will go a long way toward bringing medical devices to market faster, thereby saving lives and creating jobs in this country. With intelligent coordination of regulatory strategies consistent with good science and good manufacturing practices, we can move needed drugs and medical devices to consumers in less time without increasing risk.

The FDA must review products and procedures promptly and effectively, since one of the most important ways to help individuals in need of lifesaving products and procedures is to make sure these products are made accessible as soon as possible without compromising safety.

It now takes 15 years and $350 million to get the average new drug from the laboratory to the patient. The average time for the FDA to approve a medical device has increased from 415 days in 1990 to 773 in 1995—even through the FDA is currently required by law to taken no longer than 180 days to approve new devices. In addition, the majority of all new drugs approved by the FDA in the last 5 years were already in use overseas.

The package of FDA reform legislation will improve the approval process for medical devices, drugs, and biological products without reducing the level of protection for safety or effectiveness.

I urge my colleagues to support this bill today. The patients in our country who have been denied access to lifesaving drugs and devices deserve nothing less.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 1411, the Food and Drug Administration Regulatory Modernization Act of 1997. I commend the committee for bringing this bipartisan bill to the full House for consideration.

Since I became chairman of the Government Reform and Oversight Committee's Subcommittee on Human Resources, we have held 14 oversight hearings on the Food and Drug Administration [FDA]. In the course of oversight hearings on medical device regulatory standards, food safety, the food additive petition review process, and the safety of the Nation's blood supply, we found the agency needs to be modernized and streamlined. This bill makes progress toward these goals, while protecting the public health.

I am particularly pleased the compromise struck by the committee provides greater clarity to the medical device approval process by ensuring that FDA's review will be based on the intended use cited on the proposed label submitted by the manufacturer. As an added safeguard, FDA will have procedures to require the manufacturer to place a warning on the label if the agency believes the device will be used for conditions other tan those listed on the label.

Enactment of this legislation will result in lifesaving therapies reaching patients in a more timely fashion. I commend the Commerce Committee for its fair and deliberate approach to meaningful FDA reform.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to day in support of H.R. 1411, legislation which includes three important reforms and commend Chairman BLILEY and his Commerce Committee for all their hard work on this bill.

First, the bill will reauthorize the Prescription Drug User Fee Act, a user fee that has been tremendously effective in expediting the FDA drug approval process. That reauthorization is absolutely critical.

Second, H.R. 1411 streamlines and vastly improves the FDA drug approval process, clearing the way for lifesaving new drugs to reach individuals in need of them.

Finally, the package facilitates the development, clearance, and use of devices to maintain public health and improve the quality of life for many Americans and so many people around the world that are sick and suffering.

This legislation is certainly a priority for the State of New Jersey, which is home to many of the most innovative pharmaceutical companies and more than 40,000 employees, that have led the way in research, development, and marketing of lifesaving new drugs throughout the world.

However, New Jersey is also home to even more individuals that are in desperate need of new therapies for Alzheimer's, Parkinson's disease, cancer, AIDS and other diseases, for which no adequate drug treatment exists today.

I am pleased that the legislation also maintains and strengthens protection for consumers under the Food and Drug Administration Director.

I would like to commend the Commerce Committee for their hard work on this bill and urge support for H.R. 1411.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion

offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 1411, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

□ 1130

The title of the bill was amended so as to read: "A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the regulation of food, drugs, cosmetics, and devices, and for other purposes.".

A motion to reconsider was laid on the table.

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill 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 (l)(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 aft

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.".

MOTION OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BLILEY moves to strike out all after the enacting clause, and insert in lieu thereof the text of H.R. 1411, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the regulation of food, drugs, cosmetics, and devices, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1411) was laid on the table.

NATIONAL MONUMENT FAIRNESS ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 256 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. 1127.

□ 1132

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. 1127) to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, October 6, 1997, the demand for a recorded vote on the amendment offered by the gentleman from Utah [Mr. HANSEN] printed in section 3 of House Resolution 256 had been postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 256, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2 offered by the gentleman from Minnesota [Mr. VENTO] and amendment No. 6 offered by the gentleman from Utah [Mr. HANSEN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. VENTO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. VENTO] on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. VENTO:

Page 3, line 14, strike "unless and until" and insert "until 1 year after".

Page 3, beginning on line 16, insert a period after "Congress" and strike all that follows through the period on line 18 and insert in lieu thereof: "During the period of review, Federal lands within the proclamation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, or patent under the mining laws, and from disposition under all mineral and geothermal leasing laws."

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 224, not voting 8, as follows:

[Roll No. 493]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
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)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOES—224

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers

Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Clayton
Gonzalez
Hilliard
LaFalce
Lewis (CA)
Schiff
Thompson
Weygand

□ 1154

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

Mrs. ROUKEMA and Messrs. KENNEDY of Rhode Island, HOYER, DOOLEY of California, and GILMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 256, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Utah [Mr. HANSEN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Monument Fairness Act of 1997".

SEC. 2. CONGRESSIONAL REVIEW OF NATIONAL MONUMENT STATUS AND CONSULTATION.

Section 2 of the Act of June 8, 1906, commonly referred to as the "Antiquities Act" (34 Stat. 225; 16 U.S.C. 431) is amended by adding the following at the end thereof: "A proclamation of the President under this section that results in the designation of a total acreage in excess of 50,000 acres in a single State in a single calendar year as a national monument may not be issued until 30 days after the President has transmitted the proposed proclamation to the Governor of the State in which such acreage is located and solicited such Governor's written comments, and any such proclamation shall cease to be effective on the date 2 years after issuance unless the Congress has approved such proclamation by joint resolution.".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 202, not voting 9, as follows:

[Roll No. 494]

AYES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Young (AK)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bentsen
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
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)
Morella
Murtha
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thurman
Tierney

Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Wise
Wynn
Yates
Young (FL)

NOT VOTING—9

Becerra
Cooksey
Gonzalez
Hilliard
Jefferson
LaFalce
Schiff
Thompson
Weygand

□ 1204

Messrs. GILMAN, ENGLISH of Pennsylvania, QUINN, BAESLER, KLINK and SHAYS changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. SNOWBARGER, 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. 1127) to amend the Antiquities Act to require an act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres, pursuant to House Resolution 256, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 197, not voting 7, as follows:

[Roll No. 495]

YEAS—229

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Fawell
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
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)
Morella
Murtha
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Taylor (MS)
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Becerra
Gonzalez
Hilliard
Jefferson
Schiff
Thompson
Weygand

□ 1223

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

So the bill was passed.

The result of the vote was announced as above recorded.

Pursuant to the provisions of House Resolution 256, the title of the bill was amended so as to read: "A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments."

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. LARGENT. Mr. Speaker, I offer a motion to instruct conferees on H.R. 2159.

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

The Clerk read as follows:

Mr. LARGENT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2159 be instructed to insist upon the provisions contained in section 581 of the House bill (relating to restrictions on assistance to foreign organizations that perform or actively promote abortions).

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. LARGENT] and the gentlewoman from California [Ms. PELOSI] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I yield myself such time as I may consume to say that very simply, the proposal that is before the House at this time to instruct the conferees on the foreign operations appropriations bill is simply to say this is well traveled, yet controversial ground that the House has already spoken on earlier this year.

The vote was taken on the foreign operations appropriations bill to accept what is known as the Mexico City policy, and that is to say that no U.S. tax dollars are to go to any organizations that perform abortions, with the exceptions of the life of the mother, rape, and incest, and this motion to instruct the conferees on the foreign operations appropriations bill simply says to our conferees, we want them to adhere to the language that we voted 234 to 210 on on September 4.

Mr. Speaker, that is the motion to the conferees.

Mr. Speaker, I yield 1½ minutes to my friend and colleague, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the motion is very simple, very straightforward. It asks our conferees to stand firm on a policy that has been in place for a decade, the Mexico City policy: that no funds of the United States that we contribute to international organizations should be used to support organizations who, in the course of family planning, advocate, promote, and perform abortions.

We do support responsible organizations that do engage in family planning but avoid any representation of or performance of abortions. American taxpayers have a right to know that their funds will not be used to pursue a policy that is antiethical to the conscience of most Americans.

Performance of abortion has been rejected by the Congress for the 2½ decades that I have served in the Congress in domestic activities; we should not support it in international activities, and I urge support of the gentleman's instruction.

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

I rise in opposition to this motion to instruct. The conferees have been working diligently to resolve all the sensitive and contentious issues in this bill, including the population issue. I think that every person in this Chamber agrees that we all must work hard to reduce the number of abortions that are performed in our country and worldwide. This motion to instruct does not achieve that. Indeed, a vote for this motion to instruct is a motion to call for a Presidential veto.

We were prepared to go to conference last evening; we resolved our outstanding issues. The conference was canceled at the last minute by the Republican leadership because they are trying to work out this problem, and this injection of the motion to instruct is not necessary. We have had at least 6 votes on this issue on 4 separate bills.

The best way to reduce the number of abortions, and that is our goal, is to have the most effective family planning.

My colleagues and I have clearly signaled a willingness to offer reasonable alternatives through the Gilman-Pelosi substitute to provide assurances that abortion is not and will not be used as a substitute for contraception.

The gentleman from Minnesota [Mr. OBERSTAR] said that this motion to instruct would say that no funds could go to organizations that in the course of family planning advocate, promote, or perform, abortions.

□ 1230

I agree with him. That is not what this motion to instruct does, however. That is what the Gilman-Pelosi alternative proposes, but this motion to instruct is a gag rule on any organizations which are trying to advocate and provide family planning services.

Mr. Speaker, I will submit for the RECORD some of the examples of where the family planning successfully has reduced the number of abortions.

Mr. Speaker, the very Mexico City authorizing language is contained in the State Department authorization bill which is now in conference. The President has made it clear he will veto the bill if the Mexico City language is attached, and this motion here will call for a veto of our bill. It will hold hostage all of our foreign assistance, including critical money for Middle East peace at this sensitive time. The Mexico City provision will crush our international family planning efforts which work to reduce the number of abortions performed worldwide.

I urge my colleagues to vote against this motion to instruct and to allow the conferees freedom to continue their efforts to work together to resolve this difficult issue.

Mr. Speaker, I ask my colleagues in this House of Representatives, are they not tired of this debate? Are they not tired of having to make this contentious vote week in and week out, month in and month out? Let us resolve the issue which recognizes our common ground in reducing the number of abortions, which recognizes U.S. law which says that no funds can be used to perform abortion internationally, the Helms law, which Senator HELMS himself wrote and which is the underlying law to all of this. This is not about any U.S. dollars going to underwrite, subsidize, or be fungible for organizations that are promoting family planning.

Maybe as in every other household in America, in this House we have to have a talk about the facts of life. We have to have a talk about the birds and the bees. If we want to reduce the number of abortions, it should be clear that effective family planning is the best way to do that. The best way to resolve the issue for us legislatively is to let the conferees work. It has to come back before this body to accept or reject. But this motion to instruct is not constructive. Indeed, it is counterproductive to our goals.

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

Mr. LARGENT. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], who really has been lionhearted on this issue, my friend and colleague.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. LARGENT] for his courage in offering this motion along with the gentleman from Illinois [Mr. HYDE].

Mr. Speaker, I rise in strong support of the Largent-Hyde motion to instruct conferees to the foreign ops bill to uphold the House position on the pro-life Mexico City policy—the Hyde amendment of foreign aid.

Today, Mr. Speaker, the pro-life laws and policies of almost 100 countries that restrict abortion are under siege and the engine driving this global pro-abortion push is the nongovernmental organizations funded by the U.S. Government.

The House position, adopted 234 to 191, permits the flow of funds only to those organizations that pledge to provide only family planning and not abortion. In other words, the innocent children are not put at risk.

Mr. Chairman, who we subsidize, not just what, but who we subsidize, who we give hundreds of millions of dollars—and these are discretionary funds, this is not entitlement spending—does matter.

Let me remind Members that the simple fact of the matter is that the long-standing law the Helms amendment stipulating that no U.S. funds can be directly used for abortion was found to be infirm and incomplete and riddled with loopholes. Money is fungible. The millions of dollars that we give to a group immediately frees up other funds that can be used, and in this case are used, for performing and aggressively promoting abortion.

It should matter greatly to each and every one of us not just what an organization does with its specific subsidy, but the rest of its agenda as well. It is a package deal.

Mr. Speaker, many groups use family planning as the Trojan horse to conceal their real agenda, abortion on demand. We closed those loopholes back in the mid-1980's with the implementation of the Mexico City policy. Regrettably, Mr. Clinton reinstated the loopholes.

Many Planned Parenthood affiliates around the world are leaving no stones unturned in their obsessive campaign to legalize abortion on demand around the globe. If they succeed, millions of babies will die from the violence of abortion on demand.

I urge Members again, as I did in previous debates, to carefully consider the 1992 IPPF, International Planned Parenthood Federation, abortion manifesto called Vision 2000. We call it Nightmare 2000, because it is a global strategic plan to usher in a world of free abortion. Nightmare 2000 was adopted by Planned Parenthood and its 140 affiliates in 1992 and they are trying to implement it around the world. The blueprint for action is designed to "bring pressure on governments" and to, quote, further "campaign for policy and legislative changes to remove restrictions against abortion." In other words, topple the pro-life laws.

Mr. Speaker, can anything be more clear? Pressure governments to nullify their pro-life policies? Campaign for abortion on demand? And we, Mr. Speaker, if we fail to include the Mexico City language in our foreign policy statute will put hundreds of millions of dollars at their disposal to advance this antichild campaign of pressure.

Fred Sai, who is former chairman of IPPF, said, and I quote, "Now, for the first time the IPPF strategic plan, Vision 2000 * * * outlines activities at both the Secretariat and Family Planning Association level to further IPPF's explicit goal of increasing the right of access to abortion."

Planned Parenthood is an abortion purveyor and should not be subsidized.

Who we support does matter. Planned Parenthood's explicit goal is the eradication of every pro-life law, policy, and/or constitutional provision protecting babies on the face of the Earth. IPPF has an elaborate plan of action, to promote abortion in Central and South America where unborn children are now legally safeguarded. They have plans to repeal the pro-life laws in Africa, the Muslim countries in the Middle East, and several Asian countries as well.

In Poland, for example, the chairman of the Parliamentary Group on the Family, Stanislaw Kowolik, lashed out in public debate at the external factions in Poland for meddling in that country and pushing for liberalized abortion.

Another example of a backlash against the United States and Planned Parenthood pressure to legalize abortion is in the Philippines. A headline in the Philippine Daily Inquirer last July read: "Flavier Hits U.S. Pressure on Abortion," and then the newspaper quotes Senator Juan Flavier: "We have just celebrated our 50th anniversary of independence from America, but we can still see insidious methods of imperialism trying to subvert our self-determination by using [population control] funds as subtle leverage. I strongly oppose abortion. It is prohibited by our laws and the Philippine Constitution. Hence, we should be prepared to lose foreign funding rather than be pressured into causing the death of unborn children."

The abortion promotion by Planned Parenthood is so extreme in the Philippines that the president of IPPF's own affiliate, it is known as the Family Planning Organization of the Philippines, FPOP, resigned over what he called IPPF's hidden agenda to use his affiliate as a Trojan horse to legalize abortion.

Mr. Speaker, I strongly, strongly urge a "yes" vote for the motion offered by the gentleman from Oklahoma [Mr. LARGENT] and the gentleman from Illinois [Mr. HYDE] to affirm the House-passed language in the foreign operations bill.

Ms. PELOSI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this proposal is before us because there is, evidently, a small number of very committed and determined and, some might say, zealous Members on that side of the aisle who still believe that if they hold up Government long enough, that they can get their way totally on this issue.

I think that we spent about 8 months defining our differences on this issue, and now is the time when we need to reconcile those differences on behalf of a greater good.

Mr. Speaker, the fact is that we have now seen both sides of this debate, in my view, demonstrate their irresponsibility. Last week, we saw some of the groups who are most interested in family planning reject out of hand the Pelosi-Gilman amendment because it was not pure enough in promoting their goals. Now this week, we see the other side of the issue just as rigid, just as unwilling to compromise, indicating that they would rather tie up all of American foreign policy than compromise one iota on this issue.

All this motion to instruct does today is demonstrate something we have known for months, that the supporters of the Smith language have a small majority in the House but they do not have two-thirds. We have all known that before. All that does is demonstrate that a group has enough votes to get something to the House but not enough votes to get it by the President. That means that responsible adults would find a way to compromise an issue without sacrificing principle.

Now, we have already offered as a committee to try to resolve this by giving the Smith forces in this House a big win, a win which I think they ought to have, by eliminating all U.S. funds to the U.N. population program if they do not get out of China, because, in my view, they have a coercive abortion program in China.

Mr. Speaker, in my view, that is a large win that that group ought to accept. Sooner or later we have to recognize that neither one of the hard positions on this issue have enough votes to put their position into law. That means, as adults, we have to find some other way to proceed to get this bill passed.

Sooner or later, despite this motion today, which will pass but which will have no great import in terms of the eventual outcome, despite that motion, we will have to get down to getting our business done. All this does is stand in the way of getting our work done.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA], on the other side of the aisle, to dispel the notion that this is some right-wing, radical group on this side of the aisle.

Mr. BARCIA. Mr. Speaker, I rise in support of the motion to instruct the conferees to insist on the House provisions reinstating the Mexico City restrictions on international family planning funding.

Mr. Speaker, as a pro-life Member, I strongly believe that our tax dollars should not be used to subsidize organizations that perform abortions or actively work to legalize abortions in developing countries.

We fought this battle in the House last month when the provision was added to the foreign operations appropriations bill. We did not add this provision as trade bait, we offered it as a matter of conscience, a matter of conviction, and a matter of morality. We cannot go back on our word on so vital an issue as the right to life. Let us not put innocent children at risk. Let us stand against the effort to bring down the pro-life policies of almost 100 countries that restrict abortion.

Mr. Speaker, our conferees must insist on this provision.

Ms. PELOSI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this motion to instruct. In fact, the conferees are trying to resolve this issue. We should not interfere with their work. We have had this debate already on this floor. No one is suggesting abortion on demand.

Let me point out once again the deep flaw in the policy that this motion deals with here. Under current law, current law of the United States, not one dollar of U.S. family planning funds can be used to perform or even counsel women to obtain abortions anywhere in the world. No matter what they say, no matter what they do, that is the fact. This, in fact, is a gag rule, as the gentlewoman from California [Ms. PELOSI] has pointed out.

I will say this to my colleagues on our side of the aisle and on the other side of the aisle, that they are putting innocent children at risk and women at risk. For many women and children across the world, U.S. family planning aid can literally mean the difference between life and death.

Mr. Speaker, 600,000 women die in childbirth every year around the world. Access to family planning in the developing world would reduce unintended pregnancies by one-fifth. We could save the lives of 120,000 of these women. Family planning allows women and men to choose how many children they want and when to have them.

□ 1245

Spacing children further apart, breast feeding them can improve a child's chance of survival by up to 20 percent. U.S. family planning aid funds have supported health clinics around the world which give poor women their only access to preventive health services, which can detect disease like cervical cancer in the early stages and save lives. Vote against this motion to instruct. It is wrong.

Mr. LARGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, this issue comes down, to me, to a very simple proposition. We do not use taxpayer dollars to fund abortions in the United States. We certainly should not use taxpayer dollars to fund abortions in China and generally abroad.

There are millions and millions of people in this country, many of them my constituents, who are deeply opposed on grounds of conscience to abortion. Out of respect for them, and because a vast majority of this House and of this Government, at least rhetorically, wants abortion to be at least discouraged, wants public policy at least to discourage abortion, out of respect for them we are scrupulously careful not to use taxpayer dollars to fund abortions in the United States. Why should we send money abroad where it can be used to fund abortions there?

The other side says it will not be used to fund abortions; that is implicit in the language. What is wrong with making it clear, crystal clear? We are sending this money to places like China where admittedly they have policies not just of abortion but forced abortion, where thousands, maybe hundreds of thousands of women every year are forced to undergo abortion. Why should we not make it clear that our dollars, whatever they do over there, our dollars will not be used to support that?

That is what this struggle is about. It is a struggle, Mr. Speaker, where both sides are very sincere and hold their positions deeply. I credit the other side with that view. One cannot listen to the passion of their arguments without believing that.

I agree totally, we should not hold anything else hostage to this issue. We should not do it. This is an issue where Members have deeply held, sincere beliefs. Let us get this money and this policy off of the foreign ops bill and let us fight this out separately. There is no reason to hold up any other part of the foreign ops bill. Let us bring it out, aid to Israel, aid to Africa, any of the rest of it, let us bring it out and let us vote for it, and I will vote for it. But let us not tie this to the rest of that bill.

If we are going to have a dispute over this, and I hope we can work it out, if we are going to have a dispute over this, like guests in somebody's house, let us not bust up the living room. Let us at least step outside if we are going to have a fight over this. Let us pull it off of the rest of the foreign ops bill and bring it out.

There is no reason to have a big fight over this that holds up the Government. I do not want that. I do not think those of us who support this measure want that. But we do not want our tax dollars to be used for abortions in China and abroad when we do not allow them to be used for abortion here.

Ms. PELOSI. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, it either is good news or plain news to some of our colleagues on the other side of the aisle that no U.S. dollars can be spent, may be spent, any verb we want, to use abroad on performing abortions. So to use that in an argument in this debate is not a compliment to our colleagues' intelligence. The Helms law prohibits any funds to be used for abortion. What we are advocating is funding for family planning and for those organizations who advocate family planning as a means to reduce abortions.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the very distinguished and able chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I reluctantly rise to agree with virtually everything that the gentleman from Missouri said, with the exception of whether or not there is money for China in this bill. I understand there is not.

But I rise also to explain, while I will be voting "present" on the motion to instruct conferees, I am strongly pro-life. I have consistently voted for the Mexico City policy, along with the rest of the House. However, after three painful years of trying to get this policy through the Senate on this bill and accepted by the White House, I have come to the conclusion that we cannot codify the Mexico City policy on an appropriations bill or perhaps anywhere else until we have a Republican President.

This issue has delayed final consideration of the Foreign Operations Act for 3 years in a row. It was the last issue resolved on last year's final appropriations bill. This year it is blocking two major pieces of legislation, the Foreign Operations Appropriations Bill and the State Department authorization bill. And this is an authorization issue which should be resolved in that authorization bill, not this bill.

I would love to see the Mexico City policy enacted into law, but we have got two big problems. The Senate will not take it, and the President will not sign it. This motion to instruct the conferees simply ignores that fact. The House position is well established. What we need is a motion to instruct the Senate conferees, but the votes in the Senate are simply not there. But our biggest problem is with the President, Bill Clinton. He will veto the bill that contains Mexico City policy language, make no mistake about it.

So I sympathize with my colleagues who believe strongly as I do in the Mexico City policy, but this is a futile exercise which offers no solution, only continued stalemate. Therefore, I am voting "present."

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY], the majority whip and a member of the Committee on Appropriations.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Oklahoma [Mr. LARGENT] and the gentleman from Illinois [Mr. HYDE] bringing this motion to instruct because this is not a futile exercise. This is a motion to instruct the conferees of the House that represent the House position, to send a message to the Senate. Mr. Speaker, message to the Senate: The House will not give in on this issue, period. We will not back down. We will not back away. And we just dare the Senate to stop us in our quest.

Mr. Speaker, message to the President: If the President dares to veto this bill because of Mexico City language, we would relish it because obviously we know where the administration, particularly the Vice President, Mr. GORE, Mr. Speaker, is coming from. Because in a speech on global warming, Mr. GORE already revealed where he is coming from. He says there are too many people in this world providing too

much pollution in this world and, therefore, and I quote from a newspaper article, "Vice President GORE warned that overpopulation fosters global warming, yesterday suggested expanding abortion programs in developing countries to help reduce the environmental threat."

That is what they are using this money for, Mr. Speaker. We will not back down. Message to the Senate and to the President: We will not give up on this issue.

Ms. PELOSI. Mr. Speaker, I want the RECORD to show that Vice President GORE's speech makes no reference to advancing abortion programs to reduce population. Perhaps the gentleman was misinformed by a newspaper article.

Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN], for whom I have a great deal of respect, the distinguished chairman of our subcommittee.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. CALLAHAN].

The SPEAKER pro tempore (Mr. EWING). The gentleman from Alabama [Mr. CALLAHAN] is recognized for 3 minutes.

Mr. CALLAHAN. Mr. Speaker, I thank both of my colleagues for yielding me this time.

Let me be very emphatic about where we are on this bill. This bill was drafted by me. It carries my name as the chief sponsor.

Regardless of what some have told my colleagues on the floor today, there is no way that anybody anywhere in the world can spend one dollar on an abortion. Let us make that perfectly clear. This is not whether or not money contained in this bill can be spent on abortion because it absolutely cannot, so let us make that clear. I wish those of my colleagues that choose to speak on this would indicate to those that they are speaking to the prohibition that is very definitely there. None of the money in this House bill can be spent on abortions anywhere in the world, period.

Now, what we are trying to do is, as we have had to face for the last 3 years, is to handle a situation which should not even be in this bill. It should be in the authorization bill. Generally when we come to the floor the authorizers are objecting because we are putting authorizations in an appropriation bill and they say no.

The proper place for this issue to be addressed is in the Committee on International Relations. They have a bill in conference that they are trying to get it on but they do not have the votes. So they are saying, let us shift the burden of responsibility to the Committee on Appropriations, which is violative of our rules and violative of our normal procedures.

So let us look also at the fact that under my leadership, under my chairmanship of the Subcommittee on Foreign Operations, Export Financing and Related Programs, we have cut population spending by nearly 40 percent. Does anybody come up and say, well, chairman, well subcommittee members, we appreciate the giant step that you have made? No. Instead they come and they give indication to Members of Congress that we are authorizing abortions, which we are not.

So I am leaving it up to the House people to decide. If Members want the appropriators to also be authorizers, give us carte blanche. We will do it all, if that is what they want, but they cannot pick and choose. And they cannot mislead this House with false information that there is something in this bill that would permit in any form, shape, or fashion $1 of this money to be spent on abortions, because it is absolutely false.

So we can vote our conscience. I am pro-life. I am unashamedly pro-life. I am proud of that fact. Phyllis Schafly came to me about 3 or 4 months after the Roe versus Wade decision. I was the first legislator in the entire country to do something to try to negate some of the problems that Roe versus Wade came up with.

Anyway, my colleagues should vote their conscience on this. But this is not a vote as to whether or not any of this money can be spent on abortion because it absolutely cannot.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I have a hard time understanding, where is all the beef? The Largent motion is entirely in order. It is not out of order and we should be having this debate now. If there is absolutely no chance of any money going to fund abortions, which there is, why are we seeing the objection on the other side that is so vehement and an unwillingness on the part of some Members to address the issue instead of attacking us personally?

I think that it is very plain and clear, the President has stated that with this motion in the bill, he will veto the bill. I think the White House is making their position very plain and clear, but we in the House will not back down on this policy. That is a message to the Senate and to the White House. Yes, this is an issue we are fighting for and fighting hard for. It is appalling that Mr. GORE would try to take care of what he perceives as global warming with a new program on abortion. I say that the Largent motion is entirely in order and should be supported as the issue has been in the past.

Ms. PELOSI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, because the gentleman from Alabama [Mr. CALLAHAN] so eloquently explained that this is not abortion money, it is family planning for the world, I rise to oppose this motion to instruct.

□ 1300

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY], a distinguished member of the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Mr. Speaker, I rise in very strong opposition to this misguided motion to instruct conferees. This is just another extreme motion that aims to end family planning overseas.

The proponents of the motion claim that it simply cuts abortion funding. As the chairman of our subcommittee said so eloquently, abortion funding overseas has been prohibited since 1973, and this motion would cut abortion funding from zero to zero. There is not a dollar of funding for abortion in this bill. Therefore, this motion must be after something more, and that something is family planning.

One of the most important forms of aid that we provide to other countries is family planning assistance. No one can deny that the need for family planning services to prevent unintended pregnancies in developing countries is urgent, and the aid we provide is absolutely invaluable. When women are unable to control the number and timing of births, they will rely on abortion, often illegal, unsafe, and life-threatening.

This motion misses that critical point and continues to delay final passage of the foreign aid bill. The conferees on the foreign operations bill are working very hard to construct a foreign aid bill that will be acceptable both to the Congress and to the President, but the proponents of this motion are clearly unconcerned about the fate of the foreign aid bill. They are ignoring the critical assistance the bill provides to some of the neediest people around the world. They are disregarding the fact that this bill creates the framework for the United States to further its foreign policy goals, and they are using the false logic that family planning equals abortion to the exclusion of all other critical issues in the bill.

Our subcommittee went to Egypt in the past year. We visited the child-maternal survival clinics. We saw the critical need. We need to help women understand how to space pregnancies. Otherwise we are creating more abortions and putting people in desperate, desperate conditions and threatening their lives.

I urge my colleagues to oppose this misguided notion and let the conference committee continue to do its work to pass a foreign aid bill.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], one of the cosponsors of the Largent-Hyde motion to instruct.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. LARGENT] for yielding me this time.

There are so many things that are said that are not totally true. The gentlewoman said this is an attack on family planning. The fact is 40 percent of the money that pays for family planning in the world comes from the United States and will still come from the United States whether this succeeds or not. It is just it will not go to the organizations that perform abortions or counsel for abortions. But the money is there and it will be spent. We will drench the world with condoms, it is just not through International Planned Parenthood. So that is just not so.

The second thing is, my good friend, the gentleman from Alabama, [Mr. SONNY CALLAHAN], says not a dollar of this will go for abortion. He is so right. He is so right. Not a dollar will go for abortion. But that is not the end of the story. When the United States gives money to International Planned Parenthood we free up their money that can be spent for abortions. We facilitate abortions. So this individual dollar cannot be spent for an abortion. He is right. But by giving them these dollars, we free up other money to procure abortions.

The problem is this country has a policy of not subsidizing abortion. Why does that end at the water's edge? Why does the policy of not subsidizing abortions not extend globally? It ought to, without harming family planning.

So the gentleman is right, by law this money cannot go for abortions, but the consequences of this money frees up other moneys that go for abortions. So abortions are facilitated. And babies are just as dead if they have been facilitated into abortion as if the money has gone for abortion.

I think the motion to instruct is well advised, it is sound, it is consistent with the policy of this Congress and this country of not paying tax dollars for abortions.

Ms. PELOSI. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia [Mr. MORAN], a member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Speaker, I rise in very strong opposition to this amendment. In the first place, it is a deliberate poison pill. The sponsor knows it is veto bait. But in addition to my opposition on tactical grounds, it should be opposed for substantive policy reasons.

When we last debated this issue in the foreign operations bill on September 4, we had the opportunity at long last to lay it to rest. We could have reached a constructive compromise by assuring one another that if in fact Federal funds meant for international family planning programs were being used to pay for abortions, they would be withheld.

It said that we would ensure if United Nations family planning money was being used in any way we did not like in China, it would redirect the funds to other family planning operations. The compromise was fair and, most importantly, it would have maintained funding for a program that in any humane context must be maintained. But the compromise failed and now we have another opportunity in conference to restore these assurances.

The Senate passed a bill without the Mexico City provision. If we include the Senate language we will operate on the continued assurance of the Hyde language that has forbidden the use of Federal funds for abortion since 1972. If we include the Senate provisions, we can continue to provide these family planning services to the families that need them so desperately, families that live in the most abject poverty and are without the resources or the education to exercise any effective control over the size of their families.

To deny them that information and risk the lives of hundreds of thousands of women who die from pregnancy-related complications is inhumane, it is cruel, it is wrong, and I urge my colleagues to allow the conferees to work out a compromise that is fair, without the added pressure of this destructive instruction.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. SHIMKUS].

Mr. SHIMKUS. Mr. Speaker, I rise in support of the Largent-Hyde motion to instruct the conferees.

I am not tired of fighting for life. Once the public understands that what we have here is an elaborate shell game, shifting money to one area to free up money to another, there will be a national outcry. If we do not provide money for abortions in the United States we should not fund abortions internationally.

This elaborate shell game must end. This motion to instruct the conferees does that and allows Federal money to go where it should, family planning.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], who is a distinguished member of the Committee on Appropriations as well and of our Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time. As a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, I rise in opposition to the motion to instruct.

Child survival and maternal health programs are the cornerstone of our foreign aid bill, and access to family planning is critical to protecting the health and welfare of children and women in any and all nations that receive our assistance.

This motion is about roadblocks. It sets up roadblocks to basic health care and family planning services for women in developing countries, and it is a roadblock to passage of our foreign operations bill, which has many essential purposes.

Every day, Mr. Speaker, more than 31,000 children under the age of 5 die in developing countries. By helping women space their children at least 2 years apart, at least one in four of these infant deaths can be prevented. Every year 585,000 women, one woman for every minute of every day, dies of causes related to pregnancy and childbirth. That is an absolutely horrendous statistic, and 99 percent of these women live in developing countries. The fact is that 25 percent of these deaths can be prevented by allowing women the simple means to delay motherhood.

Family planning is critical to the lives of women around the world and especially in developing countries. These women and their children do not need any more roadblocks. I urge my colleagues to defeat this motion.

Mr. LARGENT. Mr. Speaker, I would like to ask again for the division of time.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Oklahoma [Mr. LARGENT] has 13½ minutes remaining and the gentlewoman from California [Ms. PELOSI] has 11½ minutes remaining.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Speaker, I would like to begin by thanking my colleague, the gentleman from Oklahoma, for bringing this resolution to the floor, this motion to instruct conferees.

The issue here is very clear and very, very important, an issue that could hardly be more heartfelt by the people who are concerned about the way their tax dollars are used in this case. Very simply, we are saying we do not want some nearly $400 million of American taxpayers' dollars to go to agencies without clear prohibitions against the use of that money for the performance and the conduct of abortions.

There should be no doubt about it. Whatever other activities they do, that is another matter. But, clearly, we are insisting on the House position: American tax dollars should not be used for the promotion of or the conduct of the practice of abortion.

I encourage all my colleagues to vote "yes" on this motion.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL], a member of

the Committee on International Relations.

Mr. CAMPBELL. Mr. Speaker, the subcommittee chairman was exceptionally clear and forceful. He deserves an awful lot of credit for his courage and the position that he has taken.

None of this money goes to perform abortions. My dear friend and our colleague, the majority leader, said no money should go to perform or conduct abortions. He is right, and none of the money does.

The debate here is about money going to an agency and then that agency counsels concerning abortion. None of our money goes to the performance of abortion, but an agency that receives the money is permitted to conduct counseling, to tell a woman about an abortion right that she may have in that country.

With the gentlewoman's permission, I wish to yield to the sponsor of the motion, if he might be able to respond to the following question, which deals with the issue of fungibility, because that is at the heart and soul of this debate.

Our good friend, the distinguished chairman of the Committee on the Judiciary, argues fungibility. If we give money to one of these agencies, it will free up money that these agencies could otherwise use for abortions. If that were so, it seems to me the gentleman from Oklahoma ought to be opposed also to the $1.2 billion we give to economic aid for Israel.

Israel is a country, our ally, that allows abortion, and in the appropriate circumstances government funds abortion in Israel. If fungibility is the argument, does the gentleman from Oklahoma not also oppose $1.2 billion in aid to Israel?

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I was here in 1984, when the Mexico City policy was crafted, and let me remind Members that the Mexico City policy was a minimalist policy, a bottom line, a very modest policy. Countries were excluded, because in countries around the world, we only have one government. Nongovernmental organizations, there are a multitude of them. There are Planned Parenthoods, there is the Pathfinder Fund, there is a large number of nongovernmental organizations.

We wanted to stop funding the abortion industry. Because what happens, they become an extension of our foreign policy and they use perhaps some of their own money, but money is fungible, as was stated so clearly. Our money frees up their money to crusade to bring down the right to life laws in these countries.

So I would have preferred countries were included, but they are not. We compromised that back in 1984.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CAMPBELL] for the purposes of asking the gentleman from Oklahoma [Mr. LARGENT] a question, but not for yielding our time to the other side to make arguments that are not a response to the gentleman's question.

Mr. CAMPBELL. Mr. Speaker, I respect the gentleman, and I wish my good friend and colleague from Oklahoma had responded to my question. He chose not to. Fungibility is the issue. If it is, then it is an issue with regard to the $1.2 billion to Israel as well.

My good friend from New Jersey said, and I just heard him say, he wished that provision was included. Well, I am pleased to hear him at least being consistent, but I think others on the side of fungibility ought to recognize that they are not being consistent.

Last, in the few seconds remaining, bear in mind that when people come for abortion services around the world, they frequently get family planning advice for the first time. For the first time. And so by allowing family planning agencies to offer advice on abortion, we prevent the second abortion.

The statistics are remarkable. About four out of five women in Tanzania who come in for abortion have never heard of family planning; two out of three in Egypt and one out of two in Turkey. So we would prevent the second abortion from happening if these women, who seek abortion advice, also receive family planning advice so another abortion does not happen.

□ 1315

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. COBURN], my friend and colleague.

Mr. COBURN. Mr. Speaker, on September 4, this House did give our conferees some instructions. We passed this language.

The reason that this is a problem is because our conferees are not following what we told them to do in the first place. We instructed them what to do by the very amendment that we passed in this House. There would be no conflict if they would follow the will of the House as already had been voted.

I am greatly disappointed in some of the words that I have heard spoken today where we see process has become very much more important to many of the Members of our side than principle. When that happens in this body, God forbid what is going to happen to our land.

If we are going to abandon principle so we can get a bill passed, shame on us. Shame on us if we are going to abandon our principles. Every life is worth saving. Whether it is at the beginning, the moment of conception, or at the end, it is worth saving.

Message to the appropriation chairman: We are going to stand for life. This language should be there. We will pass this today.

Message to Mr. GORE: Life is important. It does not cause pollution. It is all valuable. Mistakes of human life may cause pollution, not babies, not children, not adults.

Message to the President: If, in fact, you want to hold up foreign appropriations over the fact that we should not be spending money to abort newborn babies in other countries in the world, something very much different than what we do here, then hold it up.

I will vote against any foreign appropriations bill that does not have that language. And I would encourage my fellow Members on this side of the aisle and the other to support this motion to instruct. It is the right thing to do on principle. To heck with the process.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. EDWARDS], a member of the Committee on Appropriations.

Mr. EDWARDS. Mr. Speaker, I think this debate is less about principle than about the issue of the real consequences of this measure.

As the father of a new, healthy boy, I am very deeply grateful that my wife had access to early prenatal care. The real consequence of this measure, though unintended, I know, but the real consequence would be to deny thousands of women around the world the very prenatal care that my wife and I so cherished, the prenatal care that helped bring a healthy baby boy into this world.

Mr. Speaker, I am glad pro-life Members in this House have spoken out against this measure. This should not be a matter of pro-life or pro-choice. Family planning should not be that choice.

The fact is that, under the law, not one dollar of U.S. taxpayers' money can be spent anywhere in the world to provide for abortions. That is the law, period. Some have said, if we send family planning dollars abroad, organizations can free up money then for abortion. Well, using that logic, I assume the United States should stop all military aid to allies, the United States should stop military aid to countries ravaged with disease, the United States should stop all food aid to children in foreign nations who are starving to death. Perhaps we should stop dismantling nuclear warheads around the world because those dollars could be used somehow to free up money for abortions.

Mr. Speaker, the principle I stand by is that that fungibility argument stretches logic to a point of being illogical. The fact is, family planning reduces unwanted pregnancies. The fact is that every dollar cut from family planning is going to increase the possibility of abortions around this world.

For those reasons, Mr. Speaker, I will actively oppose this measure, intended

well, I know, by its sponsors, whom I respect. But I think they have an obligation to also look at not just our principles but the consequences of our actions on this floor. The consequences of this measure would be ill-founded.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. LARGENT] for yielding me the time.

Mr. Speaker, this is an extremely important debate at a critical time, for two reasons. One, we have already voted in this House to instruct the conferees in a manner that they are not following. So I think it is time to reinforce our original intentions.

And the Vice President of the United States has suggested that global warming is due to lack of family planning. Intellectually, there may be some truth to that, but so far as family planning equals abortion, I hope he did not mean that. It is about time to understand that family planning does not include taxpayer dollars for abortions.

Unfortunately, without this instruction, the groups who receive the $385 million of family planning money are, some of them, very much engaged in the business of abortion. And I bet my colleagues there are tons of pro-choice taxpayers who would say, "I do not want my dollar sent overseas to engage in abortion activities even though I may be pro-choice."

That is the issue of the moment, of the day, maybe of the century. And now is the time cleared for the House to express we disagree with the way the conference is going and we want them to get back on track. And prenatal care is not a part of family planning money. Abortion, unfortunately, is, whether we like it or not.

Mr. LARGENT. Mr. Speaker, can we ask how much time we have remaining?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Oklahoma [Mr. LARGENT] has 9½ minutes remaining, and the gentlewoman from California [Ms. PELOSI] has 6½ minutes remaining.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. LARGENT] for yielding me the time.

Mr. Speaker, I want to make it very clear what this motion does. This motion simply instructs the conferees to hold to the House position on what has been referred to as the Mexico City policy. That policy says that agencies that perform family planning as a result of funding of the U.S. Federal Government do not take part in performing abortions or counseling abortions.

Now, there are those that have said that if this instruction goes through, that somehow family planning will end. During the Reagan administration, there were over 350 agencies that agreed to this policy, to the Mexico City policy. And so family planning will not end as a result of this. We will have plenty of folks that will take U.S. Federal taxpayers' dollars and use them for the purposes of family planning.

Mr. Speaker, I believe this is a common-sense approach to tell the conferees what the House wants. And what the House wants is the same thing that the American people want in the United States. We do not want to export abortion as well as keep it in the United States.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS], my friend and colleague.

Mr. PAPPAS. Mr. Speaker, I thank my colleague from Oklahoma [Mr. LARGENT] and the distinguished chairman of the Committee on the Judiciary [Mr. HYDE] for offering this motion.

We are talking about the consistency, we are talking about the lives of unborn human beings. Those of us who are in the House, 435 of us throughout the country, are honored to be here and cast votes such as this, which are votes of conviction. And I have heard here today some folks, whom I have a great deal of respect for, who, as the gentleman from Oklahoma [Mr. COBURN] said, care more about getting something done, in my opinion, than the content of that legislation.

The American people and the citizens of the district that I represent care about not us just doing something, but care about what we do. I plan to vote for this conference instruction motion, which is consistent with the vote that we took a number of times here. I would implore the Members who have voted for this policy in the past to search their consciences once again and to be true to their convictions.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, let me respond briefly to my good friend, the gentleman from Louisiana [Mr. LIVINGSTON] who talked about "stalemate." I would suggest to my colleagues that stalemate in the progression of legislation to save the lives of innocent children from the violence of abortion is always preferable over capitulation. Preservation of both childrens' lives and mothers' lives is of infinite importance. Inconvenience—even hardship in legislation—pales to insignificance in the equation.

Let us make no mistake about it, abortion is violence against children. Dismemberment, chemical poisoning, there is no other way to construe it; abortion is violence against kids.

In response to my dear friend from Alabama [Mr. CALLAHAN], his bill subsidizes the overseas abortion industry, the very people who are killing babies and trying to bring down the right-to-life laws of sovereign countries. So I do not think we can pretend to believe that the Helms law passed in 1973 is sufficient. The reason why the United States embraced the Mexico City policy in the first place back was because the Helms amendment was inadequate and loophole ridden.

Finally in response to Ms. PELOSI, the Vice President AL GORE clearly stated, and I have the transcript, when asked what the administration is doing in the area of global warming, launched into gloating about the demise of the pro-life Mexico City policy by Executive order. It is right here in black and white. Mr. GORE blames the babies of the poor for the consumption excesses of the rich and powerful. He makes them do the dying to advance an opinion on global warming. Mr. GORE'S message is clear. Let us rid the planet of billions of people in South America, Central America, Africa, and Asia. Sorry, but I truly believe his views to be racist and elitist. Someday soon the people of these developing nations are going to fully recognize that to some, their presence on Earth is regarded as something bad. People aren't pollution—every child has just as much right to be here as my kids—or AL GORE'S kids.

Ms. PELOSI. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it is very interesting to hear the arguments that are being made in support of this motion to instruct, because either our colleagues are not aware of the facts or they choose to ignore them.

For the RECORD, just because our colleague, the gentleman from New Jersey [Mr. SMITH], talked about Mr. GORE'S speech at the end, I would like to submit the Vice President's statement for the RECORD, where it very clearly points out what he did say in his speech.

And, yes; the President did sign an Executive order changing the Mexico City policy. And I applaud him for that, for changing that gag rule on international family planning organizations. But the Vice President did not say what he has been quoted as saying here today.

Let us just say, in good faith, we will attribute it to practices and inaccurate news accounts, because anyone who has read the Vice President's statement will know that, in answer to his question about global population, he said the three things that the administration would advance would be child survival, availability of birth control information, and the empowerment of women, especially politically, socially, in the context of family.

That is what the Vice President talked about. I would like to submit his statement for the RECORD for all of our colleagues to see.

I think that in the course of our trying to develop an alternative so that we can make peace in this House over the issue of what our colleagues call abortion and what we are saying is family planning, this is not about abortion. They can say it all they want, but that is not what this debate is about. It is about international family planning initiatives that save lives.

Our colleagues have said that we are in support of abortion on demand. That simply is not true. It says that we want to fund organizations to promote abortions. And, indeed, our alternative did exactly the opposite of that. It said that the funds would go to organizations that do not promote international abortion as a method of family planning and, indeed, that utilize these funds to prevent abortion as a method of family planning.

They have talked about funds going to China. And our alternative not only withheld the funds from the UNFPA of the amount of funds going to China; we said, if UNFPA went into China, they would receive no funds, no funds, not just the amount that is spent in China, no funds to spend any other place in the world to address what we believed were their sincere concerns.

But I have to draw the line when our colleagues come to the floor and say that we are for abortion, we are promoting organizations that are abortion factories, that we are for abortion on demand. I hate to even say the word. I cannot even believe that I, in public or in private or in mixed company, would be using such a word, so anathema is the concept to me. But the fact is that they want to inject that most unfortunate issue.

We all agree abortion is a failure, it is a failure across the board, and we want to reduce the number of abortions. But do not tell us that we cannot have appropriate international family planning initiatives because of the mischaracterization of what those initiatives are by one-third of this body.

One hundred and thirty-two Members of the Republican caucus, a majority of the Republican caucus, voted to cut off all of the family planning funds in this bill under the Paul amendment. So let us understand what the motivation is in this debate.

I had hoped that we could have a respectful debate, respectful of each other's point of view on this. But I refuse to allow those of us who are fighting this fight on international family planning to be characterized as proabortion or for abortion on demand.

And, indeed, also agreeing with the gentleman from Alabama [Mr. CALLAHAN], our distinguished chairman, not $1 in this bill goes for the performance of abortion. If they want to talk about fungibility, let us open that issue up across the board on every issue that comes before the House.

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

Question. Kerri Coleman (sp), CBS Nightly News in Cleveland, Ohio. Mr. Vice President, you were talking about global population, you know, growing essentially out of control. Has the administration thought in any way, shape or form about policy affecting those developing countries relative to overpopulation. I know it's a sticky subject, but have you guys sat down and thought about the recommendations to the rest of the world.

VICE PRESIDENT GORE: Yes sir, we have. And one of the first things actually in the first few days that President Clinton was in office, he signed an executive order changing a policy that had been called the Mexico City Policy because the last worldwide conference on population was in Mexico City and a previous administration had said the United States would not participate in any of these international programs and the president changed that. Then we went to the next worldwide conference which was in Cairo on population and development. The president asked me to lead the delegation there. We created a new consensus and got a new worldwide approach that most everybody in the world has joined into.

Now we probably don't want to spend much time on this, but the—this doesn't have to be as controversial as some people make it out to be. There are certain conditions which, when established in a country, lead to a dramatic change in their population growth rates. The scientists talk about what they call a demographic transition that goes from high birth rates and high death rates to low birth rates and low death rates. And most all of the developed countries, the advanced countries, have made that transition.

And you know, we think back—we don't need to think back more than one or two generations in the United States to when our parents—and certainly our grandparents—were in families with six, eight, 10 kids and more. It hasn't been that long ago. But now, you know, it's—the two-child family is the average and so forth.

Well, the developing countries still have very, very large families. What makes for that difference? It turns out that there are about three things:

Number one, child survival rates, which, when you think about it, is really important, because most of these countries don't have a Social Security system. They count on the fact that at least some of their children will survive into adulthood and take care of them when they're old. If you have a very high child mortality rate, and a high percentage of the children die in infancy or in childbirth, then you've got to have a lot of children in order to guarantee stability and—I mean, you know, in your old age. And that's just a factor. So when you increase the survivability of children and decrease child mortality, it tends toward a lower family size.

Second, availability of birth control information and culturally appropriate and acceptable techniques. And that's the controversial part. But they decide that for themselves. And when that's available, that's the second factor.

The third factor is the empowerment of women, socially, politically, and in the context of the family, to participate in the decisions about childbearing. And I guess with some people that's controversial, too. I don't think it should be.

But when those three conditions are established, those countries make that change, and their population begins to stabilize.

We're actually beginning to experience some good news around the world with the beginnings of a stabilization in world population. But the momentum in the demographic system is such that we're inevitably going to go to eight or nine billion. The question is whether these changes will keep us from going to 10, 12, 14 billion. But there's emerging good news there. Now, that same kind of momentum, of course, is in the greenhouse gas emission part of this, too.

Yes, right here.

Mr. LARGENT. Mr. Speaker, I would like to acknowledge my appreciation for the last speaker's admittance that abortion is a failed policy as far as family policy is concerned.

Mr. Speaker, I yield 1 minute to the gentlewoman from the State of Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I am very pleased that this was brought to the floor by the gentleman from Oklahoma [Mr. LARGENT] in that I think it clarifies something. This debate is needed. It appears that we all agree to appropriate family planning. But it is clear, very clear, that we do not agree that abortion should be birth control.

We have heard over and over again that money cannot be used for abortions, so why have this debate? Why clarify it? But I say the very debate means that we need to clarify it, we need to stand today and say that we will reflect the American people's values.

Every policy shows that they do not want their money to fund or facilitate abortions in America. Why should they want their money to fund or facilitate abortions in foreign countries? This reflects the values of Americans. To be told that we should be worried about a money bill, a spending bill, and that money is more important than principles and values, does not reflect America's values.

Mr. LARGENT. We have how many minutes remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. LARGENT] has 5½ minutes remaining.

Mr. LARGENT. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT], my friend and colleague.

Mr. TIAHRT. Mr. Speaker, the gentlewoman from California [Ms. PELOSI] said that this is not abortion. Then I think the simple solution of that is, just go ahead and accept the language then, if we are not dealing with abortion. Let us go ahead and put it in this conference report and instruct our conferees. It was the will of the House earlier.

I heard earlier that this was supposedly just a small group of people who were upset about this bill, which would include myself, who opposed using the tax dollars for abortion.

If my colleagues go down to the average American city on Main Street and stop people there and say, "Do you think we should use your tax dollars to go overseas to give it to groups like Planned Parenthood International so

they can lobby for laws to allow abortion on demand?" they would say no.

The majority of Americans would say no, because what they are doing with abortion on demand is, they are encouraging countries like China and India to allow sex selection, where they can take their female children and discard them, in hopes of getting a male child next time. Or they can use it for birth control.

Vice President GORE's statements, I think, were very clear to me. This is not America's values, Mr. Speaker, and I hope that we will vote for this and include it as instruction for conferees.

Mr. LARGENT. Mr. Speaker, I am the last remaining speaker. I will close debate if the gentlewoman from California [Ms. PELOSI] will yield back.

The SPEAKER pro tempore. The gentlewoman from California [Ms. PELOSI] has 2½ minutes remaining. The gentleman from Oklahoma [Mr. LARGENT] has the right to close.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], and I say that painfully, as he announced his plans over the weekend, a distinguished member of the Committee on Appropriations.

Mr. SKAGGS. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI] for yielding me the time.

Mr. Speaker, I really wanted to ask her a question. I appreciate her fine leadership on this bill and this issue.

I still am mystified by some of the terminology and characterization of this issue. It seems to me that if family planning leads to fewer unwanted children, it necessarily follows that there would be fewer abortions to the extent that this country asserts its leadership and provides resources for family planning around the world.

So would not the antiabortion vote be "no"?

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. SKAGGS. I yield to the gentlewoman from California.

Ms. PELOSI. The gentleman from Colorado [Mr. SKAGGS] is quite correct. If we want to reduce the number of abortions, as we all do, we should support international family planning, or family planning domestically, as well.

The statistics are quite encouraging in terms of the countries. For example, in the Ukraine, where the Ministry of Health reported an 8.6 decrease in abortions between January and June 1996, it was a result of the women's reproductive health program, which began in 1995 with USAID funding.

Mr. SKAGGS. Mr. Speaker, if the gentlewoman from California [Ms. PELOSI] would further yield, I thank her for her response.

The SPEAKER pro tempore. The gentlewoman from California [Ms. PELOSI] is recognized for the balance of her time, 1½ minutes.

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

Mr. Speaker, I would like to just talk about the bill and why, from a procedural standpoint, I would urge our colleagues not to support the motion to instruct.

We have worked very hard on this particular issue in the context of a fuller bill. We all come to this body bringing our principles, our beliefs, and the necessity to get a job done, the challenge to get a job done.

□ 1330

We have advocated. We have debated. We have characterized. We have attributed motivations. We have been through it all. The time now is for us to exert leadership and draw this to a conclusion. Advocacy is something that we are elected to perform here, but at some point we have to face the facts and face the votes, and come to a conclusion which ends the debate.

The vote here today will do nothing but draw, if the conference committee were to follow these instructions, draw a veto, prolong the agony, and hold up child survival funds, funds to fight infectious diseases, the funding for the Middle East peace, at a very fragile time in the Middle East peace, our fight against narcotics; in addition to that, all of the resources we are putting out there to promote U.S. exports to grow our economy, as is one of the pillars of the President's foreign policy, to grow our economy through promoting exports, and many, many other worthy provisions in this legislation.

So the time for advocacy is over, the time for leadership is here. Let us find our area of common ground and resolve this issue once and for all. Vote against this motion to instruct.

Mr. LARGENT. Mr. Speaker, I yield myself the balance of my time to close the debate.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Oklahoma [Mr. LARGENT] is recognized for 4½ minutes.

Mr. LARGENT. Mr. Speaker, some of my colleagues may be saying, why are we talking about this issue today? Let me just make it very clear why that is. The fact is that the House conferees, if we look at the way they voted the last time we voted on this issue, which was carried by the overwhelming majority of this House, 234 to 210, we voted to support the language that we are trying to instruct our conferees to retain. Our House conferees do not agree with the majority that voted in the House. So many times we hear on a variety of issues, the House must work its will. The House has worked itswill. The majority voted. It said, keep the Mexico City policy that says that no dollars will go overseas to fund abortions.

I did not say that the right way, according to the subcommittee chairman on the Committee on Appropriations. Let me say it this way. No one can argue with what I am about to say. More abortions will be performed as a result of funding that comes from this subcommittee if we do not retain the Mexico City policy. More abortions will be performed if we do not retain the House's position on the Mexico City policy that says no United States tax dollars can go to any agency that performs abortions. That is correct. That is not wrong.

Let me also talk about some of the arguments that have been made against this motion; that again, we are going over the same ground we have covered in the House already. The Vice President said that the reason that we have global warming is that there are too many people; no, not here in the United States, because these people he needs to vote for him in the year 2000. It is other countries. It is the other guys, you have too many people, and you are warming the globe up. We cannot do that. What we need to do is send you more money so you can have abortions there, so there are fewer of you and more of us. That is wrong. That is wrong.

People have said, we cannot do this because the President is going to veto it for sure. Let me just tell the Members, the President is only one branch of this Government, not all three, and not all great ideas begin down at Pennsylvania Avenue. The House has spoken. We are right to retain the advice of the House with this measure.

We need to say to the President: There are some things that are so important we are willing to stand toe-to-toe, nose-to-nose to you, and say, we count, too, and so do the children, not only of this country but of the world, and we are here to protect them.

There have been a lot of Members that have talked about the process, people who want to stop the process. I will tell the Members that on this matter the principle is more important than the process. Damn the process, this is too important.

There have also been people that have said, including the gentlewoman from California, have we not debated this long enough? Have we not gone over this? Is this just not old territory? Why rehash this issue? To recall the voice of Winston Churchill, I will say to the gentlewoman from California that we will never, never, never surrender on this issue of defending children both at home and abroad. Our voice will never be silenced. We may lose, we have lost in the past, but we will never fail to put up a fight. That is the message.

Let me just say, in closing, that I appreciate my colleagues on both sides of the aisle who have come to the defense of the unborn, and urge all of my colleagues to vote in support of the House's position on the Mexico City policy, to say that we will not continue to use United States taxpayer dollars

that in any way facilitate more abortions in the world, that that is an ill-advised use of taxpayer moneys.

If we ask people, are you pro-choice, pro-life, it is pretty evenly split. But if we ask people, should we be using taxpayer dollars to fund abortions, overwhelmingly in this country the people have said no, do not use my taxpayer dollars to help facilitate more abortions in our country. It would be hypocritical to say that we are not going to fund taxpayer funded abortions in this country, but we are going to wink and nod and look the other way, we are not going to talk about this issue, when it applies overseas. That is wrong, that is hypocritical, and the House needs to speak and work its will today.

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise today in opposition of this motion to instruct the conferees to adopt the Mexico City family planning restrictions to the 1998 Foreign Operations appropriations bill.

Unlike the House, the Senate wisely chose not to insert the Mexico City family planning policy into its Foreign Operations appropriations bill. As the House conferees meet with the Senate conferees to produce a final version of this bill, I sincerely hope that the Senate position will prevail and the Mexico City policy will be dropped.

Supporters of the Mexico City policy argue that it is necessary to ensure that the United States shouldn't fund abortion overseas. However, it is important to remember that the United States is expressly prohibited from doing so. I repeat, no U.S. aid goes toward abortions overseas.

The Mexico City policy would take that funding restriction further and say that no U.S. aid could go toward health clinics overseas that provide abortion or abortion-related services. Those health care clinics would have to choose between forgoing U.S. aid and denying thousands of women access to much-needed health care or not providing abortion services to women who have the right to choose according to their country's laws.

The Mexico City policy would have the unfortunate consequence of preventing thousands of women from receiving family planning services, prenatal care, and other important reproductive health care services.

The result of the Mexico City policy would be more unintended pregnancies resulting in more abortions, more maternal and infant deaths, and more economic and environmental strain on families. I urge the House to protect women's reproductive health care worldwide and vote no on this motion.

Mr. LARGENT. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Oklahoma [Mr. LARGENT].

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

Mr. LARGENT. 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 233, nays 194, answered "present" 1, not voting 6, as follows:

[Roll No. 496]

YEAS—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Livingston

NOT VOTING—6

Gonzalez
Hilliard
Schiff
Sherman
Thompson
Weygand

□ 1407

Ms. HOOLEY of Oregon and Mr. DEUTSCH changed their vote from "yea" to "nay."

Messrs. HANSEN, BONIOR, and COX of California changed their vote from "nay" to "yea."

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.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 258

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. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact. 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 Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for 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 to the House with such 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. EWING). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], my good friend, 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.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 258 provides for consideration of H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, under another completely fair and open rule.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

Under the rule, the Chairman of the Committee of the Whole may give priority recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration. And to expedite consideration of H.R. 629, the rule also allows the Chair to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question, as long as the first in any series of votes is not less than 15 minutes.

Finally, as is customary, the minority will be provided with a motion to recommit with or without instructions.

Mr. Speaker, in 1980 Congress passed legislation to provide a system for States to take responsibility for the disposal of low-level radioactive waste. Examples of low-level radioactive waste include waste that is disposed of by hospitals, by universities conducting research, and by electric utilities. This waste poses relatively few risks and typically does not require any special protective shielding to make it safe for workers and communities.

Congress recognized, when it passed the Low-level Radioactive Waste Policy Act of 1980, that while the Federal Government should handle high-level waste, States should be primarily responsible for disposal of low-level wastes generated within their borders. Through the 1980 act, Congress encouraged States to either build their own disposal sites or enter into compacts with other States to share waste disposal facilities. That is exactly what the States of Texas, Vermont, and Maine have done.

Mr. Speaker, this is a straightforward rule which deals with a straightforward process, the ratification of an interstate compact under the law as Congress wrote it.

All the hard work has already been done by the States of Texas, Vermont, and Maine, who negotiated the compact and gained the approval of their respective States. The Governors and legislatures in the States of Texas and Vermont have approved the compact, and Maine secured its citizens' support through a public referendum.

The compact provides that the State of Texas will host the waste facility, but it does not name a specific site. And while Congress does not have to give its consent for interstate agreements to have validity, congressional approval is desirable in this instance to assure that compact members will be able to reject waste from nonmember States.

Mr. Speaker, that is all we are doing today, telling the States of Texas, Maine, and Vermont whether or not we accept their mutual agreement. It is nothing new. Congress has already given its consent to 9 such compacts, including 41 States. Today if we pass this rule and the underlying legislation, Congress will be ratifying compact number 10.

In the Committee on Rules, we heard from the bill's proponents who, in fairness, mentioned the concerns of a few other Members who were not present to give their testimony. While no specific amendments were mentioned to the committee, the open process that this rule provides should offer concerned Members ample opportunity to debate and offer germane amendments that they feel will improve the bill. Or, perhaps through the motion to recommit, the bill's opponents will choose to make their views known. The point is, this rule gives them that option.

As one of my Democratic colleagues on the Committee on Rules pointed out last night, this issue has been around for a long time. And to be fair to the States involved, the underlying bill deserves to be debated in this body and receive an up-or-down vote.

□ 1415

Therefore, I encourage my colleagues to support the open rule before us so that the House can move forward and debate the merits of the underlying legislation. I urge a "yes" vote on this open rule.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the time.

This is an open rule. It will allow full and fair debate on H.R. 629, which is the Texas Low Level Radioactive Waste Disposal Compact Consent Act. The bill approves an agreement between the States of Texas, Maine, and Vermont to establish a disposal facility in Texas for low level radioactive waste. Under this rule amendments will be allowed under the 5-minute rule, the normal amending process in the House.

The Texas Low Level Radioactive Waste Disposal Compact has supporters and opponents among the Members of the House, as does the bill. However, all Members on both sides of the aisle will have the opportunity to offer amendments under this open rule. And because it is an open rule, and because 2 years ago when the House took up an identical bill, we also had an open rule that was approved by voice vote, Mr. Speaker, I would urge adoption of this resolution, which is an open rule before us today.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentlewoman for yielding me the time. I rise in support of the rule. As has been pointed out by majority and minority members of the Committee on Rules, this is an open rule.

The Commerce Clause of the Constitution gives the Congress the right to regulate interstate commerce between the States. The States of Texas, Vermont, and Maine have chosen to form a compact as a result of the Low Level Nuclear Waste Act and the amendments back in 1985. If ratified and signed by the President, this act would give those States the right to ship their low level radioactive nuclear waste to a site in Texas that is unspecified in the bill.

There are some opponents. The gentleman from San Antonio who represents the congressional district, the gentleman from Texas [Mr. BONILLA] is here and does oppose this site that apparently is going to be chosen.

This bill deserves to be debated on the floor. It was debated on the floor in the 104th Congress and passed with 243 in the affirmative and 176 in the negative. It did not go to the Senate because it was on the suspension calendar and it failed to get the two-thirds vote.

We are not on the suspension calendar this afternoon. We have an open rule so that any Member can offer amendments to the bill. I would hope that the rule itself will be noncontroversial and that we can pass it by unanimous consent and then get into the actual debate of the bill. I rise in support of the rule and hope that all Members will support it.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, I rise today to support this rule on H.R. 629, the bill to give congressional consent to the Texas Low Level Radioactive Waste Disposal Compact.

The Committee on Rules has recommended an open rule for allowing for 1 hour of general debate. I fully expect a vigorous discussion of the compact. I look forward to that debate and to answering any questions that may arise.

This compact is important for Vermont. It is important for Texas. And it is important for Maine. This would be the 10th compact that Congress has ratified since 1985, when Congress enacted the low level radioactive waste disposal policy. Congress gave the States a mandate, an unfunded one, I might add, to develop methods for managing low level waste. The three States have diligently complied with that mandate. The Governors and legislatures of Vermont and Texas have approved the compact. The Governor, the legislature, and the people of Maine have approved the compact. I urge Members to support the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I thank my friend, the gentlewoman from Ohio [Ms. PRYCE] for yielding the time to me.

There is no Member of Congress that is more engaged or focused on this issue today than myself, Mr. Speaker. I rise in opposition to the rule and the bill. I will be getting into more details during general debate as to the reasons why we should defeat this bill.

This is a clear case of constituents in my area being victimized without having a say in where this low level radioactive waste dump site is going to be constructed. This is a country that I have grown up in always understanding that if something is going to happen in a person's neighborhood, it ought to be with their approval or at least they have some kind of input in the process. That is not the case at all.

We have been debating and arguing about this issue for so many years now. It has finally come to a head here where the proponents have worked very hard to try to turn Members around to vote differently than they did the last time this came to the floor. That is why I am working hard today to oppose the rule and the bill.

I do commend members of the Committee on Rules and the gentleman from New York [Mr. SOLOMON] for providing an open rule. It is the fairest kind of rule that we can have. But my point is that this bill should not even be before us today. That is why I will be opposing the rule and opposing the bill after we finish the vote on this rule.

I look at, this is just a handful of the petitions that have been signed by men, women, and children in my congressional district. Up to a dozen counties and towns have already expressed their strong opposition to this dump site. Again, it is a sparsely populated area in west Texas, part of the area that I represent that spans 58,000 square miles. People out there are entitled to their constitutional rights, to their property rights. They should not be victimized by just being told this has to be built in their backyard, and we are going to fight hard to defeat this rule and bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, to set the record correct at the beginning, this is a bad idea that has been defeated by a majority of this House once in the last Congress. I believe my colleague, the gentleman from Texas [Mr. BARTON], got it backward on the result. There were 176 Members of this Congress that said they wanted to dump radioactive waste on Texas and the district of the gentleman from Texas [Mr. BONILLA], and there were 243 of us that said we do not want to be the Lone Star dump, and the bill was defeated.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I just want to say, the gentleman is correct. I did have it backward. The gentleman from Austin, TX is correct on the numbers.

Mr. DOGGETT. Mr. Speaker, that is the first concession by an Aggie to a Longhorn in this body in a long time. I appreciate it.

This bad idea has been defeated once on the floor of this Congress and the question is, should we reconsider today and decide that the last Congress was wrong and that it is time to dump radioactive waste on Texas? In Texas we have a very short answer to that. Don't mess with Texas. We find it on pickup trucks and Cadillacs and Fords and Volkswagens all over the State of Texas. That is exactly what is being proposed here today, messing with Texas.

We are pretty proud down there in the Lone Star State of the fact that we have a lone star as a symbol of our independence as Texans. But, by golly, we do not want the Lone Star State turned into the lone dump State, and that is what is about to happen if this bill is approved.

Lest anyone think this is just a Texas issue, let me emphasize that of late, since the vote in the last Congress, and there are of course not 243 Texans here, that since the vote in the last Congress even some of the Yankees who are in this compact have come to the conclusion that dumping on Texas is a pretty lousy idea. Indeed, within the last week the largest contributor of nuclear waste to this dump, up in Maine, appropriately titled the Maine Yankee nuclear power plant, has written to Speaker GINGRICH and to various Members of this Congress saying do not do it. They recognize that it is going actually to cost citizens in Maine more money, not less money, if this compact is approved.

I think that it is a bad idea, not only for Texans but for those in the compact at the other end of the country in New England, those served by the Maine Yankee nuclear power plant and by anyone who sits in between New England and west Texas that might have this nuclear waste shipped through their area.

This compact has been lobbied through the Texas legislature by some of the most high-powered lobbyists around. They lobbied the legislature of Texas to accept this compact on the grounds that it would protect Texas, and that Texas would be teamed up with two little States way up in New England that probably could not generate very much waste to be dumped

there, and we would be a lot better off there than being teamed up with some State like New York or Massachusetts or California that might send a whole lot of waste down to Texas.

There is only one problem with that reasoning. This is not a Texas-Vermont-Maine compact. It is mislabeled. It is a Texas-Vermont-Maine compact plus any other State that a group of appointed, unelected commissioners, accountable to no one but themselves, may choose to add to the compact.

In fact, the economics of this compact are going to cause exactly the opposite result of what those who promoted the compact told the Texas legislature and the people of Texas. This compact could be expanded to include waste from anywhere, of any type, at any time that this group of unelected compact commissioners decides that they want to dump it on the district of the gentleman from Texas [Mr. BONILLA]. That waste does not have to be approved by people in Sierra Blanca, TX, or anywhere else.

It is a bad idea. Don't mess with Texas or any place in between.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, it is with some trepidation I follow my colleague from Texas because obviously, let me correct something, I was in the legislature in 1991 when the legislature passed the compact enabling legislation, again, to limit the ability as the Federal Government and this Congress allowed States to limit their access for waste, Texas, Maine, and Vermont.

Now, granted, some future legislature, I do not know if it is appointed officials but the legislature in Texas decides to appoint officials, they could delegate that authority, but that is just not the case. The legislature in Texas, after studying it, adopted this site in west Texas. It was not picked by Washington. It was not even picked by those of us who served in the 1991 legislative session because all we did was enable the legislature to do that, to do the study.

Granted, nobody wants waste, particularly low level, but we have to have a place for it. The compact allows Texas, Maine, and Vermont to work together to have that site. That site was picked in Hudspeth County. We did not pick that site in Congress. The local folks in Texas did that, and the legislature actually ultimately did. That is the best reason why this ought to be passed today. We are not going to debate the site. Sure, I would rather have the site in Maine or Vermont but Texas agreed to do it by those local officials.

This is just an affirmation of the compact that this Congress allowed for low level. We are going to hear a lot today, not only on this rule. It is an open rule. We will hear a lot about transportation, a lot about the site in west Texas. Again, it is away from an urban area. The closest urban area is El Paso.

This is the best of a bad world, but we have to have a place to put this low level waste. This is, again, the local decision by the State of Texas to do that. That is why 23 of the Members from Texas are supporting this bill, this rule and this bill today. We will hear a great deal more as we go into the full debate.

That is why I am proud to be a cosponsor of the bill. I have for a number of years because we have to have a reasonable place to put it. We cannot just deny it and let it be out there in limbo, having this warehoused on sites, whether it be hospitals or whether it be on power plant facilities. We have to have a permanent solution for it, someplace where we can put it together safely instead of having it in storage facilities behind hospitals, in urban areas. That is not possible.

We are going to hear the concern about the transportation, whether it be from my colleagues in Dallas or in Houston. I represent an urban area. We have more volatile substances on our freeways right now in Houston than this low level waste. So I would hope that the Congress, after considering this bill today, would pass it favorably so we can have a compact between Texas, Maine, and Vermont to have a reasonable place for our low level waste.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SAM JOHNSON].

□ 1430

Mr. SAM JOHNSON of Texas. Mr. Speaker, I just wanted to second what my colleague in the Texas legislature and here, the gentleman from Texas [Mr. GREEN], has said. It was a Texas decision. It was made by the Texas legislature. I was there with him when that decision was made. Texas made the decision to have a compact and Texas deserves to have the Congress affirm it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, 30 years ago the nuclear utility industry was telling Americans it would provide power that was too cheap to meter. Soon Americans found out it was power too expensive to use. Now we are told that we have power that is too hot to handle and power refuse that is too dangerous to store.

Mr. Speaker, I offer these comments in the context of the rule and the debate which will follow so that my colleagues can have the benefit of the experience that I had as a State Senator in Ohio who led the effort against the siting of a multistate radioactive waste dump in the State of Ohio.

There was an effort to bring in waste from Iowa, Indiana, Wisconsin, Minnesota and Missouri, 2.25 cubic million feet of radioactive waste, into the State of Ohio. And in the course of examining this proposal, what we found out was this.

That the waste itself, called low-level, in fact exists for thousands of years. So the word "low-level" is a misnomer; and that inevitably the cost involved here will be passed on to consumers or taxpayers, as nuclear utilities will either not handle the cost or find ways for the States or the taxpayers of the States to absorb.

Furthermore, there is no known technology which can safely store this radioactive waste for more than 25 years. These casks which they are put in will deteriorate and crack and the waste will leach out into the outside environment. There is no way to prevent a release to the outside. We found this out through months and months of public hearings.

We found out that not only does the technology not exist but the Department of Energy itself will admit that the best they can do with these casks is to keep the radioactive waste for 25 years. We found out that there was no safe way to transport millions upon millions of cubic feet of radioactive waste across this country.

So let it not be said this is simply a State issue. This is a national issue, because the movement of radioactive waste, thousands upon thousands of miles, goes through our neighborhoods, through our communities, and our people are at risk when we have an unstable radioactive waste in containers that cannot always be safely affirmed.

Furthermore, there is no safe place to site radioactive waste. The fact of the matter is that there is a difference in the amount of risk that is out there. It is unsafe whether it is sited near Lake Erie or near the Rio Grande. We need a national policy which puts the nuclear utilities on notice that they have to come up with the solution and they have to pay for it, not the taxpayers or the ratepayers.

The real question here is a public interest question of whether or not the nuclear utilities are going to be served or whether or not the public interest is going to be served. This is not an issue where the States can make this decision in a vacuum. The decision is made by this Congress and it affects the entirety of the United States.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Nevada, [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, we have heard from the proponents of this bill that Texas said "yes," but we have also heard that the local people where this nuclear waste will be stored said "no." We have also heard that people object

to the transport of low-level nuclear waste.

Let us switch this argument just temporarily to low level versus high level, because those people who are going to be voting to put low-level nuclear waste in the State of Texas, their concerns on transport and the like should also be the same concerns when it comes to high-level nuclear waste, which will be coming to this floor in approximately 2 weeks.

Mr. Speaker, all those opposed to this bill should also be opposed to the high-level transport of nuclear waste, which is much more dangerous than the transport of low-level nuclear waste across this country. I would urge everyone to take a close look at both bills and to vote "no" on both bills.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an issue that we all need to look closely at and, obviously, there are many ways that we may view this. I think that we have an obligation to our hospitals, our research laboratories, and our universities to emphasize that this is low-level radioactive waste. It is trash-like material, some consisting of paper and plastics and construction materials that are contaminated with low levels of radioactive materials.

I need to assure and emphasize that the storing of these materials will be governed by Federal regulations, and that there is a life that will be tested as to the impact that these materials will have on the surrounding community.

But the most important point, because we are champions, those of us who have supported this compact, mind my colleagues, just a compact that is approved by Congress, that gives permission, the States have already engaged in a cooperative effort, but the real issue are the citizens, and the decision of where and how has not yet been decided. In fact, no site will be selected without public hearings that give concerned citizens the opportunity to express their views on the location of the facility, and the State of Texas should ensure, as they are, that these hearings will be held.

Environmental agencies will conduct the appropriate review and resolve environmental concerns in accordance with current law and regulations. No radioactive waste from States other than Texas, Maine and Vermont would be stored at the facility.

The real key is that we have to find solutions to these very difficult problems. We must relate those to the surrounding communities and we must be fair to the surrounding communities. At the same time, we must recognize the problems that our hospitals and research laboratories and universities are facing.

This is a rule that we should support and, finally, Mr. Speaker, we should support the final passage of this bill and work with local officials to ensure that the local citizens are protected. I would ask my colleagues to support this legislation.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I just want to refocus the debate. We are debating an open rule. We are debating an open rule, where any Member can come before the Chamber and offer an amendment germane to the bill. So we should support the open rule.

On some of the other issues that have been raised, this is low-level nuclear radioactive waste, not high-level. The gentleman from Ohio, who talked about regulating the transportation of these wastes, this does not do anything with transportation. It simply gives, under the commerce clause of the Constitution, the rights of the States of Texas, Vermont and Maine to have a compact.

In regard to that, if they do not ratify the compact, any State can transport its low-level nuclear waste to Texas. Ohio was in a compact with Indiana, Iowa, Minnesota, Missouri and Wisconsin, for example.

So I hope we will vote for the open rule, have a debate on whether the States should have a right to have a compact, and then have the vote on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, [Mr. REYES].

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the rule.

I find it ironic that there are a number of my fellow Texans that are fighting for this rule and fighting for this bill. If it is such a good deal, why do they not put it in their district?

We must prevent this bill from becoming law and we can do that by voting against the rule and sending this bill back where it came from. By defeating the rule we can send a very clear message that it is bad public policy to dump radioactive waste in communities that are primarily populated by minorities.

By defeating the rule we can keep our word to the Mexican Government under which we signed the 1983 La Paz agreement.

By defeating this rule we can prevent radioactive waste from being transported through 12 States and more than 2,000 miles to be dumped on a small community in far west Texas.

By defeating this rule we can do what the Maine Yankee Nuclear Power Reactor wants us to do, and that is not to pass this compact.

I urge all of my colleagues to defeat this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the rule and in strong support of the legislation.

It seems to me that we have two issues that we are discussing. The first is process. And in terms of process, what the Members should understand is that we have three State legislatures, Texas, Vermont and Maine, which overwhelmingly voted to enter this compact. We have three Governors, and I might add one is a Republican, one is a Democrat, and one is an Independent, who today strongly support going forward with the compact. We have six U.S. Senators from Texas, Maine and Vermont strongly in support of the compact. We have the two Members from Maine, the entire Vermont delegation, me, in support of the compact. I know that will carry a lot of weight. We are undivided on this issue, and we have two-thirds of the Texas House delegation in support of this compact.

So for those Members who believe in devolution, in giving power to the States, it seems to me we should treat this compact in the same way we have treated 9 other compacts involving 41 States. Texas, Maine and Vermont want to be treated the same way as 41 other States have been treated.

The second issue, and actually the more important issue, has to do with good environmental policy. I happen to believe that passage of this amendment makes absolute environmental sense. The evidence is very, very strong that the geology of Vermont and Maine is such that it would be a serious environmental problem if we continued to keep the waste in those States.

The real issue, I must tell my colleagues, and I say this as an opponent of nuclear power, if I had my way, we would close down every nuclear power plant in this country as soon as we could, safely, but the problem is we have low-level waste. And to turn our backs on that problem and ignore that problem and to say that it will go away is wrong.

The environmental debate today should be what is the safest way of disposing of low-level radioactive waste, and I would argue strongly that the passage of this legislation and depositing it in a safer location in Texas is the direction that we should go.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I rise today of course in strong support of this rule. The Texas low-level waste compact is a very simple and straightforward piece of legislation. It is not all as strange as has been made out here. It simply seeks approval of an

agreement between three States, Texas, Maine and Vermont, on the management of States' low-level waste.

It is important, I think, to note, because it has been brought up by so many of the speakers, that opponents raise issues that cannot be addressed in H.R. 629, such as location. This is not a place to address location. Geological and environmental review are by law designated to the State jurisdiction.

In Texas, the review process has been closely scrutinized by the Texas Natural Resources Conservation Commission, the EPA of the State of Texas, the State held town hall meetings, open debate on the floor of the Texas legislature, and intense negotiation by State leaders.

I agree with the gentleman from Texas [Mr. DOGGETT] when he says, "Don't mess with Texas." Don't mess with Texas. Don't mess with the legislature of Texas that has already decided this thing. Don't mess with Bulloch, who herded it through the State Senate. Don't mess with Speaker Laney, who herded it through the house. Don't mess with the Governors of these three States. Don't mess with the TNN-RCC. Don't mess with the town hall meetings.

□ 1445

I think this has been decided at the State level. Nothing in this compact agreement designates where in the State of Texas the site is going to be located. As a matter of fact, it is in absolutely no way site specific. The location and regulation of the site are solely State issues left up to the whole State, which in this case is Texas.

By approving this compact, Texas will be required to accept waste only from Maine and Vermont. And without a compact, I say to the others from Texas, we can find ourselves having to accept waste from any number of States.

So never before has Congress rejected a low-level waste compact. I strongly urge my colleagues to honor the good-faith agreements between Texas, Maine, and Vermont by supporting this rule and by supporting the bill.

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

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me remind my colleagues that we are here debating a completely open rule providing for the consideration of H.R. 629. It does not get any fairer than that around here. Whether or not my colleagues support the Texas compact, which is the issue dealt with by the underlying legislation, the rule itself is eminently fair, both opponents and proponents. Therefore, I once again strongly urge my colleagues to support this open rule.

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.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 258 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. 629.

□ 1447

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. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact, with Mr. EWING in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Colorado, Mr. DAN SCHAEFER and the gentleman from Texas, Mr. HALL, each will control 30 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, would grant the consent of Congress to the low-level radioactive waste disposal agreement reached between the States of Texas, Maine, and Vermont.

When Congress passed the Low-level Radioactive Waste Policy Act in 1980, it was a part of a broader agreement whereby the States are responsible for the disposal of low-level radioactive waste while the Federal Government is responsible for high-level waste disposal.

Since the 1980 act was passed, 41 States, as has been stated before, have received the consent of Congress for disposal compacts. Low-level radioactive waste includes a host of materials, from medical isotopes, to university research wastes, to the industrial waste generated at nuclear power plants.

The vast majority of these wastes do not even require the use of special containers to protect against threats to human health. In most cases, the radioactivity in these materials will decay to the point where there is no significant risk to human health after about 100 years.

With the decision to put low-level waste responsibilities at the State level, the obligations of the Federal Government are fairly limited. Clearly and certainly, it is our responsibility to ensure that the compacts comply with the Federal Low-level Waste Act.

During our consideration of H.R. 629 in the Committee on Commerce, it was clear that the compact meets this test. The State legislatures and Governors of Texas, Maine, and Vermont have met their obligation under the Low-level Radioactive Waste Policy Act. It is now our responsibility to support the States in this decision.

I want to thank the gentleman from Texas [Mr. BARTON] and certainly the gentleman from Ohio [Mr. HALL], ranking member on the Subcommittee on Energy and Power, the sponsors of this legislation, for their very strong leadership and capable effort in moving the bill to this point. I strongly support H.R. 629 and encourage its adoption by the full House.

Mr. HALL of Texas. Mr. Chairman, I ask unanimous consent to yield 15 minutes to the gentleman from Texas [Mr. BONILLA] and and that he be permitted to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Chairman, I thank the gentleman from Texas [Mr. BONILLA] for yielding me the time.

Mr. Chairman, I rise today to oppose H.R. 629, which will allow radioactive waste to be dumped in the far west community of Sierra Blanca.

There are many reasons to vote against this bill. First, it violates the 1983 La Paz agreement between Mexico and the United States. This agreement directs both Governments to adopt appropriate measures to prevent and eliminate sources of pollution within a 60-mile radius of the border.

The State of Texas asserts that they must merely inform the Government of Mexico. But many people disagree. There is widespread objection to this site at all levels of the Mexican Government. The Mexican State of Chihuahua, which adjoins the proposed site, opposes the Sierra Blanca site. The Embassy of Mexico expressed deep concerns about the proposed site.

The chairman of the Mexican Senate's Committee on the Environment has written his American counterpart to object. The city councils of El Paso and Juarez have both issued a position statement in strong opposition to the site.

But if that is not compelling enough argument against this bill, there are others. If H.R. 629 passes, radioactive waste from Maine and Vermont will travel through the States of Massachusetts, New Hampshire, Connecticut, New York, Pennsylvania, Maryland, West Virginia, Virginia, Tennessee, Arkansas, and all the way across the State of Texas until it gets dumped

into the community of Sierra Blanca and far west Texas.

Who would want radioactive waste shipped through their district? I do not, and neither should my colleagues. If my colleagues are still not convinced, there is more. How about the fact that this site is earthquake prone? Supporters of H.R. 629 are so concerned about that that they felt it necessary to send out a "Dear Colleague" trying to explain why we should put radioactive waste there anyway.

Or how about the fact that this waste remains active for literally thousands of years, low level? You decide. How will that affect the water table in west Texas? I do not think we need to draw a picture up to that one.

If my colleagues need another reason to vote against this bill, last week the public affairs director of the Maine Yankee nuclear power reactor said, and I quote this, "The Texas compact no longer makes economic sense for Maine Yankee ratepayers."

If the company that wants to dump its radioactive waste on the constituents of the district of the gentleman from Texas [Mr. BONILLA] does not support the compact, why should we?

Supporters of H.R. 629 will tell us that this bill does not endorse a specific site in Texas. The fact is that the Texas Legislature has already identified Sierra Blanca as a site for this dump, and a vote for H.R. 629 is a vote to support this site. This is the same legislation that was overwhelmingly defeated in the 104th Congress. But here we are again, fighting again to keep this Congress from dumping on the people of west Texas.

There have been reports to my office that supporters of this bill have said that no one lives where they want to put this dump. Representatives from the nuclear power districts of east Texas, 800 miles and 14 hours from Sierra Blanca, and from the States of Vermont and Maine, over 2,000 miles away, are the major proponents of the dump, and they have erroneously claimed that citizens of Sierra Blanca support this compact. They do not, and neither should my colleagues.

Supporters of this bill want to dump radioactive waste on the communities that are primarily populated by low-income minorities. Do my colleagues think we would be on this floor today debating this bill if the dump site were going to be at Lake Tahoe or Monterey, CA, or Newport, RI, or Martha's Vineyard? Of course not.

The Hispanic Caucus is unanimous in its opposition to this bill. Last week, we sent a letter to the Speaker asking him to stop this bill from coming to this floor. Obviously, he chose not to do that. Do my colleagues think this bill would be on the floor if the dump were going to be in Marietta, GA? Obviously not.

The Texas State Conference of the NAACP also passed a resolution in opposition to this compact.

I have only been a Member of this Congress for 9 months, Mr. Chairman, but I know a bad bill when I see one. If my colleagues think it is OK to dump radioactive waste in communities where 75 percent of the people are Hispanic, then they should risk on voting for this bill. But if they agree with me that my constituents and the constituents of the gentleman from Texas [Mr. BONILLA] are as important as theirs and a life on the border is worth as much as a life away from the border, then they should vote on this bill. Send a message to the corporate CEO's who think they can dump their waste on my constituents and on the constituents of the gentleman from Texas [Mr. BONILLA] halfway across the country. And that is not OK to do that.

I urge all my colleagues to consider those facts and vote "no" on H.R. 629.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am changing sides on this issue. I was in the Texas Senate when they debated this in Texas. One thing I have come to realize, we have got to identify some place to put this low-level waste. It is much more dangerous to have it scattered everywhere, behind every hospital, behind doctors' offices, and all over the place.

We do not know exactly where it will be in Texas. That will be a Texas decision. But many local citizens have come to my office and pleaded to allow it to happen, because without this legislation, it is going on now and it can come from anywhere and everywhere. With this legislation, it is limited to Vermont and Maine, small States, cannot have too much to dump there.

The one thing we have to understand in this country is that we utilize many medicines and many other elements to promote human life and health that are dangerous in storage. We have to store it somewhere, and we are trying to pick the least populous areas to store it.

These areas under discussion are the least populous areas in the country. If I thought for a moment that it would subject local citizens to a worse status of health and danger than what they are now, I would not be standing here asking my colleagues to support this measure. I know that it will not.

These will be under the most safe conditions that we can provide with rules to operate. Without rules to operate, it can very well be and continue to be very dangerous, because when we have these in our most populous urban areas and we talk about environmental justice, this is one way that we can protect environmental justice, by picking areas and using just those.

□ 1500

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 4 minutes to the sponsor of the bill, the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from Colorado, Mr. DAN SCHAEFER, for yielding me this time.

Mr. Chairman, I want to reiterate that we are here this afternoon debating whether three States of the United States have the right to enter into an interstate compact. The Constitution of the United States says they have that right, the Governors of the three States say they have that right, the legislatures of the three States say they have that right, and I would point out that 41 other States of the Union have entered into such State compacts.

We are not here to debate whether the site that is probably going to be selected in Texas is the appropriate site; we are not here to debate whether there are some overriding socioeconomic issues that may preclude this site being picked; we are simply here to say these three States have the same rights that all of the other States of the Union have.

Governors of the State of Texas, both Democrat and Republican, Governor Bush, the Republican Governor today, Governor Ann Richards, the prior Governor, have supported this compact. It was defeated on the House floor in the last Congress on the suspension calendar, which is why we are coming today to the floor on a nonsuspension calendar.

I do want to try to address some of the issues that have been raised so far in the debate. The gentleman from El Paso pointed out that earthquakes may be a problem. I would like to point out, if we want to be site-specific, that this is in an earthquake zone that has not had an earthquake in recorded history. There is no geological fault under the site, but if there is, the site has been designed to withstand an earthquake of a magnitude of 6.0 on the Richter scale directly under the site.

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

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, is the gentleman aware that there have been two tremors in the last 4 years, and sometimes in parts of the country where there have not historically been earthquakes, these tremors can be a sign of something that is ahead?

Mr. BARTON of Texas. Mr. Chairman, the gentleman is correct, there have been tremors, but my understanding is that there have not been tremors in this area. Even if there were, the largest earthquake that has ever been recorded in Texas history is 6.4 on the Richter scale. This site could withstand an earthquake of 6.0 on the Richter scale directly under the site.

According to the study that has been done, any seismic activity anywhere close to Hudspeth County has been active from 750 years to 12 million years. The halflife radioactivity of low-level nuclear waste that is going to be transported and stored here is less than 100 years, and 85 percent of it has a halflife of less than 10 years.

Now, the gentleman from El Paso also talked about it is in violation of the La Paz agreement. It is not in violation of the La Paz agreement. The La Paz agreement says that the United States and Mexico should consult on these issues. We have consulted with the national government and with the local governments. The EPA and the State Department as late as July of this year have said there is no violation of any international agreement in this compact that is pending before us today.

There have also been concerns expressed about the facts that this has been located in a dominant Hispanic area. That is a true statement. The population of Hudspeth County is 66 percent Hispanic. I would point out that of the 10 sites that were considered, there were a number of them that had a higher ethnicity of Hispanic population. The three variables that were used, though, were not ethnicity. They were rainfall, this has the lowest rainfall; population density, this is right at one-half of a person per square mile, which is the second lowest density, and there are a total of less than 3,000 people in the county. So this has the lowest rainfall, one of the lowest population densities, and there have been no earthquakes in recorded history in this site.

There is support for this on this site in Texas. I include for the RECORD a letter from the county judge.

HUDSPETH COUNTY COURTHOUSE,
Sierra Blanca, TX, July 23, 1996.

DEAR MEMBER OF CONGRESS: We are writing to encourage you to vote in favor of the Texas Low-Level Radioactive Waste Disposal Compact, H.R. 558 without amendment.

As officials from the community nearest to the proposed facility, our primary duty is to protect the health and safety of our citizens and of future generations. In fulfillment of this duty, we have invested substantial time and effort in examining technical reports and talking with state officials and others involved in identifying and investigating a location for a low-level radioactive waste disposal facility in our county.

We are convinced that the facility planned for the site is safe. This judgment is borne out by the "Environmental Safety Analysis" made by the state agency in charge of licensing the disposal facility in our state. That agency found that the site will not "pose an unacceptable risk to the public health" or cause "a long-term detrimental impact on the environment."

Far from causing problems for our community, the disposal facility will bring to our area needed economic and social benefits. Hudspeth County has already received grants of over $2 million for the State of Texas for use in community projects of our own choosing. When Congress consents to the Texas Compact, the county will receive an additional $5 million in development funds from the states of Vermont and Maine. And, when the facility begins operation, the county will receive $.8 million annually from its gross revenue—equal to more than one-third of the county's total annual budget. These funds are very much needed in our effort to raise the standard of living, education, and medical care system for residents of our county.

Fundamentally, where and how to site a commercial low-level radioactive waste disposal facility is a state and local issue. In July of this year, the State of Texas will convene a series of public hearings, several in our community, which will allow any member of the public to comment and raise questions about any aspect of the proposed facility and its location. This is where the decision on the location and safety of the disposal facility should be made—not in the halls of Congress thousands of miles away from our community.

We have heard that some members of Congress, at the urging of certain advocacy groups who do not represent our community, object to the location of the disposal facility based on the ethnic composition and the economic status of our county. We are the direct representatives of this ethnically diverse and economically underdeveloped community, and we are convinced that the facility will be safely built. In addition, in December 1995, approximately half of the adult population of Sierra Blanca signed a petition supporting Congressional consent for the Texas Compact.

By consenting to the Texas Compact, Congress will: eliminate the need for two low-level radioactive waste disposal sites in more populous, more humid northeast states; alleviate the need to store low-level radioactive waste of hundreds of generating locations in the three member states; approve a facility that the most directly affected citizens find both safe and beneficial; and ensure that the State of Texas and its partners in the Texas Compact will be able to control the amount of waste coming into a facility located in our community.

Please vote for S. 419 without amendment.

Please contact us if you have any questions or would like more information.

Sincerely,

JAMES A. PEACE,
County Judge.

Mr. REYES. Mr. Chairman, I yield 3 minutes to the gentleman from Austin, Texas [Mr. DOGGETT], a gentleman who has been involved in this issue since he has arrived in Congress in the right way.

Mr. DOGGETT. Mr. Chairman, my hometown of Austin, TX, is a mighty long way from Sierra Blanca, hundreds of miles, much further than traveling across the States of Vermont and Maine to reach this area of Texas. But I can tell my colleagues that there are literally thousands of people in central Texas that are greatly concerned about the idea that Texas would suddenly become the great dumping place for the Nation's toxic nuclear waste.

Mr. Chairman, there has been some suggestion that this is somehow low-level, and therefore, no risk. Nothing could be further from the truth. We are not talking about just a box full of hospital gloves. Indeed, it has been estimated that we could take all of the medical waste in this country and all of the academic-generated waste, and it would be about 5 ten-thousandths of the waste that is going to be placed in this dump. Ninety percent of it comes from nuclear powerplants. That is one of the reasons it is so significant that the Maine Yankee Nuclear Power Plant, the largest generator of waste from the State of Maine, now says it is a bad idea, that it is going to cost the ratepayers of Maine tens of millions of dollars if this compact is approved.

Indeed, the type of waste that is involved here, I do not see anything in the compact limiting it to a mere 100 years, as one of the last speakers said, although my guess is that for most folks around here, just 100 years of dangerous toxic radioactive nuclear waste is a mighty long time. In fact, it is more than a lifetime.

But the type of waste that can be placed in this dump includes tritium, which has a halflife of 12 years and a hazardous life of 120 to 240 years, and iodine 129, which has a halflife of 16 million years and a hazardous life of hundreds of millions of years.

It is because of the gravity of this situation that the Austin City Council went on record unanimously opposed to this dump. It is the same thing that was done by 18 county governments in Texas and by 9 Texas cities. Most recently, this past weekend the Texas Conference of the NAACP went on record against the location of this dump, and more Texans, as they learn about this, are saying, do not allow Texas to become the Nation's dumping ground.

Much has been said to the effect that this has nothing to do with the specific site. It has nothing to do with the specific site unless one happens to live in Sierra Blanca, because Sierra Blanca has already been designated. After elimination of more politically sensitive sites, it has been designated, after having been rejected on geological grounds, it has been selected as the most politically palatable place within the State of Texas to place this particular dump.

There are more than a few problems at this site, and that is probably why it was rejected initially in the State of Texas: earthquakes, seepage, closeness to the Mexican border. Can my colleagues imagine what would happen if Mexico proposed to locate a radioactive waste dump 16 miles from our border? There would be outrage, and there should be over this proposal.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS], the deputy whip.

Mr. EDWARDS. Mr. Chairman, I rise in support of the Texas compact. If this were an issue that only affected the districts of my friend, the gentleman from Texas [Mr. BONILLA] or my friend, the gentleman from Texas [Mr. REYES], both of whom I greatly respect, then I

would in no way want to involve myself in this fight.

This issue is more than that. It affects the citizens, all the citizens, of three States in this Union: Texas, Vermont, and Maine. It is on behalf of those citizens that I wish to speak today.

The fact is that 9 other compacts have passed this Congress affecting 41 States. This is not a new issue before this Congress. Since this compact most directly affects those citizens in those three States, I think it is fair to ask the position of those States' political leaders. All six U.S. Senators from the three States support this compact, all three Governors, the vast majority of U.S. House Members from the three States support it.

As a Texan I can say not only has the Texas Legislature overwhelmingly approved this compact in 1993, but former Governor Ann Richards, a Democrat, supported this compact as Governor, as well as her successor, Republican Governor George W. Bush.

Mr. Chairman, I know and respect the fact that some people do not want any low-level nuclear waste or any waste put anywhere. In a dream world, frankly, that would be my position. But in the real world, as long as we can save Americans' lives using x rays in hospitals, and yes, as long as we have nuclear powerplants, there will be low-level nuclear waste. The question is not will we put it somewhere; the question is where.

My contention is that if the State of Texas through its Governor, its legislature, its two U.S. Senators and a vast majority of its U.S. House Members support a low-level site in Texas, it seems that other Members of this House would at least lend weight to that position. Those of us who live in Texas have no intention of locating an unsafe depository of low-level waste in our home State. We live there. The fact is, this is not a free choice. If we do not pass this compact, we are going to have threatening waste and unsafe conditions all across these three States. For those reasons, I urge support of this compact.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 4 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Texas [Mr. BARTON], if that is all right.

Mr. BARTON of Texas. Mr. Chairman, I would be happy to engage in a quality colloquy with the gentleman from Maine.

Mr. BALDACCI. Mr. Chairman, owners of the sole nuclear plant in Maine this summer decided to shut it down 10 years ahead of schedule. Events in Maine relating to the compact have taken a dramatic and unexpected turn recently. I thank the gentleman for the opportunity to clarify some of the concerns that have been expressed.

My first issue concerns the heightened interest in the ability of compact member States to responsibly dispose of low-level waste generated in their States before completion of the Texas facility. I ask the gentleman if it is his understanding and intent that pursuant to an agreement by the Governors of Maine, Vermont, and Texas, each State can continue to ship waste to sites outside of the host State until the Texas facility is open and accepting low-level waste?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, the gentleman is correct. This interpretation and expectation have been articulated by the Governors of the three party States. It is our intent that generators in the gentleman's State and in any other of the compact States will be allowed to send low-level radioactive decommissioning waste to a non-compact site before the host site is ready. In fact, States in other compacts currently ship their waste to sites outside the host State while the siting process continues.

Mr. BALDACCI. I thank the gentleman for that clarification.

My second concern relates to the disposal of oversized pieces of low-level reradioactive waste created during the dismantling of a nuclear powerplant. What provisions will be made to assure that when a facility opens in the host State, section 4.01 of the compact will be fully implemented?

Mr. BARTON of Texas. Mr. Chairman, if the gentleman will yield, I have been assured that the Texas Low-Level Radioactive Waste Disposal Authority will pursue the acquisition of the necessary licenses concurrent with the site licensing process. It is our intent that when the facility opens, it will be in possession of all of the licenses needed to operate, including those for the disposal of oversized low-level waste.

Mr. BALDACCI. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in strong support of H.R. 629, with those concerns being addressed. Experience has taught us all just how difficult waste management issues can become, and none is more difficult than those involving radioactive waste.

I would like to remind my colleagues that have been speaking in opposition that their State does generate this waste and their State does need a place to be able to place this waste. The concern that has been raised by Maine Yankee Power Plant has to do with the dramatic turn of events and whether the economies make sense, since there will be a closing, decommissioning, and dismantling of the plant. Maine is in favor of this, the elected representatives of Maine are in favor of this, the Governor of the State of Maine is in favor of this, and this is an insurance policy for the right environmental safeguards for the disposal of this waste.

It is very important to understand that the compact under consideration contains real and significant advantages for all three States. With this compact, Texas will be able to limit the amount of low-level radioactive waste coming into its facility from out-of-State sources. Maine and Vermont together produce a fraction of what is generated in Texas, and for Maine and Vermont, the compact relieves either State from the need to develop its own facility. Given the relatively small amount of waste produced in Maine, developing such a facility will be a disproportionate expense.

These benefits are among the reasons that the compact received overwhelming support from the Governors and the legislatures in all three States. We should now act to approve H.R. 629, without amendments. It represents the States' best efforts linked to comply with a Federal mandate, an unfunded Federal mandate, not directly linked to the development of any specific site in Texas. It contains major benefits for all three States.

I also have the letter that has been signed by all three Governors, Governor Bush, Governor Dean, and Governor King from Maine, and I enter it into the RECORD at this time.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, ME, September 22, 1997.

Hon. GEORGE W. BUSH,
Governor, State of Texas, Austin, TX.
Hon. HOWARD DEAN, M.D.,
Governor, State of Vermont, Montpelier, VT.

DEAR GOVERNORS BUSH AND DEAN: As you know, the State of Maine has been forced to review the feasibility of the Texas Low-Level Radioactive Waste Disposal Compact with the State of Maine and Vermont ("Texas Compact") now pending in Congress. Our review has been prompted by the unexpected development of the premature closing of the Maine Yankee electronic generation nuclear facility located in Wiscasset, Maine and the fact that the shipment of decommissioning waste will commence next year, ten years prior to the timeframe upon which the Compact was based.

It continues to be the strong preference of Maine to proceed with the Texas Compact as currently drafted, and to fulfill our obligations under that agreement. However, these unexpected developments place Maine at risk of duplicative expenditures for low-level nuclear waste disposal in the following three areas.

First, we have been forced to recognize the possibility that as Maine Yankee's decommissioning proceeds, the only available disposal facility licensed to accept major portions of the waste stream is the facility at Barnwell, South Carolina, to which generations in Maine, Vermont and Texas can currently send low level radioactive waste. However, upon ratification of the Compact agreement, the Texas Compact Commission will acquire the authority under Section 3.05(7) to disapprove shipments by waste generators

in any of the three States to the Barnwell facility. Such an outcome could impose substantial costs, unnecessarily, or Maine Yankee and the Maine citizens who are paying for decommissioning.

Second, our obligation to make payments totaling twenty-five million dollars to the State of Texas under Section 5.01 of the Compact is unconditional, as long as Maine remains a member of the Compact, even if substantial portions of Maine Yankee's waste stream are ultimately disposed of in South Carolina. This places Maine citizens at risk of not getting the benefit of their bargain with Texas and Vermont, in the absence of any equitable adjustments in Maine's monetary obligations under the Compact.

Third, while the Texas facility has applied for discretion in the size or form of shipments that are accepted for final disposal, the proposed facility is presently unable to guarantee acceptance of oversize decommissioning waste components, intact or in large sections, as required under Section 4.01 of the Compact pertaining to disposal of all decommissioning waste in the Compact region. A failure to provide disposal capacity for this portion of the decommissioning waste stream in a timely manner at the Texas facility could compel Maine Yankee to dispose of waste at another licensed facility, causing duplicative costs.

With these aspects of our dilemma in mind, we request the following clarifications of intent, that we believe are fully consistent with the intent and letter of the Compact, but require affirmative action by the Texas Compact Commission to implement. These include the following three items:

1. The Compact agreement currently requires that there be no discrimination in prices charged to generators in Maine and Vermont compared with Texas at Section 4.04(4). It is consistent to also assure that there will be no discrimination between host and non-host generators regarding access by Compact States to disposal facilities outside of Texas. For this reason, appointees to the Texas Compact Commission should endorse a principle of non-discriminatory access by generators in *all* Compact States to disposal facilities outside of Texas. It is critical to effective implementation of this principle that final appointments to the Compact Commission and timely review of any petition under Section 3.05(7) occur as expeditiously as possible.

2. There is a realistic risk that Maine citizens could be compelled to pay twice for the disposal of Maine Yankee's decommissioning waste, in the form of up-front payment of construction costs for the Texas facility as well as the disposal fees charged by Barnwell for actual disposal. In consideration of this risk, the State of Texas agrees to undertake reasonable efforts in good faith to mitigate this problem in consultation with the States of Maine and Vermont. Efforts to mitigate, or reduce the impact on Maine citizens of up-front payments for unused disposal capacity will require the consent of the Texas Compact Commission, which consent will not be unreasonably withheld.

3. In order to accommodate the projected decommissioning waste stream at Maine Yankee that may occur as early as 1998, the Texas Low-Level Radioactive Waste Disposal Authority must pursue as expeditiously as possible the licensing of all disposal shipments, specifically including the disposal of oversize decommissioning components. Until the Texas Natural Resource Conservation Commission approves such a permit application, the Texas facility will be unable to fulfill the requirement established at Section 4.01 of the Compact for disposal of all decommissioning waste located in the party states.

We are confident that you recognize that none of these requested actions involve a change in the language of the Compact, nor of the basic expectations of the three states that negotiated Compact in 1993. These three points of agreement merely clarify the mutual intent of the Governors for implementing the Compact in a manner that assures an equitable outcome for all three states.

Thank you for your gracious consideration of these vital issues for our States and our joint effort in Congress and in the years to come.

Sincerely,

ANGUS S. KING, JR.,
Governor, State of Maine.

□ 1515

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act. I believe this bill is vital to protecting our State from increasing amounts of out-of-State waste by entering into the compact.

By ratifying this agreement, Texas will receive added protection to stop other States from shipping their low-level radioactive waste into the State. Texas will maintain complete control over the disposal site. Only Texas will decide whether or not another State may join in the compact. Upon congressional ratification, Maine and Vermont shall contribute a total of $25 million to Texas and another $25 million due when the disposal facility begins operations.

Governor Bush, former Governor Ann Richards, and the Texas Legislature have overwhelmingly supported this compact. By entering into this compact, Texas can keep out-of-compact waste from entering the State. Currently 42 States have entered into these compacts to prevent further importation of out-of-State waste. Furthermore, this facility will provide for the safe disposal of radioactive materials from biomedical research conducted at the Nation's largest medical center, the Texas Medical Center in Houston, and from industrial and electric power generators in our State. I appreciate the concerns raised by the opponents, but the fact remains that something must be done about this waste.

I believe it is better for Texans and, in particular, the Texas Legislature to determine where to store such waste and whose to accept. Without this legislation, Texas would lose control over both the interstate and intrastate transfer of low-level radioactive waste, and I believe that would be far worse for our State's citizens.

Currently, my citizens live with the incineration of hazardous waste in their neighborhoods, and the EPA wants to increase the capacity of this incineration by importing PCB's from around the world. Without this compact, Texas could find itself in the same position as it relates to low-level radioactive waste, as the private sector seeks to import it from all over the Nation, rather than limiting the transfer to Maine and Vermont.

H.R. 629 should be passed without amendments because Texas, Maine, and Vermont spent years negotiating mutually acceptable terms of this agreement. Subsequently the legislatures and Governors of all three States approved identical compact legislation. Any amendments would require the three States to begin efforts anew.

I urge my colleagues to support this important piece of legislation.

Mr. BONILLA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I stand today here in opposition to H.R. 629. I simply cannot understand why we talk about various Governors of States, the State of Texas, its legislature, really underscoring and underlining and accepting what I seem to believe could be opening the door to further dumping. I am not sure I understand this limiting.

First of all, I think H.R. 629 violates a 1983 La Paz agreement between Mexico and the United States wherein they are prohibited both Governments from dumping 60 miles from the border. As we see this map here, this waste material, radioactive, is going to come all the way from Maine across Vermont, New Hampshire, down to Massachusetts, to New York, Pennsylvania, Maryland, West Virginia, Virginia, and all the way across down to Tennessee through Arkansas, through the State of Texas, and then finally settle down here in Sierra Blanca, radioactive material in the vicinity of a population numbered at some 700,000 people 20 miles from the border, from the river. This is against that treaty, Mr. Chairman. I do not see the sanity in opening up this kind of door for Texas.

I am not from Texas, I come from California. But we have had the same problems there. Our State is replete with the sight of waste dumps, toxic landfills, incinerators, you name it, in those communities of less resistance. Who are those communities? Usually the communities where minorities live, usually the east side of town, the other side of the tracks. That is what we talk about when we say environmental justice. We need environmental justice. I think this is environmental injustice. If Texas allows itself to open up the door to this kind of prevalent danger, I do not understand the facts here.

Why was this legislation defeated in the last session of Congress, the 104th Congress? I think I understand why the 104th Congress defeated this kind of measure. It is implicit, Mr. Chairman, as to the dangers, to the consequences of this.

Supporters of this bill want to dump radioactive waste on a community that is primarily minorities, again, here on the border, as if we do not have enough problems already on the border, on the river, with the kind of maquiladora dumping on the river, infesting all the way down to Brownsville.

Mr. Chairman, we do not need this kind of legislation. I urge my colleagues here to defeat it today very soundly, just like the 104th session of Congress did.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, I rise in strong support of H.R. 629. Mr. Chairman, the Low-Level Radioactive Waste Policy Act and its 1985 amendments make commercial low-level radioactive waste disposal a State and not a Federal responsibility.

As we have heard, all that Texas and Maine and Vermont are asking for today is to be treated as 9 other compacts were treated affecting 41 States. This is not new business. We have done it 9 times, 41 States, and Texas, Maine, and Vermont ask us to do it today.

Mr. Chairman, let me touch for a moment upon the environmental aspects of this issue. Let me address it from the perspective of someone who is an opponent of nuclear power, who opposes the construction of power plants and, if he had his way, would shut down the existing nuclear power plants as quickly and as safely as we could.

One of the reasons that many of us oppose nuclear power plants is that when this technology was developed, there was not a lot of thought given as to how we dispose of the nuclear waste. Neither the industry nor the Government, in my view, did the right thing by allowing the construction of the plants and not figuring out how we get rid of the waste.

But the issue we are debating here today is not that issue. The reality, as others have already pointed out, is that the waste is here. We cannot wish it away. It exists in power plants in Maine and Vermont, it exists in hospitals, it is here.

The gentleman from Texas [Mr. REYES] a few moments ago said, "Who wants radioactive waste in their district?" I guess he is right. But do Members know what, by going forward with the nuclear power industry, that is what we have. So the real environmental issue here is not to wish it away, but to make the judgment, the important environmental judgment, as to what is the safest way of disposing of the nuclear waste that has been created. That is the environmental challenge that we face.

The strong environmental position should not be and cannot be to do nothing, and to put our heads in the sand and pretend that the problem does not exist. It would be nice if Texas had no low-level radioactive waste, or Vermont or Maine or any other State. That would be great. That is not the reality. The environmental challenge now is, given the reality that low-level radioactive waste exists, what is the safest way of disposing of that waste.

Leaving the radioactive waste at the site where it was produced, despite the fact that that site may be extremely unsafe in terms of long-term isolation of the waste and was never intended to be a long-term depository of low-level waste, is horrendous environmental policy. What sense is it to say that you have to keep the waste where it is now, even though that might be very environmentally damaging? That does not make any sense at all.

No reputable scientist or environmentalist believes that the geology of Vermont or Maine would be a good place for this waste. In the humid climate of Vermont and Maine, it is more likely that groundwater will come in contact with that waste and carry off radioactive elements to the accessible environment.

There is widespread scientific evidence to suggest, on the other hand, that locations in Texas, some of which receive less than 12 inches of rainfall a year, a region where the groundwater table is more than 700 feet below the surface, is a far better location for this waste.

This is not a political assertion, it is a geological and environmental reality. Furthermore, even if this compact is not approved, it is likely that Texas, which has a great deal of low-level radioactive waste, and we should make the point that 80 percent of the waste is coming from Texas, 10 percent from Vermont, 10 percent from Maine, the reality is that Texas will go forward with or without this compact in building a facility to dispose of their low-level radioactive waste.

If they do not have the compact, which gives them the legal right to deny low-level radioactive waste from coming from anyplace else in the country, it seems to me they will be in worse environmental shape than they are right now. Right now, with the compact, they can deal with the constitutional issue of limiting the kinds of waste they get.

From an environmental point of view, I urge strong support for this legislation.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 4 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to begin by asking for a colloquy with the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I am glad to engage in another quality colloquy.

Mr. ALLEN. Mr. Chairman, if the gentleman from Texas [Mr. BARTON] can clarify one further point, it is my understanding that if the State of Maine suffers negative economic consequences owing to the circumstances of early closure of Maine Yankee, the Governors have agreed that the commission will use all good faith efforts to enable Maine to have such damages mitigated.

Mr. BARTON of Texas. Mr. Chairman, it is my understanding that the Governors of the gentleman's State and my State and Vermont have agreed that all reasonable good faith efforts would be executed by the State of Texas and the commission, if any such damages occur, to assist Maine in achieving such mitigation.

Mr. ALLEN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I want to say a couple of things. First of all, there is broad support within the State of Maine for this particular compact. In our State, not only has the Governor supported it, supported the compact and does support it; not only has it passed the State legislature; but it has passed a statewide referendum. People in Maine support this particular compact, even though, of course, as always, there is some opposition.

Mr. Chairman, we have been working for years to get to this particular point. Several speakers before me have mentioned Maine Yankee. Maine Yankee is in an unusual circumstance. Just recently, Maine Yankee closed down 10 years ahead of schedule. The President of Maine Yankee would not be doing his job if he did not look at the economic consequences and say, there may be some risks here that we did not anticipate.

There were some risks. The most important risk was this. What if the Texas facility is not built and not on line and not ready for Maine's decommissioning waste of Maine Yankee, and yet we cannot send it to Barnwell, SC, which is the only other site?

I believe, as a result of conversations with the Governor's office and with Maine Yankee and others over the last few days, that that risk is mitigated, and it is mitigated in particular by the undertaking of the Governors of the three States to work in good faith to solve those particular problems if and when they arise.

□ 1530

So I believe, I am convinced, that now the costs of this compact are in line with the costs of disposal of this waste in Barnwell, SC.

Let me say this. The gentleman from Vermont early on said there are two

issues here. One is process. This has the broad support of people in Texas, Vermont, and Maine. But second, it makes good environmental policy. This is good environmental sense.

We cannot wish away low-level radioactive waste. It has to go somewhere. If it does not go somewhere and if it is not stored in a safe, secure site, then it is going to be distributed all over this country.

As a country, as we think about how we deal with low-level radioactive waste, and this is low-level, this is not spent nuclear fuel rods, this is low-level waste, we need to figure out how to dispose of it. We need to look for places where the geology is right, where the hydrology is right, where the population is sparse.

And although I am not involved in the choice of a particular site in Texas, I know that Maine has hydrological and geological problems that would make it a problem in our State.

It is vital as we go forward that there not be one site at Barnwell, SC, to deposit low-level radioactive waste. We need to have two. It makes good economic sense, and it makes good, sound environmental policy.

So I would close simply by saying that I urge all of my colleagues to support this bill. It makes sense for people in Maine, Vermont, and Texas, and around the country.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I would like to point out that this property is State-owned property. We had a big discussion about that when I was in the State legislature. I know that the gentleman from Texas [Mr. GREEN] remembers that. And it was picked because of its location and because it was State-owned.

Mr. Chairman, after 30 years, 85 percent of the waste is nonradioactive. That is what we are talking about. We are talking about low-level waste. We are not talking about high-level waste.

The specific site is limited to 30 years, this place. And I would say to the gentleman from Texas [Mr. REYES] that at that location it takes 20,000 to 40,000 years for anything to seep down to the Rio Grande.

Also, I would ask the question about my colleague from California who has a compact but does not want this one. His State has got a compact with North Dakota, South Dakota, and Arizona. The gentleman had a big, long line that said transportation is a big problem. Guess what? California has not gotten their site ready yet, so where are they sending their waste? South Carolina, all the way across the country. If transportation is a problem, then California has got it.

Mr. Chairman, I would tell my colleagues, transportation is not a problem. Transportation has an excellent safety record for transportation of commercial low-level waste. During the last 20 years, there have only been four minor accidents and never been a radiologically related injury or death associated with a transportation accident of such waste.

For the past 20 years, they have been transporting this waste to South Carolina. Licensing, inspection, and enforcement regulations from the Federal Government ensure that transportation requirements are met. All waste coming into Texas is going to be dry, solid form, and they are going to have a tracking system to track the waste from the source of generation through disposal, accounting accurately for each part of it.

So I would suggest to the gentleman from Texas [Mr. DOGGETT], if he does not want Texas to have a compact, then any State can ship waste to Texas.

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

Mr. Chairman, years ago when the country first started learning about toxic waste, nuclear waste, radioactive waste, there were jokes that kind of circulated around the country that if one visited a nuclear plant or grew up in an area like Three Mile Island, people would chuckle and say, "Do you glow in the dark?"

Mr. Chairman, I can assure my colleagues that while that was a joke in some other communities, this is no laughing matter for the constituents that I represent in west Texas. Imagine, just because they happen to live in a rural area, why would they have any less right to having a safe environment than somebody who grew up in downtown New York? Just because they chose a quiet area where they want to get away from all of that other stuff, and suddenly they wake up one day and the school bus that their kid is riding in down the highway passes a nuclear waste dump site, and they suddenly wonder every day if their child going to become infected or contaminated by some of the waste going through the system and through the water supplies possibly if something goes wrong. There is a possibility.

The gentleman from Texas [Mr. BARTON] points out that there has never been an earthquake in this area. But there have been tremors. There has been movement in the ground that makes the residents out there shake in their boots at the prospect that something might happen.

Mr. Chairman, I ask my colleagues to put themselves in their shoes. Imagine if they were sending their child to school every day wondering, "Did I make the right decision in settling in this area?"

Would they ever think the day would come as an American that their constitutional rights to be heard about something that is going to be built in their backyard might be violated and they would not, as an American, have any say as to whether or not this dump was going to be constructed in their very own backyard?

Mr. Chairman, I have got at least 12 county commissioners, courts, local governments, who have written me and spoken to me very strongly about their opposition to this dump being created in their backyard, people like county judge Jake Brisbin in Presidio and former mayor Alfredo Gutierrez in Del Rio who were concerned about this issue.

People talk about the La Paz agreement with Mexico. Sometimes we think that we hold the upper hand with our neighbors to the south on environmental issues. But the thing we have to ask ourselves is when the Speaker of the House, as he has in the right way, sat down with the President of Mexico and said, "Do not build those Carbon 1 and Carbon 2 burning plants near the border because they will pollute our air. Why don't you put scrubbers on the facility?" And the Mexican Government will not do it. And now, in turn, they are asking us not to build a low-level radioactive waste site nearing the Mexican border because it could threaten their country as well.

Mr. Chairman, we have to learn to coexist along the border and comply with the La Paz agreement so that we do not have threats that exist to people on either side of the border.

For those of my colleagues who think that this compact affects only Texas, Maine, and Vermont, I have a map. The gentleman from California [Mr. TORRES] pointed out one route that the waste could take coming down here. But whether it takes a route that the gentleman pointed out that comes through the middle of the country, or whether it took a detour and went through Chicago, maybe Iowa or Nebraska or another detour throughout the South like Georgia, Alabama, Mississippi, there are many different superhighways that exist in this area, and this stuff could be coming through the neighborhoods of my colleagues.

One of my friends pointed out earlier as well that there may be only 20 percent of this radioactive waste which is, in fact, radioactive. Mr. Chairman, I would ask my colleagues, if they had to drink the water in their house and they knew that only 20 percent of the liquid in that glass was radioactive, would they drink it? Is that not enough to scare them to death about how this could affect the future of the children growing up in their community?

I ask all of my colleagues, when they think about all those funny things that were said over the years about glowing in the dark, it is not just the people in Texas who are going to be suffering from this. If my colleagues live in any of these States enroute here in moving

that waste though the country and down to west Texas, they have to ask themselves the same question.

If there is a truck accident or train accident or something happens along the way and suddenly just 20 percent of that load spills in their community, what are they going to say to their people when they have to come back and explain to them, "Yes, I approved that radioactive facility down in Texas, but I never thought the stuff would be coming through my town?"

Well, Mr. Chairman, how about if it does? What are my colleagues going to say when there is an accident? This is not just a case of my people glowing in the dark in the future if there is an accident. I ask Members to think about it. It could be their people, too.

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

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Chairman, let me briefly respond to the gentleman from Texas [Mr. BONILLA] in talking about glowing in the dark. I think that is raising questions that really are not the issue, because right now in our hospitals, in portable buildings in our hospitals, in the ceilings of our hospital, they are storing that.

So, it is not as the gentleman is trying to allege, that this is glowing in the dark. We are talking about low-level waste that is already being stored in urban areas, not in safe, contained areas like is contemplated for west Texas.

Mr. Chairman, let me talk about the transportation issue. There is more dangerous cargo now on Interstate 10 that goes through the gentleman's district, and not too far, than ever will be considered in low-level waste. There are more volatile chemicals flowing down Interstate 10 from El Paso to San Antonio than will ever be in there.

Mr. Chairman, let me address the La Paz issue a little bit. Let me quote from Reuters News. Alejandro Calvillo, an officer of Greenpeace Mexico, is quoted as saying that, "Mexico's National Water Commission and Nuclear Safeguard Commission recently concluded that the dump posed no health hazard for Mexico." That was Reuters, September 5, 1996.

Mr. Chairman, another quote regarding the La Paz agreement. The Texas facility promotes another purpose of the La Paz agreement to "prevent, reduce and eliminate sources of pollution" because it is properly engineered and environmentally sound.

Mr. Chairman, that is why this provision is a good place to do it. The Federal Government, Congress, allowed in 1985 for the interstate compact. Texas, Maine, and Vermont agreed to do it. The legislature in Texas, and I know because I served there up until 1991, agreed to this compact. In 1993, they agreed, after a great deal of studies, to have the siting.

The gentleman from Texas [Mr. BONILLA] talked about all those local elected officials that are contacting him. Maybe they ought to call their State representatives and senators and the Governor's office, because those are the people who made that decision to go to his county. We always believe that decisions are made best that are made locally. This was a local decision and not on the floor of this Congress.

Mr. Chairman, that is why it is important. If we do not pass this bill and that site opens, the constituents of the gentleman out there will have waste from all over the country coming to this site. Maybe instead of the gentleman from California [Mr. TORRES] shipping his wastes from California to South Carolina, perhaps they will be able to stop halfway and leave it in the gentleman's district in west Texas. I am sure they will be able to make a deal with them.

That is what is so important about this bill. It allows a compact for a number of States to participate and allows Texas to say, we are the biggest State in the compact, we have to have a place to put our low-level waste that we are now warehousing on site.

Mr. Chairman, we need to pass this bill, H.R. 629, today to make sure we can do that. That is why I urge an "aye" vote for this bill.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank all my colleagues for their input here. We are along toward the end of a long, hard trail, and a lot of these arguments that are being made are good arguments. I can understand them and understand where they are coming from. They are less legal arguments than they are emotional arguments.

I even respect these Members who have come to the aid of a colleague. I respect the gentleman from Texas [Mr. BONILLA], who has done a good job with this situation in that he came in late. When this first transpired, the gentleman was not the Congressman from that area. He has done a good job since becoming their Congressman and representing them and setting his best foot forward.

□ 1545

All of this is late. Most of this happened before the gentleman from Texas [Mr. BONILLA] got to be the Congressman for the area that they have designated. These arguments should have been made before the TNRCC and before all the community hearings. They should have been made before the town hall meetings. Even the recent colloquy between the Governors that gave the option for input from people who had an interest, there has been all the input in the world into this. There has been opportunity for everyone to be heard. I think everyone has been heard from the three States today.

I think this low-level radioactive waste policy act is a very good example of State and Federal cooperation. This compact fulfills the Congress' side of the bargain. This is just the part we have to do. The States have already done their part. Other States have their compacts. I think 40 other States have them. In 1980 and again in 1985, Congress enacted legislation that set up a program under which States would have primary responsibility and primary control over the disposal of low-level radioactive waste. This is what the States wanted. This is what they asked for. This is what they were entitled to.

It makes sense because so many important local activities depend on having safe and ready disposal of low-level waste. While this issue is often discussed in terms of utilities' needs for disposal facilities, let me tell my colleagues, it also concerns hospitals, university research programs. It concerns industries across the State of Texas and across this Nation, industries that spawn jobs, and jobs spawn dignity; industry and jobs in the area where this site is, where substantial amounts have been spent.

Mr. Chairman, I urge my colleagues to pass this. I will not pretend that finding the site has been easy or is easy or that all the questions about how to build the right facility are known. These are questions that have to be resolved in the course of obtaining a license to operate the facility and cannot be settled by us.

The Texas compact meets the law's requirements. It is needed by the people of these three States. I strongly urge that we support it. We ought to encourage States to conform with Federal policy, which is exactly what Texas, Maine, and Vermont have done by entering into this compact. I urge Members' support of these States' actions by voting for H.R. 629.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. BARTON].

The CHAIRMAN. The gentleman from Texas [Mr. BARTON] is recognized for 8½ minutes.

Mr. BARTON of Texas. Mr. Chairman, we have heard quite a bit of emotion this afternoon on the floor about the issue generically of nuclear waste and specifically low-level nuclear waste. We have heard the concerns about transporting the waste. We have heard the concerns about storing the waste. We have heard the concerns about possibly seeing some of the waste get into the water table because of an earthquake.

Let us reverse that as we close the argument. We do not live in a zero risk environment. Every day thousands of

Americans are diagnosed with cancer. If we do not have a way to dispose of the radiation treatments that are used to treat colon cancer, they are not going to be treated and those people are going to die. If we do not have a way to diagnose if somebody has some sort of a defect that is treated by diagnostic piece of equipment like an x ray or radionuclide that they put into the bloodstream, those people will not know that they have that medical disability and they, too, will develop the disease and they will die.

The fact of the matter is that we need disposal sites for low-level radioactive nuclear waste. That is a fact. We want to protect human life. We want to do everything we can to give people a quality of human life. Forty-one States currently have developed compacts with other States. Three States today want the same right that those 41 other States have today, Vermont, Texas, and Maine.

If we want to talk about the transportation problem, almost all of the waste that is going to be stored in Texas is going to be generated in Texas. Less than 50 truckloads a year, less than 1 per week, is going to be transshipped from Maine or Vermont. As the gentleman from Texas, [Mr. SAM JOHNSON] pointed out, in the almost 30 years that we have tracked the transportation of low-level nuclear waste around this country, there have only been four accidents, only four accidents, and there has not been one reported injury from those four accidents. That is an important issue but it is in no way a determinative issue.

We simply need to accept the reality that States under the law and under the Constitution have the right to enter into a compact. This particular compact is between Texas, Vermont, and Maine. The Governors have supported it on a bipartisan basis, the legislatures of all three States have supported it on a bipartisan basis, and we should support it on a bipartisan basis.

When we come to the rollcall vote in the next 5 minutes, vote "yes." The concerns that have been expressed by the gentleman from Texas [Mr. BONILLA], who represents the district, which are very valid concerns, can be addressed if they need to be addressed between the Texas Legislature and the executive branch, the Texas Natural Resource Commission that has responsibility for regulating environmental issues in the State of Texas.

There are some issues that need to be addressed. This is not the time and this is not the place. Vote "yes" on the compact. Give our States the same right that 41 other States have under the law today. I compliment the distinguished chairman of the subcommittee and compliment him for his leadership on this issue.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I will just remind the committee that this, after study, passed not only the subcommittee but the full committee by unanimous vote, voice vote, and I would ask support of the bill.

Mr. ARCHER. Mr. Chairman, I rise in strong support of the low-level radioactive waste compact between the States of Texas, Maine, and Vermont. The compact makes sense from both an economic and an environmental perspective. This country needs to adopt responsible policies for the safe and effective disposal of waste; this compact is a step in that direction, as the 3 States have fulfilled the mandate of Congress.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each State "responsible for providing, either by itself or in cooperation with other States," for disposal of its own commercial low-level radioactive waste. In compliance with this Federal legislation, the States of Texas, Maine, and Vermont have arranged to manage their waste through the terms of the Texas compact. This compact passed the legislatures of the States involved and is supported by Governors Bush of Texas, Dean of Vermont, and King of Maine. It also has the support of our own Commerce Committee which passed this bill out of committee unanimously. Texas, Maine, and Vermont have complied with all Federal and State laws and regulations in forming this compact. For the Congress to deny ratification of the Texas compact would be a serious breach of States rights and a rejection of Congress' previous mandate to the States.

Opponents of the compact object to the proposed site of the disposal facility in Hudspeth County. The bill before us, however, does not designate a site. A vote for H.R. 629 is neither a vote to endorse nor oppose the proposed site in Texas. Federal legislation leaves the siting of a facility to State governments and should be resolved during the formal licensing proceedings. Currently, the Texas Natural Resources Conservation Commission is conducting the appropriate public hearings.

Mr. Chairman, Congress should not stifle the responsible efforts of these three States by rejecting a course of action Congress encouraged in the first place. I urge my colleagues to vote to supply the member States of the Texas Compact with the same protections we have already given 42 States in the nine previously approved compacts. Vote "yes" on H.R. 629.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer thoughts on H.R. 629, the Texas low-level radioactive waste disposal compact. This agreement will allow the States of Texas, Maine, and Vermont to enter into an agreement to dispose of low-level radioactive waste produced in their States.

The congressional consideration of this bill will allow a contractual agreement to be developed by Texas, Maine, and Vermont for the cooperative resolution of the problem of disposing of low-level radioactive waste.

The Commerce clause found in article I, section 8, clause 3 of the U.S. Constitution provides that Congress—not the States—has the power to regulate commerce among States. This clause has been interpreted by the courts to restrict a State's ability to regulate in a manner that would impermissible burden or discriminate against interstate commerce.

Under this law, without the compact's protection, the site if opened in Texas would be forced to take low-level radioactive waste from all 50 States.

Through legislative action in 1980 and 1985, the Congress encouraged States to form compacts to provide for new low-level radioactive waste disposal. Since 1985, 9 interstate low-level radioactive waste compacts have been approved by Congress, encompassing 41 States.

All radioactive materials lose radioactivity at predictable rates. Therefore, agreements are necessary for the proper disposal and storage of low-level radioactive waste until it reaches harmless levels at the end of 100 years.

This compact would not designate a particular site, but only the agreement among the participating States for the development of low-level radioactive facility.

My position on any site location, which I have expressed in the past, is that public hearings must, and should be, part of the process in order to give concerned citizens an opportunity to express their views on the site.

Before any final decision of location is made these hearings should allow for proper comment and evaluation of those comments to take place. It is my understanding that the Texas State planners are committed to as public a process as possible.

The Texas compact specifies that commercial low-level radioactive waste generated in the party States of Texas, Maine, and Vermont will be accepted at the Texas Low-Level Radioactive Waste Disposal Facility. Low-level radioactive waste is defined the same way as the Low-Level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240.

Commerce low-level radioactive waste typically consists of wastes from operations and decommissioning of nuclear power plants, hospitals, research laboratories, industries, and universities. Typical low-level radioactive waste is trashlike materials consisting of metals, paper, plastics, and construction materials that are contaminated with low-levels of radioactive materials.

A compact is a serious matter, and a compact regarding the disposal or storage of low-level radioactive waste is extremely important. This compact will be managed by the participating States and especially by the State of Texas with the greatest care and professionalism possible.

I urge my colleagues to support this compact.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill will be considered under the 5-minute rule by section, and each section shall be considered as having been read.

During consideration of the bill for amendment, the Chair will accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been 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 proposed question that immediately follows another vote, provided the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I ask unanimous consent that the bill 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 Colorado?

There was no objection.

The text of H.R. 629 is as follows:

H.R. 629

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 "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

SEC. 2. CONGRESSIONAL FINDING.

The Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress is given to the States of Texas, Maine, and Vermont to enter into the Texas Low-Level Radioactive Waste Disposal Compact. Such compact is substantially as follows:

"TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

"ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

"ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

"(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

"ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

"(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

"(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

"(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

"(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

"SEC. 3.05. The commission may:

"(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

"(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes).

"(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

"(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

"(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

"(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

"SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

"ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

"SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

"SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

"SEC. 4.04. The host state shall do the following:

"(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

"(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

"(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

"(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

"(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

"(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

"(7) Promptly notify the other party states of any legal action involving the facility.

"(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

"SEC. 4.05. Each party state shall do the following:

"(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste from specifications of the host state.

"(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

"(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

"(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

"(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

"(8) Provide on a regular basis to the commission and host state—

"(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

"(B) proposed transportation methods and routes; and

"(C) proposed shipment schedules.

"(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

"SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

"ARTICLE V. PARTY STATE CONTRIBUTIONS

"SEC. 5.01. Each party state, except the host state, shall contribute a total of $25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state $12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional $12.5 million.

"SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

"ARTICLE VI. PROHIBITED ACTS AND PENALTIES

"SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

"SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

"SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

"ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

"SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

"SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

"SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

"SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

"SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

"SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

"SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

"(1) Texas and the other ratifying state are the initial party states.

"(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

"(3) Each party state is responsible for its pro-rata share of the commission's expenses.

"SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

"ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

"SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

"SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

"SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

"SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

"SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be

held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.".

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. DOGGETT

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

The Clerk read as follows:

Amendment offered by Mr. DOGGETT: Page 2, line 17, strike out "and", in line 20, strike out the period and insert "; and", and after line 20 insert the following:

(4) is granted only for so long as no low-level radioactive waste is brought into Texas from any State other than Maine or Vermont.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Colorado [Mr. DAN SCHAEFER] reserves a point of order against the amendment.

Mr. DOGGETT. Mr. Chairman, this is a very straightforward amendment. As the Clerk's reading just indicated, it is designed, though I still have reservations about this compact, to implement the intent, indeed the very words of my colleague, the gentleman from Texas [Mr. BARTON], and my colleague, the gentleman from Texas [Mr. BENTSEN], who spoke earlier and said that the whole purpose of this agreement was to provide our State added protection against other States coming in and dumping their waste. So this amendment just says very straightforward, in a single phrase, that we are granting our approval of this compact only so long as the radioactive waste that is brought into Texas does not come from any other State other than the two that are the current signatories, Maine and Vermont. I am sure it is acceptable to the sponsor of the bill, and I would yield to the gentleman, and I will continue further if it is agreeable.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I am tempted to accept it. The problem is, under the compact we give the States the right to negotiate the compact. Without checking with the Governors and the Texas legislature, of which the gentleman is a former member, I would not want to preclude them, although to my knowledge they have no negotiations to expand it. I would not want to accept it without giving the States the right to take a look at it. So I would have to have reluctantly oppose it.

Mr. DOGGETT. Mr. Chairman, reclaiming my time, I guess this really points out the entire problem with this compact. The States, the State of Texas has said this compact is designed to protect our citizens. Members of this body like the gentleman from Texas [Mr. BARTON] and other colleagues from Texas and other parts of the country have come forward today and they have said this will protect Texas, added protection for our State. Yet when push comes to shove, they are eager and willing to let an unelected group of commissioners, as this compact provides in subsection 6 of section 3.05, that group of unelected commissioners who will not, I would say to the gentleman from Texas, ever have to go back to the Governor or to the legislature and certainly not to this Congress, to allow waste from any place they want to be dumped in Texas.

That is exactly what all this is about. It is not about Texas and Vermont and Maine. That is the foot in the door. That is where they begin. If we look at this bill, Mr. Chairman, we will find in the definitions of this compact, where they define the term "party States," they say Texas, Maine and Vermont are, and here is the critical word, the "initial" party States under this compact. They are just getting started. They are the "initial parties." They are the beginning. But eventually waste from all of those States will pour right into west Texas.

Now, it is true that in the State of Texas we have a pretty big idea about what our State is about. Really big. In fact we can still find Texans that think that Colorado is part of north Texas. In fact when Texas won its independence in 1836, part of Colorado was part of north Texas. But I have yet to come across any braggart in Texas who thinks that Maine and Vermont are a part of our region.

When this Congress passed in 1986, the Low-Level Radioactive Waste Policy Act, it contemplated and envisioned regional compacts. One of the reasons, one of the several reasons for that was to avoid the dangers of transporting things from one end of the country to the other end of the country. The region that is defined in this bill are the States of Texas, Vermont, and Maine. If they can be part of the region of Texas, then any State can be part of the region of Texas.

The low level radioactive waste as it is referred to, may be called, just as this is called the Texas-Maine-Vermont compact, it may be called low-level radioactive waste, but I guarantee my colleagues they would not want any of it in their backyard. This stuff is going to be around for long after any Member of this body. For hundreds of thousands of years some of this low-level radioactive waste will be hazardous to humans. And who knows how to protect and contain that waste over that period of time?

So we would be well advised to limit, if that is the purpose of this compact, to limit this compact to those States and not, as the gentleman from Texas [Mr. BARTON] has suggested, leave it to the unelected commissioners. At least require the people's House, the people's representatives and the Senate of the United States, to approve the addition of any other States to this compact.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DOGGETT] has expired.

Mr. DOGGETT. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BARTON of Texas. Reserving the right to object, Mr. Chairman, if we grant unanimous consent for this 5 minutes, is it the only additional 5 minutes the gentleman from Austin is going to request?

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

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. DOGGETT. On this amendment, Mr. Chairman.

Mr. BARTON of Texas. Mr. Chairman, I withdraw my reservation of objection at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

□ 1600

Mr. DOGGETT. Mr. Chairman, there has been some discussion about this site where the waste from Vermont and Maine would come to Texas, and the suggestion that people in Sierra Blanca would be protected in the event that this particular compact is ratified.

I would draw the attention of my colleagues to this particular chart, all these little red squiggly lines were real squiggly at one time. They were squiggly when the Earth shook and when the Earth trembled. In fact, in April 1995, during the very time that this compact was being considered here

the last time it was beat, within about 100 miles of where this site is located there was an earthquake that hit 5.6 on the Richter scale. That is enough to let us shake, rattle, and roll.

In addition to the earthquake problem, there is the question of the floodplain. All this blue area around Sierra Blanca is a 100-year floodplain. It is even more visible on certain other charts. The fact is that it is not only near the Rio Grande River but it is near Graten Lake that is near the 100-year floodplain, that these flood waters from that 100-year floodplain within a mile of this site will be flowing into the Rio Grande River.

We are not, therefore, just talking about the poor people of Sierra Blanca, we are talking about people all up and down the Rio Grande River who draw their water from the Rio Grande River that risk danger from having this dump placed where it is. That is one of the reasons, that this dump was initially rejected by the Texas Waste Disposal Authority. They turned to this dump only because it later proved to be the most politically palatable.

So I would say to my colleagues that the best way to assure the protection that the authors say they want, protection that will extend not just this year but for a long time into the future, is to write it into law, just as with all the other provisions of this compact, to write into law that there is a guarantee that no waste will be coming from New York or from Massachusetts or from any of the other States around the country, 41 of whom we are told this afternoon are so happy they would not possibly think of coming to Sierra Blanca. Let us leave them in their happiness and leave the people of Sierra Blanca with the mere waste of Texas and Vermont and Maine and not extend it to all of these other States around the country.

There are many people who cannot be here today to have their say on this compact. One of them is a woman from the region whose name is Lourdes Perez. She has written a very moving song in Spanish, "El Nino de Sierra Blanca." It does an injustice to the beauty of her writing to quote from it, but to take only a few lines I would read in English the translation:

> For the moment it seems that it's a done deal. I say that this is infuriating; that the Earth is going to swallow this poison in her guts. I say that this is an insult to contemplate suffering from a comfortable distance for a legacy, a trash dump, they want to leave for the children.

I think that says it all. At least make it a little trash dump of three States, not a giant trash dump that includes the garbage and makes Texas the pay toilet for the country of nuclear radioactive waste, 90 percent of which will be coming into that pay toilet from nuclear powerplants, not gloves or medical waste, much of which has a very short life. Ninety percent of it is going to come from nuclear powerplants, and an infinitesimally small portion of the total waste that will be pouring in even from these three States will come from academic or medical purposes.

To suggest that there is something at stake for people if we do not establish this dump site is really to misanalyze the issue. So I ask my colleagues to join with me today in approving this amendment so that the authors who have come forward get exactly what they say they wanted, that only these three States are in this compact and not one more to it.

The CHAIRMAN. Does the gentleman from Colorado [Mr. DAN SCHAEFER] insist on his point of order?

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I withdraw my point of order.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

I wish to engage in a colloquy, if I could, with the author of the amendment, if the gentleman from Texas [Mr. DOGGETT] would care to answer some questions.

Has the gentleman shown this amendment to the Governor's office or to the lieutenant Governor's office or to the speaker's office in Texas?

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

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. DOGGETT. The answer is I thought their intent was reflected in the compact. When we read section 6, they say they want to be open to everyone.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the question is, before it came on the floor, had the gentleman checked this amendment with any official of the Texas Legislature or the Governor?

Mr. DOGGETT. If the gentleman will continue to yield, I would say no, that while I have great respect for Governor Bush, I do not ordinarily check my Legislation with him.

Mr. BARTON of Texas. Mr. Chairman, I personally have no problem with the intent of the amendment.

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

Mr. BARTON of Texas. I yield to the gentleman from San Antonio.

Mr. RODRIGUEZ. Mr. Chairman, I was just going to clarify part of the gentleman's question. The current Governor was not there. That was Governor Ann Richards. The present Governor was not there, although I was there in the Texas House and I had the opportunity to be there. And one of the arguments that they utilized was the fact that most of the waste was just going to be coming from those three States.

And I know that a lot of them were very favorable because of that, and that it was going to restrict any other States from coming down. That is why some individuals, despite the fact that they were against it, decided to support it.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, I thank the gentleman for that clarification. My point is, I have no problem with the intent of the amendment. The intent, I think, is honorable, to restrict the waste to the States of Texas, Vermont, and Maine.

The problem is twofold: No. 1, it has not been checked with the State of Texas, and it should have been. No. 2, if any amendment is accepted, then the State Legislatures and the Governors of the three States have to go back and renegotiate the entire agreement.

So while the amendment is well-intended on its face, it in fact is a killer amendment. I know of no negotiations by any agency in the State of Texas, and I am not as familiar with the States of Vermont and Maine, to expand the compact. I would point out that 41 other States already have compacts. If we ratify this amendment, we will have 44 States that have compacts, so we will only have 6 States remaining, one of those, South Carolina, has the national depository now.

So again, while it is well-intentioned, I think this amendment would be a killer amendment. If in fact the gentleman wishes to pursue it, I would be happy to pursue it with him, with the appropriate officials in the three appropriate States, but I could not accept it at this point in time and would hope the House would vote against it if it comes to a vote.

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

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. DOGGETT. The gentleman is aware that in the bill there are conditions to the consent of this compact by the Congress, and those current conditions have not required renegotiation. What is it that makes the gentleman think that if this Congress approves the compact 100 percent, but says that it is limited to the three States that negotiated it, that that would require any renegotiation?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, it might be a simple reratification, but both committee staff and professional staff have advised me that this would require a renegotiation.

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

Mr. BARTON of Texas. I yield to the gentleman from San Antonio.

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

I indicated to the gentleman that I was also in the Texas House when this occurred. It is my understanding this would be appropriate for us. We have the right to dictate whether this

should exist or not exist, and we should have a right to limit which States should be able to participate. So I do not see a problem in terms of accepting this amendment.

In fact, I think it would be a good amendment. If the gentleman wanted this to go forward, this can be the language that might be able to allow it to continue to go forward. I think a lot of us in the Texas house, we did have some concerns with it.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, again, my argument is not against the intent of the amendment. It is the fact it has been brought up with no consultation with the State of Texas; and according to the professional staff and committee staff, if we accept the amendment we have to renegotiate the agreement.

We have been negotiating this agreement for 5 years. It is time to pass it, send it to the Senate, send it to the President; then, if we want to do things like that, work with the States of Texas, Vermont, and Maine and we will do it.

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

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. GREEN. Mr. Chairman, I know the concern of my colleague who formerly served in the Texas House. Maybe the Texas House should have revisited that, but that is not the issue on the floor today of this House. We have 41 States that have compacts. No other of those 41 States have this provision in their compact. So for us to have protection in Texas, we need to pass this bill without the amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTON] has expired.

(By unanimous consent, Mr. BARTON of Texas was allowed to proceed for 1 additional minute.)

Mr. GREEN. If the gentleman will continue to yield, again, 41 States already. If we pass this bill today intact it will be 44 States that will have compacts. None of the other 41 States have this amendment.

If people are opposing the bill, then they can oppose it, but this is a killer amendment because it will take it and actually eliminate the ability of a compact between Texas, Maine, and Vermont.

The compact commission, three-fourths of the members of that compact commission, my colleague from Austin talked about, are Texas members, and that is their decision. Again, the legislature can change that in Texas, but not on the floor of this Congress. We do not want to make the decisions for the State of Texas on the floor of this House. That should be made closest to the local folks.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, I would also say that the Texas Legislature does not meet again until January 1999.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Colorado, if I have any time left.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, one quick point. In nine previous compacts that we have approved in Congress, in nine of them, we have never altered the language that has been approved by the States, and I do not think we should be altering the language that has been approved by the States now.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just indicate, if I can give my colleagues an analogy, for those of us that live in neighborhoods that have yards, there is a tendency for us, when sometimes we have a broken lawnmower or trash, there is a tendency for us to put it at the far end of the yard, which sometimes is in the proximity that is even closer to our neighbors.

The same thing has happened in this situation. We have a situation where we assume that it is far away from all of us, but the proximity to Mexico is right there. Juarez is a population of over 2 million people. The Rio Grande is going to impact over 1,300 miles. The population in Texas that is impacted through the Rio Grande and the border region is over an additional 3 million people on this side of the border, not to mention the population on the other side.

So there is always a feeling that if I put it in the far end of my yard, I am not going to see it, but that is what is closer to our neighbors. And what we are doing to them is very inappropriate in terms of where we are putting this.

Not only in terms of the population that is there, I did not even mention the city of El Paso that has over 700,000 population. But one of the other things I wanted to mention to my colleagues is that if we look at Mexico in terms of their abuse, in terms of what is happening with the maquiladoras, we need to also look at ourselves in terms of the danger that we are putting all those individuals in. The proximity to the Rio Grande is so darn close, and also with the Pecos River that is by there, that it is putting in danger a large population.

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

Mr. RODRIGUEZ. I yield to the gentleman from Texas.

Mr. DOGGETT. Is the gentleman aware of the fact that the Governor of Chihuahua, Mexico, the State adjacent to this area, in 1995, the last time we beat this compact down, wrote Governor Bush and said, and I quote, "I express to you our great concern over the news we have received about the construction of a nuclear cemetery in Sierra Blanca." And it is a cemetery, and we just hope it is only the waste that is going to die there. "The confinement of radioactive material in that place endangers the health of the population due to the possible emissions of radioactivity into the air, soil and water, water table layers and surface water river beds."

So it is not only in this country, is it not, but in Mexico that there is grave concern; and are these not the same people to whom we turn when we are concerned about cleaning up air over Big Bend and the water along the Rio Grande that serves so much of Texas?

Mr. RODRIGUEZ. Mr. Chairman, reclaiming my time, the gentleman just hit on an area that is of key importance. Not only is the Governor of the State of Chihuahua against it, but the entire Government of Mexico has indicated that that violates some of the treaty agreements with this country. They are extremely concerned that we would choose as a country to put a nuclear site right next to the border of Mexico. That is very inappropriate.

As was also indicated earlier, there was some discussion what had happened in terms of an earthquake. Actually, there is a major fault, and there is some real concerns in terms of what has occurred in the last few years. There was an earthquake around the Alpine and west Texas area that was pretty dramatic. There was some damage that occurred in that area, and that can also be a great concern in terms of the whole area.

Now, the issue, and I can understand, when we say we are going to allow them to form a pact but we cannot dictate any aspects of it? I think we can. I think this amendment allows an opportunity for Vermont and Maine and Texas to participate. And I think that when people come to us with trade agreements, we want to be able to have an influence, do we not? Sure we do.

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

Mr. RODRIGUEZ. I yield to the gentleman from Texas.

□ 1615

Mr. DOGGETT. Is the gentleman aware that the Governor of Texas at the time, prior to Governor Bush back in 1993, was asked by the State of Connecticut to join this compact and that she wrote back, "After we are satisfied that the Texas disposal facility is operating safely and efficiently, and if we determine that accepting waste shipments from Connecticut would benefit Texas, we may open up discussions with you"?

So it has already been asked to have other States join in this compact. There are already offers to pay to dump their garbage in the pay toilet down in west Texas. And if we cannot, we expect other States to do likewise once this dump gets underway.

Mr. BALDACCI. Mr. Chairman, would the gentleman from Texas yield on that point?

Mr. DOGGETT. I would like the gentleman from Texas [Mr. RODRIGUEZ] to answer my question first.

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

Mr. DOGGETT. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I agree totally with the gentleman from Texas [Mr. DOGGETT].

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

If I am reading correctly from the bill, it says on page 9 they are already limiting the shipments from all non-host-party States, are already capped. It says on page 9 that it is already capped at 20 percent of the volume, it shall not exceed that in this legislation.

So while the gentleman from Texas (Mr. Doggett) may want to represent it as an unlimited involvement of many States into Texas, in fact, it is already capped at 20 percent and it cannot exceed that.

I, as a Representative from Maine, would be opposed to the amendment that the gentleman from Texas [Mr. DOGGETT] is offering because it upsets the legislation that has been put before us and that has been dealt with by the States of Maine, Vermont, and Texas. I would put that forward here to say that we do have this cap.

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

Mr. BALDACCI. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, if my colleague already has that cap, and he indicated there is a 20 percent, what would be the objection of just allowing those three States to participate?

I was going to indicate that there is already a cap. What would be the difference in terms of also agreeing to set the cap, and that was a cap of the understanding of the compact that there were three States to participate? What is wrong with allowing that cap in that amendment by the gentleman from Texas [Mr. DOGGETT] to be accepted if that is the case?

Mr. BALDACCI. Mr. Chairman, reclaiming my time, because in Maine, as already has been discussed, the Maine Yankee is closing and decommissioning but Maine is still going to apportion a cost to pay for its portion of this siting.

So Maine and Vermont and Texas are going to be in partnership, and Maine's share is going to be contributed, but Maine is not going to be reaching the volume because of an unexpected closing 10 years earlier of 97 percent of the low-level radioactive waste. So Maine is saying that it should be able to make sure that it utilizes that volume.

But there is a cap that exists that no more than 20 percent of the nonparties that host can participate that already has been capped. So we would have the utilization for what is being paid for, and there is still a cap that exists on the legislation.

I understand and appreciate the concerns that have been expressed by members in the community which closely reside in this particular area. But I really believe that this would be in Texas' best interest because it, by and far, would be the largest producer of not only low-level radioactive waste but high-level radioactive waste and, rather than opening itself up to all the States to have a compact that has a limit of nonparty States to it of up to 20 percent, allows for that cap to be adhered to.

So I think this would be something that would be good for Texas, it would be good for Maine and Vermont, and it would stay within the confines of this compact. But to amend this compact in any way, we have to remember that in the State of Maine this was ratified by the people. So it is not just the Governors and the legislature, but it has to go back before the people, and it would almost restart that whole entire process.

Mr. RODRIGUEZ. Mr. Chairman, if the gentleman from Maine [Mr. BALDACCI] will continue to yield, can he clarify that once more? That is 20 percent of the max that is distributed? So if another State goes up higher, then that percentage continues to expand, not the percentage, but the amount?

Mr. BALDACCI. Reclaiming my time, no. According to what I am reading, it says that the shipments of low-level radioactive waste from all non-host-party States shall not exceed 20 percent of the volume estimated to be disposed of by the host State during this 50-year period.

Mr. RODRIGUEZ. If the gentleman will continue to yield, so 20 percent of that specific State.

Mr. BALDACCI. No; the volume disposed of the host State during that 50-year period. So there is a cap on the States participating in this compact.

Mr. RODRIGUEZ. And if we do not reach that percentage, we are going to seek it out and get waste from other States?

Mr. BALDACCI. Shall not exceed.

Mr. RODRIGUEZ. But they will be trying to get to that level from other States so that they can get payment from those States in order to get their reimbursement of the cost that they have put into it; is that correct?

Mr. BALDACCI. The States are capped at whatever can be allowed from nonhost States. So there is a cap on it that was designed by the compact and approved by all the parties involved. So there cannot be any more waste than what was already set for here. So a State cannot all of a sudden contract with other States to sort of make money on this arrangement. It is limited in the arrangement.

Mr. RODRIGUEZ. We are not doing anything to that. That is still allowable under the compact if that language remains there?

Mr. BALDACCI. Reclaiming my time, this amendment restricts it to within only those three States.

Mr. RODRIGUEZ. If the gentleman would yield further, no, only those three States in terms of initial pact, because my understanding is that the particular three States can decide to include other States.

Mr. BALDACCI. Reclaiming my time, under the compact, they can. But under the Doggett amendment, it would be limited to only those three States.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Texas (Mr. Barton).

Mr. BARTON of Texas. If we were to accept this amendment as is, would the gentleman defer on any other amendments?

Mr. DOGGETT. Mr. Chairman, if the gentleman from Texas [Mr. BARTON] would yield, yes, I would. And other than commending the gentleman from Texas [Mr. BARTON] for accepting the amendment, I would restrain myself and offer no more comments this afternoon.

Mr. BARTON of Texas. Well, I checked with the chairman of the subcommittee. But I would be willing to accept this amendment with the understanding that, in the interim before we go to conference, we check the Governor of the State and let the Members from the other two States check with their Governors.

I think we have never amended any other compact on the floor of the House.

Mr. DOGGETT. I understand the genuine concern of the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. With that understanding that we reserve the right to check with the State Governors, and if they need to check with their legislatures, I would be willing to accept this amendment if the gentleman from Texas [Mr. DOGGETT] would agree to offer no other amendments on this bill today.

Mr. DOGGETT. If the gentleman would continue to yield, I so agree. And I appreciate the gentleman's position on this.

Mr. BARTON of Texas. Mr. Chairman, I would withdraw my objection to the amendment and would now support the amendment, with the agreement that I just have with the gentleman from Texas [Mr. DOGGETT].

Mr. Chairman, I yield back to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I am glad we have worked it out to accept the amendment and get more information.

The most recent information I have, though, and I need to have my colleagues from west Texas talk to me about this, because I was just informed, Mr. Chairman, that we have 20 miles south of Juarez, Mexico, much closer to El Paso, a low-level nuclear site in the Republic of Mexico, and it is much closer to our border than this site is to the Republic of Mexico.

And if my colleague, the gentleman from west Texas [Mr. REYES], or the gentleman from Texas [Mr. RODRIGUEZ] would explain that to me, I would be glad to yield to them. Are my colleagues aware that there is a low-level nuclear site 20 miles south of Juarez, Mexico?

I understand their opposition to the bill today is a lot of La Paz amendments and agreements. But maybe they can share that with us. Is there really a low-level site 20 miles south of Juarez, Mexico, in the Republic of Mexico?

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

Mr. GREEN. I yield to the gentleman from Texas.

Mr. REYES. Not that I am aware of.

Mr. GREEN. Reclaiming my time, my colleagues might want to check it and share that with fellow Members, because I know a lot of opposition to this site, and if there is one closer to El Paso in the Republic of Mexico than this site is to El Paso, then I think a lot of Members would like to know about that.

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

Mr. GREEN. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I just wanted to respond to the gentleman from Texas [Mr. GREEN]. I do not know if there is one out there. But say that there is, should we do the same thing? I do not think so.

Mr. GREEN. Mr. Chairman, reclaiming my time, the gentleman from Texas [Mr. RODRIGUEZ] is right, maybe we should not. But I just know that if their side and the Republic of Mexico is closer to El Paso, why are we not having this battle in the National Assembly in Mexico City?

Mr. RODRIGUEZ. We have always had a problem with Mexico abusing and the maquiladoras abusing on the river, and we have been critical of them and the abuse of the environment. Because they do that does not mean that we should also do the same thing.

So we need to be very cognizant of that as a large population. Just looking at the population on this side, El Paso has 770,000 people, and the other side is 2,000,000 people.

Mr. GREEN. Reclaiming my time, I agree. But the problem I have is that I do not think this site is that environmentally dangerous as maybe a site that is maybe 20 miles south of El Paso, 20 miles south of Juarez.

So I want us to consider the total package. But having looked at the engineering studies on this for a number of years, I would consider this site as not an environmentally dangerous area as compared to other sites.

But, again, if we are debating this on the floor, we ought to have the full information for those who represent Texas. And, again, just because one country does it does not mean we need to. But I also know we have to have a site for our low-level waste.

Mr. RODRIGUEZ. Mr. Chairman, if the gentleman will yield further, I understand that fully. And that is why this amendment would be ideal, because, yes, we do need a site and this would just restrict it to the States of Texas, Maine, and Vermont.

But to think that people from throughout the country are going to be dumping in that site because it is considered to be rural and because the people there are poor and because they think it is an appropriate site, there are a lot of other concerns that we have on the border.

Mr. GREEN. Again reclaiming my time, the reason that site was there is not because the people were rural or poor, it was because the legislature and the powers that be in the State of Texas selected that site. They did not say, let us go out and find some place that is poor and without representation. Because there is a State senator from that area, there is a State representative, and there are county commissioners who obviously had impact on this and opposed it earlier.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not interfere with the objection. I will not interfere with the acceptance. The gentleman from Texas [Mr. DOGGETT] is the author of the bill, the sponsor of the bill.

But I think as it goes forward, we need to be reminded that this amendment decreases the flexibility provided in the compact that benefits Texas, Maine, and Vermont without increasing protection for Texas.

The gentleman from Texas [Mr. RODRIGUEZ] a few moments ago asked what would be the problem with doing this. Let me tell him what the problem is to where this goes into the RECORD where it can be considered by other deliberative bodies that will be looking at this bill.

In the first place, no new State could join the compact. And new members, if they so chose, if Texas so chose and Vermont so chose and Maine so chose, new members could reduce the cost for all of the facility. We are taking away flexibility from the future for our own State.

And one last word: This amendment gives to this bill something that Congress has never made such condition on any other compact. I hope that the future bodies, conference committee, and the final vote on this, that this will be a part of the RECORD.

And I support the position of the gentleman from Texas [Mr. BARTON], who has made his offer to the gentleman from Texas [Mr. DOGGETT].

□ 1630

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY MR. KUCINICH

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

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Kucinich amendment, page 2, after line 20, insert the following:

(5) No nuclear waste shall be transported through any incorporated area with a population in excess of 25,000 persons.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I reserve a point of order, and I would like to see a copy of the amendment.

The CHAIRMAN. A point of order is reserved.

PARLIAMENTARY INQUIRY

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, are we not able to have this amendment in writing?

The CHAIRMAN. The Clerk is furnishing the gentleman a copy.

The gentleman from Colorado, Mr. DAN SCHAEFER has reserved a point of order.

Mr. DAN SCHAEFER of Colorado. I do reserve a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio [Mr. KUCINICH] is recognized.

Mr. KUCINICH. Mr. Chairman, among the many issues which have come before this Congress during this debate is the issue of the transportation of nuclear waste. This compact is set up in such a way that nuclear waste will be moved from the State of Maine and the State of Vermont to the State of Texas, which puts into question how the waste is going to get there. So the transportation, then, of nuclear waste is part and parcel of the debate over this issue and over this legislation.

My colleagues in the following States ought to be very concerned about this legislation, because millions of cubic feet of nuclear waste will be moved through the States of New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, into Texas. I will go over that again. The States of New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, into Texas

will have millions and millions of cubic feet of radioactive waste transported through communities, and what my amendment does is to say once and for all that Congress takes the position that we are going to protect populated areas from the possibility of a derailment or any kind of release.

We are dealing with technologies here which are not perfect. We are dealing here with technologies which are no match for the radioactive waste they are transporting. We are talking about a journey of thousands of miles from the State of Maine through to the State of Texas, through many populated areas.

This Congress ought to set conditions of consent to the compact which include that in order for that waste to be moved safely, it must be kept out of populated areas. So that is why the amendment is offered in such a way that this Congress will protect all populated areas, 25,000 or over, so that we keep nuclear waste from being transported through these communities.

It is imperative that Congress takes a position on this issue because we need to protect our populated areas in the event of an accident. Once something happens, it will be too late to say I am sorry, it will be too late to say, why did we not think of routing it a different way; it will be too late to say we should have sat down and found a way to move it through and around populated areas, and so that is why this amendment is imperative.

If we are making policy for the disposition of nuclear waste, and if that policy provides that nuclear waste is going to be moved thousands of miles, we also must take a responsible position to protect the populated areas of some of our major States, including New Hampshire, which the waste from Maine would move through, and Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, through to Texas.

So, Mr. Chairman, I am asking the Members of Congress to support this amendment as a means of showing the communities across this country, whatever position one takes on the overall bill, one should not have a problem with an amendment that is designed to protect populated areas from the event of an accident moving high-level or low-level or any kind of nuclear waste.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Colorado, Mr. DAN SCHAEFER insist on his point of order?

Mr. DAN SCHAEFER of Colorado. I do insist on my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Colorado, Mr. DAN SCHAEFER is recognized.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I feel very strongly that this amendment is not germane to the bill, and that we are simply giving States the right to enter into these compacts. We are not asking them anyplace in the bill how transportation is going to be decided or anything else.

Under rule 16, the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill, and we are not talking in the bill about transportation.

So I must insist on my point of order and ask for a ruling of the Chair.

Mr. KUCINICH. Mr. Chairman, with all due respect to the gentleman, how are we going to get it there? The waste is in Maine; it is going to get to Texas. It is not going to materialize in Texas. It is going to be transported, which is why Congress ought to take a position and why it is germane. It is implicit in this. One cannot separate the question of transport from the creation of the compact. Otherwise, we are not moving it, so it is germane.

The CHAIRMAN. Does the gentleman from Maine wish to be heard on the point of order?

Mr. ALLEN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Maine [Mr. ALLEN] is recognized.

Mr. ALLEN. Mr. Chairman, there is a fundamental fact: This compact is not about transportation. The transportation goes on now. We are not talking about spent fuel rods, we are talking about low-level radioactive waste. In Maine, 95 percent of that waste comes from the Maine Yankee plant. Waste is now transported all around this country. Our waste in Maine now goes primarily to Barnwell in South Carolina. It moves through the United States, through different States, as it is.

That is why I believe, Mr. Chairman, that a provision like this, which basically says, no nuclear waste, so we can argue about that, shall be transported through any incorporated area with a population in excess of 25,000 persons, that is a different issue from the issue of whether this compact, negotiated over years between Maine and Vermont and Texas, shall be approved by this House.

Mr. KUCINICH. Mr. Chairman, if I may, with respect to my colleague's comments, again, no matter what the other States agreed to, the Congress of the United States has overriding authority under the Constitution, article I, section 8, with respect to interstate commerce, and we have an obligation to see to it that this Constitution is upheld.

We are the final word on interstate commerce. So I am saying in order to assert our constitutional prerogative on interstate commerce, that what we ought to do is put it in the conditions of consent to the compact, because otherwise we have a compact that means nothing. The question here is of transport. Common sense tells us it is germane.

The CHAIRMAN. The Chair is prepared to rule.

The fundamental purpose of the pending bill is to grant the consent of the Congress to a specified compact among three States. The Chair would agree that an amendment proposing directly to change the terms of the interstate compact itself would be contrary to that fundamental purpose, but the Chair notes that while section 5 of the bill carries the text of the interstate compact, the preceding sections of the bill comprises provisions exercising and reserving the exercise of the prerogatives of Congress to legislation with respect to matters addressed in the compact. Section 3 of the bill makes the consent of the Congress to the compact contingent on fidelity to the pertinent Federal law. Section 4 of the bill reserves the possibility that the Congress might alter or repeal its consent to the compact. Thus, the purpose of the bill is not merely to consent to the text of the compact proposed by the States, but also to prescribe contingent or conditional terms for such consent. The Doggett amendment added an additional condition subsequent.

The amendment offered by the gentleman from Ohio does not propose a direct change in the compact, itself. Rather, it proposes to include in the grant of the congressional consent a condition on the routing of nuclear waste material as a matter of Federal law.

The bill, which is open to amendment at any point, contains a provision in the compact on page 15 relating to the routing of nuclear waste materials in accordance with Federal law.

Thus, the amendment does not deviate from the fundamental purpose of the bill, that is, to ratify a compact among three States; nor does it directly change the compact provisions. Because the issue of routing is in the bill, the Chair feels the amendment is germane and overrules the point of order.

Is there further debate on the amendment?

Mr. ALLEN. Mr. Chairman, I rise in opposition to the proposed amendment.

The CHAIRMAN. The gentleman from Maine [Mr. ALLEN] is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, a lot of allegations have been made about waste. I want to say first of all, I understand the position of my good friend from Ohio [Mr. KUCINICH] but I do want to challenge some of the statements that he made earlier.

Millions of cubic feet of nuclear waste. Let me describe the State of Maine for a moment and the waste that we have.

Today, in the State of Maine, 95 percent of our low-level radioactive waste, which is what we are talking about, 95 percent of that is generated by the Maine Yankee atomic powerplant. That powerplant is closed, has been

closed this year, is closed permanently, will now go through a process of decommissioning. In the course of that process of decommissioning, there will be low-level radioactive waste that will still need to be moved on, but the amount that will be generated in the State of Maine, needless to say, is going to fall off dramatically.

Now, I would also say, as I mentioned in response to the point of order, that what we are talking about here is low-level radioactive waste that already moves. It is generated by hospitals, it is generated by laboratories, it is already moved around this country through a wide variety of States, and that really is bound to continue, whether this compact is ratified or not.

Finally, I would say this: An earlier amendment was accepted by the gentleman from Texas [Mr. BARTON], but I have grave reservations and would urge the defeat of all amendments for several reasons. Maine, Texas, and Vermont spent years negotiating this compact. The legislatures and the Governors of those States approved the compact. Any amendment would require the three States to begin the ratification process all over again. It goes back to the Governors, back to the legislatures, and we are here today really to approve what they have already negotiated.

I would say this: No other low-level radioactive waste compacts approved by this body have been amended when they were submitted to Congress. Compact amendments have been approved by Congress only at the request of member States, only at the request of member States and only after the amendments were negotiated and adopted by member States in the same manner as the original compact.

We have a process for dealing with these compacts, and it is to let the Governors and the State legislatures come to agreement and when they have come to agreement, come to the floor of this House and ask for approval. We should not today approve amendments, any amendments to this compact. I say, let us approve the compact as it came in, and then if the States wish to renegotiate their deal, they can do that as they go forward.

For that reason, I urge a "no" vote on the amendment proposed by my good friend from Ohio [Mr. KUCINICH].

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

Mr. ALLEN. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, as the Chairman has so well stated, this amendment is germane, and in addition to that, it is time for Congress to step up to its responsibility to set terms so we protect populated areas. Again, the interest of Maine is at stake. I respect that. The interests of the people of Maine are at stake when nuclear waste is moving through communities in Maine, Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, and Texas. Low-level is a misnomer. This nuclear waste lasts for thousands of years, whether it is 10 cubic feet or a million cubic feet.

So this is not simply a matter of a few States coming to an agreement without regard to the interests of the rest of the United States of America. What I am trying to preclude here is that we do not end up with a mobile Chernobyl and have a condition where nuclear waste is in proximity to a populated area and creates a risk to that populated area while it is being transported.

Mr. ALLEN. Mr. Chairman, reclaiming my time, let me respond to the threat of a mobile Chernobyl.

□ 1645

We are not talking about high level radioactive waste. We are talking about clothing, we are talking about materials, we are talking about the kinds of materials that are used in hospitals, that are used in laboratories, and yes, are used to protect workers in and around nuclear powerplants. We are not talking about spent fuel rods.

This kind of low-level radioactive waste is already transported all around the country every day in trucks and rail cars. I believe this compact, what this compact does is ensure that the waste from Maine and Vermont and Texas will be dealt with appropriately in an environmentally sound manner.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in the strongest possible opposition. Mr. Chairman, I want to show the Members in the body this amendment. It took me a minute to decipher it. I was not sure if a chicken had been walking around or what. It has not been shown to me. I am the offeror of the bill. I saw it after the subcommittee chairman asked for a copy, so to say that there has been an attempt to work this issue out would be a misnomer.

Second, although the Chair has ruled it is germane because we have the right to amend the compact, I would point out that this is not a transportation bill. It is a bill simply saying that three States have the right to enter into an interstate compact.

Currently the Nuclear Regulatory Commission and the U.S. Department of Transportation and the States have more than adequate regulations in place regarding transportation of low-level radioactive materials. Of the States of Vermont and Maine, if the compact is ratified, it is estimated they are going to transport less than 50 truckloads of low-level nuclear material to the State of Texas each year.

Let us put that in perspective: 50 truckloads. There are millions of pounds of low-level, or at least hazardous materials, I would not say all radioactive materials, but hazardous materials being transported around the country today without this amendment. There is absolutely no reason to put another constraint on these three States other than already exists under current State and Federal law and regulation.

I understand the gentleman's concern, I understand he legitimately feels there may be a hazard to human health in some population areas of more than 25,000 people. I would point out though that almost all this material is going to be transported in containers that are at least a foot thick, more than 10 inches thick on the sides and a foot thick on the top, in solid form.

I would also point out that in the 30 years that the Nuclear Regulatory Commission has been monitoring the transportation of such materials in other areas, there have only been four accidents, and none of those accidents have resulted in any kind of an injury to human health at all. So there is no reason for this amendment.

This is not a transportation bill, it is a compact bill between three States. There are adequate regulations in place now at both the State and Federal level. I would hope that we would reject this amendment overwhelmingly.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is another amendment, like the Doggett amendment, that is just simply meant to kill or slow down or to derail this bill. That is simply all it is. It is asking for something that the Congress has never made such a condition on on any other compact.

As I read it, it says "No nuclear waste shall be transported through any incorporated area with a population in excess of 25,000 persons"; not just no low-level waste, no nuclear waste. That affects everybody in this country. That affects the gentleman from California, who had the compact with the two Dakotas. You can get out of the Dakotas a few miles without hitting a city that is 25,000 or less, but you cannot get very close to California.

How can you get the shipments from any of the areas? This amendment may mean putting waste on back roads, rather than the safest streets. The safest streets are the highways, the better-built roads, the more recently being constructed roads. I cannot really believe the gentleman from Cleveland, OH [Mr. KUCINICH] wants to choose between who is at risk either. I do not want really believe he means that. The best highways may be the more populated areas with bypasses.

Do we want to put it on Main Street, the old Main Streets that come down through? It could vastly increase costs by putting waste on circuitous routes, and could make it a lot more dangerous. It could mean that you simply

cannot ship waste, for example, from Rice University out of Houston, because you cannot use the roads. How would you get out of Sloan-Kettering in New York City to the outskirts of New York? You just could not do it. How could you get out of the smallest hospital in the city of Cleveland? You just could not do it.

This is a bad amendment, meant to derail the bill. I urge Members to vote against it.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment, because I believe very strongly that whether it is this amendment or any other amendment, it is not going to make a terrible bill any better.

I want to raise my objection to this amendment on another premise that has not been raised here today, because I spoke earlier about people who choose to live in the serenity of a small community, and in my case, in west Texas, where this proposed site is going to be built, or is planned to be built; that people have chosen to live in this serene area, where people are supposed to leave them alone and let them conduct their lives the way they see fit.

The premise the gentleman from Ohio makes that perhaps their rights are not as important as someone from an urban area, I cannot understand that. Why would a person, for example, that might live in Cleveland 1 year and decide the next year that they want to move to a small town with white picket fences, that has a population of 5,000, and suddenly the Federal Government comes along and says, if you live in Cleveland you do not have to have the nuclear waste come through your town, but if you live in Any Town, U.S.A., you are going have this stuff rolling by your front yard? I think that is discriminatory in terms of an American's choice of where they want to live. The right of an American in a rural area is every bit as important as the right of an American in an urban area. I cannot understand how they can distinguish these rights by proposing this kind of amendment.

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

Mr. BONILLA. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, first of all, I missed the first part of the debate. Did the gentleman say that he favored having this in Texas, in his district?

Mr. BONILLA. I am absolutely opposed to this bill and building this compact in my district.

Mr. KUCINICH. I missed that initial part. If I may continue, with the gentleman's permission, the issue here is not to establish competing interests between areas where the population is under 25,000 or areas where the population is over 25,000, the issue in this amendment is to establish that we put the responsibility on those officials in charge to make sure that they keep it out of populated areas, and that they draw the route through which this waste is going to move in such a way as to not jeopardize any heavily populated civilian area.

Those who support this bill want to transport it from Maine all the way through to Texas. So it is incumbent upon us to give some direction as to whether or not we want to see the waste moved away from populated areas, where there is less jeopardy.

There has been testimony presented by the supporters of this bill, by the gentleman from Texas [Mr. BARTON], that this is a very safe method of transport, that there has never been an accident that has caused any harm. If that is true, then this amendment should not be a problem with the gentleman.

Mr. BONILLA. Reclaiming my time, Mr. Chairman, my point is that I do not think a person living in an urban area should have any more preferential treatment than my area. I do not want the waste going through the town of the gentleman from Ohio [Mr. KUCINICH], and I do not want it winding up in my district.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask my friend, the gentleman from Cleveland, OH [Mr. KUCINICH], my good friend, whether this restriction applies to the compact that Ohio is a member of.

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

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, Ohio no longer is a member of a compact. Based on numerous testimony and the concerns of Ohioans that nuclear waste was dangerous, we got out of the compact.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, but does this restriction apply to the compact that Ohio was a member of, or any other compact that has been passed by the Congress?

Mr. KUCINICH. I think we should ask for a ruling of the Parliamentarian.

Mr. SANDERS. It is not a question of a ruling, it is a factual question. The answer is no, obviously not. The question is a confusing one. The gentleman from Ohio [Mr. KUCINICH] and I are opposed to nuclear power. The question is, however, not to debate now the future of nuclear power, but what do we do when we have nuclear waste that is low level?

The implication of the argument of the gentleman from Ohio [Mr. KUCINICH] is a very simple one. That is, basically, because this is a clear amendment, if we cannot transport the low-level waste, then we have to get rid of it in our own backyard. The problem with that argument is, there are some backyards in the country in which it would be an environmental disaster to place low-level nuclear waste; that that waste would then seep into the water table, it would go all over the area, and people would be drinking it.

So in my view, what the gentleman from Ohio [Mr. KUCINICH] is arguing is bad environmental policy. Obviously, I would ask the gentleman from Ohio if he has researched the issue, and in fact, if he believes that it would be possible, and the gentleman from Texas [Mr. HALL] made this point, if it would be conceivable that waste could be taken from Vermont or Maine to Texas without going through a community of 25,000. My guess is it would be impossible.

All the gentleman from Ohio [Mr. KUCINICH] is saying is let us kill it; you cannot move it, let us kill it. But the whole thrust of a compact, the concept of a compact, is that there are some communities, and nobody wants low-level nuclear waste, we can agree on that, but we could also agree that environmentalists and geologists do tell us that there are some areas for geological reasons that can better accept the waste than other areas.

If the amendment of the gentleman from Ohio [Mr. KUCINICH] were to pass, essentially what he would be saying is that every community has to get rid of the waste within that area, despite the fact that some areas from an environmental point of view would see enormous damage.

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. HALL of Texas. Would it not also mean you could not even get it from one city to the next, not in intrastate nor interstate?

Mr. SANDERS. Somebody made the point that if you are in a hospital in a large city surrounded by another city, you obviously could not get it out.

Mr. HALL of Texas. The gentleman has been kind enough to use, and let me read it, "no nuclear waste," not just low-level waste, he has been kind enough to use low-level waste, but no nuclear waste could be moved.

Mr. KUCINICH. If the gentleman will continue to yield, Mr. Chairman, it is implied in the amendment, of course, that if it becomes too difficult for it to be moved, then storing it on-site is a viable option. The decision of the nuclear utilities to locate was a decision that was affirmed by public utility or public service commissions, was it not?

Mr. SANDERS. Reclaiming my time, Mr. Chairman, I opposed the construction of nuclear powerplants, so the gentleman is talking to the wrong guy. But the location of the nuclear powerplants, when they were developed, it was not implicit in that, it was certainly not implicit that the waste

would be permanently stored on that location. For example, in Vernon, VT, it would be a disastrous place to store nuclear waste in a long-term period.

So given the reality, and this is the problem that we have, I say to the gentleman from Ohio, given the reality that we have all of this nuclear waste, the environmental challenge is to determine how we could dispose of that waste in the safest way possible.

I do not agree that forcing communities to dispose of it locally, which is the implication of the gentleman's amendment, is the safest. I would argue that that in fact could be an environmental disaster.

Mr. KUCINICH. If the gentleman will continue to yield, Mr. Chairman, I would say to the gentleman from Vermont [Mr. SANDERS], my proposal is to stop the shipment of waste through populated areas. However, it makes good sense, I believe, as public policy, that because we do not have any sound ways of storing this anywhere, that the best bet is to leave it on-site until we come up with——

Mr. SANDERS. Reclaiming my time, Mr. Chairman, I would say to the gentleman from Ohio [Mr. KUCINICH], I think every environmentalist in America would tell him that is an absolutely incorrect statement.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BARTON of Texas. I yield to the gentleman from Vermont.

Mr. SANDERS. I thank the gentleman for yielding to me.

I think there is not much of an environmental debate, I would say to my very good friend, the gentleman from Ohio, that there are certain locations in the country, given the fact that we have low-level waste, that can from an environmental point of view absorb and sustain that waste better than others. There is no question about it.

□ 1700

The gentleman is wrong, I believe, and I think most environmentalists and geologists would tell the gentleman that he is wrong by saying that it is good environmental policy to force communities which, from a geological point of view, would have a very difficult time containing that waste. I do not think that there is much argument about that.

The difference that we have is, the gentleman is opposed to nuclear power. I am opposed to it. But the reality is, we have waste. The environmental challenge is, how do we get rid of that waste in the most effective and safe way?

The gentleman from Ohio seems to think if it gets into a truck, that is more dangerous than if we store it in an unsound environmental location. I would strongly disagree and would argue that I think most geologists and environmentalists would also disagree.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I want to read into the RECORD the number of accidents, because when I spoke off the cuff, I did not give the correct number and I want to make sure that we at least get the record straight.

During the past 20 years, there have been 53 transportation accidents involving approximately 1,000 packages of commercial low-level radioactive waste. Of those 53 accidents, only 4 involved the release of any low-level radioactive waste, and of those 4, none resulted in any human injury.

So I was correct on that point. But there have been 53 accidents, not 4. There have been 53. Four resulted in release of some low-level contamination, but there was no one injured from those four.

Mr. Chairman, I would also like to point out that the amendment of the gentleman from Ohio [Mr. KUCINICH], as it is currently written, would prohibit all nuclear waste from being transported, not just low-level. And if we interpret it literally, we could not move the waste from where it was generated.

For example, at M.D. Anderson Cancer Center in Houston, TX, we could not remove the syringes, we could not remove the x-rays, we could not remove the radionuclides once they have been used. So it has been pointed out by others in opposition, this is a killer amendment. It is outside the scope of the bill, and I would hope that we would vote it down.

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, what the gentleman from Texas [Mr. BARTON] is saying is that it is better to put it in a site and a facility that is licensed for disposal rather than to create thousands of de facto sites in cities, hospitals, universities, and small areas all over the country?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, that is correct.

Mr. REYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is obvious that this issue is very complex, very complicated, and it is never a win-win situation. There are always winners and there are losers.

The gentleman from Vermont [Mr. SANDERS] asked the rhetorical question: Is this kind of waste able to be absorbed in anyone's backyard? Obviously not. It depends on whose backyard we are talking about. I think this afternoon we have had a good opportunity to look at the complexity of the issue. We have had an opportunity to look at the controversy surrounding this kind of issue.

Mr. Chairman, I think that when we are talking about where is the waste, where can we store it, I would ask: Is it any safer in Vernon, VT, versus Sierra Blanca, TX? I think it is left up to the situation of whose ox is being gored.

I think in the context of the number of accidents, it does not make any difference how many accidents have occurred. It does not make any difference the historical record of those accidents. It is the next one that we have to worry about.

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

Mr. REYES. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I would like to go back to the beginning of this debate over this amendment. The gentleman from Vermont and I agree on the problems with nuclear power. Once nuclear power was created, nuclear waste as the output of it became a separate problem.

Nuclear utilities, it is true, built in environmentally sensitive areas. There is no question about that. Lake Erie is an example off the shores of the State of Ohio. There are two major nuclear power plants constructed in the eastern part and the western part of our State right on the shores of Lake Erie. But I submit that the technology still is not up to the challenge of moving this waste and that perhaps it is not up to the challenge of keeping it on site.

Mr. Chairman, perhaps there are no good choices here at all, but we must be cognizant of the fact that once we move it, that brings with it a whole different other set of circumstances and problems.

Mr. Chairman, 95 percent of the waste involved is from nuclear power plants. It is not from laboratories; it is from nuclear power plants. And because of that, when the waste is moved through heavily populated areas, it creates problems, and that is why I brought this amendment up.

I am well aware of the fact that utilities were not responsible in where these plants were built. I am well aware that some areas want the waste out of there. But the problem is, once we start moving the waste, we create a whole new set of problems. Until we are ready to move the waste in a responsible way away from populated areas, we should not be building new compacts to encourage the movement of new waste.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. KUCINICH].

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

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

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman will state his objection.

Mr. BARTON of Texas. Mr. Chairman, was the gentleman on his feet in time to request a vote?

The CHAIRMAN. The gentleman was on his feet.

Pursuant to House Resolution 258, further proceedings on the amendment offered by the gentleman from Ohio [Mr. KUCINICH] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. KUCINICH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact, pursuant to House Resolution 258, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BONILLA. 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 309, nays 107, not voting 17, as follows:

[Roll No. 497]

YEAS—309

Abercrombie
Aderholt
Allen
Archer
Armey
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
DeGette
DeLay
Deutsch
Dickey
Dicks
Dingell
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Livingston
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moran (KS)
Moran (VA)
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Owens
Oxley
Packard
Parker
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Roukema
Royce
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Vento
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—107

Ackerman
Andrews
Bachus
Baesler
Blagojevich
Bonilla
Calvert
Capps
Castle
Conyers
Costello
Coyne
Cummings
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Dellums
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
English
Ensign
Evans
Filner
Forbes
Frank (MA)
Franks (NJ)
Gejdenson
Gibbons
Gilman
Gutierrez
Hinchey
Hinojosa
Holden
Hooley
Hunter
Jackson (IL)
Johnson (CT)
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Kucinich
LaHood
Lantos
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Maloney (CT)
Maloney (NY)
Markey
McDade
McGovern
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Moakley
Mollohan
Morella
Murtha
Nadler
Nethercutt
Olver
Ortiz
Pallone
Pappas
Pascrell
Paul
Payne
Petri
Pombo
Poshard
Price (NC)
Reyes
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sanchez
Schumer
Sensenbrenner
Shays
Skeen
Slaughter
Smith (NJ)
Souder
Strickland
Tierney
Torres
Velázquez
Watt (NC)
Weller
Weygand
Yates

NOT VOTING—17

Becerra
Cardin
Gonzalez
Hall (OH)
Hilliard
Jefferson
Matsui
McDermott
Neal
Pastor
Rangel
Schiff
Tanner
Thurman
Visclosky
Waxman
Wise

□ 1732

Messrs. CAPPS, DIXON, FRANK of Massachusetts, HUNTER, GILMAN, MOAKLEY, PAYNE, Mrs. KELLY, and Mrs. MALONEY of New York changed their vote from "yea" to "nay."

Mr. PICKERING and Mr. STARK changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 629, the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105-311) on the resolution (H. Res. 261) waiving points of order against the conference report to accompany the bill (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, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1122, PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105-312) on the resolution (H. Res. 262) providing for consideration of the Senate amendments to the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER ON TODAY OR ANY DAY THEREAFTER CONSIDERATION OF H.R. 901, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. SOLOMON. Mr. Speaker, I ask, and this is pretty complex so we should listen, I ask unanimous consent that it be in order today, or on any day thereafter, for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the State of the Union 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, and that consideration of the bill proceed according to the following order:

And we are about to vacate two rules and make in order a bill that has been agreed to by the other side of the aisle.

No. 1, the reading of the bill shall be dispensed with.

No. 2, general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

No. 3, after general debate the bill shall be considered for amendment under the 5-minute rule.

No. 4, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in nature of a substitute shall be considered as read.

No. 5, no amendments shall be in order except the amendments printed in the CONGRESSIONAL RECORD and numbered 2, 27, 5, and 51 pursuant to clause 6 of rule XXIII; one amendment in the form that I have placed at the desk by the gentleman from California [Mr. MILLER] or his designee regarding striking section 4(b); and one amendment in the form that I have placed at the desk by the gentleman from California [Mr. MILLER] or his designee regarding specific biosphere reserves.

No. 6, each amendment may be offered only in the order specified in paragraph 5 of this order and may be offered only by the Member who caused the amendment specified in paragraph 5 to be printed in the CONGRESSIONAL RECORD, or their designees, or a member otherwise designated in paragraph 5.

No. 7, each amendment shall be considered as read, shall be debatable for 30 agreed-to minutes, 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 amendments specified in this order are waived.

No. 8, the Chairman of the Committee of the Whole may: No. 1, postpone until a time during further consideration in the Committee of the Whole a demand for a recorded vote on any amendment; and, No. 2, reduce to 5 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 15 minutes.

No. 9, at the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute.

No. 10, 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.

No. 11, House Resolutions 243 and 257, two rules that we reported earlier but were not acted on, are laid on the table.

Mr. Chairman, No. 12, pending the unanimous consent request, I ask unanimous consent to dispense with the reading at this point of the two amendments by the gentleman from California [Mr. MILLER] that I have placed at the desk.

The text of The Miller amendments are as follows:

On page 9 of the bill, beginning at line 1, strike all through the end of line 16, and renumber subsequent subsections accordingly.

On page 10 of the bill, after line 8, insert the following:

"'(d) Subsection (b) shall not apply to the following—

"'(1) California Coast Ranges Biosphere Reserve;

"'(2) Channel Islands Biosphere Reserve;

"'(3) Golden Gate Biosphere Reserve;

"'(4) Everglades National Park and Dry Tortugas National Park Biosphere Reserve;

"'(5) Isle Royale National Park Biosphere Reserve;

"'(6) New Jersey Pinelands Biosphere Reserve;

"'(7) Olympic National Park Biosphere Reserve;

"'(8) Virgin Islands National Park Biosphere Reserve; and

"'(9) Hawaiian Islands Biosphere Reserve.'"

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MILLER of California. Reserving the right to object, I do so for point of clarification. At the outset, I am not quite clear. Are we operating under the 5-minute rule or will the amendments operate under the 15 minutes each side?

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

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, we are operating 15 minutes each side at the request of the gentleman. We do have the ability to roll the votes. If this unanimous consent request is granted, it will save this body about 2 hours of time tonight.

Mr. MILLER of California. Anything I can do to help, I am delighted to do so.

Mr. SOLOMON. I thought the gentleman would. The gentleman is a great help.

Mr. MILLER of California. I thank the gentleman for his cooperation on this.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE SPEAKER TO DESIGNATE A TIME NOT LATER THAN OCTOBER 31, 1997, TO RESUME PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND THE RULES ORIGINALLY DEBATED ON SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than October 31, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. CALLAHAN. Mr. Speaker, pursuant to rule XXVIII, I rise to inform the House that tomorrow I will offer a motion to instruct conferees on H.R. 1757, which would instruct and insist upon the provisions contained in title XXI of the House bill relating to United States policy with respect to forced abortion and foreign organizations that perform or promote abortion.

The text of the motion is as follows:

Mr. CALLAHAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1757 be instructed to insist upon the provisions contained in title XXI of the House bill (relating to United States policy with respect to forced abortion and foreign organizations that perform or promote abortion).

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to the order of the House of today 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. 901.

□ 1739

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. 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, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will control 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agreed to the amendments that were being offered by the gentleman from California, including the gentleman from California [Mr. FARR], a time limitation of 15 minutes on each side, in the sense of cooperation, but I do not believe there is much need to debate this legislation any further than it has been debated.

It has been debated by thousands of Americans because the American Land Sovereignty Protection Act asserts the power of this Congress that is under the Constitution over all the lands that belong to America. So that everyone understands, the concern here is the Congress, therefore the people, are left out of the domestic process to designate World Heritage sites and Biosphere reserves.

I want to stress that again. We are left out. They have never been consulted. They were never worked with. This was a U.N. effort on behalf of the State Department to make these grand decisions without even considering the local input.

All this bill requires is the participation of Congress, which really is the branch of the American people, in the designation process of Heritage sites and Biosphere reserves.

□ 1745

Many, many Americans, from all sections of our country, have called my office to say they are concerned about the lack of congressional oversight over UNESCO international land reserves in the U.S. and to express support for this bill.

Within the last 25 years, 67 sites in the United States have been designated as Biosphere Reserves or World Heritage sites, all with no congressional oversight and no congressional input or input from individual citizens. The public and local governments were not consulted.

The World Heritage Site Program is based on a treaty. H.R. 901 does not end U.S. participation in the World Heritage Site Program. We have a domestic law implementing this program, and H.R. 901 proposes to change that domestic law so that Congress must approve the sites.

The Biosphere Reserve Program is not authorized by even a single U.S. law or any international treaty. May I remind my colleagues when they raise their hand up here and say, "I swear to uphold the Constitution," if they do not support this bill, they are against the Constitution of America.

This is an extended effort by the executive branch appointees, whatever their political party, cannot and should not do things the law does not authorize. What is unreasonable about Congress insisting that no land be designated for inclusion in these international land use programs without clear and direct approval of Congress? What is unreasonable about having local citizens and public officials participate in decisions on designating land near their homes for inclusion in an international zone?

We need to reemphasize our congressional duty to keep international commitments from abridging traditional constitutional constraints. Otherwise, the boundaries between one owner's land and another or even between the Government's land and private land are too easily ignored.

H.R. 901 will also prevent attempts by the executive branch to use international land designations to bypass the Congress to make land use decisions and protect our domestic land use decision-making process from unnecessary international interference.

We are going to hear a lot today that this is a fear tactic to worry about black helicopters, this is just what we call a good thing to do, this makes us all feel so well and good. But, for the life of me, what is wrong with this body, this Congress, from making these decisions is some U.N. body making decisions that affect everybody's lives, especially the local people; it decreases the value of their land.

By the way, most of the areas that did have proper notice rejected these definitions. But in my State, we were never notified, the Governor was never notified, legislative body was never notified, my villages were never notified. Yet, we have these Biosphere areas in my State. And that is wrong. Of the 67, we found out there was no input at all in those areas with the local people.

The amendments that are going to be offered today, the amendments I suggested and I agreed to be let offered, I am going to oppose all of them, and I hope we can defeat all of them, because they are not warranted. There is no necessity for them. This is a simple, clean bill that says, yes, we are still part of the program, but when you designate this, you are going to have to get the go-ahead from the Congress.

I urge a strong vote on H.R. 901 and urge its passage.

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

Mr. VENTO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise today in support of America's role as a global environmental leader and in opposition to this bill, H.R. 901.

I say to my colleagues that at this crucial time, when nations around the world are making decisions that would impact upon the future of our planet,

we must set an example, we must encourage nations to participate in cooperative efforts to improve and learn more about our global environment. We must not succumb to the isolated and misinformed fears of the very few and demolish years of progress in the right direction, progress towards better science, and better understanding and more cooperation internationally.

The only trespass that most of these treaties and conventions are guilty of is that they are loosely associated with the United Nations; not bad in my view but in the view of some today. We need to be part of the debate on a global basis in terms of these issues and solutions to such problems.

The bill we have before us today appears harmless. In a sense, it is not all that different from much of the other legislation considered by the House which has sought to rollback critical, substantive, and symbolic environmental protections, but, like these other bills, a seemingly benign idea has potentially devastating results.

I am fairly certain that there is not a Member of this body who would put the sovereignty of the United States at risk, not a single Member, Mr. Speaker. Yet the proponents of this legislation will come to this floor today and tell us that if we care about American sovereignty, we must pass this bill. That is misleading and a transparent distraction from the main issues.

I disagree with that statement categorically. This bill is not about sovereignty. This is about sacrificing three important international programs: The World Heritage Convention, the Ramsar Accord, and the Man and Biosphere Program, sacrificing them upon the altar of special interests multinational mining and timber companies and others that choose to exploit these resources and want to alleviate internatonal recognition.

Indeed, we need to look at what got us into this entire mess. The proponents of this legislation claim that a proposed mine next to Yellowstone National Park, Teddy Roosevelt's Yellowstone, I might add, was halted by environment forces in black helicopters.

Mr. Chairman, the criticisms expressed by members of the World Heritage Convention were just a few in number but a resounding chorus of thousands who did not wish to see the coal slurry of a Canadian mining company degradating the Yellowstone River spoke up. To say that this project was stopped by the World Heritage Convention is factually incorrect. It establishes a casual relationship that does not exist. This project was stopped because the company that wanted to carry it out decided that it was not a good idea after all. And they were correct in such decision the existing U.S. environmental law that raised the questions concerning this proposed mine.

Mr. Chairman, each one of these conventions and treaties, two treaties and a convention, have explicit provisions in their preamble and in their statement which point out that the sovereignty of the individual States that participate in the World Heritage Convention, there are 150 countries that participate in that, and we are going to opt out of that. And with regards to the biosphere, 125 countries participate in this agreement. And this proposed legislation seeks to rescind the 47 Biosphere designations, a recognition that they now enjoy. Furthermore, with regards to the Ramsar convention, there are 92 countries that participate; and we are going to get out of treaty which recognizes 15 sites in the USA and 760 more globally. This proposal advocates a view of "Stop the world, I want to get off," that the understanding and science and insights and the fact that we live in a global community, a world that is knit together environmentally and knit together with regards to air quality, water quality, and important landscapes that support an intricate biodiversity upon which we are all dependent, this particular legislation basically says that the United States is no longer going to be a participant in the natural and cultural preservation of wetlands in these special areas. We are not even going to do it in a symbolic sense. And that is really what this does.

It is this symbolic sense in which we are able to enlist other nations to, in fact, participate in terms of trying to reach and to put in place good science, to put in place a better understanding and better knowledge. And, after all, of course, I guess that is ultimately what the proponents of this really fear. It is that knowledge that we have that translates into new policy that they really want to stop.

There really is an effort here to try and renege, to go back, to be in a state of denial with regards to issues that are presented by the formation of this new knowledge, whether it is wetlands that are recognized, whether it is parks and other public areas, whether it is the Biosphere and ecosystems.

I cannot tell my colleagues how disappointed I am so often when I go into the committee and I have to try to explain what an ecosystem is and I find that there is so much denial with regard to these obvious issues.

You will hear many criticisms of the Man and Biosphere Program. But the fact remains that these programs work. They have been operating without controversy and with the solid support of both Democratic and Republican administrations for more than two decades. The World Heritage Convention was first ratified by the United States in 1973 and now has nearly 150 nations as signatories. The Convention's purpose is to identify and list significant natural and cultural sites around the world. This provides visibility—tourist dollars—and encouragement for such resources' protection. Such a voluntary convention identification is required to operate consistently with U.S. laws. The International Man and Biosphere Program [MAB] was established in 1970 and now has 125 nations as signatories. It seeks to encourage a healthy relationship between humans and the environment by promoting international cooperation in research and education. MAB imposes no management restrictions and is a voluntary program for all nations that participate. The U.S. Man and Biosphere Program is a domestic, Federal program and the sole authority for its implementation and regulation resides with the Government of the United States of America.

Let me be clear: the United Nations has absolutely no authority whatsoever to dictate Federal land management decisions within or for the United States. If any such program did exist, I would join with all who oppose it and end U.S. participation.

What is most ironic about this debate is the fact the United States has been the leader in establishing these programs to provide a voluntary, positive means of recognition, education and encouragement for the care of internationally significant cultural and natural resources. Our own environmental laws are effective and strong, protecting the health of all Americans and preserving, conserving, and rehabilitating our natural resources, while ensuring that our Nation's economy remains vibrant. Environmental science and policy is one of the most important ways in which the United States leads the world today and will continue to do so in the future.

Independent from the World Heritage Convention and the Man in the Biosphere Agreement is another key program, the Ramsar Convention, which was adopted in 1971 in Ramsar, Iran. Ninety-two nations participate; the United States is but one, and we have 15 identified wetland sites being promoted within the United States of the 775 worldwide wetlands promoted by Ramsar.

But if we pass this bill, we can kiss all of that goodbye. Stop the world, we'll be saying. The United States wants to get off.

Mr. Speaker, I oppose H.R. 901. We must not turn our backs on the important international voluntary initiatives that are working successfully to safeguard our planet for future generations. At a time when we understand that pervasive pollution respects no borders, nations must work together to hold up the voluntary efforts that point to cooperation and hope for tomorrow of the natural, cultural, scientific wetlands and ecosystem landscapes embraced by the various conventions that the United States has led to shape. The U.S. Congress should not renege on our Nation's environmental global stewardship role. This measure is diametrically opposed to commonsense collaboration and should be rejected.

Mr. YOUNG of Alaska. Mr. Chairman, I would just remind my colleagues that this Nation of ours is based on the constitutional right of private land. We must keep that. We are not a one-world group. We are the sovereign Nation of the United States of America.

Mr. Chairman, I yield 4¼ minutes to the gentlewoman from Idaho [Mrs. CHENOWETH], a great chairman.

Mrs. CHENOWETH. Mr. Chairman, my colleagues are going to hear a lot of distracting arguments today. But I simply want to tell my colleagues that H.R. 901 simply enacts three very basic requirements.

No. 1 is, it requires the Secretary of Interior to get the approval of Congress for any nomination of property located in the United States for inclusion in the World Heritage list.

No. 2, very simply, the bill would prohibit the Federal officials from nominating any land in the United States as a biosphere reserve unless Congress ratifies and enacts the biosphere reserve treaties.

The gentleman from Minnesota [Mr. VENTO] had just mentioned that this does violence to three particular international programs. But I want to remind the gentleman, these international programs have never been ratified by the Senate and yet they have been enacted by this White House. What are we to do? Just sit here and let it happen?

Finally, H.R. 901 simply prohibits any Federal official from designating any land in the United States for a special or restricted use under any international agreement unless such designation is specifically approved by law.

Let me remind my colleagues, Mr. Chairman, there is not one word in this simple little piece of legislation that talks about black helicopters. And I do not want my colleagues or anyone who is listening to be diverted in their attention from this. This is a simple bill on American sovereignty.

These provisions do not represent a massive change in our policy, nor are they born out of paranoia. Actually, what this bill comes out as is to restate again what article IV, section 3, of the U.S. Constitution has said and still says. This section succinctly states that, and I quote, "The Congress shall have the power"—"The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other properties belonging to the United States." That is very simple.

Mr. Chairman, I am fully aware that there are two very distinct spectrums of opinions as to just how World Heritage sites and Biosphere Diversity Reserves and other land designations made under the auspices of the U.N. impact land policy.

There are some who suggest that these designations, which encompass 6 percent of our national parks, the land mass in our national parks and preserves and monuments, they make up enough land that has already been set aside under this unauthorized joint jurisdiction to fill up the entire State of Colorado. That is not benign, Mr. Chairman.

Let me also remind my colleagues, on the other hand, that the Committee on Resources, my chairman here held a hearing and we heard testimony from citizens living in Alaska, Arkansas, Missouri, Minnesota, New Mexico, New York, and Wyoming that suggests that this is not benign; local units of government, county commissioners who said they did not even know these land designations were occurring within their counties, that rules against everything that our Government stands for, openness in government.

Mr. Chairman, the only relevant argument that the Clinton administration has made against this bill, I mean, normally they just talk about black helicopters, but the only relevant argument that they have made against this bill is that it would add unnecessary bureaucracy to the designation process.

Let me ask my colleagues, having the Congress act on the desires of an international body is unnecessary bureaucracy? I do not think so.

□ 1800

I do not think that is what the Framers of the Constitution had in mind.

Let me tell my colleagues what this international body has in mind, because they say very clearly in their operational guidelines as to how these designations will be brought in. In the guidelines it states, in all cases as to maintain objectivity in the evaluation process, that the entire process is to be made secret. These designations have been made in secret. We are just saying, let us let the sun shine on this, let us let the people have their say, and let us let the Congress act.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I am really surprised that this bill is on the floor. I think what we are seeing here is that we have nothing to fear but fear itself, and this bill is a good example of it.

We have had the biosphere program around since 1974, through 4 Republican administrations, 2 Democratic administrations. We just heard that people never heard about it. It has been in their backyard for 25 years and they have not heard about it because it has not done any harm.

Do we know what the biosphere program does? It designates, and do we know who asks for the designation? Local communities. And all it does, there is no budget given to them, there is no regulatory authority given to them; it has no effect. What the biosphere program does, it has a common set of processes for measuring environmental conditions, not only in the United States but around the world.

Yesterday, the President of the United States gathered leaders of industry and Members of this House and the Senate to talk about global warming. There was a unanimous consensus that global warming is a problem, and that America must play a leadership role, and at the same time that we need to have more knowledge about this earth and what is happening to it. Yet, at the same time we discussed that, here is one program that has been around for 25 years where they have been measuring impacts on the earth and been able to find out what the effects of global warming and other global environmental issues are.

Frankly, environmental issues are part of our national security. The problem here is nothing has been broken. There is not anything here. All of a sudden, after 25 years, somebody comes in here and says, oh, we have to have congressional approval of this. Well, it sounds good but it is a very dangerous precedent, because what we are saying now is the private land that is petitioned to be in these biospheres and has been so designated, they cannot do that without congressional approval.

It says that State parks, local water districts now have to come to Congress. My God, if we have ever felt that there is something that is a usurpation of local control, of State sovereignty, local government control, of private property rights, this is it. This takes them all away. It takes them all away and says, "By the way, you have to now go through a process."

In fact, the process that they have outlined in the bill requires that there is more information necessary. They have to measure the impacts within a 10-mile radius. We do not even require that for nuclear power plants, and yet we are going to require it to be designated as the biosphere, and it wipes out all of those designations that we have petitioned for and received.

I think this bill would be setting a very dangerous precedent by Congress overreaching, by fearing fear itself. Where there is nothing broken, they want to break something, and my colleagues, that is the wrong approach. The next thing we know, if one of our communities wants to have a U.N. store in it, we are going to have to ask for congressional approval, and after that, I would not be surprised if merit badges have to be approved by Congress.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume to say that for the record, this program costs the taxpayers of America over $1 million, just for the record. I want to make that perfectly clear.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, when I was sworn into office in January, I took an oath to uphold the U.S. Constitution. Each of us has taken that same oath, and I rise to remind us

of our oath of office and reflect on the words of the Constitution. Article IV, section 2 of the U.S. Constitution states, "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Clearly, the U.S. Constitution gives the U.S. Congress and only the U.S. Congress the authority to make all rules and regulations over Federal lands.

This authority is not given to the President, it is not given to the U.S. Ambassador to the United Nations. No one in the State Department or the Department of the Interior is given this authority. The Constitution does not give this authority to the United Nations, UNESCO or any other body. The authority to establish rules and regulations over Federal lands is reserved to the U.S. Congress and only the U.S. Congress.

What does H.R. 901, this bill, require the Government to follow? The U.S. Constitution. The bill requires the specific approval of Congress before any area within the United States is subject to an international land use nomination, classification, or designation. Is this so offensive?

H.R. 901 requires the consent of Congress before the Secretary of the Interior may nominate any property in the United States for inclusion in the World Heritage list. I believe this is certainly consistent with Article IV, section 2.

H.R. 901 specifically prohibits the Federal officials from nominating any land in the United States for designation as a biosphere reserve. Such designations are left to Congress to determine.

The bill requires the Congress to reconsider for designation as a biosphere reserve those sites that have already been designated as biosphere reserves by administrations. It restores to Congress the authority to choose to redesignate or not redesignate these sites. This is a process that should have been in place all along.

H.R. 901 prohibits Federal officials from designating any land in the United States for a special or restricted use under any international agreement unless such designation is specifically approved by law.

I call on all of my colleagues to uphold the U.S. Constitution and the constitutional authority of this body. A vote for H.R. 901 is a vote to preserve the authority of this body. A vote against H.R. 901 is a vote that quite frankly, in my opinion, is inconsistent with Article IV, section 2, and the oath that we have taken.

The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I would just like to ask the gentleman a question.

There are about 85 different designations under the Ramsar, under the World Heritage Convention, and under the Man and Biosphere Program. Can the gentleman cite one example of any action taken that limits the use of any land in those, that is inconsistent with the Federal or State law or private property rights?

I yield to the gentleman for that purpose.

Mr. WELDON of Florida. Mr. Chairman, as the gentleman is aware, the committee has received testimony.

Mr. VENTO. Mr. Chairman, I have looked through that testimony and I have not found any.

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

Mr. VENTO. I yield to the gentleman from Oklahoma.

Can the gentleman cite that example?

Mr. COBURN. Mr. Chairman, as a matter of fact, it comes from the gentleman's own State. I have a letter here from Bob Lessard, a State senator, and he states in this letter to me that he is the chairman of the Minnesota Senate Committee on Natural Resources.

He says, "During the mid-1980's the National Park Service proposed a massive Northwoods International Biosphere Reserve."

Mr. VENTO. Mr. Chairman, reclaiming my time, I am asking not what is proposed. I am asking whether or not there is an example where it has exceeded State, Federal, or local law or private property rights.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I just want to say a couple of words in opposition to this legislation, because it has the potential to do so much damage. What this legislation would accomplish if it were signed into law is simply this: It would make it increasingly difficult for our Government to administer cooperative arrangements with other countries to protect the environment here in this country and elsewhere around the world.

We have been a leader in the world in advancing the idea that environmental protection has to be global in order to be effective. We are deeply concerned with such things as weather patterns and climate change and forces that are at play around the world that indicate to us quite clearly that there is nothing that one country or even one continent can do independently of the rest of the world if we are going to be effective in protecting the world's environment. This legislation would make that problem much more difficult and our ability to effect it almost impossible.

Furthermore, the legislation seems to suggest that people's private property is somehow jeopardized and the ability of individual States to regulate either biospheres or heritage sites is in jeopardy, when in fact that is not the case, because the legislation, the program as it exists currently stipulates quite clearly that no activity is possible within any State without the State's consent and full cooperation. Nothing can be done on any public or private property without the cooperation and consent of the public or private property owners.

There is nothing in any of these programs which impedes upon the ability of either a single State or a private property landowner within a State to regulate their private property or public property in whatever way they see fit.

This legislation is the product of an overactive imagination, one which has the ability to see a problem where none exists. It would not be so bad if that were all it was, but it is much more than that. It would destroy our ability to effectuate international cooperation with regard to the environment, and that would be a serious mistake indeed. This legislation should be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume to remind those listening, though, that there is no law the gentleman just spoke about having to require the cooperation that says they may, that there is no law, because there is no law on the books. That is what I am trying to do, put a law on the books that gives the constitutional duty to the Congress, as it is the Congress's responsibility.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I will read comments and portions of the letter from Senator Bob Lessard of Minnesota.

He says,

As Chairman of the Minnesota Senate Committee on Natural Resources, I commend you for your efforts to defund the Man and Biosphere Program. Since one of the major opponents of your amendment is Minnesota Congressman Bruce Vento, who represents a compact urban district with little undeveloped land, I would like to tell you about the painful experience northern Minnesota had with the Man and Biosphere Program in the past.

During the mid-1980s, the National Park Service proposed a massive Northwoods International Biosphere Reserve that included lands in my Senate district which were included without notifying me or any other local elected officials. In 1984, the state-sponsored Citizens Committee on Voyageurs National Park took up this issue after a casual comment from the then Voyageurs National Park Superintendent Russell Berry that our area had been nominated as a biosphere reserve.

Now, note, they had not been notified; they accidentally found out about it.

At a public meeting of that committee on December 21, 1984 in Minneapolis after the nomination was made, Mr. Berry partially explained one reason for the biosphere reserve by stating, "I'd like to be in as strong a position as possible to influence activities outside the boundaries that would adversely affect the Park in the context of things that would be detrimental to the ecosystem within the Park."

Because the park is surrounded by thousands of acres of private property, Mr. Berry intended to use the biosphere as a means to implement Federal land use controls on private property.

He intended to implement Federal land use controls on private property. "Since my constituents did not want their constitutionally-guaranteed private property rights further threatened, they strongly opposed this proposal. Consequently," 3 years later, "the Northwoods International Biosphere Reserve nomination was withdrawn."

"Until the Man and Biosphere Program is authorized by Congress and statutory protections for private property are guaranteed, I will support all efforts to defund this program. Without these protections," and I would remind our fellow representatives that these are the protections that the gentleman from Alaska [Mr. YOUNG] has in his bill, "unelected Federal bureaucrats will again use biosphere reserves as a means of implementing Federal land use controls on private property."

This is exactly the point. Here is the biosphere reserve, here is the area around it, here is the greater area, intending to impact all private property with a small ownership in this area.

Mr. Chairman, I support this bill, and I include for the RECORD the letter from Senator Lessard which I quoted from in my statement.

ST. PAUL, MN,
July 21, 1997.

Representative TOM COBURN,
429 Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN COBURN: As Chairman of the Minnesota Senate Committee on Natural Resources and Environment, I commend you for your efforts to defund the Man and Biosphere Program (MAB). Since one of the major opponents of your amendment is Minnesota Congressman BRUCE VENTO, who represents a compact urban district with little undeveloped land, I would like to tell you about the painful experience northern Minnesota had with the MAB program in the past.

During the mid-1980's the National Park Service proposed a massive Northwoods International Biosphere Reserve that included lands in my Senate district which were included without notifying me or any other local elected officials. In 1984, the state-sponsored Citizen's Committee on Voyageurs National Park took up this issue after a casual comment from the then Voyageurs National Park Superintendent Russell Berry that our area had been nominated as a biosphere reserve. At a public meeting of that committee on December 1, 1984 in Minneapolis after the nomination was made, Mr. Berry partially explained one reason for the biosphere reserve by stating "I'd like to be in as strong a position as possible to influence activities outside the boundaries that would adversely affect the Park in the context of things that would be detrimental to the ecosystem within the Park."

Because the park is surrounded by thousands of acres of private property, Mr. Berry intended to use the biosphere as a means to implement federal land use controls on private property. Since my constituents did not want their constitutionally-guaranteed private property rights further threatened, they strongly opposed this proposal. Consequently, in 1987 the Northwoods International Bisophere Reserve nomination was withdrawn by National Park Service Director William Penn Mott.

Until the MAB program is authorized by Congress and statutory protections for private property are guaranteed, I will support all efforts to defund this program. Without these protections, unelected federal bureaucrats will again use biosphere reserves as a means of implementing federal land use controls on private property.

Since Mr. VENTO's district is 300 miles away from the ill-fated Northwoods International Biosphere Reserve proposal, I would encourage you to listen to those who represent people who live and work in the affected area rather than those who recreate in the area on weekends.

Thanks again for your efforts in defense of local control and private property.

Sincerely,

BOB LESSARD,
State Senator.

□ 1815

Mr. MILLER of California. Mr. Chairman, I yield myself 7½ minutes.

Mr. Chairman, I have been here 23 years. This may be the craziest damned bill I have ever seen. We are here to correct a problem about a proposal that was made by a United States Senator from the State of Minnesota 10, 12 years ago that was not approved by the process, by the public process getting involved, and they turned it down. It is not a secret, it was proposed by a United States Senator that this is what he wanted to propose for his State.

We are talking about a program that started in the early 70's, and if we look at the Biosphere Reserve sites, they were approved in 1976 in Alaska, in 1987 in Arizona, in 1976 in Texas, 1981 in Texas, 1983 in California in the redwood range, in the Carolina areas in 1986, in 1976 in the Cascades, the Central Gulf in 1983, the Central Plains in 1976, the Channel Islands in 1986, in 1976 in Montana, in 1976 in Alaska, in 1976 in Colorado, in 1976 in Montana, in 1986 in Alaska, in 1988 in the Golden Gate region of the San Francisco Bay area, in 1976 in Oregon, in 1980 in Hawaii, in 1976 in New Hampshire, in 1976 in Kansas, in Tennessee in 1991, my God, we have got to one in this decade, in 1976 in Puerto Rico, in 1990 in Kentucky, in 1984 in the Mojave in California, in the New Jersey pine lands in 1983, 1979 in Colorado. This is some conspiracy to take over the lands of the United States? This conspiracy has been going on and these places have been designated for 20 years, and the Members have just discovered it?

No, I think what has happened is a very extreme element has been elected to Congress, and somehow now they think they want to make this a problem. They want to make a problem out of the fact that the State of Florida wants to nominate the Everglades as a World Heritage area. That puts it on a par with the Sphinx, the Taj Mahal, the Grand Canyon.

Why do they want to do that? Because they are proud of the Everglades. They put together a committee. They nominated it to the United Nations. They also know that if it is on this list, it is really good for tourism, that their economy will do well. That is why people are trying to get on this list from all over the world, because tourists like to go to areas that have these designations, because they are special, they are worldwide environmental assets.

Now we want to tell them they cannot do that unless they get the approval from the Federal Government. These people have lost their minds. Think about it. This is like telling a person who spends their whole life working to go to the Olympics, but because the medal is given to them by an international body, they have to come to Congress to get approval.

Gee, I think that would be hard. Imagine, you spend your whole life ice skating, weight lifting, you are running world class speeds, but it is an international body, and it is about the sovereignty.

This is not about sovereignty, this is about extremism run amuck. This is about some of the areas that are the pride of our States, the pride of local communities. They are the areas we enjoy with our families, and if they are so fortunate to be a World Heritage area, the whole area wins and the Nation wins, in terms of tourism.

If they are a Biosphere area, we try to do some coordination of research. We do not do any land use planning. What we have learned over the last 20 years is about ecosystems, that if you preserve just a little corner and you do not think about the watersheds or you do not think about the other landscape areas, maybe preserving that area means nothing, because other things go to deteriorate.

We know now that if we clear-cut the areas way up-river, the silt fills the river, kills the fish, destroys the tourism industry, destroys the fishing industry, and maybe even the water quality downstream. So now we like to look in large landscapes and see, can we preserve this?

Now we have been doing this for 25 years, but now somebody says this is a U.N. plot to take over the sovereignty of the United States. It cannot be, folks, it cannot be that we just discovered this 25 years later. This is the U.N. that we owe $1 billion to. Maybe they are coming to repossess us or something.

I do not get what is going on here, but this is craziness. This is craziness, that we would tell these local communities that somehow they now have to come to the Federal Government to get our approval because their citizens and their local governments and businesses want to participate.

No, something is very wrong here. There is some other agenda. Because it cannot be about the Mammoth Cave area in Kentucky that was established in 1990. It cannot be about the Olympic National Park in Washington that was established in 1976. No, I do not think that is what it is about. It is not about the Golden Gate, the redwoods, the Golden Gate Park, the Presidio; these areas that millions of people come to visit and participate to bring millions of tourism dollars to the San Francisco Bay Area.

I do not think that is what it is about. There is some craziness in the air. Have these guys been swimming in the Potomac? Do they have this pfiesteria? What is going on here? No, this bill is not on the level, Mr. Chairman. This bill ought to be rejected overwhelmingly for simply understanding that this is simply not on the level.

We are talking about a program that has been through Republican and Democratic administrations, with the designations in some cases 25 years old. Now we discover a problem that demands that we make these areas go through a Federal procedure and rigmarole so they can have their nomination?

They just cannot be voting for this on that theory, because that is contrary to what many of the supporters of this bill say about the involvement of the Federal Government. Apparently it is not about the involvement of the Federal Government, because they are willing to involve the Federal Government when they want to involve the Federal Government to stymie local initiative, to stymie tourism opportunities, business opportunities.

They now want to give the Congress a check over all of that. These are local areas that have been nominated and participated in a process because they think it will be good for them. Now somehow we are in a war with the United Nations. We should be honored as a Nation that of all of the assets of the world, the Great Wall of China, the Taj Mahal, that they also think that these assets in the country are worth this kind of designation. This is an honor. This is like, you know, we took care of these places, we preserved them. We took care of and preserved the Grand Canyon. We are trying to preserve and protect and are spending hundreds of millions and billions of dollars on the Everglades and the redwood forests and Olympic Peninsula of the Northwest, and the great boundary waters. We took care of that and now we get recognized.

This, again, is like the scientist who works real hard and he gets a Nobel Prize, but it comes from an international body, so we want Congress to decide whether or not he should be able to accept it. This is an honor for our Nation. This is international recognition because we led the world in environmental protection and the protection of these kinds of assets. Now we want to strip our Nation of that honor? I hope they do not.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded that profanity is not accepted on the floor of the House.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind the people that it is not the government, it is this Congress, the House of the people, not the government. Number two, they say, why have we not done it before? We have not because we have some people that believed in one world that were chairmen of the committee and subcommittee chairmen who never allowed us to have this on the floor of the House.

Now I am the chairman of this committee. This is the right thing to do for America, for the people of America. It is our responsibility under the Constitution. They may not believe in the Constitution, but I do. They may believe in one world, but I do not. I believe in the sovereignty of the United States of America.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Chairman, I rise today to join my colleagues to urge the House's support of H.R. 901, the American Land Sovereignty Protection Act. I really do commend my colleague, the gentleman from Alaska, Chairman YOUNG, for his dedication to protecting the rights that were granted to us in the Constitution.

Mr. Chairman, when the Framers of the Constitution wrote it, they set up a process of checks and balances. One of the duties designated to Congress in the Constitution is the duty to keep international commitments in check, and to ensure congressional oversight in matters affecting both domestic and foreign policy.

The American Land Sovereignty Protection Act is designed to bring the integrity of the Constitution back to government. In the last few months I have spent a great deal of time talking to the folks in my district, and attending hearings and meetings in order to defend the private property owners in decisions that may affect them.

From the U.S. Man in the Biosphere Program, which has been a hot topic of discussion in southern Missouri as well as surrounding States, such as Arkansas, Oklahoma, and Kansas, to the so-called American Heritage Rivers Initiative that is attempting to set up a whole new bureaucracy to regulate our waterways, whole new programs and initiatives are being proposed through the use of Executive orders without any congressional approval or oversight.

Moreover, most citizens are often kept in the dark and left completely out of the process. Before they know it, their lands are nominated and designated by the United Nations or some other steering committee before any public input can be given. This is a direct infringement on their constitutional rights. The protection of those rights is essential for the protection of freedom and ultimately the protection for our country.

Actions such as the designation or a nomination without notice or input from the citizens and locally elected officials is wrong. Furthermore, the U.S. Government has no right to make agreements with international organizations without first making those actions known to its citizens.

If anyone doubts that land use restrictions can occur or that local communities have been deliberately left out of the loop, do not take my word for it. Let us take a look at a feasibility report to the once-proposed Ozark Highlands Man in the Biosphere Program in my congressional district. I will quote directly from that report:

> Normally, there is no need for change in landholding or regulation following a designation of a Biosphere Reserve, except where changes are required to ensure the strict protection of the core area or specific research site.

And the steering committee of this program admitted in their report that they "* * * decided that public meetings would not be part of the interview process because such meetings tend to polarize views of the public and may capture negative attention from the press."

Make no mistake about it, the potential for land use restrictions and proposed new regulations are the consequences when we create these types of designations. I believe it is a dangerous and harmful precedent to set to allow the President to designate our lands as Biosphere Reserves without the input of the very citizens that are directly affected. This is simply unacceptable. This practice strips away their right to participate in the democratic process, and erodes the confidence that the general public does place in its government.

Mr. Chairman, it is time to restore this confidence and to require the President to seek congressional approval for actions which spend taxpayer dollars and establish Federal policies with the stroke of a pen. Anything less would be a diminishment of the individual rights guaranteed to each and every one of us in the Constitution.

I urge my colleagues to join my colleague from Alaska and all supporters of property ownership by voting in favor of the American Land Sovereignty Protection Act.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to make two points about this legislation. Mr. Chairman, as a member of the Committee on Science and a former chairman, I have had the opportunity to conduct what relatively little oversight has been conducted of this program.

I will indicate, to begin with, that to some extent I agree with the proponents of this legislation, that there has been inadequate congressional review of the program and that there is a need for oversight. To those who have indicated that they object to the program because it is not an authorized program, I agree with them. Any program, no matter how insignificant it is in monetary terms, and this is a relatively insignificant program in monetary terms, when it reaches the point where it becomes of major policy interest to the citizens of this country, it deserves a congressional review and deserves to be implemented on the basis of a congressional authorization.

For that reason, I have introduced legislation to authorize this program, although from a legal standpoint it has not been construed as being necessary in view of the fact that the programs have been funded now, as has been indicated, for a quarter of a century.

□ 1830

The Biosphere designation, per se, I cannot agree with the supporters of this bill as to its deleterious effect on the people of this country or the sovereignty of this Nation. I do not think that is in fact true, although I do not belittle the fact that there are many people who seem to feel that it is.

The more important purpose of this program is to allow for the conduct of research in similar areas of the world or different areas of the world by scientists in order that there can be some comparison of the impact upon increasing industrialization and increasing urbanization on particular ecosystems around the world. And this research is being conducted by many, many different institutions. In fact, two of the most important research programs are being conducted by the University of Alaska at Anchorage, for example, in one case, and at Fairbanks in another case.

Mr. Chairman, these are very legitimate research programs which are immensely assisted by the fact that they are able to be conducted in designated Biosphere areas. One of these involves a subject I am sure dear to the heart of the gentleman from Alaska [Mr. YOUNG], the ecological role of hunting in herd dynamics of wild caribou. Since he is an avid hunter, I would think he would want to know more about this important subject. The other similar program in Alaska is likewise devoted to improving the strategies for managing the wild caribou in that area.

These are legitimate. And I did not pick on the gentleman from Alaska for any particular reason. There are similar programs in Russia, for example, where we have research programs conducted by American institutions aimed at quantifying and statistically analyzing the conditions of various reserves in Russia. We are gaining, I would suspect, fairly important information about the effect of the Russian policies on the management of their natural resources.

There is one here, the only one of the group that I have listed that is being conducted by the Center for Scientific Investigations in Merida, Mexico, which I have had an opportunity to visit. This is a very poor area, now a part of the former Mayan empire. They are looking for ways to improve their economy and are doing research on the utilization of native palms there in order to supplant the coconut palm, which no longer grows in that area.

Mr. Chairman, I cannot possibly see any way in which this research cannot be considered extremely valuable to the United States and all the people of the world.

Mr. DUNCAN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Chairman, I appreciate the privilege of being a part of this debate and commend the gentleman from Alaska [Mr. YOUNG] for bringing this legislation forward.

Mr. Chairman, it seems strange to me that when we try to make sure that the voters, the citizens of this country, have a chance to understand world agreements, international commitments, they have a right to know. They have a right to understand.

Yesterday in this very same body, we had a similar debate that the President should continue to have the right to set aside a 1.7 million, 22 million, any other amount, and the people should have no say through their legislative body, the Congress.

Now today, we are having a similar argument, same participants, saying that the people should have no say, they should not have the right to understand what these designations mean; they should not be notified and allowed to participate in the process.

We heard that most of these were brought about by local community requests. That is not true. We heard it was crazy, trivial, nonsensical, and would have no impact. So then it should not concern anybody, should it? But just before that, we had a speaker who said we are overreaching and this will be so damaging to world policy and world commitment to change. They cannot have it both ways.

Mr. Chairman, I do not believe either side of the aisle goes wrong when we involve the voters, and we involve the voters through local government, State government, and through the Congress, Mr. Chairman, not through national dictators, not through Cabinet officials, who sometimes are just as radical one way or the other, who will move policies forward that take this country and the world in the wrong direction.

We are the body that should oversee to make sure that farming policies are local, State, and Federal Government oriented, not foreign countries or the United Nations; wetland policies are local, State, and Federal Government, not foreign country; timber policies are local, State, and Federal, not the United Nations; mining policies, and on.

The people in America that I represent from the Fifth District want us to make the rules, want us to keep them informed, want us to understand these programs and give them the right to understand these programs.

Mr. Chairman, it seems so simple and so right that when we give the people, the voters that send us here, every chance we can to understand and react to what we do and what our leaders do in world agreements, is that too much to ask? There is a lot of fear out there today that there is a push for a world government, and the American voters are against it.

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

Mr. Chairman, I rise in strong support of this bipartisan legislation. I would also like to thank the gentleman from Alaska [Mr. YOUNG] for his leadership and hard work on this issue.

When a similar bill came to the House floor last year, it received 246 votes. This bill has supporters from both parties, and 174 Members have signed on as cosponsors.

This is a very modest proposal, Mr. Chairman, which will ensure that American citizens have at least some control over policy decisions made concerning public lands in the United States. Most Americans today are deeply concerned about foreign influence over our Government and over land management policies, especially policies made with no real public notice.

The United Nations Biosphere Reserves and World Heritage Sites programs are relics from the United Nations Educational, Scientific, and Cultural Organization, UNESCO. The United States withdrew from that organization in 1984 because it was so mismanaged and politicized. However,

there are currently 47 Biosphere Reserves and 20 World Heritage Sites in the United States. These areas were nominated and approved with almost no public discussion or congressional approval.

I believe that before we continue to participate in this program, we should give the American people, through their elected representatives, the opportunity to decide if this is doing what it was designed to do or even if it was needed.

Certainly there is nothing radical and certainly nothing dangerous about this legislation. All it does is attempt to make sure that the American people have the final say about decisions affecting land in the United States.

During the last Congress, the House Committee on Resources held a hearing on a similar bill. At that hearing Dr. Jeremy Rabkin from Cornell University testified that the bill was, quote, a modest but useful statement that global enthusiasm should not be allowed to run roughshod over our traditional constitutional principles.

He went on to state, quote: What is the American interest in these programs? The United States had established programs of conservation long before the United Nations was established. We do not need the permission of other countries to do what we think is necessary to preserve our natural or cultural treasures.

I agree completely. This country has been a leader, not a follower, in protecting natural resources. I do not believe we need a committee made up of primarily Third World countries to tell us how to manage our public lands. As I stated earlier, this bill merely gives the American public the opportunity to decide if they want to participate in these programs.

If my colleagues think Washington bureaucrats and U.N. officials should make land management decisions without effective public input, then vote against this bill. But if they think the American public should have some limited but effective control over how public land is managed, instead of just a meaningless comment period which really has no effect at all, then they should vote for this bill.

Finally, Mr. Chairman, I think it is a sad day in this House when the other side has to resort to profanity, childish sarcasm, and scurrilous personal abuse to make its case.

I urge my colleagues to support H.R. 901.

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

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR]

Mr. FARR of California. Mr. Chairman, I do not think people really read this bill very well, from what I have heard. First of all, we had the gentlewoman from Missouri [Mrs. EMERSON] get up and talk about the fact that we need this bill because the local process does not work, and then she pointed out that because there was controversy, Missouri never has had a Biosphere nor ever wants one. And the process is working. They do not get one. It seems to me that that is exactly what this process is about.

The State of Kansas was mentioned. There are no biospheres in Kansas. Another gentleman from Pennsylvania got up. There are no biospheres there in this program. It seems that nothing has injured the States where the Members are from who are getting up and speaking and saying this is something we ought to be afraid of.

Mr. Chairman, 85 countries in the world are in the Biosphere. What we are doing is pulling out of it. The United States is pulling out of the Biosphere program, unless, and this is where I think they have not read the bill because they are talking here about Federal lands. But there are private lands in the Biosphere. There are local water districts.

What proponents of this bill are saying is that Marin County Water District, they are out and they do not get back in because the new bill says it has to be owned by the United States, this is land owned by the United States, and that all designations here before are wiped out.

Well, go tell that to the California State Parks Commission and the Redwoods State Park. Go tell that to the University of California and the Landels-Hill Big Creek Reserve. Go tell that to the Jackson Demonstration State Forest in California. Go tell it to the Audubon Society, which happens to have a ranch where the public can visit. Those have all Biosphere programs. They got into it. There has been no controversy. But they are wiped out, and they can never get back in.

Then the author of the bill talks about, well, this program is going to cost the public money; it has $1 million somewhere involved in Federal commitments. Well, if we are going to go through the process that is going to require any Federal lands and those private and State and local lands are out, they never can get in, we are going to spend hundreds of millions of dollars if we look at the procedures that are requiring an economic impact report within a 10-mile radius.

Mr. DUNCAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I brought here a little poster which talks about and shows article IV, section 3, of the U.S. Constitution, and I need this here to remind all my colleagues of the importance of the Constitution. It gives Congress the power to develop all needful rules and regulations governing land belonging to the United States. But, frankly, over the last 25 years international land programs have been designating an increasing number of pieces of U.S. land without the approval of Congress, without the approval of congressional oversight.

At present, over 68 percent of U.S. national parks, preserves, and national monuments are designated as a U.N. World Heritage Site, Biosphere, or both. Although they were created for environmental protection of public land, Federal management of these programs threatens to expand, expand into private property. The values of nearby private property and local economies could be negatively impacted.

So, Mr. Chairman, I would remind my colleagues to look at this when they vote and remember, Congress should insist that no U.S. land be designated for inclusion in the U.N. Biosphere Reserve or World Heritage Sites without congressional approval. Additionally, local residents and public officials should be allowed to participate, participate in the nominating process.

So, Mr. Chairman, according to the Constitution, which I have here, decisions regarding the use of American lands should remain with the American people. For these reasons, I support H.R. 901, the American Land Sovereignty Protection Act.

Mr. Chairman, the American Land Sovereignty Protection Act is necessary to maintain Congress' role in U.S. land management and to preserve U.S. sovereignty over these lands. Additionally, the act preserves State sovereignty and private property rights in adjacent Federal lands.

Article IV, section 3 of the Constitution gives Congress the power to develop all needful rules and regulations governing lands belonging to the United States. However, over the past 25 years, international land programs have designated an increasing expanse of U.S. lands—without the approval of Congress and virtually no congressional oversight.

At present, over 68 percent of U.S. national parks, preserves, and monuments are designated as a U.N. World Heritage Site, Biosphere Reserve, or both. Although these land designations were created for environmental protection of public land, Federal management of these programs threatens to expand to private property.

The values of nearby private property and local economies could be negatively affected.

The American public is rarely informed of such designations. Federal agencies are not required to include public involvement when nominating an area for a U.N. Biosphere Reserve or World Heritage Site.

Congress should insist that no U.S. land be designated for inclusion in U.N. Biosphere Reserves or World Heritage Sites without congressional approval. Additionally, local residents and public officials should be allowed to participate in the nominating process.

In accordance with the Constitution, decisions regarding the use of American land should remain with the American people. For these reasons, I support H.R. 901, the American Land Sovereignty Protection Act.

□ 1845

Mr. MILLER of California. Mr. Chairman, I yield myself 2½ minutes.

I think my colleague, the gentleman from California [Mr. FARR] makes a very important point. It is just not a question of the Federal lands we are taking out here, but there are arrangements and agreements that local governments, universities, foundations have entered into for the preservation of these biospheres, not because anybody twisted their arm but because they think it important and they are involved in them for educational opportunities, for research opportunities so that we better understand these areas, like the University of California, Clemson University, Little St. Simons Island Foundation, the University of South Carolina, the California Department of Parks and Recreation, South Carolina Department of Natural Resources, Colorado Department of Natural Resources, Vermont Natural Resource agency. It goes on and on and on.

The point being this: These areas were selected and were nominated and are involved in these and have been now for 25 years because local citizens, educational institutions, foundations and local governments felt that this was important. My colleagues on the other side insist upon saying that this is about the management of the land. This has nothing to do with the management of the land. There is no authority, no responsibility and no power to manage the land.

I think that this act, this legislation, has been badly represented by the proponents of it because clearly for 25 years that is not what this legislation has been doing. The proponents ought to make that clear but they refuse to. They want to continue that this is somehow a one world government takeover of local governments, that somehow the University of South Carolina or Clemson University could not figure out that they were doing this at their own volition, or the University of California or Stanford University or the California Parks Department, they could not figure out how to do this on their own, or the Nature Conservancy or the Audubon Society, they could not somehow figure out how to do it on their own. This is that kind of operation.

I would just hope that the Members would take a very clear look at this. This is not as it is represented and this is a bill, a solution that is in search of a problem because the problem simply does not exist. These areas have existed for 25 years. They have been accepted by local communities. They are promoted by local communities. In the case of the World Heritage areas, they are an honor for this Nation.

Mr. DUNCAN. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I rise today in support of H.R. 901, the American Land Sovereignty Protection Act. For too many years a war has been waged on western lands with private property rights, States' rights and western values being trampled on in the process. Even though Congress is constitutionally entrusted with the power of the management and use of lands belonging to the United States, the United Nations' land designations currently take place without the approval of Congress.

I have heard from many of my constituents in California's 43d Congressional District who are angry because they believe the United Nations has been given the rights to Federal land. They are upset about this issue and wonder how the United States could have let this happen. I am sure many of my colleagues have received similar calls. We in Congress who have been elected to represent them have only one way to help them: Pass this legislation.

H.R. 901 would correct this injustice and require that the Congress approve international land designations in the United States. I urge all my colleagues to support this legislation.

Mr. MILLER of California. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in opposition to this bill and point out again that this bill negates two treaties, two treaty agreements that we have, the World Heritage Convention Treaty, the Ramsar Treaty, and the one agreement protocol with Man and Biosphere. Much of the discussion has gone on about Man and Biosphere tonight. This negates these three agreements.

The fact is there are 82 sites in the United States which have been recognized under the World Heritage and the Ramsar and under the Man and Biosphere. I asked for one example where there was a land use limitation placed on any of these by virtue of these three agreements which are negated. The answer that came back was a resounding silence from the other side.

We had allegations, innuendoes, suggestions of proposals.

Mr. Chairman, I yield to the gentlewoman from Idaho [Mrs. CHENOWETH] for that example right now.

Mrs. CHENOWETH. Mr. Chairman, the best example is the Crown Butte Mine that was a patent and mine site. We are preparing to pay $65 million for that particular taking. That is a taking of private property.

Mr. VENTO. Reclaiming my time, Mr. Chairman, that is just an allegation suggesting that somehow the Man and Biosphere Program limited that. That was a decision in terms of other factors that are involved. It was not the specific Man and Biosphere Program that limited it.

I want to point out that the opening paragraph in the Man and Biosphere Program points out, biosphere reserves, each of which remains under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation of States is voluntary.

The Man and Biosphere Program, incidentally, is a scientific research program. The World Heritage recognizes sites, and it says, article 6 of the Convention for the Protection of the World Cultural and Natural Heritage expressly provides for full respect of the sovereignty of the Nation in whose territory the heritage site is located and further states, "without prejudice to property rights provided by national legislation."

Finally, in article 2 of the Ramsar Treaty, the Convention on Wetlands of International Importance, Ramsar specifically states, "The inclusion of a wetland on the list does not prejudice the exclusive sovereign rights of the contracting party in whose territory the wetland is situated."

My question is, what are my colleagues afraid of? It is a sad day to me when the Members of this House have given in to the misconceptions and misinformation that are being used to advance this bill. Loosely associated with the United Nations, but this voluntary conservation recognition has been led by the United States.

Mr. DUNCAN. Mr. Chairman, I yield 30 seconds to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I just want to state for the record that there are numerous examples of private property takings and the biggest is, the biggest burden to the American taxpayers is the Crown Butte Mine. That is a $65 million tax bill to the U.S. taxpayers to pay off the private property rights holders, the patent mine holders and the leasing company for the taking of that mine site. Ask people in the Adirondacks in New York. There are people that are furious about this from all over the Nation because of the takings of the use of their private property.

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

Let me close by saying that many people today feel that we have a government of, by and for the bureaucrats instead of one that is of, by and for the people. They feel powerless to control or affect the decisions even of our own government, but they have much less power in influencing the decisions of the United Nations. Surely we do not want to turn more power over to unelected U.N. bureaucrats. I urge the passage of this very modest, very fair legislation.

Mr. HASTINGS of Washington. Mr. Chairman, in recent years, an alarmingly large

amount of our nation's land has been made subject to various international land use restrictions through United Nations Biosphere Reserve and World Heritage Site designations. Under the Constitution, Congress has the power to make all meaningful rules and regulations governing lands belonging to the United States. However, these international land designations have been created with virtually no congressional oversight. Equally important, the general public and local governments are rarely consulted in this process.

By consenting to international land use designations, the United States agrees to regulate surrounding lands which, in most cases, include a substantial amount of private property. Honoring these agreements could force the Federal Government to prohibit, or limit, some uses of private lands outside the internationally designated area unless our country wants to break a pledge to other nations. Furthermore, by agreeing to U.N. land designations, the United States may be indirectly agreeing to the terms of international treaties to which the United States is not a party, and which the Senate has not ratified.

The bill amends the National Historic Preservation Act to require the Secretary of the Interior to secure congressional consent to nominate any lands for World Heritage Site or Site in Danger status. Furthermore, the Secretary may not nominate any lands for World Heritage Site status without a finding that no existing commercially viable businesses will be harmed by the land use restrictions associated with a U.N. designation.

H.R. 901 also terminates existing Biosphere Reserves by December 31, 2000 and prohibits future designations unless: the Biosphere reserve is specifically authorized by Congress; the designated lands are entirely owned by the United States; and a management plan exists which specifically provides for the protection of private and non-Federal Government property rights. The Secretary of State is also required to submit an annual report on all Biosphere Reserves in the United States.

Finally, H.R. 901 amends the National Historic Preservation Act to prevent land use restrictions and designations under any international agreements unless that designation is authorized by law, and only allows private property to be included in such a designation with the written consent of the property owner.

H.R. 901 protects private property owners by giving them, as well as their elected representatives, greater input into this process. I urge my colleagues to support this legislation which protects United States sovereignty and the private property rights of American citizens.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in strong opposition to H.R. 901, the American Land Sovereignty Protection Act. This legislation is unnecessary and unwise. I share the views of the State Department in the belief that this bill would add a level of political and bureaucratic regulation that is unnecessary and runs counter to the United States role in both local and global environmental cooperation. I also fully share the Clinton administration's view in opposing H.R. 901 because the "bill could significantly reduce U.S. leadership and influence in global conservation and is counter to the U.S. role in global environmental cooperations."

If enacted, H.R. 901 would cancel the Biosphere Reserve and World Heritage Site programs, including the 67 existing sites in the United States, if Congress did not authorize them. One of these Biosphere Reserves is the Virgin Islands Biosphere Reserve in my district. I initially intended to offer an amendment to remove the Virgin Islands Biosphere Reserve from coverage of this bill but because of an agreement reached by the leadership of the Resources Committee, the ranking minority member, Mr. MILLER will offer my amendment and other similar amendments in-block, instead.

Mr. Chairman the Virgin Islands Biosphere reserve was designated in 1976. During the last 10 years, there have been various efforts to implement the Biosphere Reserve concept on St. John and to develop linkages with the small-island territories and nations in the Lesser Antilles and the Caribbean basin. Because the efforts of the VI Biosphere Reserve have relied heavily on National Park Service, [NPS] resources and participation, the NPS has been a dominant influence in the early efforts to develop a Biosphere Program.

In 1986, the National Park Service constructed the Virgin Islands Biosphere Reserve Center to support the VI Biosphere Reserve goals. The Center provides space for offices for research scientists and resource managers, laboratories, research collections, conferences, training facilities, public education programs, community development activities, and lodging for researchers working in the park. The Center's activities have fostered recognition of the biosphere reserve in the Virgin Islands and the Caribbean basin.

We are proud, Mr. Chairman, of the work that the VI Biosphere Reserve will be doing in developing and implementing conservation and economic programs in the Virgin Islands and Caribbean region. Additionally, because we recognize economic value of being designated a World Heritage Site to our tourism based economy, my constituents and I have been seeking, for some time now, to have the Salt River National Historical Park and Ecological Preserve, in my native St. Croix, received this prestigious designation.

While I respect the property rights concerns of the proponents of this legislation, there simply isn't a need for their fears. Designation as either a Biosphere Reserve of a World Heritage site does not constitute either a loss of United States sovereignty or present a threat to the enjoyment of individual property rights.

My colleague, we should oppose this bill because it's unnecessary and would impair the ability of Federal agencies to work with States and territories, like my district of the Virgin Islands, to achieve the benefits of international recognition for U.S. conservation and research sites.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as having been read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 901

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 "American Land Sovereignty Protection Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (Public Law 96-515; 94 Stat. 2987) is amended—

(1) in subsection (a) in the first sentence, by—

(A) striking "The Secretary" and inserting "Subject to subsections (b), (c), (d), and (e), the Secretary"; and

(B) inserting "(in this section referred to as the 'Convention')" after "1973"; and

(2) by adding at the end the following new subsections:

"(d)(1) The Secretary of the Interior may not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention, unless—

"(A) the Secretary finds with reasonable basis that commercially viable uses of the nominated lands, and commercially viable uses of other lands located within 10 miles of the nominated lands, in existence on the date of the nomination will not be adversely affected by inclusion of the lands on the World Heritage List, and publishes that finding;

"(B) the Secretary has submitted to the Congress a report describing—

"(i) natural resources associated with the lands referred to in subparagraph (A); and

"(ii) the impacts that inclusion of the nominated lands on the World Heritage List would have on existing and future uses of the nominated lands or other lands located within 10 miles of the nominated lands; and

"(C) the nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act and after the date of publication of a finding under subparagraph (A) for the nomination.

"(2) The President may submit to the Speaker of the House of Representatives and the President of the Senate a proposal for legislation authorizing such a nomination after publication of a finding under paragraph (1)(A) for the nomination.

"(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention, unless—

"(1) the Secretary has submitted to the Speaker of the House of Representatives and the President of the Senate a report describing—

"(A) the necessity for including that property on the list;

"(B) the natural resources associated with the property; and

"(C) the impacts that inclusion of the property on the list would have on existing and future uses of the property and other property located within 10 miles of the property proposed for inclusion; and

"(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress after the date of submittal of the report required by paragraph (1).".

"(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and of the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the site:

"(1) An accounting of all money expended to manage the site.

"(2) A summary of Federal full time equivalent hours related to management of the site.

"(3) A list and explanation of all nongovernmental organizations that contributed to the management of the site.

"(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.".

SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

"SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

"(1) is specifically authorized by a law enacted after that date of enactment and before December 31, 2000;

"(2) consists solely of lands that on that date of enactment are owned by the United States; and

"(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

"(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the reserve:

"(1) An accounting of all money expended to manage the reserve.

"(2) A summary of Federal full time equivalent hours related to management of the reserve.

"(3) A list and explanation of all nongovernmental organizations that contributed to the management of the reserve.

"(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.".

SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amended by adding at the end the following new section:

"SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

"(b) A nomination, classification, or designation, under any international agreement, of lands owned by a State or local government shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

"(c) A nomination, classification, or designation, under any international agreement, of privately owned lands shall have no force or effect without the written consent of the owner of the lands.

"(d) This section shall not apply to—

"(1) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and

"(2) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

"(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, bilateral agreement, or multilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.".

SEC. 6. CLERICAL AMENDMENT.

Section 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is amended by striking "Committee on Natural Resources" and inserting "Committee on Resources".

The CHAIRMAN. No amendment shall be in order except amendments 2, 27, 5 and 51 as printed in the CONGRESSIONAL RECORD; one amendment by the gentleman from California [Mr. MILLER] or his designee at the desk striking section 4(b), and one amendment by the gentleman from California [Mr. MILLER] or his designee at the desk regarding specific biosphere reserves.

Each amendment may be offered only in the order specified, may be offered only by the Members who caused them to be printed in the RECORD or their designees or a Member otherwise designated in the previous order of the House.

Each amendment shall be considered as read, debatable for 30 minutes 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 a division of the question.

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.

Pursuant to the previous order of the House, it is now in order to consider amendment No. 2 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 2 OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment is as follows:

Amendment No. 2 offered by Mr. BROWN of California:

Strike page 8, line 21 through page 9, line 16, and insert the following:

"SEC. 403 (a) No Federal official may nominate any lands in the United States for redesignation as a United States Biosphere Reserve under the Man and the Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization, except in accordance with this section.

"(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of lands in the United States as a United States Biosphere Reserve under the Man and the Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the proposed United States Biosphere Reserve is determined by the Secretary of State—

"(1) to include—

"(A) little-disturbed areas of natural habitat that are reasonably expected to remain so because of protection or management under any law or regulation in effect before the date of that designation; and

"(B) managed use areas;

"(2) to be suitable to serve as a model of outstanding stewardship fostering a harmonious relationship between human activities and the conservation of natural resources; and

"(3) to have been nominated for designation by each person that holds title to the lands, or in the case of public lands, by the governmental authority administering the lands, after local public comment has been obtained and considered.

"(c) The Secretary of State, or governmental authority administering the nominated lands, shall use appropriate means to publicize nationally the nomination of lands for designation as a United States Biosphere Reserve.

"(d) Designation of lands as a United States Biosphere Reserve shall not convey any additional protections or use restrictions to included lands, or impose any obligations on third parties, including private parties, nor shall it impose any restrictions or requirements on private rights or private property land uses within the lands or adjacent to the lands. Recognition as a United States Biosphere Reserve shall in no way affect United States sovereignty over lands.

"(e)(1) For all designations on or before the date of enactment of the American Land Sovereignty Protection Act of lands in the United States as a United States Biosphere Reserve, the Secretary of State shall transmit to the Congress determinations made under subsection (b) of this section within 90 days after the date of enactment of the American Land Sovereignty Protection Act.

"(2) Upon receiving any new nomination for designation of lands as a United States Biosphere Reserve after the date of enactment of the American Land Sovereignty Protection Act, the Secretary of State, after determining that the requirements of subsection (b) (1) through (4) have been met, shall transmit to the Congress the information received with respect to the nomination. No lands shall be designated as a United States Biosphere Reserve until at least 90 days have passed after the transmittal of information with respect to those lands under this paragraph.

Page 9, line 17, redesignate subsection (c) as subsection (F).

The CHAIRMAN. The gentleman from California [Mr. BROWN] and a Member opposed, each will control 15 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment that would place the congressional oversight role for the Man and Biosphere program in a more practical and workable context. As I indicated in my earlier discussion, I feel that the proponents of this bill are correct in asserting that this program deserves congressional authorization and congressional oversight. My amendment would provide for such oversight.

We have debated the pros and cons of the Man and Biosphere program on a number of occasions during this session of Congress, but there remain a number of elusive arguments against the program for which virtually no evidence has been presented. I am not in any way dismissing the seriousness of these arguments regarding private property rights and national sovereignty. Indeed, the legislation in bill form which I have previously introduced would guarantee a continuing active oversight mechanism to ensure that there would be no disregard to private property rights and no loss of national sovereignty.

I pledged to the House on this occasion to exert my very best efforts in bringing this bill to the floor as quickly as possible.

Now, some of the provisions in my bill are likewise included in the amendment which I am offering here today. We are faced today with a bill, H.R. 901, that would have the practical effect of eliminating all biosphere designations and seriously hindering the ongoing research at these sites before we have had an opportunity to examine in any serious way the actual benefits and potential shortcomings of this program.

Again, as I indicated earlier, my previous concern over the last several years has been with the research programs which flow from this designation of Man and Biosphere program. By rescinding all existing biosphere designations and requiring that Congress must pass specific statutory legislation for each designation in the future, we are virtually guaranteeing that no designations will be made.

I want to make a clear distinction between the biosphere designations that we are discussing today and actually setting aside Federal land for legal protection. Obviously this latter point, setting aside Federal lands for legal protection, is an extremely serious decision that is appropriate for specific congressional legislation. The biosphere designations, however, have absolutely no effect on the legal status of any lands. I want to repeat that.

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It may be useless to repeat it, because it has been repeated about a dozen times already, but biosphere designations have absolutely no effect on the legal status of any lands. They serve only to facilitate the research that goes on there. Specifically, they enable a vigorous data exchange program with comparable biospheres elsewhere in the world, some of which I have previously referred to in my earlier discussion.

Thus, it is appropriate that the discussion to identify and nominate biospheres should be a part of the overall responsibilities of the executive branch. Congress should exercise oversight by reviewing those designations during the reporting period specified in my amendment. This is similar to the oversight role that we would exercise over the research itself which is being conducted there.

It is simply unreasonable to burden Congress with a micromanagement role in actually legislating each such decision. Since no designation changes any aspect of the legal status of such lands, these designations do not arise to the level of significance that they should compete with other more substantive legislation that Congress must deal with.

I would point out that my amendment, taken from the bill which I earlier introduced, H.R. 1801, ensures that all nominations and designations remain in local control. To subject, for example, a designation in Texas to a vote of the full House in effect removes this local control aspect. Many biospheres are, in fact, related to State and even privately owned lands when the local owners support such designation. A congressional statute would serve only to override such local actions.

Mr. Chairman, I would like to just briefly quote from the language of my amendment, in case anyone doubts what I have just indicated. My amendment would require that any lands that are to be designated should have been designated by each person that holds title to the lands. Each person has to participate in the designation. Or in the case of public lands, the governmental authority administering the lands, after local public comment has been obtained and considered, can nominate a land for consideration.

Furthermore, the Secretary of State or governmental authority administering the nominated lands shall use appropriate means to publicize nationally the nomination of lands for designation as a United States Biosphere Reserve. The designation of lands as a reserve shall not convey any additional protection or use restrictions to included lands, or impose any obligation on third parties, including private parties, nor shall it impose any restrictions or requirements on private rights or private property land uses within the land or adjacent to the land.

Now, this is exactly what the proposers of this bill have been asserting that they want. And I have included it in my amendment so that it would be absolutely clear that that is the situation.

In closing, I want to point out that my amendment ensures a proper and appropriate level of congressional oversight while preserving a workable biosphere program because of the overriding importance of the international research conducted within the framework of this biosphere program.

Mr. Chairman, I urge the support of my colleagues for this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment, and I reluctantly do so because I have great respect for the

gentleman from California [Mr. BROWN].

But my committee has held three hearings on the biosphere designations. Biosphere Reserves are unpopular because they were created without consulting, working with the public. In my State, no one was notified, including the governor. Nearby property owners, who are not even consulted about the nomination, have legitimate concerns about the program. No hearings have been held on this amendment and there has been no chance for public comment.

Very frankly, I think the amendment is, although well thought out, is not the amendment that should be adopted. For designation of Biosphere Reserves, this amendment delegates the constitutional power of the Congress to the Secretary of State. In all due respect to our new Secretary of State, I do not want this Congress to give her that much power. It only gives us a cursory role to make these decisions.

Frankly, why have more roadblocks? Nearly every month the Congress passes bills naming post offices, park visitor centers, and federal courthouses, and it is all an honorary function. If someone would like to have their area as a biosphere area now, if they want to come back, there is no reason why that Congressman in that district, the person of the people, cannot recommend it.

Again I want to stress that I think it is the role of this Congress to make these definitions, so I do oppose this amendment and urge the defeat of the amendment.

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

Mr. BROWN of California. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding me this time, and I want to speak in favor of his amendment.

I think, as the gentleman from California has stated under general debate, that, in fact, these programs, the major program we have been talking about, the Man and the Biosphere Program, in which 120 some nations actually participate, we have actually, as a Nation, led in the development of this program to provide research, global research.

Now, because I am for global research does not mean I am for one world government as some might assume. The fact is, of course, that I think we need the 650 research sites we have around the globe. Forty-seven Biosphere Reserves, we know, are in this country, the United States of America, and many of them serve as a focus of that scientific research.

Mr. Chairman, my job, as a Member of Congress, I think, is translating new knowledge, new information into public policy. One source of that information, of course, in terms of landscape and land use questions and the health of these types of ecosystems comes from this primary on-the-ground type of research.

Almost every one of our land management agencies, the Fish and Wildlife Service, the Park Service, the Forest Service, the Bureau of Land Management and others, have as one of their functions their mission, scientific endeavor. In fact, we have some of the most renowned scientists in the world in terms of our forests and landscapes in the Forest Service and in the Fish and Wildlife Service and in the Park Service.

The fact is that in designating these M.B.P. we can build and do build as much knowledge as we might have within the continental United States or the various States that are not within it, Puerto Rico, American Samoa. Each one of these has been a focus in terms of research activities. But as far as we go, we still end up with an incomplete picture if that is the only information that we obtain.

So in terms of working cooperatively under this voluntary program that has been set up, the Man and the Biosphere Program, we obtain that type of information so that we can make better public policy decisions. And whether we agree or not with questions like global warming or the pollution that is occurring, perhaps, in the oceans, the conditions and problems with the atmosphere and ozone, all of this type of information can be gathered cooperatively.

And that events occurring on these special landscapes. The information that comes from the Caribbean National Forest in Puerto Rico, or the Andrews Experimental National Forest in the State of Washington, all is very important. A couple of these happen to be biosphere sites. We can pull that information together, from more important data so that we can make better decisions.

What has been stated here is that this program, one of the major objections was that it was not authorized. Well, here we have a chance in an authorizing bill to authorize the Man and the Biosphere Program. I think it is constituted appropriately. It has been operating for 25 years. Various agencies, the Federal Government, have accomplished this. It is part of a major agreement that we have entered into, as I said, with 125 other nations participating; 651 scientific sites.

With the action of this bill, and the absence of legislation or modifications such as the gentlemen from California [Mr. BROWN] and [Mr. MILLER] will propose, we would be unilaterally withdrawing from the MBP, from the universities that have made the agreements, from the corporations that have made the agreements, all on a voluntary basis, from the State governments and the agencies of the State governments that have made the agreements. This Congress, in buying into the ideas and the fears, I very much regret that, that in fact we would be reneging and yielding our leadership in terms of conservation and science in terms of the environment on a global basis.

So I strongly rise in support of the gentleman's amendment to reauthorize this. As he stated, he has put in the provisions that deal with some of the property concerns that have been raised.

No one has brought a single example up of the 82 sites, including the 47 Biosphere Reserves, in fact, where these agreements, these treaties, have had any impact on any land use decision. They may bring information, they may bring information that is used in decision-making by those that have the authority to make decisions, but there has been no instance.

And I think if they are guilty of being loosely associated with the United Nations, so be it. But I think we need this information as individuals because we live in an environment in which the global condition and the global science is something of an information network that we have to create.

I urge Members to adopt this sensible amendment that the gentleman from California [Mr. BROWN] has offered.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I rise to respectfully oppose this amendment.

The Secretary of State is simply no substitute for the American people. Texas now has two Biosphere Reserves totaling over three-quarters of a million acres in our State affecting a lot of counties and a lot of people.

The Secretary of State is simply not qualified to determine, as this amendment asks him to do, to determine natural habitat areas, land stewardship, the conservation of natural resources or a number of other environmental issues. The Secretary of State, whose job it is to help direct our relationships with foreign countries, is no more closer to this mission than the IRS or the Federal Election Commission. They are all equally unqualified to determine property rights in States across our country.

The bottom line is that those who work hard, save enough money to buy a house and make a mortgage understand how difficult it is, how extremely hard one has to work to buy land, to own a family farm, to keep it running, to buy a ranch and operate it, to work all their lives and buy a home in the country to retire upon. And while some people would call them extremists, I say they have earned the right to have a say in how their land is used and how the land adjacent to them is used.

That is why this bill, in its concept, in its principle, says that we ought to, as Congress and the American people, have a say, a real say in what happens to our lands in our States.

Local government leaders have testified before the Committee on Resources that they were never consulted, had no idea about the creation of biospheres in their local areas. Several States have passed resolutions opposing the biospheres that have already been created. That alone raises a real doubt about the validity and the value of the properties that have already been designated, and it underscores the need for us to have a say.

America's lands ultimately belong to America and not to the world. Private lands belong to private property owners and not to the United Nations and not without our consent. It is time to protect our lands and our rights by giving us a voice through Congress on how these lands are used.

Mr. BROWN of California. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN. The gentleman from California [Mr. BROWN] has 3 minutes remaining.

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume, and let me close, really, by trotting out the heavy artillery here.

I note in the list of research projects that are being supported under the Man and the Biosphere Program that one of these is from my own State of California, where they are developing the integrated monitoring data and information system, which allows us to keep constant control over all the research that is going on around the world, and it comes right back to California where we can watch it and take advantage of it.

But even more impressive is the fact that out of this list of 15, two of them are in the State of Alaska. And perhaps I am reading this figure wrong, but I think one says $50 million and the other $35 million, or $15 million, and these will automatically go down the drain if this bill passes.

I know my good friend from Alaska, who has been so assiduous in pursuing the welfare of Alaskans and the receipt of research grants for all good things that help the world, would be devastated to lose this inflow of Federal cash.

□ 1915

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Mrs. LINDA SMITH].

Mrs. LINDA SMITH of Washington. Mr. Chairman, I stand tonight as a strong supporter of this bill, and I stand against the amendment, not because of the intender, I think that his intentions are good, but I can find nowhere in the Constitution that we would give the power to the Secretary of State over our lands.

As my colleagues can see, article IV, section 3, of the Constitution says, "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

International designations, such as World Heritage Sites, Biosphere Reserves, and others occur without congressional input or approval and are in direct conflict with article IV, section 3.

Unfortunately, these designations usually occur without the input of local citizens, and quite often they are not even aware that they happen until something happens to them, like they lose their local property rights or the use of their property.

Everyone here should be concerned about these designations and should support the bill, H.R. 901, because what it does, it stands up for local property owners, but it also says the Congress is responsible to the people. We are elected. And the reason I stand against this amendment is, the Secretary of State is not; the Secretary of State is appointed. It is not unreasonable to ask that these nominations be made in the light of day, they be confirmed by the people's body, and that we protect the sovereignty of America.

I would ask that my colleagues consider very strongly voting against this amendment but also for the final bill. It passed strong before with a 246 to 178 vote, and I think it will again tonight if we know our Constitution.

Mr. YOUNG of Alaska. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] has 9 minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I would like to report that the U.S. Man and Biosphere program is funding a meeting of those concerned with the restoration of the Florida Everglades through a grant. The meeting is at a resort in Maine. Why is it not being held in Florida near the Everglades, the subject of the meeting?

Local participation would be encouraged, and the meeting would cost the taxpayers less. But I really think this shows how badly this program is being managed. It is not being managed, it has not been managed, it is a boondoggle, it has been a boondoggle, and it circumvents the role of Congress.

Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, the question I have to ask is this: If it just supports ecological research cooperation, why would his bill want to remove the private sector from being able to do that on their own lands, or local districts to do it, or even State parks from doing this ecological research? Why would his bill say they cannot do it?

Mr. YOUNG of Alaska. Reclaiming my time, I believe most of these areas were set aside without public input. There is no reason why, if it is such a great idea and a good operation, if there is one in his district, I would certainly support the gentleman if he represents that district, as I have said otherwise. But it should still be this Congress and not some other agency.

Mr. FARR of California. But my amendment would exempt it.

The CHAIRMAN. The gentleman from California [Mr. FARR] has yielded the balance of his time.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was rejected.

The CHAIRMAN. Pursuant to the previous order of the House, it is now in order to consider amendment No. 27 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 27 OFFERED BY MR. VENTO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. VENTO:

On page 11 of the bill—

(1) on line 10, strike "and";

(2) on line 13, strike the period and insert instead "; and"; and

(3) after line 13, insert the following:

'"(3) sites nominated under the Convention on Wetlands of International, Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention).'"

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 5 minutes.

I rise, of course, in support of the amendment that I have submitted. During the markup of this bill in the full Committee on Resources, an amendment was offered that will effectively end the U.S. participation in the Convention on Wetlands of International Importance, especially as waterfowl habitat.

This amendment is one that the ducks and geese and sportsmen should be in favor of adopting, Mr. Chairman, the convention on wetlands, especially waterfowl, generally known as the Ramsar Convention.

My amendment would reaffirm the U.S. participation in this 25-year-old

international agreement that celebrates 775 wetland sites around the world, only 15 of which are within the United States, only 15. This is an entirely voluntary program, and it is named after a meeting that was held in Ramsar, Iran.

I am still rather baffled why anyone would want to end our involvement in this voluntary agreement, this Ramsar Treaty. It imposes no land use restrictions or regulations on American landowners. All it does, and it is the only international agreement to do so, is encourage worldwide protection of wetlands.

Currently, 92 nations have joined in adopting the Ramsar objective to stem the loss of wetlands and ensure their conservation. Again, the agreement makes no mandates and sets no rules. Statements to the contrary are simply incorrect. Congress writes the laws, and Congress sets the rules.

As I have said, I would join the supporters of this bill in opposing any international agreement that did restrict our powers to do so. This, however, is not the case. This debate ought to be about wetlands, which are important for a number of reasons. They serve as a valuable natural resource for wildlife and people, a vast array of wildlife, including, of course, many important species of migratory waterfowl. They provide food and shelter and, of course, rich vegetation.

The wetlands soak up water, reducing flooding, and they also help break down pollutants and protect clean water supplies, which, of course, feed into the various aquifers very often or into our surface streams and rivers. Development that destroys wetlands, thus, has important consequences. It reduces our ability to cope with difficult flood situations and reduces wildlife habitat, the major cause, of course, of the decline of many wetland species.

Indeed, I often wonder if we could have prevented the horrible floods that occurred in my home State earlier this year if we had protected more of our precious wetlands.

Ramsar seeks to temper this development by promoting international cooperation in responsible use and management of wetlands. Participating nations consider wetlands conservation in natural resource planning and seek to maintain the ecological character of wetlands. Most importantly, the 15 U.S. Ramsar sites are part of an international network of protected areas necessary for the conservation of wetland-dependent migratory species.

This Congress should not end U.S. participation in the Ramsar Convention. Wetlands are among the most productive environments in the world and provide amazing examples of our planet's biological diversity. The Ramsar Convention celebrates the importance of these remarkable habitats worldwide and ensures their protection for future generations.

The fact is, Mr. Chairman, that this treaty, this agreement, provides us the opportunity to lead and to encourage other nations to preserve wetlands. We do a pretty good job here in terms of many of the wetlands we have.

Obviously, we debate it and it is a matter of great concern, I think, to most of the Members of this body. But the fact is, how can we project beyond what we do in this country? Because we know that many of these species migrate to the other hemisphere in some cases and out of the country, in Mexico, and many other places.

We have many volunteer programs that do this, such as Ducks Unlimited. But the fact is, on a global basis, if we want to deal with wetlands, this is one form of voluntary organization, a voluntary treaty, which has no effect in terms of anyone's property rights, which is entered into. We have 15 such sites which are celebrated. As I said, there are many more sites on a global basis.

I would encourage the Members to restore this amendment to the bill, so this is an exception, so this treaty remains in force and effect and it is not knocked out by this measure before us.

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

Mr. YOUNG of Alaska. Mr. Chairman, I would like to remind my colleagues that H.R. 901 will not end participation by the United States in the Ramsar Convention. It does not do that. It has no effect on existing Ramsar sites, does not affect them at all. All it does is simply require any new Ramsar sites to be recognized and approved by its adoption.

Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank my colleague, the gentleman from Alaska [Mr. YOUNG] for yielding me the time.

Mr. Chairman, I rise in support of H.R. 901 and in strong opposition to the Vento amendment. The Vento amendment would allow international officials to nominate sites under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, commonly known as the Ramsar Convention, without having to abide by the controls on such designations listed in H.R. 901.

In essence, Mr. Chairman, the Vento amendment would allow international bureaucrats to designate U.S. lands as wetlands. Such classifications would not require the approval of Congress nor the consent of the owner of the land.

Mr. Chairman, that is significant, so let me repeat that. Under the Vento amendment, a wetlands designation under the Ramsar Convention would not require the approval of Congress nor the consent of the owner of the land. That is not only wrong, it would surrender common sense and constitutional rights.

The goal of H.R. 901 is to ensure that international agreements do not infringe upon our sovereignty. For this reason, the Committee on Resources passed an amendment by voice vote that said sites selected under the Ramsar Convention must be authorized in the same way other international designations are, by passing a law.

Mr. Chairman, protecting waterfowl habitat is a laudable goal we all should support. However, too many times the Ramsar Convention has been used, actually abused, by special interest groups looking to usurp private property rights. Let me provide just one example of the far-reaching effects of the Ramsar Convention.

Steve Lindsey of Canelo, AZ, is a fifth-generation rancher in the southeastern part of my State. His family has ranched the same land since the late 1860's. On January 28 of this year, a radical special interest group petitioned the U.S. Fish and Wildlife Service to designate 60 acres of Mr. Lindsey's privately-owned land as a "wetland of international importance especially as waterfowl habitat." The designated area, Mr. Chairman, can be seen in the picture next to me right here.

Let us take a look at this picture. I would especially ask opponents or proponents of this amendment to take a look at this picture. As they can see, water does not cover the 60 acres of land the extremists want designated under the Ramsar Convention. Rather, a small meandering stream known as Turkey Creek runs through the property only 4 months of the year.

Let me show my colleagues a picture of Turkey Creek, Mr. Chairman. It is scarcely discernible. Here is the supposed wetland. This picture illustrates that the creek is no more than a foot wide and a few inches deep.

Again, the goal of the Ramsar Convention is to protect waterfowl habitat. I would simply say to the Members of this body that this creek is no more a waterfowl habitat than the fountain across the street in front of the Library of Congress. The duck hunters, Mr. Chairman, do not care about this puddle. It is only suitable for rubber ducks.

There are no less than 10 such proposed designations in my home State of Arizona. Needless to say, unelected and unaccountable international officials should not have unchecked, unparalleled power to name sites in the United States under the Ramsar Convention, ruin the livelihood of our citizens, and deny them their right as citizens.

□ 1930

Mr. Chairman, the Ramsar Convention is another example of government

gone haywire. It tramples on the sovereignty that we as a nation so cherish. H.R. 901 would help rectify this egregious violation of our international sovereignty.

As Mr. Lindsey stated in his testimony before the Committee on Resources earlier this year, "It is absolutely necessary that this bill, H.R. 901, include the Ramsar Convention and that this bill is passed and implemented. As a sovereign nation, we cannot give any more power to those who desire to control our very existence."

Therefore, I urge defeat of the Vento amendment.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

I would just point out to my colleague from Arizona that most of the examples that have been brought up here in terms of all of it, these examples with regard to Ramsar, are areas that were proposed. None of us can prevent people from making recommendations as to protection of a wetland area, and the fact is that they had not been identified. There are no sites in Arizona that, in fact, are so designated.

The specific provisions of this bill would prevent any type of private or State land or other lands from even being considered, even if people wanted to do so, and they are permitted on a voluntary basis. So it simply denies the opportunity to even consider it. To those that voluntarily want to participate in this type of agreement, it simply denies it. That is what the legislation does.

So repeatedly we ask for specific examples of any type of instance where any property right, any type of denial or control was placed by virtue of any of these three, and we are simply given back examples of proposals or measures or other activities involved that do not really reflect; no one can answer that question.

Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I would like to correct something that the gentleman from Alaska [Mr. YOUNG], the chairman of the full committee, said. When he introduced this bill, of which the gentleman from Arizona [Mr. HAYWORTH] was a cosponsor, it exempted the Ramsar sites, and on page 11 of the bill that was introduced it said, "Sites to be exempted: Sites nominated under the Convention on Wetlands of International Importance, especially waterfowl habitat, properly known as the Ramsar Convention."

But the amendment that was offered by the gentlewoman from Idaho [Mrs. CHENOWITH] in the committee exempted that, so this amendment that the gentleman from Minnesota [Mr. VENTO] is bringing up is trying to put the bill back in its original order the way the gentleman from Alaska [Mr. YOUNG] introduced it, because it does protect the waterfowl that the gentleman is interested in protecting. What it is doing is, it is restoring the bill to what the gentleman thought was the proper exemption from the bill.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, all we are doing is saying, any future Ramsar sites have to come before the Congress. It does not affect anything that is in place now. Nothing affects the Convention; it just says it has to come back here. We are protecting those wetlands.

Mr. FARR of California. Mr. Chairman, reclaiming my time, no, because what it says, and I disagree with my colleague, it is easily read on page 10, line 17. It says that it has to be specifically authorized by law. That is not an exception. One has to introduce a law in the future to recognize that. We are not exempting it, we are kicking it out. None of these things apply to Ramsar sites. The gentleman from Alaska [Mr. YOUNG] is not exempting any of them, and for those that he wants, he has to take an act of Congress to get it back in.

I do not think that is what the gentleman intended, and that is why I think the Vento amendment is in order and it is a proper one and we ought to support it, because the bill does just the opposite of what the gentleman from Alaska got up and spoke about.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, it says prospective, it does not say in the past. It is retroactive. It says prospective. That is what it says.

All I am saying is any future Ramsar Convention sites have to come back to the Congress.

Mr. FARR of California. Mr. Chairman, reclaiming my time, the gentleman has not exempted the existing sites.

Mr. YOUNG of Alaska. But we are talking about prospective.

Mr. FARR of California. No.

Mr. YOUNG of Alaska. Yes.

Mr. FARR of California. Well, I can read also.

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

Mr. FARR of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just point out that prospectively this makes it impossible, frankly, to really put it in effect, because if we look at the prescriptions here, we can have no State lands, for instance, that would be involved and we could have no private lands in terms of corporations or those that voluntarily want to participate. And if there is anything I think that we know, even though there are vast Federal lands that are the domain of the public, the fact is that these lands end up being intermixed, especially these wetlands end up being intermixed.

I come down on the side of the gentleman from California with regard to his interpretation of what this is. It says, if we read on page 11, it says, a nomination, classification existing or designation under any international agreement. It does not say prospective agreements, it says any international agreement of privately owned land shall have no force or effect without the written consent of the owner of the lands. And then it goes on, this section shall not apply.

So that means since they knocked out Ramsar, that all of these particular provisions in section 5 which are not exempt come under section 5. So all of those requirements come under it.

So the fact is that we are overreaching here. This is an amendment which will not only vitiate the existing, but make it nearly impossible to set this in place.

Mr. FARR of California. Mr. Chairman, reclaiming my time, does not the gentleman's amendment restore this bill to the shape it was in when it was introduced by the gentleman from Alaska [Mr. YOUNG]?

Mr. VENTO. Yes, it does.

Mr. Chairman, I yield myself 1 additional minute, and I yield to the gentleman from California [Mr. FARR] if he has further comments.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding, and I would hope that the gentleman from Alaska [Mr. YOUNG] would accept this amendment for the reasons that he got up and stated that he is interested in preserving these wetlands, particularly because they are the nursery for so many of our wild birds, wildlife, and in fact he is very interested in preserving those.

Those bird life know no boundaries. They do not respect as to where they land and feed, they do not respect whether it is Federal property or State property or local property, and this ought to be exempted for the protection of such waterfowl. I would think that he would easily adopt the gentleman's amendment to correct what has been taken out of this bill in a fashion which he did not understand.

Mr. VENTO. Mr. Chairman, reclaiming my time, there are 775 sites globally; 15 are in the United States. Most of the United States exist in issues where we have fish and wildlife and other existing types of wetlands.

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

Mrs. CHENOWETH. Mr. Chairman, I yield myself such time as I may consume to point out that we have a letter here from the World Wildlife Fund, and they are opposing a road that would be

a very safe road between an airport up in Alaska and a village, and they are opposing it on the basis that, well, in fact they say the bill would violate the obligations of the United States under the Ramsar Convention to conserve the ecological character of wetlands of international importance.

Now, this is a reason why we cannot support the gentleman's amendment, and I also would like to simply state for the record that anyone who has tried to apply for a 404 permit under the Army Corps of Engineers' guidelines would just shudder at the thought of having to also deal with an international body in trying to get a 404 Army Corps of Engineers permit.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I had not originally intended on speaking on this particular amendment, but the debate intrigued me so much that I decided to ask for time to speak.

All afternoon we have heard how these particular treaties are honorary and they do nothing, and now we have an amendment because it is so important, because these treaties do things that are so important. It seems somewhat contradictory that on the one hand they do nothing, but on the other hand they are important because of all that they are capable of doing in protecting wetlands.

In regards to what the gentleman from Arizona [Mr. HAYWORTH] was speaking about a little earlier in the protection of a particular piece of land that resides in his congressional district, I found it interesting to note that in June 1993, the Southwest Center for Biological Diversity petitioned the U.S. Fish and Wildlife Service to list the Canelo Hills Lady's Tresses as an endangered species. That was listed as an endangered species in January of this year, and as a result of a lawsuit that was filed by that particular organization.

I have here a copy of a newspaper article that ran in February 1997, February of this year, that has a quote from someone that says, "by protecting these Arizona wetlands through the Ramsar Convention, we get international oversight, and that is exactly what the developers do not want," said Kieran Suckling, who is the executive director of the Southwest Center for Biological Diversity.

Well, it seems like they did not get exactly what they wanted by finding an endangered species to list on that particular piece of property, so then they began to put their efforts into having an international treaty entered into to protect this as an important wetland.

So I think we can begin to understand why people out in the real world are concerned about these particular international agreements that are entered into without congressional oversight, without their representative having the opportunity to stand before Congress and make their argument to his colleagues or her colleagues.

I think we begin to understand why people are concerned about that. It is because these international agreements are used by groups, whether they are American environmental groups or whether they are groups outside of America, they use these international agreements to achieve their goals, and if they cannot get what they want through Congress, if they cannot get what they want through the bureaucracy, through the administration, they will go around them to an international organization to try to achieve that.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, first of all, since the gentleman has none of these biospheres in his district, is there any example of effect on property rights that the gentleman can mention?

Mr. POMBO. Yes. Reclaiming my time, I think that this amendment deals with Ramsar. The situation that was brought up by the gentleman from Arizona [Mr. HAYWORTH] earlier, with the concerns of that particular gentleman on his particular ranch, are concerns that private property owners all across the country have.

I think that is exactly what is going on, and that is what scares people, that now they do not just deal with their local bureaucrat and through the entire Federal bureaucracy and fighting with Congress and everything else that unfortunately the American people have become used to and find as an important, everyday fact of being in the ranching business that they have to deal with Federal bureaucrats, but now all of a sudden they have an international convention that is coming down on them, an international agreement that is coming down on them that they cannot handle, that they do not want.

If these things, if they just have to be approved by Congress, it does not change the underlying agreement; it does not change the protection of anything. All it is saying is that Congress has to approve it.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, if the gentleman had some wetlands on his property and he wanted the University of California to do some research in conjunction with his ranching operations, does the gentleman think he should have to come to Congress to have that research done?

Mr. POMBO. Mr. Chairman, reclaiming my time, no, I do not think they should have to come to Congress to have research done on a wetlands that happens to be in their district, but I am sure that a university would be fully capable of studying wetlands that occur on my ranch or anybody else's ranch without the United Nations or anyone else getting involved.

See, my colleagues on the other side make the mistake of thinking that unless we have a Federal bureaucracy and a State bureaucracy and a local bureaucracy, and now an international bureaucracy to study all of this stuff, we do not have quite enough bureaucracy.

The way things used to work is that if there was a problem, we studied it, we figured it out and we got it done. Now all we do is study it to death. All we have is, we have the local planners that have to have their bureaucracy that we have to fight through; and then we go to the county and then the State and then the Federal Government, and now international, and now my colleagues on the other side of the aisle are happy. We are trying to change that.

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

I would like to point out that again the gentleman from California [Mr. POMBO], a member of the committee, talked about creating more bureaucracy. The fact is that these 651 agreements that exist with regards to the 775 sites, the actual work that goes on there, are voluntary agreements in terms of what takes place.

What we are doing is injecting ourselves into it and saying one has to come to Congress if one wants to be part of the Ramsar Convention. So we are injecting ourselves into it. It really is taking back from the Fish and Wildlife or the State Department, Natural Resources, or the university or private landowner that is into this particular agreement.

The reason we have this agreement is of course to try and encourage countries to preserve their wetlands. We obviously have led the world in many conservation areas in the preservation of wetlands, the application of that knowledge, the ultimate protection of the waterfowl that are in them.

What is happening here is that my colleague is suggesting in this bill to take the United States out of that particular role in terms of leadership. We have 15 of these sites in the United States, 760 of them around the world.

□ 1945

The gentleman points out that somebody made a proposal somewhere that suggested that this international agreement was going to stop development, or affect an endangered species. I agree with the gentleman, I think fear and these concerns should be realistic,

but they should also be tangible. They should have meaning. If there is an action that the Ramsar Convention has in fact caused, then I think I would like to hear it, but so far I have not heard it.

Mr. Chairman, we have gone far afield. This bill had this exemption and somebody came into committee and gave some testimony with regard to fears that they had. I regret that. I think Members, though, ought to be motivated by facts. The issue is that for over 25 years this agreement, this treaty has been in agreement. We have ceded some power to our executives that represent us. This is a voluntary agreement. It has no effect in terms of the land use, other than the limitations that the Federal Government may put on some of its wetlands, or States, or private property owners and other individuals that own lands.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, I think people ought to take a very close look at this amendment. It restores the exemption that the chairman originally wanted when he introduced the bill, but the same cosponsors that have gotten up are now speaking against this amendment.

The Ramsar treaty allows countries which we need to have treaties with, particularly since our wildfowl fly over national boundaries. We have a lot of birds from Canada that come to the United States. Certainly we have to have some common research methodology, common denominators on habitat that are entered into voluntarily.

I would think that the chairman would want to reinstate this amendment to protect the very interests that he has spoken so passionately about in committee and on the floor.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his statement.

I think this is a good amendment. It does preserve the wetlands, the Ramsar treaty. It is an important treaty, a voluntary treaty. It has given us the opportunity to save wetlands around the world. I would hope that this body would stand up for that principle tonight.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho, [Mrs. HELEN CHENOWETH].

Mrs. CHENOWETH. I thank the gentleman for yielding time to me, Mr. Chairman.

I just want to say that the issue of regulation of wetlands has been one that has been very difficult for this Nation. While we understand the values of wetlands, it has been a source of grief for many, many Americans, just getting through the American rules and regulations for designated wetlands. There are many farmlands and areas out of production because of just our American designation of wetlands.

Anyone who really wants to understand the grief of wetlands and the wetlands saga needs to look back at the John Poszgai case. John Poszgai was a Hungarian freedom fighter who fought his way to America, and set up a small business, and ultimately ended up spending a number of years in a Federal penitentiary because he dumped some dirt on his land, with the permission of the local units of government. But all the Federal agencies apparently had not given him the permission. Being a foreigner, he did not totally understand the entire situation.

I just point this out to say there has been a lot of grief over wetlands in the United States of America. Why do we need an international body? Why do we need an agreement coming out of Ramsar, Iran? Let us take care of our own business right here in the United States of America.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to remind my colleagues that my bill, as it is being debated tonight, does not affect existing Ramsar sites. It does not affect those sites. We are still in the convention. All I am doing is try to restate again the constitutional role of this Congress to designate areas that have been picked by the Ramsar Convention in the future, prospective. That is all it does.

I would like to suggest one thing. It was mentioned about King Cove and the road that was supposed to go to Cold Bay in Alaska, and the so-called World Wildlife Fund says the bill would violate the obligation of the United States under the Ramsar Convention.

What does that mean? It means that the Ramsar Convention being defended by my good friend, the gentleman from Minnesota [Mr. VENTO] is now willing to put the lives of my Alaskan constituents in jeopardy every day because they do not want 7 miles of road built through a so-called Eisenbeck refuge area that has 200 miles of roads in it, and every use in the world, but they use the Ramsar Convention as an excuse.

I want to suggest that we ought to do one thing, put this back into the control of the Congress in the future for Ramsar Convention sites. It does not hurt the existing sites.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. VENTO. I do not want to accept the allegation they make in it. I think this is a designated wilderness site. It has other restrictions on it. As far as I can see that is not the designated site under Ramsar.

Mr. YOUNG of Alaska. All I am saying is what they say.

Reclaiming my time, Mr. Chairman, I am suggesting they are using this type of thing to impose a terrible hardship on my people in Alaska when it is incorrect. Let them come back to Congress and let us discuss the future Ramsar sites.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 220, not voting 18, as follows:

[Roll No. 498]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Morella
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—220

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Foley
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bilirakis
Boehner
Burton
Cooksey
Etheridge
Foglietta
Gonzalez
Hilliard
Kennelly
Lewis (KY)
McDade
Moakley
Moran (VA)
Radanovich
Schiff
Stearns
Visclosky
Yates

□ 2012

Mr. QUINN and Ms. PRYCE of Ohio changed their vote from "aye" to "no".

Mr. FILNER, Mr. SNYDER and Ms. HARMAN changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Chairman, on the last amendment, the Vento amendment, I was unavoidably detained; and had I been present, I would have voted "yes."

Mr. YOUNG of Alaska. 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. SUNUNU, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration 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, had come to no resolution thereon.

□ 2015

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, Tuesday, October 7, 1997, to file a conference report on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year 1998, and for other purposes.

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

There was no objection.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

The SPEAKER pro tempore. Pursuant to the order of the House of today 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. 901.

□ 2015

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. 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, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, amendment No. 27 offered by the gentleman from Minnesota [Mr. VENTO] had been disposed of.

Pursuant to the previous order of the House, it is now in order to consider amendment No. 5 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 5 OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FARR of California:

On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to California Coastal Ranges Biosphere Reserve."

The CHAIRMAN. The gentleman from California [Mr. FARR] and a Member opposed, each will control 15 minutes.

The Chair recognizes the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, is this the amendment that affects the Central Valley California district or is this the amendment that affects the Redwoods?

Mr. FARR of California. Mr. Chairman, it affects the California coast ranges, only to central California.

Mr. Chairman, if I may continue, this amendment is very simple. What it says is that we want to be exempted from the bill of the gentleman from Alaska [Mr. YOUNG]. And that is the California coast ranges. This includes State forests, the Jackson Demonstration State Forest, the Landels-Hill Big Creek Reserve, which is part of the university. This amendment exempts the California coast ranges and the biosphere reserve from the bill.

What it does is retain existing biosphere designations for the State forests, for the Channel Islands, the National Marine Sanctuary, for the Audubon Canyon, Bodega Marine Reserve, Cordell Banks National Marine Sanctuary, the Farallon National Wildlife Refuge, the Golden Gate National Recreation Area, the Gulf of the Farallones National Marine Sanctuary, the Jasper Ridge Biological Preserve, and the Marin Municipal Water District.

The gentleman from California [Mr. RIGGS], the gentlewoman from California [Ms. PELOSI], the gentlewoman from California [Ms. WOOLSEY], myself, and the gentleman from California [Mr. CAPPS] are affected by this amendment and to my knowledge we all support it. I will not speak for the gentleman from

California Mr. RIGGS, but for Ms. PELOSI, Ms. WOOLSEY, Mr. FARR of California, and Mr. CAPPS, we think that the process for the designation of biosphere reserves has been adequate. It has gone up through a local process. It has gone up through the State lands commission.

Mr. Chairman, this amendment exempts the California coastal range biosphere reserve, which includes the Elder Creek area of critical environmental concern, the Heath & Marjorie Angelo Coast Range Preserve, the Jackson Demonstration State Forest, the Landels-Hill Big Creek Reserve, the Redwood Experimental Forest, the Redwood National Park, the Redwood State Parks and the western slopes of Cone Peak in Los Padres National Forest. These properties are part of the coast range reserves. They have come up through a bottoms up process and they have been designated and we would like to be exempted from it. We do not want Congress to intrude upon the fact that these have been in the process, been in the biosphere reserve program for some time.

In fact I can speak to one of them, the Landels-Hill reserve, because our group of people have an inholding in there which is private property. We enjoy having that designation. It allows us to have an internationally recognized place to do biological study on weather data, on climate, on the fisheries of the reserve. And it is one of the most unique ecological zones on the Pacific Coast because the distance between the shoreline and the highest coastal peak is in the shortest ecological zone, meaning we have more ecological units in a shorter distance and it makes it an ideal study area.

So these California coast ranges have been part of the biosphere reserve program and the amendment says, do not mess with them. Do not take them away. Allow us to be what we have historically been. Mr. Chairman, I would ask that the gentleman accept this amendment because I think that he will see that the Members of Congress overwhelmingly support it.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I want to thank my good friend, the chairman of the Committee on Resources, for yielding time to me.

The gentleman from California, my home State colleague, concluded his remarks by saying that the Members of Congress affected by his amendment support his amendment. I want to make it clear to my colleagues on both sides of the aisle that I do not support this amendment for a number of reasons, not least of which is very little consultation by Mr. FARR prior to proposing his amendment.

I was attempting to ask the gentleman from California [Mr. FARR] to yield to me so that I could ask him if he has any kind of map or survey plat or property description that accompanies his amendment so he could show us perhaps precisely the land areas involved. I would also like to know from him why he feels, briefly, why he feels it is necessary to take land such as the coastal redwoods that are permanently protected under public ownership in my congressional district, namely the Redwoods National Park and the California State Redwood Parks, and apply to them this further designation of biosphere reserve under international auspices. The gentleman from California [Mr. FARR], I wondered if I yielded to the gentleman if he could tell me where interested Members might obtain a precise description of the land areas involved here?

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, I would be glad to answer the gentleman. As the Congressman from the district, he knows it very well. He knows that the Redwood State Park has had a biosphere designation, and that is why he has cosponsored the bill to wipe it out, to say that it cannot exist, that the State Parks Commission has no ability, not under old law and certainly not under new law, because the new law will not allow anything but Federal lands to be approved by congressional approval, and that it is going to cost untold sums of money to go out and do the research because they have to do an economic impact within a 10-mile radius in order just to have an international study zone.

The gentleman knows that because it is in his district that the Redwood National Park has had the biosphere since the early 1980's. He knows that the northern California coast range under the Bureau of Land Management has had that designation since 1983.

Mr. RIGGS. Mr. Chairman, reclaiming my time, since the gentleman is being unresponsive to the query that I posed to him, which I thought was a very reasonable one, instead he prefers to talk around it.

The unfortunate aspect of this is that this is a very, very generic amendment that has potentially far-reaching legal implications and real impacts on local residents. I can tell the gentleman, since I think he stipulates that I might know my congressional district better than he knows my congressional district, that my constituents would not favor his amendment and in fact would strongly support the underlying bill offered by the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG]. I do not think I have to belabor this debate.

I was able to watch the interchange between the gentleman from California [Mr. FARR] and the gentleman from California [Mr. POMBO] earlier back in my office. I think Mr. POMBO put it well, that we do not need another layer of regulation or potential regulation, an overlay on top of all the other existing protections that these lands already enjoy at considerable, I will not yield, so I would appreciate the gentleman not interrupting me, that are already permanently protected and maintained at considerable expense to taxpayers.

I can further tell the gentleman that there are many of my constituents who still have very strong feelings and reservations and misgivings about the creation of the Redwood National Park by the legislative branch of the Federal Government, by the Congress back in the early 1970's. They believe that there were some promises made then, specifically "If you build it, they will come," that somehow tourism will take the place of timber production as a way of life and as a mainstay of our economy, that have not today almost 30 years later materialized. So we do not appreciate this intrusion in our affairs, Mr. Chairman. We do not want to be subject to the gentleman's amendment.

Therefore, I feel compelled to oppose the amendment, and will be happy to continue this debate. Although I might suggest to the gentleman, if it in fact is the case that the other Members of Congress whose districts are affected by the gentleman's amendment support his amendment, perhaps he would consider excluding my district from the gentleman's amendment and therefore we might allow the House to move forward with its business. I thank the gentleman, the chairman of the Committee on Resources, for yielding me the time.

Mr. FARR of California. Mr. Chairman, I yield 3½ minutes to the gentlewoman from San Francisco [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me the time and for his leadership in bringing this amendment to the floor. I urge my colleagues to support the central California coastal biosphere reserve as an exception to the legislation presented by the very distinguished chairman of the committee.

Mr. Chairman, I am pleased to represent an area which was included in the United Nations biosphere reserve program in 1989, the Golden Gate National Recreation Area and many surrounding sites, including the Gulf of Farallones Islands and Cordell Banks National Marine Sanctuaries and Point Reyes National Seashore across the bay.

The area of reserve encompasses 85,710,300 acres. During this time, since 1989, collaborative activities include a symposium on biodiversity on the central California coast, a tide pool monitoring and public education program

and research exchange program with a similar reserve in France, and workshops with educators and scientists exploring opportunities for new environmental education programs. The fact that this area has been designated a biosphere reserve has enhanced its standing as worthy of protection.

Our distinguished colleague the gentleman from California [Mr. FARR], the maker of the amendment, has spelled out very clearly the land areas that are covered by his amendment and has enumerated some of the other collaborative efforts relating to weather and other environmental concerns.

Mr. Chairman, it is important for our colleagues to understand a biosphere reserve does not change what is already taking place in a designated area. It does not change the management of a site. It does not change the ownership of the site.

A biosphere reserve designation does foster cooperation, shared research and science and a greater understanding of the natural value of the resource. All of the uses of the site are regulated in accordance with the conservation and management goals of the administering agencies. There is no significant change in what exists except that knowledge about protecting the area by preserving its resources becomes elevated through scientific research, education and collective problem solving. United States law prevails in these areas, the laws we have created to protect the rich and diverse national treasures.

For my communities, this effort is very important because of the outreach of the biosphere reserve partners to engage inner city youth and to enhance opportunities for young people to understand and respect our environment.

□ 2030

It provides an invaluable contribution for an urban population.

The Department of the Interior, the agency we have entrusted with the protection of our national parks; the Department of Commerce, the agency which we have entrusted with the protection of our marine resources; the State of California, the governing body for a State population of more than 32 million people; universities and private organizations all contribute to this important effort. These partners do not advocate policy in management practices, but together provide a cooperative framework for making the best information and technology available to all of the partners, domestically and internationally, in performing their responsibilities to protect the resources we have deemed irreplaceable.

Mr. Chairman, there are no black helicopters; there are no U.N. troops and there is no global takeover. The U.N. Biosphere Reserve Program is a legitimate program that fosters understanding and elevates our knowledge of the biodiversity that surrounds us. It has been in effect since 1970, under four Republican Presidents, two Democratic Presidents. It came into being under President Nixon and was reauthorized under President Bush. There is nothing sinister about it.

I urge my colleagues to support the Farr amendment and to oppose the legislation that is the underlying bill on the floor.

Mr. FARR of California. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from California [Mr. FARR] has 8 minutes remaining and the gentleman from Alaska [Mr. YOUNG] has 10 minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume to rise in strong opposition to the amendment and urge a "no" vote on the amendment.

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

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume to respond to the comments of the gentleman from California [Mr. RIGGS].

For 15 years the California Coast Ranges Biosphere Reserve Program has been in existence. This bill wipes that out entirely. My amendment puts it back in. This bill creates a bureaucracy. My bill prohibits in having a bureaucracy.

The gentleman from California [Mr. RIGGS] is opposing this amendment without permission from the University of California, without permission from the California Department of Forests, without permission from the Jedediah Smith and the Prairie Creek, the California Parks and Recreation, all of those in his district. The point that I am trying to make is that if the gentleman accepts this amendment, there is no change, no change to the law that has been there for the last 15 years. In all that time the gentleman served in Congress he never opposed those designations because there was no impact.

Frankly, what I am appalled about with this entire bill is that the gentleman is taking scientific studies and saying that we can no longer collaborate in these studies if indeed they have an international perspective when these studies are petitioned in a bottoms-up process. And this bill would no longer allow, the gentleman is not only saying that they are wiped out, the bill also says they can never get back in.

State Parks can never get back in, California Department of Forests can never get back in, University of California can never get back in, the Prairie Creek and Jedediah Smith and Del Norte Coast State Parks can never get back in. Why? Because the bill says the only way they can get back in, after doing very extensive studies, if Congress so decides, can only be for those areas that are a Federal designation.

So if the gentleman wants no bureaucracy, if the gentleman wants to keep things the way they are in a peaceful state, and if the gentleman wants to allow these State and local and I would even say private agencies and the Cone Peak area, of which there is a lot of private inholdings, to allow them to maintain the international biosphere program, this is the only way he can do it, by adopting the amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I suggest respectfully that this amendment is, frankly, unnecessary. As I mentioned before, I not only oppose it, but under the bill all areas that have been designated have a 3-year grandfather clause. And if everybody loves these areas, the people that represent these areas can come back, bring them before the committee and they become a reality.

All we are asking, to get back to the original intent of the bill, 901, is put this back in the hands of the people of America, the United States Congress, that makes these designations. But under my bill, in the sense of fairness, I did give them a 3-year grandfather clause.

So I do not believe this amendment is necessary. We can do it through the proper process. So I strongly oppose the amendment.

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

Mr. RIGGS. Mr. Chairman, I feel compelled to respond to the last comments by my colleague, just to point out to him that I was not aware until this very moment that I needed the permission, I believe that was the exact word used, the permission of the University of California, the permission of various regulatory agencies at the State and local level to represent, and I hope protect, the best interests of my constituents.

I did not know that. I thought they elected me and trusted me to act and use my own independent judgment to act on what I thought was in their best interests and what constitutes good public policy.

And I hope the gentleman from California [Mr. FARR] will not take this wrong, we are not saying over here that we support current law. To the contrary, we are saying we support the bill that came out of the Committee on Resources because it will restore Congress' proper constitutional role in managing Federal lands.

These are lands, by the way, that do not belong to a university, they do not belong to a resources agency, they do not belong to any bureaucracy. They

belong to the people, all the taxpayers who foot the bills, which is a simple fact of life that too often gets lost in this place when we debate these kinds of issues.

Allowing the administration to arbitrarily nominate and designate land further centralizes land use policymaking authority in the executive branch and diminishes public participation in the process. That is the big problem that we have here. We do not want the Congress to be bypassed repeatedly, as it has been in the process of designating these sites.

We believe that the people of the Nation, who are represented by us, their elected Representatives here in Congress, we are the best arbiters of these kinds of issues, not some faceless international council.

So that the real problem we have here, I believe, is that we become a party to these international land designations. I am glad we are having the opportunity to debate it here now, maybe expose this issue to the American people, but by becoming a party to these international land designations, made again by some faceless international council, a lot of us are concerned that the United States of America, the sovereign United States of America, may be indirectly agreeing to terms of international treaties, such as the Convention on Biodiversity, to which the United States is not a party and which the United States Senate has refused to ratify.

Mr. FARR of California. Mr. Chairman, how much time does each side have?

The CHAIRMAN. The gentleman from California [Mr. FARR] has 5½ minutes remaining and the gentleman from Alaska [Mr. YOUNG] has 7 minutes remaining.

Mr. FARR of California. Mr. Chairman, I yield myself 4 minutes.

I want to state what this is all about, why we are getting so worked up. The U.S. Man and the Biosphere Program is a program that supports ecological research collaboration and coordination at an international level. It involves 114 countries. It is supported by the administration, going back since 1974 by four Republican presidents and two Democratic Presidents. It receives support from 15 U.S. Government agencies for interdisciplinary scientific research in projects of mutual interest.

Why should that cause so much problem? It is so passive. It is so unintrusive. It has no ability to vest regulatory authority. It has no grants and money that come with it. It has no effect on property. No one has ever been able to get up and speak of one instance where it has affected property values; and, in fact, most of the people that oppose this do not even have these in their districts.

The 15 agencies that were directed to come together were a collaboration ordered by OMB to participate in a collaborative program so that we could have, frankly, something that Republicans have offered for a long time, one-stop shopping. Simplify the Federal Government.

Why? Why are we so much opposed to local State parks, to local nonprofits, such as the Audubon Society, to State universities, such as the University of California, which the gentleman from California [Mr. RIGGS] does have land ownership in his district, why are we opposed to those organizations? We can say let us have Federal land that has to get into this, to have permission of Congress. I wish the author would take that amendment, but he has not. In fact, he said that these properties can no longer, any of them, ever be in the program unless, one, they are Federal lands and they come back through in an act of Congress.

I think that is wrong. This amendment simply says those properties that have been in the program, and I might add they were nominated by President Ronald Reagan, and the gentleman has represented them for all these years and there has been no problem and all of a sudden the gentleman wants to knock them out.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I think the gentleman makes an important point that under this legislation, and we will offer an amendment later to exempt the current biospheres area, but obviously this is important to us in California, the amendment the gentleman has offered; that this legislation wipes out this designation without regard to merit, whether local people like it, whether the local State agency thinks the research is important, or whether the local universities who are involved, or local citizens groups who are involved in these programs, whether the foundations that have put land into these programs, this is not a question of a review and then weeding out the bad ones. This takes 47 programs and just wipes them out in all the different States, in all the different districts, in all the different characteristics. Just wipes these programs out without any consideration of merit.

As we pointed out, I think several times tonight, this particular one that the gentleman from California [Mr. FARR] has pointed out has been in existence for 15 years. No one has clamored to this committee saying get rid of this. No one has said this is harming the land. Others have existed for longer than that, 25 years. But this legislation comes along without regard to local opinion, involvement, concern, or support. The Federal Government just comes along and wipes it out, our unobtrusive Federal Government brought to us by the House Committee on Resources.

One would think Members would be asked whether or not they consent to this or not. But that is not what is going on here. Just flat out wiping them out. If anybody thinks that is not the heavy hand of the Federal Government, tell that to people who have spent so many resources trying to preserve and protect these areas and learn how to take care of them.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I want to again stress it is not the Government. We are asking the Congress to accept their role. All these projects were unauthorized. They never were authorized. We did not do our job. We blindly set aside because a certain party was in control of the House that believed in this type of thing and we did not do our duty.

So we are not doing anything in this bill. We are giving them the 3 years. If they are as good as they say they are, they can come back.

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

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

Here we go again. These particular sites have no regulatory authority, no money, no grants. They cannot do anything, they are totally powerless. But if we do not have them, the developers and the miners and the loggers are going to destroy all of these unique environmental areas.

Now, there is something that is contradictory about that. Either they have regulatory authority, either they have power to do something or they do not. We cannot argue both sides.

Now, the gentleman from California [Mr. RIGGS] will be the first to stand up and say that his district has unique environmental qualities that need to be protected. He will be the first one to stand up and say that the people of the First District in California want to protect those areas, and they have city councils, they have boards of supervisors, they have State representatives who fight day in and day out to protect those areas. The gentleman himself has spent an inordinate amount of time back here in Congress trying to protect the unique environmental qualities that exist in northern California. But that is the way it is supposed to work.

We do not need an international organization, an international designation that Congress never looks at, that Congress never has oversight authority on, that Congress never approves. Why do we need something that is kind of behind the doors to protect something? Do we really feel that the people of that particular area cannot protect their own resources; that they do not have anybody there with enough

smarts or enough caring or enough compassion to protect their resources?

□ 2045

And there is no one in Congress who can protect these areas. Throughout the entire country, there is no one that can protect them. We need an international organization that can step forward and tell us what needs to be protected and how we are going to do that.

The CHAIRMAN. The gentleman from California [Mr. FARR] has 1½ minutes remaining.

Mr. FARR of California. Mr. Chairman, I yield myself 30 seconds.

I respond to somebody who is very familiar with this program, unlike those who have been talking, many of whom have none in their district. What they are taking away is the ability for America and for private landowners, for States, and for anybody other than the Federal Government to ever get into an interdisciplinary scientific research that may be done on a standardized basis around the world.

I think this is an embarrassment to take this away, say you have to come to Congress, and even if you are private land, you cannot get it, if you are State land, you cannot get it, and if you are local land, you cannot get it.

This has existed because we ratified the treaty back in 1974. There may not be congressional authorization because there has never needed to be.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I want to remind the gentleman from California [Mr. FARR] that there is no Biosphere treaty. There has never been a treaty. Let us keep that in mind. Let us not stretch this truth. There was no treaty.

Mr. FARR of California. If the gentleman will yield, Mr. Chairman, the World Heritage Convention was ratified in 1973.

Mr. YOUNG of Alaska. Not the Biosphere areas.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG] for yielding me the time.

I just want to say that the United States Supreme Court has addressed this issue in a very, very interesting case, Fong Yue Ting versus United States, where that highest court in the land wrote:

> To preserve this Nation's independence and give security against foreign aggression and encroachment constitute the very highest duty of every nation, and to attain these ends, nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come.

I believe the Supreme Court understands what we are dealing with.

Furthermore, I just want to wind my comments up by saying that George Washington, in a letter dated October 9, 1795, wrote:

> My ardent desire is, and my aim has been, to comply strictly with all engagements, foreign and domestic; but to keep the United States free from political connections with every other country, to see them independent of all and under the influence of none, is my ardent desire.

I share that. While I believe in a strong and vigorous trade policy, the sovereignty of the United States of America is so very important, and the protection of private property rights must be protected.

Mr. FARR of California. Mr. Chairman, I rise as a property owner, and I want to protect private property rights. Support this amendment. I rise as a former county supervisor. Support local control. Support this amendment. I rise as a former State legislator. Support States' rights. Support this amendment. And I rise as a Member of the United States Congress, saying, thank God that this country has been a global leader in environmental protection and environmental resource management.

And in a time when we recognize global, global warming and global environmental pollution, which our national Defense Department says is not in our national security interest to keep the world being polluted, that we can have international agreements that allow us to have some commonality and science, if there is anything that ought to be protected, it is that. Give us back our property rights. Support this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Nothing in this bill precludes any scientific study, any type of cooperation with other countries. All we are doing is getting back the responsibility of this Congress that we swore to uphold. The Constitution of the United States is all I am asking for. I urge a "no" vote 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 California [Mr. FARR].

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

Mr. FARR of California. Mr. Chairman, 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 CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from California [Mr. FARR] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Pursuant to the previous order of the House, it is now in order to consider amendment No. 51 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 51 OFFERED BY MR. VENTO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 51 offered by Mr. VENTO: Page 10, line 15, Following the word "special" insert the following: ", including commercial."

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

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

Mr. Chairman, this amendment follows a different tack than that which had been offered before. In this newfound enthusiasm in this Congress to reassert its prerogatives and control, absolute control over land use designations and limits as they apply to preservation and study and surveys and really international voluntary conventions, I am offering an amendment which permits us to assert the same sort of control over commercial type of activities that are of an international nature.

A key component of the pending legislation is a requirement that Congress specifically approve the recognition of any U.S. lands for conservation purposes as a result of agreement with a foreign entity. However, at the same time, this legislation does not require similar congressional action when the U.S.-owned lands are leased, oftentimes at a loss to American taxpayers, to foreign-owned companies for drilling, for mining, for timber harvesting, or other commercial endeavors. Claims can be made, and under law, hundreds of millions of dollars of U.S. public land assets are handed over to foreign corporations or persons for a pittance, to foreign entities.

The Vento amendment establishes parity in that process. Under my amendment, the legislation requires for specific congressional authorization where it be extended to cover commercial uses and development of U.S. lands by foreign companies and U.S. subsidiaries of foreign companies or entities. My amendment would not prevent such activities from occurring. It would encourage Congress to approve such actions, which has, of course, been the siren song that we have heard over and over again tonight. We need Congress to approve all of these specific conservation, these voluntary conservation agreements.

The Vento amendment is a responsible provision that responds to foreign exploitations which are now occurring and which neither the Congress nor the administration can legally stop.

Many of my colleagues would remember the public outcry when it was revealed that a concession facility at Yosemite National Park was going to be managed by a Japanese conglomerate, Matsushita. No legal recourse was available to block this action.

A similar outrage was voiced when the Secretary of the Interior was required, under Federal law and under court order, to release and to honor a claim and patent to release Federal lands containing more than $10 billion in gold to a subsidiary of a Canadian-owned corporation for less than $10,000.

Nothing has been done to prevent the repeat of this type of land use policy, a real ripoff of the American public. A foreign firm can operate the concession at the Statue of Liberty or any of our national parks. And foreign firms can continue to exploit American resources while ripping off the U.S. taxpayers.

We now have an opportunity to change those policies. While the Vento amendment will not prevent these activities from moving forward, it is intended to require Congress to consider the national consequences and specifically authorize those actions. If we are going to require Congress to approve actions to recognize U.S.-owned lands for conservation purposes, then Congress should also approve actions by foreign firms which exploit U.S. lands.

Mr. Chairman, I urge the support of this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if the Vento amendment does what it says it does, it is not germane. It was written, so it does not really say anything.

I do not want it in the RECORD to say that we happen to agree that we have to enter, if you read in this section the term "international agreement" means any compact, executive agreement, conservation, bilateral agreement, or multilateral agreements between the United States or any agency of the United States, any foreign entity.

And I am suggesting, respectfully, that the attempt of the gentleman from Minnesota [Mr. VENTO] is to preclude any type of activity under treaty, including the other treaties, such as NAFTA, and allowing other countries into our lands, as well we go into their lands.

So I adamantly oppose the amendment because all it is is including commercial, and I am suggesting, respectfully, it is written very cleverly, but if it does what he says it does, and I do not believe it is, it would have been nongermane and I would have made a point of order. But it does not do that.

So I, very frankly, urge a strong "no" vote on this amendment.

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

Mr. VENTO. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] has 11 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL], a distinguished member of the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I thank the distinguished gentleman from Minnesota [Mr. VENTO] for yielding me the time.

Mr. Chairman, the black helicopters are, indeed, circling over our lands. They are out there circling as we speak. And the agents of foreign powers are, indeed, locking up our public lands, intent upon not only controlling them, but ultimately America's very natural resource heritage.

But to be sure, Mr. Chairman, and let us be sure about this, the pilots of these helicopters are not wearing the blue helmets of the United Nations. Rather, they are wearing the corporate emblems of foreign conglomerates based in South Africa, Australia, Luxembourg, and Canada.

These foreign agents are not from the United Nations. Their weapons are not World Heritage sites or International Biospheres. Indeed, the true threat comes from the foreign conglomerates, multinational mining firms, who swoop down upon our public lands owned by the American taxpayers and extract the gold and the silver, with no rent, no royalties paid to the American people, the owners of this land.

The U.N. charter in this instance is not the issue. It is our very own mining law of 1872, of 1872, which continues with reckless disregard to our economy and our environment to turn over our Federal assets to the control of foreign nationals.

So I rise in support of this amendment, to this bill, the American Lands Sovereignty Protection Act, for if we are to protect the sovereignty of our American lands from foreign powers, then we must include commercial developments undertaken by foreign powers in this legislation. That is what this amendment is all about.

As my colleague, the gentleman from Minnesota [Mr. VENTO], said, it is about parity in this process. It is about restoring sanity and reasonableness to the fanaticism behind this bill. Our lands, our resources, owned by all Americans, are being claimed by foreign entities. Are we in Congress having a say on it? No. The hard-rock minerals of these lands are being mined, with no return to the public, and these lands are being privatized by foreign entities for a mere pittance, $2.50 or $5 an acre. That is what we are giving away to foreign entities, allowed under the mining law of 1872, yes. Should these practices be condoned in 1997? No, of course not. This House is on record, by an overwhelming majority, in a bipartisan manner, as saying no.

So the real issue here today is not what the proponents of H.R. 901 make it out to be. It is not about the United Nations. It is not about black helicopters descending upon an unsuspecting populace. It is, in these times of budgetary constraint, about the relinquishment of our lands and minerals to multinational conglomerates for what amounts to fast food hamburger prices.

So I say to my colleagues, vote "yes" on the Vento amendment. Cast a vote for America. Allow us in Congress to have a say where foreign entities are going to come in and control our concessionaires at the Statue of Liberty or Yosemite or at other national park areas. Let the Congress have a say on these issues before we lose further lands to foreign conglomerates.

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

Mr. RAHALL. I yield to the gentleman from Minnesota.

□ 2100

Mr. VENTO. Mr. Chairman, I wanted to acknowledge the gentleman's cosponsorship of this amendment. I neglected to do that in offering it, and I appreciate his guidance and strong support as a former chairman of the Subcommittee on Mining and Minerals for many years on the Committee on Natural Resources. I appreciate the gentleman's strong support and his cosponsorship of this amendment. I thank the gentleman.

Mr. RAHALL. Mr. Chairman, I thank the gentleman, and I urge support for this amendment.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for introducing this amendment along with the gentleman from West Virginia [Mr. RAHALL], who has just spoken, because this amendment takes us right to the crux of what this legislation is about.

This legislation is about international mining companies, timber companies and others that seek to beat back those individuals and local communities who want to protect the ecosystems, that want to protect the watersheds, that want to protect their local communities, that want to protect our national parks and our heritage areas. This bill is about beating those people back, under the guise of the sovereignty of the United States.

Yet the proponents of this legislation would happily hand over billions of dollars of taxpayer-owned platinum or gold or silver or coal or timber and think nothing of it, and have done that, and have supported that effort.

They would think nothing of delegating their authority to the Department of Interior to enter into a lease for billions of dollars of what belongs to the taxpayers, and as the gentleman from Minnesota pointed out, the taxpayers get nothing back.

A private person can own the land right next to this and they can get royalties in the millions, tens of millions, hundreds of millions. We get nothing, because these people are willing to delegate their authority over these lands to some bureaucrats who give it away to international mining companies who want to destroy maybe the Clarks Fork River, who wanted to take $1 billion out of the lands of Idaho.

The gentleman says this is only about treaties. Well, maybe that is why the western Governors are not happy with fast track, because I say to my colleagues, we need this law to protect us in the future, because we do not get a right under arrangements like NAFTA, under the arrangements under fast track.

So what we have here is those great protectorates of a constitutional power, who will not let a faceless bureaucrat enter into a research grant to protect lands, will gladly hand them over to Canadian mining companies, South African mining companies, Canadian timber companies, "Come on in and get all you want." Do we think that is really what the taxpayers want? The taxpayers have said time and again they are tired of that arrangement, they are tired of seeing us lose money, they are tired of seeing us enter into leases where people spend $270, $270, and they have $1 billion worth of minerals.

My colleagues on the other side are worried about sovereignty? I do not think so. I think it only cuts one way.

My colleagues are only worried about it when somebody wants to do a little research and not harm the land, but when somebody wants to come in and tear up the landscape, walk off with the gold, walk off with the platinum, there is silence on the other side. So apparently, it is open season for international companies who want to come and rape and ruin the land and take the gold and take the silver.

Somehow this committee cannot figure out how to stop that, but if someone wants to come and study the watershed in the Redwood National Forest or somebody wants to study the Channel Islands or somebody wants to study the Big Ben Park down in Texas to see whether it can be protected, whether it can be developed in a way that is compatible; if someone wants to study the Everglades, somehow one is giving up sovereignty. But if somebody wants to give away the legacy of this country and the heritage of this country and its gold and its silver and its platinum, this committee says, "Come on in, buy it for $5 an acre, and we will give you millions of dollars."

Mr. Chairman, the greatest scam going in the history of the American taxpayer. This is one where we just back up the big old dump truck, we put the shovel in the ground and we take the gold and do not even say "thank you" to the people of the United States.

I think the gentleman from Minnesota [Mr. VENTO] and the gentleman from West Virginia [Mr. RAHALL] have put their thumb right on what this bill is about. Read it on the Internet, folks. This is a big push by those corporate interests to try to drive out of these communities people who have concerns for the environment, the watershed, the habitat and the wildlife, because then there is nobody to stop them from taking the gold and the silver and the platinum of this Nation.

This is a travesty, it is a travesty. It has been denounced by every editorial board, every public interest group, every periodical. Since 1872, somehow these people have not figured out how to amend the law so the taxpayer could get a fair break, and now they are going to use this law to drive off the researchers and the local communities and the universities and the State park system who are trying to protect the lands, the heritage and the history of this country. Do we think, my colleagues, maybe it is not on the level? Maybe it is just not on the level, and my colleagues ought to vote for this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume to say to my colleague that I have heard some great demagoguery in my life, but that is one of the best, because this amendment only applies to commercial:

> In this section, the term "international agreement" means any treaty, compact, executive agreement, convention, bilateral agreement, or multilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment flora, or fauna.

That is all this does. This is just a great platform for my good friend from California [Mr. MILLER] to talk about the evils of mining, the terrible things that occur. It has nothing to do with this bill. It is a great smokescreen, and I compliment him on it. It is one of those issues that I am very pleased to say that I hope everybody could see through it.

This amendment is a mischievous amendment. It does nothing. I am tempted to vote for the silly thing, because it does nothing, it means nothing. It is a disaster when it comes to having taken the time to put this in this bill. As I told the Parliamentarian, and in fact, it is out of order if that is what it really does, because it does not do that with the amendment.

The amendment is an innocuous little amendment, but it gives them a platform to talk and pontificate on the terrible evils of the mining law. My good friend from West Virginia, [Mr. RAHALL], now, he does not have any foreign people digging the mountains out in West Virginia, no; destroying the environment, no. Those are not foreign countries, and in fact, they are all pure, homemade countries, but they are destroying West Virginia, but that is all right. But do not mess with the public lands. Lock it up so his price of coal goes up and his people get rich.

I do not blame him, but I am suggesting respectfully, that is a little hypocritical.

Mr. RAHALL. Mr. Chairman, would the gentleman yield? The gentleman brought up my name. Would the gentleman yield?

Mr. YOUNG of Alaska. I did not bring up the gentleman's name.

Mr. RAHALL. These happen to be private lands, I will have the gentleman know.

The CHAIRMAN. The gentleman from Minnesota controls the time.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank my distinguished colleague from Minnesota for yielding, and I would respond to my chairman of the Committee on Resources, let us not mix apples and oranges here. West Virginia, these are private lands, these are private people that have come in.

Is the gentleman asking that the private developers not be allowed to do what they want on private land?

Mr. YOUNG of Alaska. Mr. Chairman, I am not saying that. Is the gentleman telling me they are all privately owned companies? Is there any foreign money in those companies?

Mr. RAHALL. Mr. Chairman, reclaiming my time.

Mr. YOUNG of Alaska. Yes, absolutely, take back the time.

Mr. RAHALL. Mr. Chairman, reclaiming my time, I would say as well that my coal miners are paying their taxes, their royalties to the Federal Government for mining on private land, not lands owned by the Federal taxpayers.

I thank the gentleman for yielding.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume to point out that this amendment does in fact have an impact, we believe, because as we look at foreign entities and we look at the purpose of conserving, obviously if we are not conserving, if one is taking the products out of the land, mining or doing other activities, one still has to prepare an environmental impact statement. I would suggest to my colleagues that it is a lease agreement or other agreements that have to be entered into.

The fact is that as we look at what has happened, and I admit that this only affects those foreign entities that

are coming in to do that, foreign countries, maybe even publicly owned foreign companies, but for instance, we have gold mining that has gone on. The value of that by the Barrick Gold Strike Company is $8.9 billion in Nevada that was sold for a pittance. Gold Fields Mining Company, United Kingdom company, purchased for $1,700; estimated value, $266 million. The first one, incidentally, was purchased as a $9 billion value, purchased for less than $9,000. The Faxcalk Company of Denmark, Travatine, purchased for $270; estimated value of the claim, $1 billion.

Mr. YOUNG of Alaska. Would the gentleman yield for a moment?

What has this got to do with the gentleman's amendment to this bill? Nothing.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. YOUNG of Alaska. Mr. Chairman, this is another classic example of nothing about nothing.

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

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I have been a part of the legislative process for 20 years, and I want to sincerely say to my colleagues, the American public deserves a more upright and honest statement of the facts. I urge my colleagues tomorrow to read the record that has been created here tonight. I want to tell my colleagues, it is far from the truth. To make such outlandish statements that the sovereignty act is to take away the protection of public lands so people can take advantage of them is not true.

The American public had very little to say, if anything, at the local level, at the State level and at the national level about the biosphere program. It was created by administrations with no legislative oversight and no legislative funding and no legislative input. There is great concern among people around this country that decisions are going to be made in the future and are currently being made by world people, people from around the world, and they do not want America governed that way, they want America governed by Americans at the local level, at the State level and at the national level. And for my colleagues on the other side to make these statements that have been made, and I mean this sincerely, they owe the American public an apology because they have talked about everything but the truth.

We heard about this being overreaching and so damaging. We had others call it crazy, trivial nonsense, and we had other ones saying it was all done by local community requests. The American public want to understand world agreements, and they have a right to. They want to understand international commitments that our Government makes, and they have a right to.

In conclusion, those who want to deprive the average American, those who want to deprive the American citizens from having the right to understand what biospheres are about, having the right to react to their local government or their Congress, whether they agree or disagree, and they may agree, but give them the right. When it is not to be publicly debated, people think we have something to hide when they do not have a shot, they do not have a bite of the apple. That is what America is all about. We cannot have too much sunshine, we cannot have too much people participation.

People in America are concerned about the proposal of world government and other countries making decisions in this country, and generally in a huge percentage they are opposed to that, and we should be sensitive to that for the long run of this country, because most other countries do not really care about the future of America, but Americans do, and they should have the right to understand clearly every agreement, every international commitment that is done, and it should be done in the sunshine, and that is what this whole bill is about, not the rhetoric we heard a few moments ago.

Mr. VENTO. Mr. Chairman, I would be happy if the gentleman would yield me some of his time.

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

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. 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 CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

The point of order is considered withdrawn.

□ 2115

The CHAIRMAN. Pursuant to the previous order of the House, it is now in order to consider an amendment without a number offered by the gentleman from California [Mr. MILLER] that will strike section 4(b).

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California:

On page 9 of the bill, beginning at line 1, strike all through the end of line 16, and renumber subsequent subsections accordingly.

The CHAIRMAN. The gentleman from California [Mr. MILLER] will control 15 minutes, and a Member in opposition will control 15 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation as currently drafted wipes out the Biosphere Reserves that have existed in this country for between 15 and 25 years, and have had the continued support of the local communities where they exist.

Some of them are as grand as the Big Bend in Texas, some of them are as grand as the Redwood Coastal Range in the State of California, the Glacier Bay National Park in Alaska, Golden Gate National Recreation Area, the Great Smoky Mountains National Park, the Mojave National Preserve, the Olympic Peninsula in the Pacific Northwest, one of the great, great sites in this country.

These designations were first started in the early 1970s. This occurred throughout the 1970s. They have been worked on and researched, and assets have been brought to this effort by universities, by local foundations, by national foundations, by local civic organizations that have been brought into researching the effort, by the various park systems of the various States where these are involved.

The fact of the matter is there has been very little or no outcry about this because people did not realize what they had. What they had with this designation was the opportunity to participate in research not only in their local areas, but to be able to coordinate and work with other research going on around in other places of the world. It gave us a chance to look at some of these landscapes, and we know we mismanaged them when we managed them in very small portions. Now we are able to look on them in a grander scale.

But this legislation wipes them out, just wipes them out. It does not matter if those of us in California who are so concerned with the Channel Islands, with the watersheds in the south of San Francisco, or with our great redwood parks, it does not matter, it just wipes them out. It does not matter that the people in Texas are proud of the Big Bend, and the Big Bend is serious desert research, habitat research. It just wipes them out.

It does not do that for the Heritage areas. It grandfathers them in. What this amendment would simply do is grandfather in the existing areas, and then if the bill passes, new areas would

have to be designated in accordance with this legislation.

But what it does not do is it does not throw away the effort, the time, and the experience that we have gained in these programs. It is not a unilateral withdrawal from the biosphere program. It in fact leaves that in place, since there has been little or no complaint about the existing ones.

It is interesting that most of the people who have argued about this have been people who do not have these in their areas. People have come down and made remarkable speeches about the Constitution and what have you. They just do not happen to have a Biosphere Reserve. There are not people asking for time saying get rid of that biosphere in Texas or Arizona, get rid of that biosphere in California. So what we have here is legislation that deals with a problem that does not exist.

I do not think that is fair to these local organizations. I do not think that is fair to the parks department in our States that have put assets and resources and time and effort into this, or to the foundations, or to the universities that have engaged in this research. So I would simply leave the status quo. The last one designated was in 1991. It is not like they are roaring on here and designating them every year. There are only 47 nationwide. Then let the bill work its will on those programs.

This amendment is no more complicated than that. I would urge when the House votes tomorrow, that it votes to grandfather and exempt these provisions from this legislation.

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

The CHAIRMAN. Does the gentleman from Alaska [Mr. YOUNG] claim the time in opposition?

Mr. YOUNG of Alaska. Mr. Chairman, I do claim the time in opposition.

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] is recognized for 15 minutes in opposition to the amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I say to my good friend, the gentleman from California [Mr. MILLER], he propounded the statement that he does not hear anybody yelling, get rid of these biospheres. I would like to invite the gentleman from California [Mr. MILLER] up to my district.

I just took the honorable chairman of the Committee on Resources and the honorable gentlewoman from Idaho [Mrs. CHENOWETH] and a number of other Members up to the Catskill Mountains, where there was a proposed biosphere about to go in. They heard an earful.

I would invite them to come to another mountain range that I represent, called the Adirondack Mountains. As a Representative from that area with one of the largest U.N. Biosphere Reserves in the United States, I have a personal interest in this bill on behalf of the 600,000 people that I have the privilege of representing.

In my congressional district, the Champlain-Adirondack Biosphere Reserve was created in 1989. It was created at the request of a quasi-governmental agency called the Adirondack Park Agency. If I have time, I will talk about how Nelson Rockefeller rammed this down the throats of the people I represent some 30 years ago. It was at the request of two Governors. One was a very liberal Governor from the State of New York, and one was a very liberal Governor from the State of Vermont. Without even any input from the State legislature or without congressional hearings or real input from any of the local citizens of the Adirondacks, this area was designated in the middle of the night, without anybody knowing about it, as a U.N. Biosphere Reserve.

The system completely bypassed the people directly affected by this program. None of us knew about it. In this case, and in many cases in this country, I would submit that with congressional oversight and public input, many of these U.N. sites would not even have been designated.

In fact, in 1994, this was only just 3 years ago, the Catskill region of New York, again in my district, was nominated for designation as a U.N. Biosphere Reserve, and we almost did not know anything about that. But we got wind of it. When I found out about it and when local officials and residents raised cain about it, and showed their opposition, the nomination was defeated.

That is probably what would have happened all over this country had these not been snuck in in the middle of the night. The American Land Sovereignty Act before us tonight unequivocally states that no lands in this country can be included in any international land use programs without the clear and direct approval of Congress.

That makes sense, because even on that side of the aisle, and I respect the gentleman and I believe he would let his constituents know about it, I do not think he would try to sneak it in in the middle of the night, if I look around, all of these Members look like respected Members of this body.

Most all of H.R. 901 protects individual private property rights. That is the most important thing. Executive branch political appointees cannot and should not be making property decisions in the place of individual landowners. This bill is a first step in the right direction in returning power to the elected Representatives in Congress as well as to the local citizens and officials.

Most importantly, Mr. Chairman, this bill, if we defeat the Miller amendment, reasserts the constitutional rights of property owners all across the country to control their land without interference from some international organization. That is what this debate is all about.

Please come over here and defeat the Miller amendment, and we can defeat all of these amendments, and then vote for this bill that means so much to the people in this country.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Chairman, I rise because the Channel Islands Biosphere Reserve is in our district, in the Twenty-second District of California. I have had an opportunity to watch the cooperative work that goes on there with the Channel Islands National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the national parks, the Channel Island National Park, and I would say most especially the University of California. And the Chair knew I was going to say that.

I think it is very, very positive work. It ought to be continued, too. I do not have the fear about world government that I think people on the other side have. I think this is really an attack on the United Nations. I do not have that fear. I think there are times when we need international cooperation for research purposes.

That is primarily what we are talking about here. There is some concern about persons from other countries participating in American research, or research having to do with American locales, but I want to point out that Americans participate in international research of a biospheric nature throughout the world. This is fair play.

I certainly support the amendment of the gentleman from California [Mr. MILLER], and I urge my colleagues to support it as well.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I again rise in opposition to this amendment. This amendment is a backdoor way of authorizing existing Biosphere Reserves. The Heritage areas were recognized in the bill because it is under treaty, but there is no treaty on the biospheres, none. Let us make that perfectly clear. I have a 3-year grandfather clause. We can come back and talk about each one of these. If everybody loves them like they do, it will work.

By the way, I have no fear of outside world government at all. I believe in America. But I suggest respectfully I do also believe, and I think each one of the Members were sworn to uphold the Constitution. The Constitution says

that Congress, this Congress, the Members and I, are the only ones who can designate lands.

So why is the fear, why do Members want to give this away to somebody else? I have never understood that, and this whole argument. What is wrong with this Congress acting, and by the way, the areas that have been designated can still be, under State participation, under the individual participation, can still have the same type of study and research.

I keep hearing this research charade. The research can go on. There is nothing that stops the research, nothing at all. All we are asking in this legislation is that this Congress fulfill its responsibility of designating lands. If in fact UNESCO or somebody wants to designate it, let them come to Congress. That is all I will ask.

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

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the ranking member yielding time to me.

I just wanted to ask the chairman to yield. Because his point is that under the World Heritage Convention, that the 20 sites that are in existence remain in existence that are designated, and he is correct about that. The Ramsar sites that are in existence, the 15, remain in effect. There is nothing that I said or intimated that they were not, and they are under treaty.

But I think that, in my judgment, the World Heritage sites, we will not have another World Heritage site in the United States based on this legislation, because it makes it impossible, based on the type of requirements that are in the legislation under that supposition.

In any case, looking, because we are talking about the Man and Biosphere program, that protocol right now, that agreement, of which 120-some nations are involved, the fact is this says you give 2 or 3 years of time, but then in terms of requirements, it says it consists solely of lands as of that date that are enacted that are owned by the United States.

So therefore, to be into that biosphere, to be part of that, you could not be a State land, you could not be a private land, you could not be anything. So in essence, saying you are going to give us an opportunity to go back and designate those is not entirely accurate, in my judgment, because this will take it apart. There is no way under the precepts of this bill that it can be put back together again. So once we break that apart, it cannot be put back together.

Earlier today it was suggested that some Members did not agree with some of the statements that were being made over here, and at that time they would not yield, because I was wondering which statements. It reminds me of the adage that was once espoused by President Truman, that said that you do not have to really give them a lot of grief. He said, you just have to tell the truth, and they will think that they have a lot of grief.

Because I do not want to be accused of something else, the issue is I have been trying to strive for a common understanding. Everyone is entitled to their own opinion, but they are not entitled to their own facts with regard to this. That is what this bill does. This is the literal reading of this bill.

If the gentleman disagrees with that, I would be happy to yield what time I have so I can engage in a realistic debate with regard to this issue.

□ 2130

No offers?

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in support of this amendment.

It is ironic we are here debating and we find that this side of the aisle is out here trying to protect local property rights, local control. This bill wipes it out.

The bill that is before us wipes out what four Republican administrations and two Democratic administrations have been carrying on. It wipes out the ability for America to participate with 146 other nations. It wipes out the exchange of information among scientists on a common international one page.

Mr. Chairman, it wipes out the process that allowed the nomination from local governments, from State governments, from nonprofits, and from private land use. It wipes it out, Mr. Chairman, because it says that on page 9, "Any designation shall not be given any force or effect unless it consists solely of lands that of the date of enactment are owned by the United States."

So all of those programs that have been involved in this for so many years are wiped out. It wipes out, and I think this is something that has not been looked at, it wipes out the fact that a lot of international tourists come to the United States. And according to the Visitor's Service Survey conducted in the Everglades, 44 percent of the international visitors say they came to that because it was such a designated site. They knew about it because of their host countries. That is why the National Tourist Association of Kentucky has written in opposition to this bill, because this bill wipes out essentially a tourist attraction.

The Man and Biosphere program is a key program that helps train our Peace Corps volunteers. When we go overseas to try and develop an environmental program for the countries that the Peace Corps volunteers are serving in so that everybody can be on the same scientific page, they are trained by our Biosphere programs here in the United States before they go overseas. This wipes that out. This wipes out the ability for America to participate, and that, I think, is why this bill is so fundamentally wrong.

Mr. Chairman, I urge my colleagues to adopt this amendment that at least makes it prospective and not retrospective. Do not tread on property rights.

Mr. MILLER of California. Mr. Chairman, I yield myself 4 minutes.

Let us understand something here. It has been suggested that somehow we were giving away the Constitution of the United States if we did not vote for this bill. But this bill leaves in place the World Heritage Areas that were designated by the United Nations, that were nominated by the United States, accepted by the United Nations pursuant to their criteria, and the treaty, the international treaty we have on Heritage areas. So this bill leaves those in place.

But, Mr. Chairman, the Biosphere areas that were designated by the U.S. Government, that were nominated by local communities, and are recognized, not designated, not accepted by them, recognized by the international program, that we nominated and we control them, those are wiped out.

But those of my colleagues on the other side who are so upset about one world government and the United Nations and so upset about international conspiracy, they leave in place the designation that is made by the United Nations.

So what is the problem here? This is wiping out the other treaty. I do not get it. There is some inconsistency here, folks. So it is now the treaty power that prevents proponents of this bill from acting to protect the sovereignty and their citizens? I see. OK. So now we have it clear.

Mr. Speaker, these areas that were nominated by local governments or organizations and agencies, and were designated by the various administrations starting from President Nixon to today, those are a threat to the United States, but the United Nations designated and accepted areas and the United Nations criteria are not? Something is very wrong here.

What is wrong here is that we are overriding with this legislation, we are overriding the local designation.

The gentleman from New York [Mr. SOLOMON] got up and talked about how people in his district raised cain about one of these areas and it did not happen. Is the gentleman suggesting that the people in Florida and Texas and California and Montana and Idaho were snookered? Were they snookered in 1986, 1976, 1996? Were they snookered? I don't think so. The point is this: That is the process.

Somebody else got up here and said that in Minnesota back in 1983 somebody proposed one of these and the people turned it down. It sounds to me like the process is working, folks. But now they want to wipe out those local decisions. Forty-seven areas said they thought it was OK; they want to wipe them out.

Mr. Chairman, I can understand my colleagues on the other side saying, "Hey, you do not like that process; you want to go through this one, and if in the future you want one of these, you have got to come to Congress." That is fine. But why would you wipe out all of these other areas?

Their contention is that the people in San Francisco or Los Angeles or Santa Barbara were snookered, even though they were interested in doing this and participating and they asked to participate. Kind of an interesting theory. Kind of an interesting theory.

Mr. Chairman, it should not happen. It should not happen. I would urge Members to support this amendment when we vote tomorrow to restore these areas that are currently in place and protect these very, very, very valuable assets of the United States of America.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to remind everybody, the treaty for the Heritage Areas was ratified by the Senate and voted on by the House, but not the Biospheres. That is why we had to leave the Heritage. If I had my way, they would be out too. Let us be very up front about this. The Biosphere is, again, a designation by the U.N., by UNESCO, without any local input.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, the gentleman from California [Mr. FARR] said that the Tourist Association of Kentucky supports the Biosphere Reserve Program. However, on May 29, 1997, the Kentucky State Senate, by a voice vote, approved Senate Resolution 35 which reads:

> The General Assembly of the Commonwealth of Kentucky is unalterably opposed to the inclusion of any land within the borders of the Commonwealth within the purview of the Biosphere Treaty or any biodiversity program without the express consent of the General Assembly of the Commonwealth of Kentucky, as provided by the Constitution of the United States and the Constitution of Kentucky.
>
> Furthermore, the General Assembly urges the Members of the Congress of the United States, and especially the Kentucky delegation to the Congress of the United States, to oppose ratification of this treaty and the inclusion of any land within the Commonwealth of Kentucky in any Biosphere program of the United Nations.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, when we do something wrong, we go back and make it right. That is what the crux of this bill does, and that is what this amendment prevents.

Mr. Chairman, in Texas we have two Biosphere Reserves that total over three-quarters of a million acres in our State, a significant amount. Under this amendment, we as a Congress are prevented from going back to the communities that include those Biospheres and are adjacent to them. We are prevented from going back to those school districts, those county commissions, and the State legislature, and allowing them to ask the questions that they were not allowed to ask the first time: How does this affect our community and what does this allow us to do? What does it prevent us from doing? How will it affect our tourism? How will it affect our property tax values? How will it affect everything that we have been building in our community and our State?

This amendment prevents those very common sense and basic questions from being asked. And those Biosphere Reserves that have value in support will pass all those tests, and those that do not will at last have a local standard applied to them that we desperately need.

I know some believe the United Nations knows what is best for our communities, but I have a great deal of faith that local communities and counties and school boards and State legislatures, if given an opportunity to ask those questions and have them answered, will come up with the right decision. I have faith in them. This amendment prevents us, prevents them, from having a say. We all deserve to have a say in our property rights.

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

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. 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 the order of the House of today, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] will be postponed.

The point of no quorum is considered withdrawn.

Pursuant to the previous order of the House, it is now in order to consider the amendment regarding specific Biosphere Reserves.

Mr. MILLER of California. Mr. Chairman, I will not offer the amendment.

Mr. YOUNG of Alaska. 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. PETERSON of Pennsylvania] having assumed the chair, Mr. SUNUNU, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration 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, had come to no resolution thereon.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 901.

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

There was no objection.

THE JOURNAL

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

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

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

VIOLENCE AGAINST CHILDREN IS GORE'S CURE FOR ENVIRONMENT

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

Mr. SMITH of New Jersey. Mr. Speaker, last week the Washington Times reported that, and I quote, "Vice President Al Gore, warning that overpopulation fosters global warming, yesterday suggested expanding abortion programs in developing countries to help reduce the environmental threat."

Mr. Speaker, it is absolutely scandalous and inhumane that the Vice President of the United States is aggressively touting violence against babies to mitigate global warming. The Vice President is blaming the babies of the poor for the consumption excesses of the rich and powerful. How dare he blame the kids.

In a meeting with the weather forecasters, AL GORE gleefully pointed to the administration's repeal of the Mexico City policy, the Hyde amendment for the developing world, as a step towards population control.

Make no mistake about it, President Clinton's action has permitted hundreds of millions of dollars, U.S. tax dollars, to flow to the abortion industry overseas. The Vice President is blaming the problem of global warming on children and suggesting that somehow the world will be a much cleaner place if these innocent children are killed by abortion.

Mr. Speaker, I insert the following article into the RECORD.

[From the Washington Times, Oct. 3, 1997]

GORE'S CURE FOR GLOBAL WARMING JOLTS PRO-LIFE ACTIVISTS

(By Paul Bedard)

Pro-life activists yesterday expressed alarm that Vice President Al Gore's suggestion to curb global warming by slashing population growth could lead to more abortions in Third World countries.

"What he would do is push violence against babies to advance a theory to cure greenhouse gas problems," said Rep. Christopher H. Smith, New Jersey Republican. "You don't use violence to get a cleaner atmosphere."

"Al Gore should not try to impose the immortality of abortion on developing nations," said Carol Long, director of the National Right to Life Political Action Committee.

Mr. Smith charged that the White House was being "elitist" in its effort to curb birth rates by targeting mostly poor, nonwhite populations in Africa, Asia and South America.

"It's elitist because it blames the poor and vulnerable for the problems of the rich and powerful," said Mr. Smith, chairman of the House International Relations human rights subcommittee. "It's very arrogant to persecute anyone to push a theory."

Mr. Gore this week told a White House global warming conference that overpopulation was the top proponent of climate change and, thus, should be a major focus for Government policy. He heralded President Clinton's early 1993 decision to reverse GOP policies blocking U.S. funding of family-planning groups that perform abortions abroad.

Mr. Gore suggested that the industrialized nations have "stabilized" their populations through a three-point program of birth control, abortion and a reduction in child mortality rates, but world populations would grow if developing nations aren't targeted now.

He suggested that pushing his three initiatives could cut 2 billion to 5 billion people from the projected 2050 world population of 14 billion.

"We're actually beginning to experience some good news around the world with the beginnings of a stabilization in world population. But the momentum in the demographic system is such that we're inevitably going to go to 8 or 9 billion. The question is whether these changes will keep us from going to 10, 12, 14 billion," Mr. Gore said.

Mr. Gore has long promoted a "Global Marshall Plan" that promotes birth control and family planning, but his comments at a White House summit of some 100 TV weathermen this week rattled some pro-life advocates.

"This will be the wake-up call," Mr. Smith said.

The National Right to Life Committee also took notice of Mr. Gore's comments and began alerting members, as did the House Pro-Life Caucus.

And Gary Bauer, head of the Family Research Council, said, "The problem with global warming isn't that there are too many people or too many children. That's our greatest asset."

Under the Gore plan, developing nations need three programs to slow population: one to cut child mortality rates so that families don't need to produce numerous children with the expectation that some will die young, birth control and moves to boost women politically and socially.

"When those three conditions are established, those countries make that change, and their population begins to stabilize," he said.

Since 1992, the year he was chosen to be President Clinton's running mate on the Democratic ticket challenging President Bush, he has promoted population control as a means to combat global warming—even though the scientific community remains divided about the seriousness of the global warming threat.

That year, for example, he authored the popular book "Earth in the Balance."

Chapter 15 of the book details elements of a "Global Marshall Plan" that promotes education, birth control and reductions in child mortality rates.

"No goal is more crucial to healing the global environment than stabilizing human population," he wrote.

[From the Washington Times, October 2, 1997]

THIRD WORLD BIRTH CONTROL TOPS GORE'S LIST OF 'GREENHOUSE' CURES

(By Paul Bedard)

Vice President Al Gore, warning that overpopulation fosters global warming, yesterday suggested expanding abortion programs in developing countries to help reduce the environmental threat.

Noting that Third World nations are producing too many children too fast—in addition to too much pollution—Mr. Gore said it is time to ignore the controversy over family planning and cut out-of-control population growth.

WARMING BLAMED ON OVERPOPULATION

While hosting about 100 TV weathermen at a White House global-warming conference, Mr. Gore was asked how to reduce population surges in developing countries that experts say will lead to a doubling of Earth's current 5.5 billion population within 40 years.

After highlighting President Clinton's early decision to kill the Bush administration's so-called "Mexico City policy" that prohibited U.S. funding of overseas birth-control programs that include abortion, Mr. Gore focused on family planning and child mortality rates.

"This doesn't have to be as controversial as some people make it out to be," Mr. Gore said, offering three solutions to overpopulation.

First, he said that cutting child mortality rates will encourage families in developing countries not to have so many children.

"They count on the fact that at least some of their children will survive into adulthood and take care of them when they're old. If you have a very high child mortality rate, and a high percentage of the children die in infancy or in childbirth, then you've got to have a lot of children in order to guarantee stability and—I mean, you know, in your old age," he explained.

The second factor is "availability of birth control information and culturally appropriate and acceptable techniques. And that's the controversial part," he said.

"The third factor is the empowerment of women, socially, politically, and in the context of the family, to participate in the decisions about childbearing," said Mr. Gore, who is pro-choice.

The issue was the first of several Mr. Gore and Mr. Clinton touched on as they tried to persuade the weathermen to warn viewers of the threat of global warming.

White House spokesman Michael McCurry explained the conference goal: "Maybe they can make the subject of global warming a little more lively for their audiences."

He added that the weathermen "appreciated being treated as something other than airheads."

Mr. Gore, using an easel and four different colored markers, tutored the forecasters on the issue, and suggested that changing weather patterns are due to global warming.

At one point he seemed to suggest that global warming was linked to weather-related deaths, plane crashes and unusual outbreaks of malaria, but he later said the cause wasn't clear.

Several of the forecasters said they believe that weather patterns have changed, possibly because of the warming of the earth due to overpopulation and pollution.

But most weren't ready to make the link as quickly as the vice president was.

Doug Hill, weatherman for WUSA-TV (Channel 9) in Washington, said, "I recognize that we are probably in the threshold of having a problem" with global warming.

But he said that he was not ready to make "the giant leap" that changing weather conditions are due to human-generated global warming rather than the product of weather cycles.

"I didn't see [the conference] as sounding alarm. I see it as raising awareness" to the issue, he said.

While Mr. Clinton said he believed the vice president's claim that global warming from pollution and "greenhouse" gases exists, he was more anecdotal in explaining the effects.

"You'd be amazed how many people just sort of from their anecdotal, personal experiences have this sense that there is more instability in the climate than there used to be," leaving the scientific language for Mr. Gore, author of a best-selling book on the environment.

The administration is preparing to attend a worldwide global-warming conference in Japan to set a goal for the reduction of greenhouse gas emissions, but Mr. Gore refused to reveal the U.S. bargaining position.

And while the goal of the conference was to alert the nation that environmental changes could lead to hotter temperatures and flooding due to snow and ice melts in the North and South poles, he offered few initiatives Americans could undertake to reduce the threat.

Mr. Gore also said it would be "crazy" to ignore global warming just because there isn't universal agreement in the scientific community about its existence.

He compared naysayers to tobacco industry executives who claimed for years that cigarettes weren't harmful—even after the 1964 surgeon general's report linking tobacco to lung cancer.

"I can't imagine that we would allow this to happen," he said.

KIMBERLY TRANEL, WINNER OF D.A.R.E. ESSAY CONTEST

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

Mr. MANZULLO. Mr. Speaker, I am pleased today to offer my sincere congratulations to Kimberly Tranel for being selected the student D.A.R.E. essay contest winner for Jo Daviess County in the 16th Illinois Congressional District, which I am proud to represent.

Kimberly's essay, which will be printed in today's CONGRESSIONAL RECORD, was chosen from among hundreds of others written by students from around the county at the conclusion of their D.A.R.E. classes.

D.A.R.E., which stands for Drug Abuse Resistance and Education, is a nationwide effort which helps kids become aware of the dangers of drugs and offers advice and assistance on how they can avoid using drugs.

I commend all who are involved with D.A.R.E., who are making a difference in the lives of young people, and especially Kimberly. I am proud to take this moment to recognize Kimberly and her determination to take a strong stand against drugs.

Mr. Speaker, I include the following for the RECORD.

The lessons she learned which she writes about in her essay will help her peers resist illegal drugs and remain drug-free. I congratulate Kimberly and all the students who submitted essays on this vitally important issue.

D.A.R.E.

(By Kimberly Tranel)

D.A.R.E. stands for drug, resistance, abuse, and education. During D.A.R.E. this year I learned that it means learning to say no to misuse of drugs. Also it is a class that is taught all over the world telling kids that drugs are very harmful to you. Some things to do when you're asked to take drugs is to give them the cold shoulder, change the subject, say no and walk away, give a reason or excuse, say no as many times as possible, say no thank you, avoid the situation, and show strength in the word NO. I learned the difference between clubs and gangs. The difference is that clubs are more like activities and that gangs have drugs and guns; sometimes you have to wear certain clothes to be in a gang. Be careful how you dress so you don't look like a gang member.

I learned that we have to have three things: they are recognition, affection, and belonging. If you don't have these things you have to remember never to do drugs. Also, I learned about the different kinds of pressure: they are personal pressure, family pressure, media pressure, and peer pressure. There is also friendly pressure, teasing pressure, indirect pressure, and heavy pressure. Some words I learned are Risk, Media, Stress, Consequences, and Self-Esteem. Risk is taking a chance, media is any means of communication that reaches or influences large numbers of people, stress is any strain pressure, or excitement about a situation or an event, consequences are the results of something you do or choose not to do, and self-esteem is the way you feel about yourself.

I feel that this D.A.R.E. program has helped me out a lot and that I can be whoever I want to be and stay drug-free.

I can avoid violence by not taking drugs and to stay drug-free I can't take drugs. All I have to do is be confident in myself and stand up to say no.

I think it's important to stay drug-free and to be who you want to be. I want to live as long as I can and I want to have a good life. That's why it's important to me to stay drug-free. If you don't stay drug-free you can get cancer, lung disease or have other bad things happen to you.

The choice for me is to stay *drug-free.*

□ 2145

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADY). 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.

AMERITECH

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to recognize Ameritech, an outstanding corporation headquartered in my district, for honoring eight outstanding individuals with the Ameritech Award of Excellence in Crime Prevention.

Ameritech, a model company and community leader, is one of the world's 100 largest companies. Ameritech is a full service communications company, committed to supporting crime prevention. Ameritech and the National Crime Prevention Council collaborated to develop an award which will be presented to eight recipients at the Ameritech Awards of Excellence in Crime Prevention dinner on October 14.

Ameritech continues to work to reach its goal of becoming a single source of communications solutions. It has 68,000 employees, 1 million share owners and more than $23 billion in assets. It provides customers, dependent on their desires and needs, with the best communications products available. Operating from these two principles, Ameritech helps millions of customers in 50 States and 40 countries communicate and manage information through cellular telephone, data, video, cable TV and security monitoring networks.

Richard Notebaert, Ameritech's chairman and chief executive officer, has had a profound effect on the company. In addition to the five primary regions, Illinois, Michigan, Indiana, Wisconsin and Ohio, that Ameritech provides with local telephone service, Ameritech has expanded its outreach to offer additional products and services throughout the United States and Europe.

Mr. Notebaert began his career in 1983 as vice president of marketing and operations at Wisconsin Bell. In June 1993 he became Ameritech's president and chief operating officer. In January 1994 he was elected president and chief executive officer, and in April 1994 he was named chairman and CEO.

As chairman and CEO, Mr. Notebaert is responsible for Ameritech's total operations. He received his Bachelor of Arts degree in 1969 and a Master's degree in business administration in 1983, both from the University of Wisconsin, and has received honorary doctorate degrees from Indiana Wesleyan University, the University of Indianapolis and Ripon College.

President Clinton appointed Mr. Notebaert to the President's Export Council in March 1995, where he currently serves as a member. He is a trustee of the Chicago Symphony Orchestra and the University of Notre Dame, a charter trustee of Northwestern University, and a member of the Business Council and other civic and community organizations.

Ameritech takes part in numerous community projects in Illinois, Wisconsin, Indiana, Michigan and Ohio. Additionally, Ameritech has developed resources and initiatives designed to help teachers and students. It contributed $2 million to the Library of Congress to establish a digital grant competition; created the Ameritech Hispanic Advisory Panel [AHAP] web site that provides Ameritech's Hispanic employees with opportunities to network and provide mutual support and develop. Finally Ameritech has sponsored many events such as the Ameritech Awards of Excellence in Crime Prevention, and created information and products for seniors and people with special needs.

Ameritech's involvement in this project has once again demonstrated its leadership in private sector promotion of safety and community strength. Additionally, Ameritech's participation has illustrated that the private sector must be engaged in positive community development.

Ameritech's commercial and social reputation provides the foundation for companies and organizations to follow. I urge America to join with me tonight in commending Ameritech and Mr. Notebaert for their work in creating the Ameritech Awards of Excellence in Crime Prevention.

ACCUSATIONS AGAINST THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought it was appropriate to come to the floor of the House as I have watched the unfolding of the controversy swirling around the question

of campaign finance reform but accusations being thrown at the White House, the question of lost tapes and found tapes and the real issue before the American public.

I am frankly disappointed and certainly outraged that the real issue that has been raised by most citizens as I have encountered them, the question of coming to a common consensus on reforming the process of campaign finance reform, now lost in a swirl of refusal on the other side of the street, in the other body, is not really the point of which we are looking at. We now hear voices calling for the impeachment of the Attorney General of the United States of America, casting accusations unfairly, no investigation on the basis of which the Attorney General and staff made their decision not to proceed at this time without accusations made against the President of the United States.

I want the truth. I think it is important for the debate to be full and open, for any investigation to fully provide for the American people and for those of us in this body the real facts, so that we can in a forthright manner answer to the American people and provide reasoned campaign finance reform. If there are accusations to be made, let them be made and let them be tested and let them be factually determined and discovered.

As it seems, the President and the White House have answered the question of the so-called missing tapes by indicating that in their inquiry they did inquire of the retainers of these videotapes and those individuals responded that they had nothing. And when they were pressed further, they then put White House counsel to the test, and they discovered the tapes and indicated and informed the Attorney General's office that such tapes existed.

But after reviewing of the tapes it has been determined that, one, without the sound, and there are sound tapes to come afterwards, that there seems to have been no asking for campaign dollars at these coffees. It seems that these coffees were similar to those held by many other administrations. In fact, when they did a search of fundraising or coffee tapes through the search file, 150 of them were discovered preceding or including the Clinton administration, but including as well the Bush administration and other administrations.

So I would ask my colleagues on the other side of the aisle, what is the real issue? Do we want to unveil and unfold the facts or do we want to make accusations? First against the President of the United States, then the Vice President of the United States? Do we want the facts or do we want cameras and coverage and accusations and hearings? Do we want to hear what witnesses are saying, that they did in fact follow the rules and the law? Do we want to engage in real change and real reform, that is, passing campaign finance reform, unlike what happened today, a total collapse, if you will, of the debate and the passage of real campaign finance reform in the other body?

I would simply say, Mr. Speaker, that I want reform. I have signed on to several pieces of legislation, proudly so, that raise up the question fairly of real campaign finance reform. This is a difficult question. It is a question that many Americans, it falls on deaf ears, it is confusing. It is inside the beltway. It is a bunch of politicians fighting each other.

I do believe it is important for us, this body, with its integrity and hard working Members who do believe in what the real responsibility of this Congress is, is to provide for the leadership and guidance of this great government and for this country and for its citizens, many of whom are vulnerable, like children and senior citizens, our veterans. These are the responsibilities that we have, among many others.

So false accusations and getting in the spotlight and making statements that the President is a criminal and the Attorney General should be impeached, false accusations I think need to come to an absolute halt. We need to let the proceedings proceed. We need to understand that the independent or special prosecutor is not in and of itself a saviour. The Whitewater prosecution, some $35 million later, with Ken Starr as the leader, has found nothing of substance and yet it proceeds to take taxpayers' dollars. All of the special prosecutors have not been what they have led to believe.

I think that we need to get on the right track, Mr. Speaker. As I close, the right track is real campaign finance reform, is ridding ourselves of the false accusations, the misleading comments and the unfortunate calling for the impeachment of the Attorney General of the United States of America.

HAPPY 50TH ANNIVERSARY TO LEROY AND JEANETTE LINCK

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

Mr. POSHARD. Mr. Speaker, I have seldom taken the floor of the House here in the 9 years which I have served to present congratulatory remarks, but this is an occasion which gives me great pleasure to do so. Mr. Speaker, in an era when many are concerned with the demise of the institution of marriage and family here in the United States, I rise today to honor Leroy and Jeanette Linck. It gives me great pleasure to congratulate Leroy and Jeanette on their 50th wedding anniversary.

Leroy and Jeanette were married on September 5, 1947 at the Methodist church in Bartonville. The Lincks joyously celebrated their 50th anniversary with close friends and family on September 6 at an intimate reception in the Spillertown Baptist Church educational building for all to share in this wonderful occasion.

I tell you, Mr. Speaker, that Leroy and Jeanette have been great and dear friends of mine for many years and I have had the opportunity to watch firsthand the tremendous service that they have given their family, their friends, their community and also their party.

Leroy has been an active volunteer in the political arena and through his work experience he is a jack-of-all-trades. He has been a Democrat precinct committeeman for 32 productive years, working hand in hand with members of both political parties to show people in our area in southern Illinois what it means to participate in the democratic process.

□ 2200

His fervor for community involvement was intoxicating. He is permanently responsible for letting people in the surrounding area become aware of and getting them to participate in the political process.

Jeanette dedicated many years of her career as a nurse at a local doctor's office until she decided to retire when the practice closed.

Mr. Speaker, in a day where marriages are too often short lived, it is a real treasure to be a witness to a couple that has endured the daily trials and tribulations that cause many couples to fail. The Lincks have proven that they can work things out and get through their struggles. Their family is no stranger to life's hardships. They have had many along the way, but for 50 solid years they have shown us how to overcome those problems, keep the family together and they have been a great testimony to young people in our area. Leroy and Jeanette have been blessed with a large loving family and a strong marriage.

Mr. Speaker, what a monumental achievement to be married for 50 years. It is an honor to represent a couple like the Lincks. They are an inspiration to us all in southern Illinois, and I am very proud to represent them in the United States House of Representatives.

CONGRESS MUST CONTINUE THE PATH TOWARD TAX RELIEF

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

Mr. KINGSTON. Mr. Speaker, this Congress has made tax relief, middle class tax relief, a high priority, and we

have passed tax relief, but it is not enough. The average American this year will spend more time working to pay taxes than he or she will to work to pay for housing, food and clothing combined. On average, Americans will spend 2 hours and 49 minutes each day laboring to pay taxes.

Tax Freedom Day for 1997 was May 9. That is the latest Tax Freedom Day in history. We are still paying too much taxes. Let me give my colleagues some examples, because people do not realize the hidden taxes. They often focus on income taxes, but the pass-through taxes we in Congress are always dumping on corporations also get picked up by our constituents and taxpayers.

A bottle of beer is 43 percent taxes; an airplane ticket, 40 percent taxes; a bottle of liquor, 72 percent taxes; the electric bill, 25 percent taxes; a loaf of bread, 31 percent taxes; a car, 45 percent taxes; a hotel bill, 43 percent taxes; restaurant meal, 27 percent taxes; a package of cigarettes, 75 percent taxes; the telephone bill, 50 percent taxes; a pizza, 38 percent taxes; a can of Coca Cola, 35 percent taxes; and a gallon of gas, approximately 54 percent taxes.

Mr. Speaker, Americans are still being overtaxed. We have got to continue the path for tax relief. I think it is extremely important when we consider that the budget increases spending by over $50 billion, but the tax relief was less than $18 billion. It is not even a first step. It is a half step. We have to continue this.

Now, in addition to reducing taxes, Mr. Speaker, we have also got to simplify our taxes. Today, in terms of regulations, there are more than 7,500 pages in the Internal Revenue Code. It has tripled in the last decade. There are over 1 million words in it. Now, that is just the regulation. If we put in the laws, there is 17,000 pages in the IRS Code. There are 480 IRS tax forms. The IRS sends out 10 million corrections, tax correction notices, each year. And in 1990 alone, there were 190,000 disputes between the IRS and the taxpayers that required legal action.

Mr. Speaker, the American taxpayers do not wake up in the morning and try to figure out new ways to cheat the IRS. Most of the problems are just genuine misunderstandings in not being able to figure out this very complicated tax system that we have.

One taxpayer was fined $10,000 for using type 12 pitch on a typewriter instead of using type 10 pitch on his typewriter. A $10,000 fine. In 1993, a taxpayer was fined $46,806 for an alleged underpayment of 10 cents. How is that for one thin dime?

There is a case of a day care center, Mr. Speaker, which allegedly owed the IRS $14,000. It was raided by armed agents, who refused to release the children in the day care center until the parents pledged to give the government money.

The IRS has more employees than the Central Intelligence Agency, the Federal Bureau of Investigation and the Drug Enforcement Agency combined. Its budget makes it a bigger consumer of tax dollars than the Department of Commerce, the Department of State and the Department of Interior.

It is time that we revamped our tax system, Mr. Speaker. It is absolutely essential. We need to have tax relief, but we need to have tax simplification and clarification.

I am proud to see that the gentleman from Texas [Mr. ARMEY], the majority leader, and the gentleman from Louisiana [Mr. TAUZIN] are taking it on the road to the American people, and I invite them to come to Savannah, Georgia. I know they are going to be coming to Atlanta, but I hope they will bring it down, because we need to have a good debate and move to the direction of tax simplification right away.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING ADJUSTMENT IN APPROPRIATIONS UNDER SECTION 8 OF U.S. HOUSING ACT OF 1937

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

Mr. KASICH. Mr. Speaker, I submit the following for the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Office of the Speaker, Washington, DC.

DEAR MR. SPEAKER: Sec. 203 of H. Con. Res. 84 requires that the Chairman of the Committee on the Budget make an adjustment ". . . after the reporting of an appropriation measure (or after the submission of a conference report thereon) that includes an appropriation for the renewal of expiring contracts for tenant- and project-based housing assistance under section 8 of the United States Housing Act of 1937 . . . not to exceed $9,200,000,000 in budget authority and the appropriate amount of outlays."

In July the House Committee on Appropriations reported H.R. 2158, a bill making appropriations for the Department of Housing & Urban Development, Veterans Affairs, and Related Agencies for Fiscal Year 1998 which included $9,200,000,000 in budget authority for Section 8 housing renewals. At that time the Appropriations Committee's new discretionary allocation was increased by $9,200,000,000 in budget authority and $3,436,000,000 in outlays.

The conference report accompanying H.R. 2158 has been filed and the amount provided for Section 8 housing renewals has been reduced to $8,180,000,000 in budget authority. Therefore, the amount of new discretionary budget authority allocated to the Appropriations Committee is hereby reduced by $1,020,000,000. The revised 302(a) allocations for the Appropriations Committee and aggregate budget levels are shown on the attached table.

These adjustments shall apply while the legislation is under consideration and shall take effect upon enactment of the legislation.

The adjustments are as follows:

COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

Discretionary	Current allocation		Change		Revised allocation	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
General purpose	521,140	549,837	−1,020	0	520,120	549,837
Violent crime reduction trust fund	5,500	3,592			5,500	3,592
Total	526,640	553,429	−1,020	0	525,620	553,429

Aggregate levels for budget authority and outlays for fiscal year 1998 remain unchanged as follows:

[In millions of dollars]

Budget authority	1,387,183
Outlays	1,372,461

Sincerely,

JOHN R. KASICH,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Office of the Speaker, Washington, DC.

DEAR MR. SPEAKER: Section 10114 of the Balanced Budget Act of 1997 (P.L. 105–33) requires that when an appropriations bill provides funds for an Earned Income Tax Credit Compliance Initiative there shall be an adjustment to the appropriate budgetary aggregates (subject to limitations set forth in sec 10114 of P.L. 105–33) and corresponding adjustments to the Appropriations Committee's 302(a) allocation.

The Appropriations Committee has reported the conference on H.R. 2378, the Appropriations Treasury Postal Service for FY 1998. This bill specifically provides $138,000,000 in discretionary budget authority for FY 1998 for an Earned Income Tax Credit Compliance Initiative. The associated outlays are $131,000,000. These amounts are within the amounts provided by section 10114 of the Balance Budget Act of 1997 (P.L. 105–33).

These adjustments shall apply while the legislation is under consideration and shall take effect upon enactment of the legislation.

The adjustments are as follows:

COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

Discretionary	Current allocation		Change		Revised allocation	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
General purpose	521,002	549,706	+138	+131	521,140	549,837
Violent crime reduction trust fund	5,500	3,592			5,500	3,592
Total	526,502	553,298	+138	+131	526,640	553,429

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[In millions of dollars]

Current aggregates		Change		Revised aggregates	
Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
$1,387,045	$1,372,330	+$138	+$131	$1,387,183	$1,372,461

Sincerely,

JOHN R. KASICH,
Chairman.

THE TAX SYSTEM AND THE IRS MUST BE REFORMED

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

Mr. METCALF. Mr. Speaker, two old duffers, about my age, I suppose, were discussing some of the exigencies of life, and one surmised, "You know, there are only two things that are certain, death and taxes." The other one thought about that for a minute and he turned around and he said, "Yeah, but there is one thing about death, it doesn't get worse every time Congress meets."

Well, I am not here to talk about death, but I do want to talk about something I have had a lot of experience with, and that is taxes. This country, above everything else that we deal with, must reform the tax system and the IRS. We have seen the horror stories, and some Members of this House have probably experienced firsthand the agonizing and humiliating process of being audited and intimidated by the Internal Revenue Service or, as Newsweek magazine calls it, the Infernal Revenue Disservice.

I have several examples, Mr. Speaker. The first is a neighbor of mine on South Whidbey Island. He was a small businessperson. We had a sharp depression. Some might call it a recession, but it was a sharp depression in the lumber areas of our country in 1981–82, and he went bankrupt. He just outright lost his business, lost his home, and he was having trouble just putting food on the table.

He was a very responsible guy. He was working at every job he could find during that time, and there were not very many, but he came home one day with a check for $295. He immediately went to the bank and deposited it in the bank and wrote checks to some of the other small businesses to whom he owed the money.

Well, the check bounced. All his checks started bouncing. And he rushed down to the bank and he said, "What is wrong? I deposited the check." They said, "Well, what had happened was the IRS had come in and looted his bank account." They ostensibly said he owed them money, and did not even inform him. Let me repeat that. They did not even notify him. Now, how about that for an agency?

Another instance. Miami newspaperman, Daniel Heller, ran an expose of an illegal IRS spying operation back in 1973. This is old news but it is well worth hearing. After he refused agents demands to name the key source for the information that he received for the story, the IRS mounted a full-scale investigation of him.

He was indicted for tax evasion in 1982 and imprisoned in 1987. He was freed when the U.S. Court of Appeals ruled that he had been framed. IRS agents had pressured the main witness, Heller's own accountant, to lie under oath. The IRS paid him $500,000 to drop a lawsuit against them, and he took the money and he gave it to charity.

How about Carol Ward in Colorado? This is one that the Speaker may have seen on 60 Minutes. Her story is just as frightening. Three weeks after she insulted a local IRS agent who was auditing her son by saying that the auditor was better suited to selling chicken fried steak at a truck stop than doing the IRS business, the same agent instituted a $325,000 emergency tax claim against her and began proceedings to seize her small chain of clothing stores and other property, which would obviously put her out of business permanently.

The IRS settled its claim against Ward eventually for $3,500. They had levied an emergency claim for $325,000 when only $3,500 was due. But Mrs. Ward turned around and sued the IRS and won $325,000 in damages. A Federal judge ruled that a grossly negligent IRS official had discussed her tax status in a letter to the newspaper.

Though the case was settled almost a year and a half ago, Ward still has not seen a dime of the money that the IRS owes her.

What we have here, Mr. Speaker, is a government bureau so out of control, so arrogant that the constitutional rights of American citizens are at risk. A bureaucracy empowered by this body operating with little oversight and robbing the citizens, our own citizens, to fill the treasury.

They say, "If it ain't broke, don't fix it." This bureaucracy is broke and we have to fix it. The answer is simple: A new tax system and a new Tax Code. I applaud my colleagues, the gentleman from Texas, Mr. DICK ARMEY, the majority leader, and the gentleman from Louisiana, Mr. BILLY TAUZIN, as they embark on a nationwide tour to get out the message that the tax system is broke and it must be fixed. Whether a flat tax or a consumption tax or whatever the idea is to rid ourselves of the burdensome IRS and get back to a Tax Code that is fair, simple and reinstills faith in the way our government operates.

Mr. Speaker, almost 60 percent of Americans believe that their Federal income taxes are too high, almost 70 percent believes the IRS has too much power, almost 80 percent believes loopholes allow people with the same income to pay significantly different amounts of taxes.

In summary, the IRS is out of control. The majority in this House has pledged to get rid of the IRS as we know it and completely reform the present Tax Code that is patently unfair. Most importantly, let us allow our citizens to keep a lot more of their own hard earned money.

CAMPAIGN FINANCE REFORM

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

Mr. SOUDER. Mr. Speaker, I have had a number of people come up to me today and commend me on my courage, not so much for anything I have done as a Congressman directly, or said, but for wearing my Notre Dame tie today.

I think it is important that we stand with our team and our favorites, even in tough times, not just in good times. So I am proud to wear my Notre Dame tie, even though we have had one of our rockier starts, and I want to express my personal confidence in our coaches. It is a tough transition, but I know they will eventually win because we are Notre Dame.

I also wanted tonight to make a couple of other comments on campaign finance reform, but I wanted to clarify one thing first. I am afraid many Americans may get confused. This week's Time Magazine has a cover story "America's Fascination with Buddhism." And I wanted to make this clear; that our Vice President is not converting to Buddhism, and this is not about our Vice President. He does not worship in Buddhist temples, he raises money in Buddhist temples, and I thought it was important to clarify that.

I have been very upset to watch the headlines in the last few days about this administration calling on us to do campaign finance reform, because rule number one should be to enforce the current law. In fact, I am on a number of campaign finance reform bills and I believe we need to have campaign finance reform. But the first thing we need to do is follow the current law. What good does it do to pass more laws if we do not follow the current law?

I saw an editorial cartoon that said "Campaign Reform Analogy" and it showed a football player getting tackled as the ball was coming to him, with the referee standing there not blowing his whistle, and it says pass interference, no whistle. Then it shows people going off sides and tackling the quarterback, and it says off sides, no whistle. Then it shows a guy kicking another player down to get the football, "saying unnecessary roughness and still there is no whistle."

□ 2215

The referee then turns to the crowd and says, "Obviously, we need more rules."

That is sometimes the way I feel here. Not that we do not need more rules, but, quite frankly, what is the penalty for not following the current rules? Maybe to get some people to come to the floor and go on for a 1-minute or 5-minute special order. But what is the practical penalty besides having to send money back?

Let me give my colleagues an example. Last year, Keshi Zhan, a single mother, earned $22,407.84 as a full-time records assistant for an Arlington County, VA, welfare agency. More than a third of her income went to rent her one-bedroom apartment. Nonetheless, blowing away Ted Turner in percentage giving and approaching Mother Theresa-like generosity, she still managed to give $2,000 to Illinois Democratic Senator MOSELEY-BRAUN, $2,000 to Indiana Democrat Evan Bayh, and $3,000 to the Oregon Democratic Party. Another $1,000 went to the gentleman from Missouri [Mr. GEPHARDT], House minority leader.

Moreover, Ms. Zhan attended a posh Hay-Adams Hotel fundraiser organized by John Huang. President Clinton was the guest of honor, and 40 couples donated $25,000 each. Ms. Zhan's share was $12,500. Altogether, she gave Democrats $20,500 in 1996. Pretty amazing for someone with an income of $22,407.84. No wonder Mr. Huang escorted her to the White House for a photo opportunity with the Vice President. To quote the Washington Times: "Now either the earned income tax credit has gotten completely out of control, or Ms. Zhan, a close associate of Democratic fundraiser Charlie Trie, has an interesting tale to tell."

Mr. Trie, who has fled the country, apparently without any immediate plans to return, received $500,000 in wire transfers for the Government-owned Bank of China.

I do not know about this new math, but these numbers simply do not add up. Rule No. 1 is, follow the current law. What good is it going to do for us to pass a bunch of new laws if we do not follow the current law?

Then there is this matter about posturing about campaign finance reform while we are raking in the money. The Washington Post on Sunday: "Gore Preaches Funding Reform For Politics." I am going to just read three paragraphs.

The Vice President spent Friday night beside the Florida Aquarium's shark tank dining on grouper with about 50 people who donated $5,000 a couple to the State party. Today, after giving the keynote speech at the Florida Democratic convention, he flew to Jacksonville for closed meetings with about 50 members of the Progressive Foundation, a nonprofit arm of the Democratic Leadership Council. The retreat, at the sprawling ranch of Howard Gilman, was not a fundraiser, but many of the participants are major donors to the DLC's Progressive Policy Institute. Gilman is a frequent contributor to Democrats. At the convention in Tampa, as Gore was urging lawmakers to 'put your vote where your mouth is' on campaign finance reform, the Democratic National Committee was distributing a how-to manual for candidates who want to tap into the party's Federal money stream.

This is a sampling of President Clinton's schedule since campaign finance reform became his top priority:

On August 7, 1997: Gazpacho, swordfish, carrots, and zucchini; $350,000 raised at DNC fundraiser with Democratic Business Council at Mayflower Hotel in Washington, DC.

August 7, 1997: In a nearby salon, couscous and beef tenderloin; $300,000 raised by DNC supporters who contributed $25,000 at the Mayflower.

September 21, 1997: The day after the President and First Lady dropped off their daughter at college; $950,000, mostly soft money, which the President doesn't like. Apparently it is OK, if you don't like it, to take the money. Menu unknown. Perhaps donors were able to order off of the menu at the posh Postrio Restaurant in San Francisco; $300,000.

Later that evening, dinner was served to the President and 18 wealthy Silicon Valley entrepreneurs. Menu: Gazpacho, steak, and potatoes; apparently it was very good, with $600,000 raised at this dinner alone.

September 26, 1997: Hours after giving a speech in Houston, where President Clinton castigated politicians "for not being sincere about curbing the influence of money in politics, and Clinton said, 'We desperately need to reform the way that we finance our campaigns,'" it was Texas Gulf red snapper topped with Galveston Bay jumbo lump crab meat and mango-roasted pepper vinaigrette at the sprawling estate of Tilman Fertitta, a restaurant entrepreneur; $600,000 for the DNC; $10,000 a person.

According to the Washington Times, the dinner was scheduled first, and then aides scouted for an appropriate official event for the President so that taxpayers would pick up part of the considerable tab for his and his entourage's travel.

According to a White House spokesman, Clinton has been speaking at DNC functions around the country, helping the party raise $19 million in the first half of 1997 alone.

President Clinton's fundraising successes this year could be another subject for the emergency special session of Congress that he may call for on campaign finance reform. He ought to practice what he preaches.

TRANSFER OF NUCLEAR TECHNOLOGY TO CHINA

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

Mr. PALLONE. Mr. Speaker, today it was reported that the Deputy Assistant Secretary of State, Mr. Robert Einhorn, was in Beijing to discuss the transfer of nuclear technology to China. The report stated that Mr. Einhorn was ready to negotiate and put into effect a 1985 accord that allows American firms to export nuclear technology to China.

Mr. Speaker, when the United States and China signed this accord in 1985,

Members of Congress were concerned with China sales of nuclear weapons technology to third countries, and in response to the accord, Congress quickly passed legislation that required the President to first certify that China has not sold or transferred nuclear technology to countries that are not subject to inspection by the International Atomic Energy Agency.

Last month, the Clinton administration began preparations to certify that China has stopped its exportation of nuclear technology to unregulated countries. This is the first time in 12 years that a United States President has moved toward such a certification.

What is unfortunate, Mr. Speaker, is that the administration is willing to overlook China's recent transferance of nuclear technology to unregulated nuclear facilities in Pakistan and Iran.

Surprisingly, the administration has accepted assurances by Beijing that it would "cancel or postpone indefinitely" several projects, especially secret nuclear facilities in Pakistan and a uranium conversion facility in Iran as the basis for the United States granting the certification.

Mr. Einhorn recently told lawmakers that China has canceled the Iranian project. But, ironically, China gave the blueprint to Iran to construct the facility.

Mr. Speaker, the administration would be granting certification despite CIA findings that the Chinese have sold 5,000 ring magnets to Pakistan for its uranium enrichment facility. And ring magnets, I should say, can be used in the building of nuclear weapons.

Furthermore, the administration is willing to ignore China's continued support of Pakistan's commitment to build a plutonium production reactor and a plutonium processing plan. Despite the protests of United States lawmakers, China continues to assist Pakistan in building a sophisticated nuclear arsenal. Unfortunately, this arsenal is not subject to international inspection.

In fact, the administration continues to look the other way as China continues to exploit technology and ballistic and missile components to Pakistan. I would like to remind my colleagues that Pakistan is not a member of the International Atomic Energy Agency and bans investigators from several of its nuclear facilities.

Mr. Speaker, why is the administration willing to grant certification? Eight days ago, the Chinese Prime Minister signed regulations that would limit the export of nuclear technology. Is the administration satisfied that 8 days is the sufficient amount of time to show China's commitment to change its practices for the last 12 years? I certainly do not think so.

Nuclear proliferation experts are concerned as to whether the Chinese Government even has the ability or is willing to enforce these regulations.

Mr. Speaker, United States officials have expressed concern that the upcoming China-United States summit, which is supposed to take place later this month, would be a failure if there is not some positive development in our trade relations. And this is particularly true since the process of including China in the World Trade Organization may not be completed by the time of the summit.

The idea, from what I can gather, is that the U.S. certification regard to nuclear technology exports would somehow salvage the summit. But this, I would submit, is the wrong reason for granting certification.

Is the upcoming summit so important, Mr. Speaker, essentially, that we, as Members of this body, should be willing to compromise the United States position on nuclear proliferation and grant China this certification? I do not think so. I think that is an inappropriate way to proceed.

Members of this body have supported and at times insisted that China receive United States peaceful nuclear technology only if China halts all nuclear exports to nations with unregulated nuclear facilities. Earlier this year, a letter was sent to President Clinton by Members of Congress stating that China has not earned or behaved in a manner which warrants such certification.

Mr. Speaker, basically, I am asking, and I hope that many of my colleagues will insist, that the administration change its mind and not grant the certification to China. I am not willing to compromise the United States position on nuclear proliferation simply to appease the Chinese Government in this upcoming Sino-United States summit. I think it is the wrong way to proceed, and hopefully many of us in Congress will continue to insist that we not proceed in that direction.

U.S. DOES NOT FUND ABORTIONS WITH TAXPAYER DOLLARS

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

Mr. TALENT. Mr. Speaker, the House cast a very important vote today on a motion to instruct on the foreign operations bill, a motion to instruct the conferees not to recede from the language which was inserted in the amendment on the House floor on that bill, language which says simply that when in that bill we spend money for population control abroad, that money cannot be spent or given to organizations that procure or counsel abortions.

Now, it seems to me the basic issue with this kind of language is as follows: We do not fund abortions here in the United States with taxpayer dollars. We certainly should not use taxpayer dollars to fund abortions abroad. There are two very important reasons for this.

In the first place, whatever our divisions may be on this very contentious issue, we all basically accept, a vast majority of people in this country accept, that our public policy should, at minimum, discourage abortion. The vast majority of the people believe it is an evil even if there are many people who believe it is a necessary evil.

If we say something is an evil, we do not subsidize it, we do not spend the taxpayer dollars on it. We may believe very passionately it should not be outlawed, but that does not mean we want to encourage people to do it. That is the policy we follow here within the borders of the United States. We should follow a policy at least no less vigorous with regard to the money that we send abroad.

There is another issue. There are millions of Americans, and I am one of them, who believe as a deep matter of conscience that abortion is wrong, that if anything is wrong, abortion is wrong. Out of respect for them, as well as because we want to discourage that practice, we do not take their money which they pay in taxes to support their Government and use it to fund abortions here in our borders in the United States. Out of a similar respect for them, we should not take their money and spend it on abortions in other countries.

It was a very important vote. I was very pleased that the House, by a margin that was actually larger than the one which the House originally adopted this language called the Mexico City language, The House instructed its conferees not to recede from it.

One other point that I want to make with regard to this, Mr. Speaker, it is an important one, and it is one I think we may actually have some agreement on. Everyone here is concerned that we not stall the whole foreign operations bill because of this dispute, as important as it is, that only relates to a particular part of it.

I could not agree more. We should not hold up the whole foreign operations bill because the House and the Senate cannot agree on this language. I do not know why the Senate will not at least try to pass the bill over in the Senate with language saying, we do not fund abortions here, we are not going to fund it abroad. If that is their position, we ought not to let the whole bill go down because of that.

It is very simple to prevent that from happening, whether it is simply resolved in the conference committee that this measure is going to be worked out in a separate bill on the authorization bill. And at that point, we can free up the rest of the foreign operations bill, the aid to Israel, the other things that are important, and pass that.

That is the position I hope the House continues to take, Mr. Speaker, first of all, that we do not use taxpayer dollars to fund abortions here in the United States. We are certainly not going to do so abroad. We understand that the Senate and others have sincere and deep disagreements about that. We are not going to let those disagreements hold up the foreign operations bill.

None of us are going to go have to recede from positions that we hold as a matter of honor. We will simply agree we will not hold up that bill, we will fight it out in another venue. That is the position I hope the House takes. I think it was a courageous vote today, Mr. Speaker. I hope we continue it in the weeks ahead as we work toward the adjournment.

TRIBUTE TO WADE STEVENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to address my remarks tonight to the Stevens family of Bay St. Louis, MS, Sue Stevens, but in particular Eric and Laura Stevens, two young people who lost their dad recently.

I can only imagine how horrible it is for a child to lose their mom and dad. And I know that nothing I can say or do can lessen your sorrow. But I want you to know and I want the people of our Nation to know that I think your dad was a hero.

□ 2230

For his courage and his compassion and his unselfishness, he should be, and he will be, remembered.

Just a few weeks ago, Eric and Laura's dad was diagnosed with an aneurysm in his brain and he was told that he required surgery to correct it. Their dad, Wade Stevens, told a coworker, Deb Sellier, that should things go bad that he wanted her husband to have his heart. Deb's husband, Dave Sellier, is a retired St. Louis policeman who was medically retired because of a heart condition a few years back. He has been on a waiting list for an organ transplant since March of 1996.

Wade died during surgery. At the time of his death he was 44 years old. I feel very fortunate to have known him for 20 of those years. He was a loving father and husband, active in his church and in his community. He leaves behind his wife Susan and two children, Eric and Laura, and my prayers are with him and his family.

Mr. Speaker, I am honored to pay tribute to somebody I think is a hero, my good friend, Wade Stevens. On behalf of his many friends, I wish to extend my deepest condolences. He will be missed and remembered by all.

THE MARRIAGE TAX ELIMINATION ACT

The SPEAKER pro tempore (Mr. BRADY). Under a previous order of the House, the gentleman from Missouri [Mr. BLUNT] is recognized for 5 minutes.

Mr. BLUNT. Mr. Speaker, let me say, first of all, that one of my predecessors in this district, serving this district in the Congress, was another Gene Taylor, and I am honored to be able to follow the gentleman from Louisiana [Mr. TAYLOR] on the floor tonight and recognize really the commitment that so many of our Members have to families, not only their own family but families in their district.

I want to talk for a few minutes about families when it comes to paying taxes. We need to repeal the marriage penalty, the marriage tax that penalizes 21 million American couples.

Few couples of course decide to marry based on their tax burden, but every couple understands the tax implications on April 15. On a web site that those of us who are sponsoring the repeal of the marriage penalty have established, we have gotten many letters from married folks who are concerned about that.

Sean McGowan from Jefferson City, MO, writes, "I think the marriage penalty is a major cause of the breakdown of the family here in the United States. Your bill would do a lot to cut down on the incidence of cohabitation by unmarried couples and give more children two-parent families where there is a real commitment between the parents."

Mark Wyckcoff from Baldwin, MO, writes, "My wife and I have been truly among those hardest hit by the marriage penalty. In my position as a physical therapist, I have been fortunate enough to benefit from a well-paying, high-demand occupation. In the 4 years we have been married, we have had one refund, our first, mainly because of taxes taken out based on a full year's salary when each of us worked only part of the year. Since the 1993 tax year, we have paid out an additional $8,868 as a well-earning, rich if you adopt the standards of the current administration, married, no dependents, no real property holding couple," and they pay a penalty because of what happens in the Tax Code. It is really another hidden tax, one of those kinds of taxes that Washington is famous for imposing.

Current law punishes many married couples who file jointly by pushing them into higher tax brackets. It takes the income of the family's second wage-earner, often the woman's salary, at a much higher rate than if the salary had been earned at the individual rate. For many couples where both the husband and wife work, the second income becomes used simply to pay the IRS. That makes the marriage tax a penalty for working women.

For example, an individual with an income of $24,000 would be taxed at 15 percent. A working couple with incomes of $24,000 each would be taxed at 28 percent, a significant increase on the tax burden of $600 in new taxes simply because they are married, simply because they are forced into a higher tax bracket by filing a joint return.

In another case, a couple where one spouse earns $75,000 a year while the other has no income, they pay $3,872 less in income taxes than if they were single. Compare that to a husband and wife who each make $37,500, a combined income of $75,000, and they pay $1,391 more in taxes simply because they are married. Mr. Speaker, $1,391 or $600 are no small penalties. The Congressional Budget Office estimates that the average penalty for a married couple is $1,400 a year.

What would a family do for $125 of additional income each month? What would they do with $125 of additional income each month as well? That is equal to half a year's car payments on the average car payment. It could be used to secure a down payment for the first home or to pay tuition.

For the Federal Government, it is an annual $30 billion plum and it is a plum that we need to give up. We need to give up that $30 billion; we need to eliminate the marriage penalty. We need to go back to a tax law that really honors marriage, does not penalize marriage.

The Marriage Tax Elimination Act of 1997 that I am cosponsoring eliminates the marriage tax. It allows couples to choose which method would be to their advantage in filing their taxes, whether the single taxpayer method or the married taxpayer method for a joint return would be the best thing for them to do.

The elimination of the marriage tax also fills a void left over from the tax relief package of 1997. We have directed tax cuts for families with children; we have broadened the scope of tax relief, and in 1998 we could broaden the scope of tax relief to include all married couples with the elimination of the marriage tax penalty.

Washington should take every opportunity to help families stay together. Many times that means bringing home an income that provides them with time together, time to share values, and time to share experiences. This is the next logical step in the 1997 tax relief that we have given to families. We now need to give it to married couples by eliminating the marriage penalty, Mr. Speaker.

TRIBUTE TO HENRY B. GONZALEZ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. BECERRA) is recognized for

one-fourth of the time remaining before midnight as the first designee of the minority leader.

GENERAL LEAVE

Mr. BECERRA. Mr. Speaker, if I may, before I begin my remarks, I would like to request unanimous consent for all Members who speak on this particular special order to have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. BECERRA. Mr. Speaker, I want to thank our distinguished colleagues who are here at this late hour here in Washington, DC, those who are from the Texas delegation, those who may have served with the individual we are here to honor by serving on the same committee, or those who just happen to know this individual and consider him a great friend and an honorable American. I would like to say to all of those folks from that committee, from that State, from this House, thank you for joining me and other Members of the Congressional Hispanic Caucus as we pay tribute to the dean of the Hispanic Caucus, the dean of the Texas Democratic Delegation, in fact, the Texas Delegation, period; and the former chairman and now ranking member of the Committee on Banking and Financial Services, the Honorable HENRY B. GONZALEZ.

Mr. Speaker, after 36 years of dedicated service to his constituents in Texas, the Hispanic community and the Nation, Dean GONZALEZ has announced that he will soon resign from the Congress.

Dean GONZALEZ was one of five founding members of the Congressional Hispanic Caucus back in December of 1976. This is just one of the reasons why I am so pleased that we could pay this tribute to him during the month of October, a month that this country has celebrated as Hispanic Heritage Month for quite some time.

This special order is a particularly fitting forum in which to pay tribute to HENRY B. GONZALEZ, because Dean GONZALEZ, as we all know, has made effective use of this particular format, the special orders, in his 36 years in Congress. In fact, before the House rules on special orders were changed in the 103rd and 104th Congresses, Dean GONZALEZ had a standing request for 60 minutes each day to speak out on matters of concern to him.

For example, in his special orders, Dean GONZALEZ warned repeatedly about the impending savings and loan crisis years before the industry actually even collapsed. Dean GONZALEZ also used the special orders to educate the Nation about the wonderful and endearing cultural contributions of Americans of Mexican descent.

In recent years, some of Dean GONZALEZ' most popular special orders, especially those with C-SPAN audiences, have been those where he discusses history: his own, the history of San Antonio, of Texas, and the history of the founding of our Federal Government.

But Dean GONZALEZ did not reserve his special orders for the cameras, as some might think. He engaged in this practice long before cameras were ever allowed in the House Chamber. He spoke out in his special orders so he would be on the record on different issues of the day.

Of course, Congressman GONZALEZ was best known for his special orders uncovering and combating the fraud and exploitation in the savings and loan industry, but he also spoke out on many occasions about a number of things. He could have spoken out on any given day about the 500 or so hearings that he held while he was chairman of the Committee on Banking and Financial Services, or perhaps he took the time on an evening to speak about the 71 bills that he helped shepherd through the process from the beginning until enactment.

He could have easily have spoken about the legislation he proposed that would guarantee depositors safe places to put their savings, or about the credit that he made available to small businesses so that they could grow and flourish, or about the reauthorization of the Federal housing laws for this country, and perhaps he could have spent time talking about how he was trying to strengthen our laws regarding money laundering, bank fraud, and other financial crimes.

Well, the issue of today is the unflagging commitment of our friend and dean, HENRY B. GONZALEZ, and I, for one, would like to go on the record, as Dean GONZALEZ often did, by saying that Dean GONZALEZ, HENRY B. GONZALEZ, is truly a living legend. He has been an inspiration and role model for us all. History books will have to make plenty of room for him and all of his accomplishments.

During these closing days of this month of October as Hispanic Heritage Month, we pause to honor one of our great American leaders. We wish Dean GONZALEZ, Mrs. Bertha Gonzalez, and members of the Gonzalez family our very best as he prepares to bring his illustrious career to a close.

Dean GONZALEZ has created a legend which inspires us today and will continue to inspire us for generations to come.

Mr. Chairman, I yield to a great respected friend, the gentleman from Texas [Mr. FROST.]

Mr. FROST. Mr. Speaker, I thank the gentleman from California [Mr. BECERRA], the chairman of the Hispanic Caucus, for yielding.

Mr. Speaker, I rise today to join with my colleagues in honoring HENRY GONZALEZ, who has announced that he will retire from Congress at the end of this year.

Congressman GONZALEZ has been a pioneer in State and national politics. After having served in both the San Antonio City Council and the Texas State Legislature, he arrived in Washington in 1961, 36 years ago, as the first Hispanic Congressman ever elected from the State of Texas. He has consistently been a voice for the less fortunate and has fought tirelessly for civil rights, good education, and affordable housing for millions of Americans.

Congressman GONZALEZ has always had the courage and conviction to stand up for the things he believes in. Whether it is taking on Presidents, Republicans or even Members of his own party, HENRY has never backed down from a good fight when he believed his cause is right. The truth is, HENRY usually is right.

When he leaves the House later this year, he will be missed by his colleagues. However, I am hopeful that the return home to Texas and to his family will be just the thing for his health. I suspect that even in retirement HENRY will continue to weigh in on matters important to him and to all of us, and as the new Democratic dean of the Texas delegation, I anticipate seeking HENRY's counsel for years to come.

Mr. BECERRA. Mr. Speaker, I yield at this point to another colleague from Texas, Mr. CIRO RODRIGUEZ.

Mr. RODRIGUEZ. Mr. Speaker, it is great to see a speaker from Texas and a fellow colleague from the Texas House.

Today we set aside time to honor a man who served the House for 35 years. It is my honor to stand here before this respected body and share my personal tribute to HENRY B. GONZALEZ on behalf of myself, the citizens of Texas, and specifically San Antonio, whom he tirelessly served.

□ 2245

Many of the Members may have read about the incident where I had the opportunity, at the age of 12 or 13, approximately, where I recall pumping gas in a gas station, and I remember HENRY B. coming by and putting gas in his car. To this day, I still remember that incident. I remember vividly that experience that I had, and the privilege that I had of knowing him and seeing him there for the first time, an individual that we know now and knew then as a legend.

Growing up in San Antonio, I looked to HENRY B. as a role model of what I wanted to be and what other individuals also shared, a strong individual with strong work ethics, an individual with integrity, an individual with honesty, an individual who has worth, a man who had strong convictions, and continues to verbalize his concerns and his opinions.

As I experienced that first interaction with him when I was about 12 or

13 years old, I also remember my father, who passed away recently, who used to refer to HENRY B. as El Compadre GONZALEZ, which literally means Godfather, but in our culture it is more in terms of a buddy or a friend.

We grew up in our family knowing HENRY B. as Compadre GONZALEZ, as my dad used to refer to him. My dad's Compadre, Congressman GONZALEZ, has served this House proudly as a chairman, and now as a ranking member of the Committee on Banking and Financial Services.

His accomplishments are many. As chairman, he helped to usher over 71 bills through the legislative process. These bills focused on areas he cared about and things we knew that mattered to the average person in our community, similar to those across the country.

He was an advocate for making more credit available to small businesses, helping find a safe place for people to put their savings, and reauthorizing Federal housing loans and laws. All this and much more is what we know HENRY B. GONZALEZ as a Congressman.

Back home in San Antonio, My Compadre, as my dad used to refer to him, has roots that go way back to those days when I also first encountered him when I was about 12 years old and I put gas in his car. He served my hometown in various positions, at one point being in the San Antonio Housing Authority, then in the City Council in San Antonio, and also in the State Senate in the State of Texas.

All along, HENRY B. served his people and continues to do that. I was one of those people that he helped serve. For these accomplishments and for all of those that he has helped in, we thank him.

Today I want to say, Gracias, Compadre, as my dad would have said, "Gracias por tu servicio y por el amor que en estos anos pasados nos has ofrecido." Thank you very much. Thank you for your service, and the love that you have given all of us. Mucha suerte, y que Dios te bendiga. Good luck, and may God bless you.

Mr. BECERRA. Mr. Speaker, I yield to the gentleman from Iowa [Mr. JIM LEACH], the distinguished chairman of the Committee on Banking and Financial Services, someone who has served for many years with the Dean.

Mr. LEACH. Mr. Speaker, I join my friends on the other side to pay tribute to the gentleman from San Antonio, Texas, Representative HENRY B. GONZALEZ. I know of no more honorable Member of Congress.

More than 40 years ago, HENRY GONZALEZ began a long and exemplary career in public service. He served in the San Antonio City Council, and later in the Texas State Senate, where he was at that time the first person of Mexican descent to serve in that body in more than 100 years. Elected to the Eighty-seventh Congress on November 4, 1961, HENRY has honorably and tirelessly served his constituents and his country for 35 years in the United States House of Representatives.

A sign that has hung on the door of his office for many years sums up his perspective on the seat he has held in Congress. It reads, "This office belongs to the people of the 20th Congressional District of Texas."

In January, 1962, HENRY was appointed to serve as a member of the Committee on Banking and Currency, which is known today as the Committee on Banking and Financial Services. There he served with distinction as the chairman of the Subcommittee on Housing from 1981 to 1994, and chairman of the full committee from 1989 to 1994.

When HENRY became chairman of the Committee on Banking and Financial Services in 1989, the Nation was facing the most costly financial crisis in the history of the United States, the half a trillion dollar savings and loan debacle.

Throughout this crisis HENRY GONZALEZ led the Congress in enacting legislation to protect depositors, bring stability back to the beleaguered thrift industry, and restore the strength and integrity of the deposit insurance system. His leadership helped to avoid an even larger financial crisis with even more dire implications for the national economy.

On the heels of enacting this legislation HENRY held numerous hearings to bring to light the abuses of some of the Nation's most notorious financiopaths. An old-fashioned liberal, HENRY never had a conflict of interest. He did not simply advocate, he lived campaign reform. His only special interest was his constituents. He never let them down, nor did they ever countenance an alternative. Honesty has its rewards.

While HENRY's work as the chairman of the Committee on Banking and Financial Services was marked by a commitment to protect the consumer, perhaps his greatest accomplishments can be found in his tireless devotion to improving the status of public housing and helping the Nation's poor.

As a young Hispanic male in San Antonio, and later in his work as a social worker, HENRY experienced and witnessed firsthand the effects of discrimination and the economic disenfranchisement of the poor.

The record of HENRY's tenure as chairman of the Subcommittee on Housing illustrates his commitment to helping those in need. Under his direction, the Subcommittee on Housing held the first hearing in January, 1983, on the growing homeless population of the United States, which led in 1987 to the enactment of comprehensive legislation to address the needs of the homeless, the Stewart B. McKinney Homeless Assistance Act.

As colleagues on the Committee on Banking and Financial Services, HENRY and I have held differing positions on a number of issues, particularly in matters involving the independence of the Federal Reserve Board. But Congressman GONZALEZ has been clearly right and deserves great credit for certain of his efforts to bring about more transparency to the operations of the Federal Reserve. He has also led Congress in efforts to uncover money laundering in various parts of the country, particularly in the San Antonio Federal Reserve District.

The legislative achievements of HENRY GONZALEZ, spanning more than three decades of service in the Congress, are far too numerous to mention during this special order. But the many public service awards and honors that have been bestowed on him over the years, including the John F. Kennedy Profile in Courage Award, stand as testaments to the difference HENRY GONZALEZ has made.

It is often said that the true riches in one's life can be measured by the lives one has touched and changed for the better. Throughout his career in public service, HENRY GONZALEZ has steadfastly stood up for those less advantaged in American life. He has literally represented and improved the lives of millions. For his honorableness, for his commitment to basic values, for his remembrance of his own roots, we in this House this evening honor a giant of a man, HENRY B. GONZALEZ of Texas.

TRIBUTE TO THE HONORABLE HENRY B. GONZALEZ

The SPEAKER pro tempore (Mr. BRADY). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. BECERRA] is recognized to continue not beyond 11:18 p.m. as the designee of the minority leader.

Mr. BECERRA. Mr. Speaker, I thank the chairman of the committee for his eloquent remarks on behalf of the gentleman from Texas [Mr. GONZALEZ].

Mr. Speaker, I see the gentlewoman from Texas [Ms. JACKSON-LEE], who has been a voice, in many respects, helping replace the voice of HENRY B. GONZALEZ from Texas in her passionate way, and a good friend of mine. I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from California, and I appreciate his leadership, along with the Dean-to-be of the Texas delegation, for his leadership as well in calling this special order to pay tribute to one who stands among us as a great, great, great American. That is, Congressman HENRY B. GONZALEZ.

Let me discard all of the words that I might have wanted to say, for they would take longer than even the time that I might consume. I might want to

continue giving praises to a true gentleman, a gentle giant, and not in physical structure, but certainly in mind and in heart; someone who, before it was in vogue, if you will, to be politically correct, was a valiant battler, a soldier, a person who would stoop and lift up those who may be trying to traverse those trials and tribulations of life. That was HENRY B., as he was and is affectionately called.

It is worthy to note that he was first elected in 1961, that he has served his country for some 36 years, and he served it with pride. There was never a moment when he was not proud of the fact that he came from a community such as San Antonio, where he rose up, if you will, from the ashes, not in a negative way, not to say that he could not, but that he did, and that in his own way he was a role model for all to follow, a proud Hispanic American, a proud Latino, someone who always said, yes, I can.

For that reason I admired him, and as a Texan, loved him, and recognized that when I could not speak, when African-Americans were not in the State Senate, HENRY B. GONZALEZ spoke on our behalf, carried our message; said that we, too, in Texas deserved the equality of all human beings.

Yes, he continued to raise that leadership role as he pressed forward on issues dealing with all Americans, and particularly he emphasized his proud heritage as a Hispanic American, and someone who rose up and shined his particular light, not for himself, but for others.

I think it is important to note, Mr. Speaker, that Congressman GONZALEZ, along with his subcommittee chairman, but under his leadership, conducted more than 500 hearings and shepherded 71 bills through the legislative process, from introduction to enactment. I think we might say that HENRY B. GONZALEZ was not just holding the Chair, he was actually working the Chair; 500 hearings, because he believed in this process.

I think HENRY B. GONZALEZ felt that this was the best place that he could live his life, because he thought there was something worthy to the fact that we debated the issues of this country, that we did not go out on the front lawn and get pistols and shoot at each other. He truly exemplified that process.

I would like to comment on the fact that he thought of those who were most vulnerable, as I have said before, by guaranteeing depositors to have a safe place to put their savings, and to make more credit available to small businesses, reauthorizing Federal housing laws, and strengthening the laws pertaining to money laundering, bank fraud, and other financial crimes. The savings and loan industry was reorganized and revitalized during his tenure. He certainly was a man of strength during an hour of crisis for our savings and loans.

He was a good friend of the holders of the seat, and in particular, the Honorable Barbara Jordan and Mickey Leland.

One point that I would like to emphasize that was truly of importance to HENRY B. GONZALEZ, and that was his commitment to every single American having a good quality of life. That is why many called him the champion of public housing.

We are now engaged in a long debate about the reform of public housing and what the public housing residents should do. We disagree, we agree. Many of us have disagreed with the new reform. But one thing we can agree with is that HENRY B. GONZALEZ truly had a heart of gold as it related to those Americans who lived in public housing. They viewed him as their hero, someone who wanted for them the same dignity as any one of us who might live in our own independent housing, or other types of housing.

So he fought for good quality housing in public housing. He fought for the Housing and Urban Development Agency to do right by those residents, to provide them with opportunities. He likewise felt that as he worked for their opportunities, that they would also look for chances to move out of public housing. He was a big believer in giving each American the chance to have the American dream.

Mr. Speaker, let me say, in the words of the Honorable Mickey Leland, the late Congressman Mickey Leland, who often said, "Mi casa es su casa," his term was utilized for the purpose of realizing that my house is your house. It means that in fact, as I stand in need, you may be in need. We are all in this together.

HENRY B. GONZALEZ exemplified that phrase, that he would work for all the people; that his house was our house, that our house was his house. I truly will miss his leadership and his spirit, the fact of his gentleness but yet his firmness, his ability to fight. I will truly fight on his behalf for his legacy, that we all will recognize mi casa es su casa, we are all in this together. Thank you, HENRY B., for all that you have done for America.

Mr. Speaker, Congressman HENRY B. GONZALEZ of the 20th Congressional District, who has nobly served his constituents and our great nation for 36 years in the House of Representatives, is leaving us at the end of this session.

First elected in 1961, HENRY B. as he is affectionately known, made his mark as Chairman of the Banking Committee for six years. During his tenure as Banking Committee Chairman (1989–1994), Congressman GONZALEZ and his subcommittee chairmen conducted more than 500 hearings and shepherded 71 bills through the legislative process from introduction to enactment. Among the major bills produced by the Committee that became law was legislation guaranteeing depositors a safe place to put their savings, making more credit available to small businesses, reauthorizing federal housing laws, and strengthening the laws pertaining to money laundering, bank fraud, and other financial crimes. The savings and loan industry was reorganized and revitalized during his tenure. He certainly was a man of strength during an hour of crisis for our savings and loan industry.

Congressman GONZALEZ worked tirelessly for the residents of public housing and the National Housing Trust is a testament to his leadership in public housing. There are millions of Americans today who are able to find affordable housing because of this great man.

In previous congresses Congressman GONZALEZ has been active in writing other banking and housing laws, and involved in a wide range of legislation—including urban development, veterans, federal employees, education, economic development, civil rights, equal opportunity, safe drinking water, protection of the interests of U.S. citizens in foreign countries which benefit from U.S. contributions to international development institutions.

We will miss this fine gentleman, we will miss his spirit of service with a true sense of honor.

□ 2300

Mr. BECERRA. Mr. Speaker, let me first thank the gentlewoman from Texas for those words of praise and I know they are appreciated, not just by Mr. GONZALEZ, but by all of us who appreciate the work that he has done as well.

Mr. Speaker, I yield now to the gentlewoman from New York [Mrs. MALONEY] who is a member of the Committee on Banking and Financial Services, and a friend of Mr. GONZALEZ.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and I thank him for organizing this tribute tonight for HENRY B.

Mr. Speaker, I rise to pay tribute to a friend, a great American, who is an icon of the civil rights movement and one of the truly great congressmen of our time, HENRY B. GONZALEZ. Throughout HENRY B.'s 44 years in public service, he has served his constituents well through his dedication, dignity, and honesty.

When I came to Congress in 1992, what impressed me so much was how HENRY, as the Committee on Banking and Financial Services Chairman, reached out to me as a freshman and offered assistance. As Chairman, he guided me, and time and time again he was there. When HENRY B. tells you something he will do, it happens.

During floor debate on one of my first legislative proposals, an amendment to the Department of Defense Appropriations Act of 1994 that would remove the funding for the Civilian Marksmanship Program, this was a program that had been put in the budget after the War of 1812. It was a piece of petrified pork and I wanted to remove it, not only to save taxpayers

money but to understand the budget process better.

Mr. Speaker, I will never forget going to the floor on my first amendment and having the Chairman of the Committee on Banking and Financial Services come to the floor and support me. I was so touched, I looked up his comments and I want to put them in the RECORD and remember them always. Mr. Chairman, I would say to the gentleman from Texas, "I appreciate your coming that day to help me, HENRY."

Congressman HENRY GONZALEZ will be remembered for speaking honestly and bluntly about the need for oversight of the U.S. Federal Reserve. Over the years his tireless efforts helped to crack open the Federal Reserve by urging them to immediately announce its monetary policy decisions and to begin publishing the minutes of its Monetary Policy Committee in 1994. From the changes he brought to the Central Bank, many have benefited.

The most touching story I have about HENRY B. took place during the first hearing at which Secretary Henry Cisneros testified in 1993. As he began his testimony, Secretary Cisneros described how when he was growing up in rural Texas his family had a portrait of HENRY B. GONZALEZ on the wall. To them, to the Cisneros family, and to many Hispanics in Texas, HENRY was more than a politician. He was a hero. At that moment, I truly understood just how deeply he had touched the lives of other people. I remember Secretary Cisneros saying that he never thought in his life he would have the honor to speak before HENRY B. GONZALEZ.

HENRY was kind. He even was kind enough to do me a favor. When I went back to my district, many of the banks asked if HENRY GONZALEZ could come to visit New York City, since he never had before. Well, I went to him and asked him personally if he would make the trip and he agreed. It was a great session. Just questions and answers, dialog, discussions back and forth. I know that HENRY liked to spend most of his free time back in his district, so I really appreciate his friendship when he did this favor for me.

Mr. Speaker, this body is a better place for having had HENRY GONZALEZ serve here. But more importantly, this country is a better place for him having served here. All Americans will miss his presence.

I would like, Mr. Speaker, to put into the RECORD a news article written by Molly Ivins that was published on September 9, 1997, and it is entitled, "We should have listened to HENRY B." She goes through all the times that HENRY B. stood up honestly talking about the bank scandal, the RTC bailout, the savings and loan scandal, always speaking up for what he believed in, for what he thought was right.

Mr. Speaker, I must say to the gentleman from Texas, "I always listened, HENRY B. We miss you HENRY. We wish you were here. We all appreciate your public service and your contribution to this country."

WE SHOULD HAVE LISTENED TO HENRY B.

(By Molly Ivins)

AUSTIN.—We hope Henry B. is enjoying all the bouquets being tossed his way. Hard to think of anyone who deserves them more. Notice how often the word "honorable" occurs in the political obits? Of how many people now serving in the United States Congress is "honorable" the first word that comes to mind? But me, I wish we had honored this honorable man less on his way out of our political life and had listened to him more.

It's amazing, when you look at the record, how often Henry B. Gonzalez was right—many times when nobody else was. If only we had listened. If only Congress had listened that night in 1981 when it was passing the Garn-St. Germain bill between midnight and 1 a.m. with no debate. The new Reagan administration was full of ideological certitude that deregulation was what the country needed—get the government off business's back, get rid of all the petty rules and regulations. And the place to start was the savings-and-loan industry, whose lobbyists had been allowed to write their own deregulation bill.

Of the 435 members of the House of Representatives, only four rose in the middle of the night to oppose that bill: Jim Leach, that decent Republican from Iowa, and three Texas Democrats, all of them with populism bone-deep in their political makeup. There's a reason that Texans describe freezing weather by saying "cold as a banker's heart." Because the Garn-St. Germain bill had been written largely in secret, no one was quite sure what was in it. But the Texans rose to oppose it anyway: Jim Wright, Jim Mattox and Henry B. Gonzalez. You can look it up.

If only we had listened to Henry B. as early as 1983, when he warned that Reagan's HUD Secretary Samuel Pierce was an agent for politically favored special interests. If only we had listened to Henry B. when he warned us how often PAC money was making our representatives the captives of special interests rather than the public interest.

If only we had insisted they follow his example and not accept money from special interests before their own committees. If only we had listened to Henry B. when he warned us about the concentration of power in larger banks instead of encouraging it. If only we had listened to Henry B. when he told us over the years that the Federal Reserve was too secretive, too powerful, too unresponsive to the public interest. And when Henry B. tells you that Alan Greenspan is a liar, you can look for the man's nose to grow.

And, Texas, beloved Texas, how many years of agony would we have saved ourselves if we had listened to Henry B. during the hideous "seg session" in 1957, when he single-handedly tried to fend off some of the ugliest, most racist legislation ever to disgrace this state? Ronnie Dugger of The Texas Observer described Henry B.'s famous filibuster in the Texas Senate as follows:

"He started roaring, he roared on, and he closed roaring; never has his like been seen here before. For 22 hours he held the floor, an eloquent, an erudite, a genuine and a passionate man; and any whose minds he didn't enter had slammed the doors and buried the keys.

"He spoke for those who have no voice of their own. He spoke for the Latin-Americans who have been sweated, cheated and ratholed. 'Who speaks for the Negroes? What about them?' he cried. 'Why do one-tenth of the people of Texas have no representatives in the Legislature? Why do they get the lowly jobs always? Is Texas liberty only for Anglo-Saxons?' He rose to help prevent 'the loss of just one liberty for which men have died—men have died, not just talked, talk is easy.' His colleagues were ready to quit, but he would not. 'What a noble opportunity to enlist in a cause that's eternal, the maintenance of the dignity of a human! For whom does the bell toll? You, the white man, think it tolls for the Negro. I say, the bell tolls for you. It is ringing for us all, for us all.'"

Henry B. in full rhetorical flight is eloquent like few others. Thirty-nine years after that astonishing filibuster, a fool named LaFalce from New York tried to take Henry B.'s job as the ranking Democrat on the House Banking Committee. Henry B. rose to speak and gave that new generation of politicians a lesson in how it's done: "How can I acquiesce in a thing that ignores my record of honorable and successful leadership? How can I be silent in the face of such an injustice?" LaFalce later confessed to reporters, "Henry was so good, I almost voted for him."

Henry B. is not always high-flown. In the 1950s, the politically correct way to refer to Chicanos was "Latin-Americans." Henry B. once observed that a Latin-American is "a Mexican with a poll tax." Nor did he later cotton to "Chicano." Just plain "American" was always good enough for Henry B., no hyphens, as was just plain "Democrat."

On Flag Day in 1993, disgusted by the syrupy display of patriotism, Henry B. said the House was "like a good little herd, reminiscent of the Hitlerian period: Sieg heil, sieg heil." When outraged Republicans demanded that he be censured, Henry B. said, "It must have hit pretty close to those goose-steppers."

I once wrote that Henry B. had a barely perceptible accent (I was wrong; he has no accent—only the faintest Hispanic intonation in his speech) and could not understand why he was so infuriated by what seemed to me a harmless remark. I later learned from reading an old issue of the Observer: "When the time came for him to go to junior high, his accent was so thick they made fun of him. He had read that Demosthenes of Athens developed his oratory by shouting at the sea with pebbles in his mouth, so he, Henry Gonzalez, did that. Long evenings, he read Carlyle aloud with rocks in his mouth 'until papa though I was nuts and told me to stop.' He had a friend correct his enunciation as he read out from Robert Louis Stevenson. Nights, his sister and brothers would creep up to his bedroom window and watch him declaiming to a mirror, and they would run off, giggling."

No one in Washington seemed to understand Henry B.; he was always stigmatized as a "maverick," a "loner," a "lone wolf." What did Henry B. Gonzalez ever care about running with the pack? From his earliest days on the San Antonio City Council, he was at the lonely end of many an 8-1 vote. "The vote that carries the weight of moral conviction behind it, it has been my observation, is a vote that eventually triumphs," he once said.

Of course, we all relished Henry B.'s proper Texan tendency to duke it out when necessary. He had been an amateur boxer at the University of Texas at Austin, and over his years as a probation officer, city official and even in Congress, he was willing to mix it up.

He once got into a shoving match in the cloak room with another congressman who had insulted him on the floor. And at the age of 70, he slugged some jerk who had called him a communist in a restaurant. Served the guy right, we all felt.

Like Barbara Jordon, who later followed him in the Texas Senate, Henry B. has been a First and an Only for much of his life. First Mexican-American in the Texas Senate, first elected to Congress from Texas. And I think, like her, his most important contribution may be as a role model. For four generations of Tejanos, Henry B. has been the model, the one from whom they all learned. They could not have had a better.

Mr. BECERRA. Mr. Speaker, reclaiming my time, we have no further speakers so I would like to close with some final comments about Mr. GONZALEZ and that would be mostly to note some personal observations.

First, I think we all recognize the work of HENRY B. GONZALEZ as a colleague, and those who have been in this institution longer than I could speak to the many things that he has done beyond even the years when I could remember the civil rights community coming forward and fighting for the privilege and the honor of serving all Americans well and making sure all of us as Americans had the right to live freely.

But I speak as someone who has benefited from what HENRY GONZALEZ has done over the years. And I know that I was able to be the first in my family to go on to college because of people like HENRY B. GONZALEZ. I know that I have an opportunity to serve in this House because of the work of people like HENRY B. GONZALEZ. And I know that even though the former chairman and the ranking member of the Committee on Banking and Financial Services will be retiring soon, very shortly, it is only fitting that we recognize him this evening, this year, before he does leave. Most of the time we wait until someone has retired or passed on. In this case, I think it is appropriate that we recognize Mr. GONZALEZ.

It has been a difficult time of transition for the State of Texas. Earlier this year, Texas and all America lost one of its patriots, a colleague of ours, a great man, someone who devoted much of his life serving this country in time of war and in time of peace, Frank Tejeda, who passed away, also from San Antonio. Now we find HENRY B. GONZALEZ retiring.

We are going to lose two tremendous individuals in this House, but fortunately at least San Antonio will know that one of those individuals will return and be a member of the family in San Antonio.

It gives me great pride to say to anyone who can hear tonight that HENRY B. GONZALEZ deserves the recognition of an American hero. He will go down in the history books of America and he is the reason why America continues and will continue to have a glorious history, because we have a gentleman who served this country so well and has made so many of us so proud.

Mr. GREEN. Mr. Speaker, today we take the opportunity to express our sincere appreciation and gratitude to the dean of the Texas delegation, Representative HENRY B. GONZALEZ.

His leadership and courage has served as an inspiration for every Member of the Texas delegation, for every Member of Congress, and for the citizens of our country.

Congressman GONZALEZ was born on May 3, 1916.

He married Bertha Cuellar in November 1940. He has 8 adult children, 21 grandchildren, and 3 great-granddaughters.

Educated in the San Antonio public school system, he later attended San Antonia College, studied engineering at the University of Texas, and graduated from St. Mary's University School of Law.

Representative GONZALEZ prior to his tenure in the U.S. House of Representatives served as deputy director for the San Antonio Housing Authority, a member of the city council of San Antonio, mayor pro-tem, and as a State senator.

As State senator in the 1950's HENRY B.'s filibuster against segregationist laws are legendary.

On November 4, 1961, Representative GONZALEZ started his illustrious career in the U.S. House of Representatives.

Representative GONZALEZ' 36-year tenure is an example for all of us to follow. HENRY B. has always been a dedicated public servant, who does everything he can to help his district.

Currently, he is the ranking member on the Committee on Banking and Financial Services.

His tenure in the House in dotted with moments of great achievements. As chairman, Congressman GONZALEZ, shepherded through 71 bills from introduction to enactment. Bills such as those creating a safe place for depositors to put their money, making more credit available to small businesses.

One of the greatest achievement for his district was passing public laws that made it possible to hold the 1968 HemisFair in San Antonio. This achievement gave rise to the city's convention center, exhibition hall, restaurants, which has become a popular tourist and meeting site for our country.

The Honorable HENRY B. GONZALEZ, has been a model for all of us to follow. He is a man who stands on principle. He shows all of us on a day-to-day basis what it means to be a public servant. HENRY B., thank you for everything, we'll miss you.

Mr. ORTIZ. Mr. Speaker, I thank the gentleman from Texas for taking the time to bring us together on the House floor to pay tribute to a man who has been a groundbreaking pioneer for Hispanics and for Texans.

HENRY B. GONZALEZ came to the House of Representatives in 1961, before any other Hispanics were elected from the State of Texas.

Before that, he was the first Hispanic elected to the San Antonio City Council and the first Hispanic elected to the Texas State Senate in the 20th century.

He was a trailblazer for all of us who were elected after him.

To see the future, you must stand on the shoulders of a giant.

When HENRY B. GONZALEZ was elected in 1961, many of us stood on his shoulders and saw a glimpse of our own future.

When I was running for reelection as county commissioner back in 1972, HENRY B. came to Corpus Christi to host a fundraiser for me.

It was a wildly successful event, just because the chairman was involved.

He left his legislative mark, and he left his personal mark on a host of issues—on education, on banking, on civil rights, and on the right of the people to be informed about their Government.

HENRY B. has been a different kind of public servant all his life.

It was terribly important to him not to be typecast into a particular role in public life.

He didn't really affiliate with the Hispanic Caucus, because he did not want to be known as the Hispanic; he wanted to be known as the legislator.

He certainly made his mark on the world of Congress and legislation.

As chairman of the House Banking Committee, he saw over 70 bills pass through his committee and into law.

These laws have a direct influence on the lives of people today.

These laws ranged from guaranteeing depositors a safe place to put their savings, to making more credit available to small businesses, to strengthening laws pertaining to money laundering, bank fraud, and other financial crimes.

He was a maverick in this body and in this place.

He held hearings to shed light on the Federal Reserve, U.S. policy with pre-war Iraq, the Bank of Commerce and Credit International scandal, and the 1980's savings and loan disaster.

HENRY B. GONZALEZ is a proud man and a Texan to the core his soul.

When someone called him a Communist at a restaurant long ago, he clinched his fist and smacked them across the face—them's fighting words in Texas.

He never forgot his roots and he never let anyone else forget either.

Tonight, I offer HENRY B. my very best regards and my best wishes.

We will miss you terribly, Mr. Chairman, but you deserve to spend this time enjoying your life with Bertha and all those grandchildren.

Ms. WATERS. Mr. Speaker, I rise today to say goodbye to my good friend and esteemed colleague Congressman HENRY B. GONZALEZ. There are few Congresspersons who have served their constitutents and the country with such integrity, passion, and vision.

Liberalism may currently be out of fashion, but HENRY GONZALEZ is a liberal in absolutely the best sense of the word. Guided by the courage of his convictions he did not care if the positions he took were unpopular.

HENRY GONZALEZ distinguished himself as a master public policy maker. He was a wealth of information and had an absolute command of a wide range of issues. I remember when I first came to Congress he was often on the floor talking and educating the American people—and fellow Congress Members, I might add—about the important issues of the day.

I also had the honor of serving on the Banking and Financial Services Committee with

HENRY, through much of his tenure as the chairman of the committee as well as ranking democratic member of the committee. His leadership on the committee will not be forgotten.

Throughout his career, Congressman GONZALEZ has been a prolific legislator, passing over 70 major pieces of legislation and conducting over 500 hearings. What runs through all of his work is an unfailing commitment to using the power of the Federal Government to protect the American people. The following are just a few of his many legislative contributions as a champion of the poor.

The Community Development Banking and Financial Institutions Act of 1993. This act created the Community Development Financial Institutions Program to help encourage lending and economic development in poor communities.

The Cranston-Gonzalez National Affordable Housing Act; HENRY wrote the most far-reaching and significant housing legislation enacted in the past decade. This legislation significantly increased Federal funding for housing programs and supported a number of new affordable housing programs; and legislation to protect consumers from abusive credit bureau practices, to ensure the safety and soundness of our banking system, and strengthen safeguards against money laundering.

In addition to his work in the areas of housing, banking and community development, HENRY was a tireless fighter against discrimination and injustice.

Congressman GONZALEZ was a champion for the rights of all minorities and championed the cause for civil rights of Mexican-Americans and immigrants. He successfully opposed the Bracero Act and spoke throughout his career against anti-immigrant, and anti-worker legislation.

His first piece of legislation as a Congressman was a resolution calling for the abolition of the poll tax that still existed in five States in early 1960's. His action led to the adoption of the 24th amendment to the U.S. Constitution.

These are just a few—and I emphasize "a few"—of the many, many legislative accomplishments of HENRY GONZALEZ.

Only a small number of persons have had the opportunity to represent our country in Congress. Few have enjoyed as long a tenure and prolific legislative history as HENRY GONZALEZ. Even fewer distinguish themselves by embodying the best attributes of a public servant for the common man. HENRY, you are truly one of a kind and we will miss you dearly. The American people will miss you as well.

Mr. BONIOR. Mr. Speaker, today, we honor Congressman HENRY GONZALEZ of Texas, a champion of justice who is retiring after a lifetime of public service. Thoughtful, passionate and committed to the people of his district and our country, Congressman GONZALEZ has been the quintessential citizen-statesman.

I have always admired his willingness to stand against the tide when he felt he was right. Like few I've known, Congressman GONZALEZ has the courage of his convictions. Whether it was civil rights, housing issues, or allegations of governmental wrongdoing, Congressman GONZALEZ pursued the matter with both intelligence and vigor.

His sense of self is remarkable. At once proud and down-to-earth, wise but quick to action, kind yet strong, Congressman GONZALEZ imparts confidence to his friends, and earns the respect of his adversaries. I feel fortunate to have had the opportunity to learn from him as we've worked together over the past 20 years.

So HENRY, I thank you for your leadership and dedicated service. I thank you for your commitment to justice. Most of all, though, I thank you for your friendship.

I wish you well as you return home to the community you love and have so ably represented during your fine career.

Mr. EDWARDS. Mr. Speaker, I rise in honor of our colleague, HENRY GONZALEZ and his lifetime of commitment to our Nation.

Mr. HINOJOSA. Mr. Speaker, in Texas we adhere to the philosophy that if it comes from Texas not only is it bigger and better, but it's definitely the biggest and the best. Ours is the State of legends. It's also the State from where many of the Nation's most legendary people come. There's the legendary Speaker of the House, Sam Rayburn. There's the legendary 36th President of the United States, Lyndon Johnson.

And tonight, we pay well-deserved tribute to another great individual who is a living legend, and who will go down in the annals of history as one of the true giants of this institution—our distinguished colleague, the legendary HENRY B. GONZALEZ.

Having only come to Congress in January, I am new to this body and therefore, unfortunately have not had the privilege, as so many of you have, of closely working with Congressman GONZALEZ.

What is not new to me, however, is his 36-year record of achievement and accomplishment here in the House of Representatives, nor his record as a Texas State Senator in the 1950's where he became a civil rights icon fighting for the rights of Hispanics to attend public schools.

His mark has been far-reaching. This is a man who has been a defender of public housing programs for the poor. This is a man who has fought for equity in education. This is a man who, during a time of crisis reorganized, and in the process of doing so, revitalized the savings and loan industry.

He has been a champion of small business, an advocate for the underprivileged—of all ethnic backgrounds, I might add—HENRY B. GONZALEZ has been, and is, nothing less than a maverick.

I have the greatest respect and admiration for the dean of our delegation for all that he has done, and for the role model he has been and will continue to be for so many. As the first Hispanic in Congress from Texas, he paved the way for many of us who are here today.

Your remarkable achievements over the years have shown us all why it is so important to work tirelessly for what we believe in. You have taught us why we must be dedicated to the pursuit of excellence. You have shown how goals are, indeed, attainable, but not always easy to achieve. Even more importantly, I think you have shown that within each and every one of us there is the potential to make a real difference in the world we live in, but that to make such a difference one must be involved.

Some lead. Others inspire. Through your words and actions you have done both. You have set the standard that others will now strive to reach. It's a high benchmark, and I think everyone here on both sides of the aisle will agree that your legacy to this institution will both be enduring and rich. In my mind there isn't any question that no one can ever fill your shoes, but then, isn't that what defines a legend—one-of-a-kind?

HENRY B. GONZALEZ—We're going to miss your leadership, but most of all we're going to miss you.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay a special tribute to a great Texan, Congressman HENRY B. GONZALEZ. Congressman GONZALEZ has announced that he will resign from Congress at the end of the year, and all of Texas will miss him dearly.

Over the years, Congressman GONZALEZ has worked diligently on banking and housing legislation due to his committee assignments and Ranking Member position on the Banking Committee and its subcommittees. Not content to work only on behalf of San Antonio and the State of Texas, Congressman GONZALEZ has concentrated on issues such as gun control, crime problems, education, health, and other issues of national concern.

During his tenure as Banking Committee Chairman, Congressman GONZALEZ and his subcommittee chairman conducted more than 500 hearings and shepherded 71 bills through the legislative process from introduction to enactment. Among the major bills produced by the Committee that became law was legislation guaranteeing depositors a safe place to put their savings, making more credit available to small businesses, reauthorizing Federal housing laws, and strengthening the laws pertaining to money laundering, bank fraud, and other Federal crimes. Without a doubt, the country is a much better place for average Americans because of his stewardship in Congress over the years.

Prior to his election to Congress, Congressman GONZALEZ served for 5 years as a Senator in the Texas Legislature where he attracted worldwide attention through his filibusters against various bills upholding or facilitating the principles of segregation. With his election to the Texas Senate in 1956, the Congressman became the first citizen of Mexican descent to be seated in that body in 110 years. All minorities in Texas owe Congressman GONZALEZ a large debt of gratitude for his unflinching commitment over the years to the principles of equal protection and treatment under the law.

During his 5 years in the Texas Senate, Congressman GONZALEZ introduced, cosponsored or managed 42 bills, including those concerning slum clearance programs and control of lobbying. He opposed legislation that required moderate and low income groups to bear a greater part of the tax burden. In a special session of the legislature in 1961 he filibustered, unsuccessfully, for 5 hours against passage of a sales tax act. In a special legislative session in 1957, he filibustered alone for 20 consecutive hours against three segregation bills. Having served in both the Texas

House and Senate, I benefited and learned from Congressman GONZALEZ' legacy of dedication working on behalf of the poor and disenfranchised.

HENRY GONZALEZ followed his conscience and has always done what he thought was right. When he speaks, everyone listens, and when people speak to him, he listens. He will be missed by all of us. The Texas delegation and the entire Congress have lost a valuable colleague. But his wisdom, I hope will continue to be heard and felt in the Halls of Congress and around the Nation.

To the giant of a man that I fondly call "Mr. B," I salute you! I miss you Mr. B.

Mr. BENTSEN. Mr. Speaker, I join my colleagues today in honoring Congressman HENRY B. GONZALEZ for his many years of service to the United States and the State of Texas, during which he provided tremendous leadership on banking, housing, civil rights, and countless other issues.

The dean of the Texas Delegation, HENRY B. GONZALEZ will be remembered most of all for the fierce independence, dogged determination, and commitment to doing right that he has brought to every venture he ever undertook.

I am honored to have had the opportunity to serve in the House of Representatives with HENRY B. GONZALEZ, even if for only 3 of his 36 years in this body. He is an example to all of us of a true advocate of the people who brought honor to this House. He is also a true Texan who worked tirelessly to further the best interests of our State.

HENRY B. GONZALEZ served as chairman of the House Banking, Housing and Urban Affairs Committee during perhaps its most difficult period, following the collapse of the Savings and Loans industry. He presided over the drafting and successful enactment of tough S&L bailout legislation which returned stability to a foundering industry. His other legislative accomplishments include legislation guaranteeing depositors a safe place to put their savings, making credit more available to small businesses, reauthorizing Federal housing laws, and strengthening the laws pertaining to money laundering, bank fraud, and other financial crimes. He also shepherded through Congress the National Flood Insurance Reform Act of 1994, legislation of major importance to my district, which shored up the program's premium fund and provided better enforcement of requirements to purchase flood insurance.

Congressman GONZALEZ may best be remembered for his leadership on housing policy, an area where he was a leader not just for Texas but nationally. As Chairman of the Subcommittee on Housing and Community Development, Congressman GONZALEZ wrote the Federal housing policy, during the 1980's and much of the 1990's, translating his vision of safe and decent housing for all Americans into the Nation's agenda. In 1990, Congressman GONZALEZ spearheaded the first significant housing overhaul in 16 years, renewing the Federal Government's commitment to affordable housing. His legislation increased Federal funding for housing programs by $3.3 billion and, for the first time, addressed the housing problems of people with AIDS. This effort followed his successful drive to permanently extend the Federal Housing Administration's authority to insure home mortgage loans thus extending the chance of home ownership to millions of working families and his continued push to address the needs of the homeless. Congressman GONZALEZ' commitment to expanding housing has helped thousands of people across the country improve their lives by obtaining a place to call home.

Congressman GONZALEZ also made his mark in the area of civil rights. From his earliest days in Government he has fought against the evils of segregation and discrimination. In 1956 he became the first citizen of Mexican descent to serve in the Texas State Senate and successfully fought segregationist legislation during his 5-year tenure. True to form, Congressman GONZALEZ still holds the record for the longest filibuster in the history of the Texas Senate, laboring for 36 hours to defeat anti-civil-rights legislation that had passed the Texas House. Congressman GONZALEZ continued his commitment to civil rights throughout his years in Congress. He was an ardent backer of President Johnson's civil rights initiatives during the 1960's and has since sponsored legislation to strengthen the rights of women, minorities, the disabled, and the elderly. His contributions were recently recognized by the Texas NAACP, which honored him with their "Texas Hero Award."

Throughout his career, HENRY B. GONZALEZ fought for government policies that fostered better living and economic conditions for all Americans. He has been the consumer's friend on financial legislation. He is among the fathers of the Community Reinvestment Act. He has championed legislation to strengthen education, economic development, and environmental protection. He has been a strong supporter of civil rights for all Americans, and improved access to health care for the elderly, veterans, and low-income individuals. He has also supported policies to improve the Nation's infrastructure and promote a strong small business community.

Our entire Nation has benefited from HENRY B. GONZALEZ' service in Congress, and his legacy includes a stronger, more stable banking system that continues to lead the world in innovation and service; a stronger commitment to affordable housing; more open government; and a better quality of life for many Texans and Americans. I am pleased to join my colleagues in honoring Congressman GONZALEZ, but I am sad to see him go. The House Banking Committee will not be the same without HENRY B. GONZALEZ on the top row. His well deserved retirement is a loss for the Nation, the House and the Texas Delegation. I wish him the best in his new career as full-time father, grandfather and husband.

Mr. HOYER. Mr. Speaker, I rise today to join my colleagues in praising Congressman HENRY B. GONZALEZ for his remarkable career representing the citizens of Texas' 20th Congressional District. Recently, Representative GONZALEZ announced his intention to resign his seat by year's end, signaling the loss of one Congress' truly outstanding leaders and one of the Nation's shining beacons of decency, conviction and courage.

Mr. Speaker, when they talk about Congress being "of the people, and for the people" they use HENRY GONZALEZ as their guide. Both as a local legislator in San Antonio and here in Washington, HENRY GONZALEZ has fought the good fight when it comes to representing our Nation's neediest citizens and championing mainstream values and ideals. His unflagging support and tireless efforts to promote equitable and affordable housing leaves a legacy of fairness and honesty of which the entire Nation can be proud.

HENRY GONZALEZ represents the heart and soul of this institution, as well as that of the Democratic Party. It is his strongly held belief that Congress is the most hallowed symbol of freedom in the western world. And, it is his steadfastness on this and so many other issues that guides HENRY GONZALEZ and has so profoundly touched so many of his colleagues. It is HENRY GONZALEZ' unfailing and unwavering conviction that every man, woman and child deserves a fair shot at the American dream which has helped shape the direction and vision of the Democratic party for many years.

Mr. Speaker, HENRY's stance on issues may not have been popular, they may have run against the grain of conventional wisdom, but if he believed he was on solid moral ground, he stood firm. Mr. Speaker, this kind of character represents the true spirit and tradition of this institution. It is this kind of intestinal fortitude that is all too often lacking in today's society.

In announcing his retirement, HENRY stated that it is "time for me to go home." Few have represented their Districts as faithfully as HENRY GONZALEZ, and I know few Members who are so beloved and revered back home as HENRY GONZALEZ. And, while I know that the people of the 20th Congressional District wish you all the best in your retirement, there are also some who are anxious at the prospect of losing such a giant figure here in Washington.

HENRY, I know this was a difficult decision for you. This body will miss your wisdom, courage and leadership. I am pleased that you will have more time with your wife Bertha and your eight outstanding children. You have much to be proud of and you deserve every moment of happiness and joy this time will bring. God bless you and God speed in all that you do in the years to come.

Mr. LAFALCE. Mr. Speaker, it is my distinct privilege and honor to rise this afternoon to join in a fitting tribute to my friend and respected colleague, HENRY GONZALEZ.

I became a Member of the House in 1975, and from the beginning, HENRY B. GONZALEZ was an example for me and my fellow freshmen. HENRY was a beacon shining brightly, a champion of consumers and of those in society in greatest need. He remains such a beacon.

One does not enter into the presence of HENRY GONZALEZ without learning something. Whether an anecdote about Lyndon Johnson and Texas politics, or a lecture about the depths of despair among the homeless, or a seminar on the intricacies of banking law, HENRY was a true leader. He inspired, cajoled, and probed; always with passion and always fighting for the little guy and for the supremacy of the public interest over narrow private concerns.

I should note in particular the lasting mark that HENRY GONZALEZ has made on the area

of housing and community development. He knew how important the Federal role is in helping ensure that all Americans have a decent home in a good neighborhood. He as much as anyone has kept the beacon of Federal aid to our cities lit. He has truly been a conscience of the Congress, and his efforts in this arena will be particularly missed.

HENRY's career in the House may be nearing its end, but we all know that his memory will endure. He has left his stamp on our Nation, and the United States is far better for it. Mr. Speaker, I salute HENRY B. GONZALEZ and wish him and his family all of the best in the years to come.

Mr. MARTINEZ. Mr. Speaker, I rise tonight to pay tribute to a friend, a colleague, and a great American. After a highly distinguished 36 year career in Congress, representing San Antonio, TX, HENRY B. GONZALEZ has announced that he will resign at the end of the year.

Mr. Speaker, when I was first elected to the House in 1982, HENRY GONZALEZ was already an institution in this august body. His leadership on a variety of national issues affecting his constituents, the Hispanic community in general, and the Nation as a whole, are legendary.

During his congressional tenure, HENRY served as chairman of the Committee on Banking, Finance, and Urban Affairs from 1989 to 1994. In his capacity as chairman, HENRY successfully promoted legislation guaranteeing depositors a safe place to put their savings. He championed measures facilitating small business access to credit and strengthened the laws against money laundering and bank fraud.

Under his leadership, the Banking, Committee held a countless number of hearings on the Bush administration's prewar Iraq policy. HENRY vigorously investigated the scandal involving the Bank of Commerce and Credit International, and he took the lead in shedding light on the savings and loan debacle of the 1980's.

Throughout his distinguished public service, HENRY has championed the causes of urban and economic development, affordable housing and civil rights. I'm certain that HENRY must have broken the congressional record for endurance on special orders. I vividly remember how he would tirelessly take to the floor night after night exposing government incompetence, waste, and abuse.

I salute you HENRY. I salute your integrity and leadership. You will be sorely missed.

Mr. SERRANO. Mr. Speaker, today I join my colleagues to honor Congressman HENRY B. GONZALEZ for his noteworthy public accomplishments. Congressman GONZALEZ is a dear personal friend, a mentor, and an invaluable Member of this body.

He was born Enrique Barbosa Gonzalez in San Antonio, TX, on May 3, 1916, to Leonides Gonzalez Cigarroa and Genoveva Barbosa Prince de Gonzalez, who had fled to San Antonio from the state of Durango in Northern Mexico during the Mexican Revolution in 1911. HENRY GONZALEZ attended public schools and graduated from Jefferson High School in 1935. He continued his education at San Antonio College and the University of Texas. In 1943 he graduated from St. Mary's University School of Law.

Prior to joining this body, Congressman Gonzalez was elected in 1953 to the San Antonio City Council, serving as mayor pro tempore for the latter part of his term. He spoke against segregation of public facilities, and the council passed desegregation ordinances. Elected to the Texas State Senate in 1956, GONZALEZ, along with then Senator Abraham Kazen, attracted national attention in 1957 for holding the longest filibuster in the history of the Texas legislature. The filibuster, which lasted 36 hours, succeeded in killing 8 out of 10 racial segregation bills that were aimed at circumventing the U.S. Supreme Court's decision in the Brown versus Board of Education case.

During the 1960 Presidential campaign, John F. Kennedy requested GONZALEZ' help in organizing Viva Kennedy Clubs throughout the country. He served as national cochairman.

HENRY GONZALEZ has served in the U.S. House of Representatives since November 4, 1961. He is third in House seniority and Dean both of the Texas delegation and of Hispanics in Congress. He was the first Hispanic Representative from Texas and has served in Congress longer than any other Hispanic. He will mark 36 years in Congress on November 4, 1997. A humble man with a strong personality, GONZALEZ has received national attention for his various crusades.

During his first term, he was assigned to the Committee on Banking and Currency, which in 1977 became the Banking, Finance, and Urban Affairs Committee. He worked for the passage of a number of legislative proposals of the New Frontier and Great Society, including the Housing Act of 1964. He worked on legislation that was eventually incorporated into the Equal Opportunities Act of 1964, and supported the Library Service Act of 1964, and the Civil Rights Act of 1964.

In the 1970's, GONZALEZ continued with his mission. In 1977, he gained national attention as chairman of the House Assassinations Committee that was established to investigate the murders of John F. Kennedy and Martin Luther King, Jr.

As a member of the House Small Business Committee in the 94th Congress, GONZALEZ served as chairman of the ad hoc subcommittee on the Robinson-Patman Act, antitrust legislation, and related matters. He played a key role in salvaging the Robinson-Patman Act, which is considered the "Magna Carta" of small business.

During his 10-year chairmanship—1971–81—of the Subcommittee on International Development Institutions and Finance of the Banking Committee, he sponsored the "Gonzalez amendment," as it is commonly known, to protect U.S. citizens' property from expropriation by countries that receive loans from international development institutions to which the United States contributes.

From 1981 to 1994 he chaired the Subcommittee on Housing and Community Development, and in 1989 he became chairman of the full Banking Committee. During his tenure as chairman of the committee, GONZALEZ dealt with the collapse of the savings and loan industry, a crisis he had predicted throughout the 1980's. In 1991 he led a restructuring of the Federal deposit insurance system. As chairman he earned a reputation for being a fair leader who allowed equitable participation in the creation of bills. He became ranking member of this committee and subcommittee in 1995, relinquishing his chairmanship when the Republicans gained control of the House.

I have the privilege and honor to know HENRY GONZALEZ personally and to serve with him in the U.S. House of Representatives. Congressman GONZALEZ has dedicated his entire life to serving others. With specific regard to his constituents, he has always concentrated on issues that affect water quality and supply, gun control, and crime problems, education, health, and labor/business concerns, to secure the best possible future for San Antonio.

Throughout his career he has been active in writing banking and housing laws, and involved in a wide range of legislation, including urban development, veterans, Federal employees, education, economic development, civil rights, and equal opportunity. We all owe a very special debt of gratitude to his courageous and tireless work.

Mr. Speaker, I am proud to pay this tribute to Congressman HENRY B. GONZALEZ, who with his wisdom, fortitude, diligence, and relentless dedication tried, for 36 years, to make this House and the Nation better places and to set an example for all of us to follow. Today, GONZALEZ receives well-deserved recognition in the same institution in which he served with such distinction. I ask my colleagues to join me in conveying best wishes and deep gratitude to Congressman HENRY B. GONZALEZ.

ELIMINATING THE MARRIAGE PENALTY TAX

The SPEAKER pro tempore (Mr. BRADY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana [Mr. MCINTOSH] is recognized for the remaining time before midnight as the designee of the majority leader.

Mr. MCINTOSH. Mr. Speaker, let me say to my colleagues that the purpose of our session at this time would be to discuss a bill that a friend of mine, the gentleman from Illinois [Mr. WELLER] and I have introduced to eliminate the marriage penalty tax from our Tax Code.

Tonight I would like to share with my colleagues and those watching exactly what the impact of that marriage penalty tax has been on average Americans, the devastating effect that it has had on their families and how our legislation will once and for all remove that terrible policy from our Tax Code.

For several weeks now I have been using my Internet site to allow people to write to me on the marriage penalty and how it has been affecting them. A lot of them have taken the opportunity to write at www.house.gov/mcintosh and tell me exactly what it means in their life. And so I would hope to be able to share with my colleagues some of those responses tonight.

Before we do that, I wanted to yield time to another colleague who is a member of the Committee on Ways and

Means that will be considering this bill next year as we take up the question of how to further reduce the tax burden on American families in this Congress. It is with great pleasure that I would yield as much time as he would require to my colleague, the gentleman from Pennsylvania [Mr. ENGLISH].

MR. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman from Indiana, and I especially want to thank him for joining with the gentleman from Illinois [Mr. WELLER] in promoting H.R. 2456, of which I am an original cosponsor which will provide real relief to working families.

Mr. Speaker, the marriage penalty is a tax policy completely divorced from reality. Couples are forced to pay higher taxes because they are married and many couples with two incomes get hit with a heavy tax bill when they get married. The current policy provides that two-income married couples get punished by the taxman for pursuing the American dream.

Now, in my view as a member of the Committee on Ways and Means, I feel strongly that tax policy should be marriage neutral. That there should be no penalty, no incentive attached to being married as opposed to being unmarried. I arrive at this from personal experience.

Mr. Speaker, 5 years ago, my wife and I got married. She was a schoolteacher. I was a policy analyst in the Pennsylvania Legislature, and neither of us are what anyone, not even the bureaucrats in the Treasury, would classify as rich. We both had incomes in the thirties. We were both comfortable. But when we got married, we were hit with a tax penalty of over $1,000.

This is not an isolated instance. There are 21 million couples in America who are hit with the marriage tax penalty which on the average is equal to a half a year in car payments. That is an incredible disincentive and an incredible burden to couples that elect to get married.

Mr. Speaker, this is I think a real problem in America that falls particularly in certain areas. It is a burden on working mothers. It is a burden and a tax on working women. It is a tax that is particularly onerous on the poor. I was struck that two-earner families earning under $20,000 a year face a marriage penalty equal to roughly 8 percent of their income on the average. That is a much bigger burden than any other class.

It is worth noting that tax policy in other countries, if anything, incentivizes as part of cultural policy getting married, as opposed to penalizing it as part of the Tax Code.

Mr. Speaker, I think we need to do something about this. I want to thank the gentleman from Indiana for his efforts. I want to note that another colleague of mine from Ways and Means, the gentleman from California [Mr. HERGER] has introduced H.R. 2593 which also addresses this problem.

It is worth noting that back in 1993, the Committee on Ways and Means reported out a bill that was ultimately vetoed by the President that provided real tax relief for America, including some relief under the marriage penalty issue.

I think that as part of an upcoming tax cut, we should have the courage in the House to address this problem of the marriage penalty. I believe, as a member of the Committee on Ways and Means, that this is a Government policy that punishes folks for doing the right thing. I think we should move aggressively in coming months to try to cut back on the marriage penalty as part of an effort to reduce the tax burden on middle-class families.

Mr. Speaker, I thank the gentleman for yielding to me. I know he has some specific, striking instances where people have written into him or contacted him to offer their specific situations.

Mr. MCINTOSH. Mr. Speaker, reclaiming my time, I thank the gentleman from Pennsylvania for his support of this bill, and his support is instrumental as the committee moves forward to consider this in its agenda next year.

Let me now yield to another colleague of mine, the gentleman from Illinois [Mr. MANZULLO], who will talk about this issue, but also share with our colleagues some of those interesting letters that we have received over the Internet from people about how this marriage penalty is affecting them in their lives.

Mr. MANZULLO. Mr. Speaker, all laws have faces and every time this body enacts a law, it affects people. The American people are either the beneficiaries of what we do here or they are the losers. And how incongruous it is that in a society that is literally crumbling, if we take a look at the polls of the people and ask them what are the most important issues, sometimes they will reflect economic issues but often they speak in terms of cultural deterioration, and a system where America is really reaching out to recapture the moral underpinnings that made it so great, people will say that there is a moral crisis in America.

□ 2315

And how interesting it is that in a society where we have almost a 50 percent divorce rate, that our Tax Code discourages people to get married. It is incredible. The Tax Code provides incentives for homeownership by making interest deductible on home mortgages. The Tax Code provides incentives for charitable contributions so that people can deduct a certain percent of that which they give to charity. And yet the core institution in our Republic, that is, the relationship of husband and wife, is threatened by a Congress which does not take into consideration the fact that people are simply paying too much in taxes. The money in this country does not belong to government. The money belongs to the people. And whatever the people give to the government is taxes for the purpose of running the government.

I received a letter from Tricia Smith who lives in the district which I represent. She and her husband live in Rockford, IL. Let me read this.

> I am writing to formally state my disapproval of the current Federal tax quirk which penalizes many married couples solely because they are married. When my husband and I first became aware of this issue, we had our tax advisor complete our taxes two ways for comparison sake: married filing jointly and single filing separately. We were shocked to discover that we were paying over $750 more just because we were married filing jointly. That extra $750 in Federal taxes annually really seems unfair.

Listen to this very interesting statement she made:

> As a Congressman who is concerned about family values, I thought you should be aware of this tax issue which is working against many hard working American families. Furthermore, this tax quirk actually provides a substantial incentive for couples to get divorced for financial reasons. I would be interested in hearing what you have heard about this matter. Please explain why Congress is not rectifying this unfair taxation issue. Sincerely, Tricia Smith.

Another letter that was written to the gentleman from Indiana [Mr. MCINTOSH] that he received on his e-mail, web site, rather, from Jeff and Beth Sewell of Zionsville, IN.

"We have been married for 8 years and have figured our taxes both as a married couple and as two singles each and have always wondered why the Federal Government insists on penalizing us for being married. The Federal Government needs to get out of the business of social engineering. This is a good first step," talking about the tax decrease we just had. "In addition, it is definitely the right moral choice and politically it is a 'no-brainer'."

And Tom Davis from Hilliard, OH, wrote to Mr. MCINTOSH:

"No person who legitimately supports family values could be against this bill." I presume this is the bill on which we are both cosponsors, that is, H.R. 2456. I will include these letters for the RECORD. He says: "The marriage penalty is but another example of how in the past 40 years the Federal Government has enacted policies that have broken down the fundamental institutions that were the strength of this country from the start."

These are not the words of Congressmen. These are the words of the taxpayers who are being hit with this penalty. We do not just pay for it in taxes. We pay with troubled children, failed educational institutions, a weakened military, more crime and dependent adults.

Davis from Hilliard, OH, he sees everything as a big package, which is

what most Americans do, because being Members of Congress, it is so easy to compartmentalize issues. Yet the American people look upon everything in terms of the big picture.

Davis, writing at this web site, says that he sees the marriage penalty really as another attack upon one of America's great institutions, that is, the marriage. He says, "The letter 'F' too long has stood for Federal Government instead of family. Keep working to reverse this terrible spiral."

I am just totally amazed at how complicated this Tax Code got.

Let me hasten to state that one of the tax bills that the Republicans have passed within the past year, year and a half, which was not signed into law, contained some very modest relief toward eliminating the marriage penalty that unfortunately did not make its way into law, but at least the thought is there and the wheels are moving toward it. We have been promised that for each year that the Republicans stay in office, in the majority, we are going to have a tax break, a tax cut. And let us not penalize people for getting married.

Young couples getting married and their goal is to buy a house, how interesting it is that we set up a special IRA so you can put in after-tax dollars that will grow without tax on the inside, build up the dividends and the interest, et cetera, for the purpose of encouraging homeownership, and then at the same time penalize these young couples simply for getting married and say because they got married, they will pay an extraordinary amount in taxes.

Mr. Speaker, I wholeheartedly am in favor of H.R. 2456, the Marriage Tax Elimination Act of 1997.

I would enter this final note. There is a chapter in the budget that appears normally each year called generational forecasts. And that says based upon spending patterns in the Federal, State and local governments over the past several years, that because of the huge national debt that we have of somewhere around $5.5 trillion, that by the time a child born after 1993 enters the work force, that child will have a combined local, State and Federal tax rate of somewhere between 85 and 93 percent. It is extraordinary. That is not a legacy to leave our children. That is guaranteed socialism.

The governments at all levels are going to take away the money of our children. The beginning of reversing this assault on the American family, where in most American families husbands and wives work, one of the spouses is working solely to pay taxes, even in families where incomes, where the individuals earn $25,000 to $35,000 apiece, they combine their income and half that money, half of it is going to pay for taxes on all levels.

So let us reverse this trend. Let us say that we should encourage people to get married and make it so that under this bill that we are all cosponsoring here, H.R. 2456, that when a couple files their income taxes, they can do it on the basis that they will not be penalized simply because they got married.

Mr. Speaker, I include for the RECORD the letters to which I referred:

ROSCOE, IL, *September 12, 1997.*

Congressman DON MANZULLO,
Rockford, IL.

DEAR CONGRESSMAN MANZULLO: I am writing to formally state my disapproval of current federal tax quirk which penalizes many married couples—solely because they are married. Enclosed you will find a recent article from the Wall Street Journal. I have seen several other articles over the past couple of years confirming the same issue.

When my husband and I first became aware of this issue we had our tax advisor complete our taxes two ways for comparison sake: 1. married filing jointly and 2. single filling separately. We were shocked to discover that we were paying over $750 more just because we were married filing jointly. My husband and I are not wealthy, we only earn about $70,000 jointly a year. So, that extra $750 in federal taxes annually really seems unfair.

As a Congressman who is concerned about family values, I thought you should be aware of this tax issue which is working against many hard working American families. Furthermore, this tax quirk actually provides a substantial incentive for couples to get divorced for financial reasons (I read one article which cited couples who had done just that).

I would be interested in hearing what you have heard about this matter. Please explain why Congress is not rectifying this unfair taxation issue.

Sincerely a concerned married voter/taxpayer.

TRICIA SMITH.

ZIONSVILLE, IN.

We have been married for eight years and have figured our taxes both as a married couple and as two singles each and have always wondered why the federal government insists on penalizing us for being married . . . the federal government needs to get out of the business of social engineering . . . this is a good first step . . . in addition it is definitely the right moral choice . . . and politically it is a "no brainer."

JEFF AND BETH SEWELL.

HILLIARD, OH.

No person who legitimately supports family values could be against this bill.

The marriage penalty is but another example of how in the past 40 years the federal government has enacted policies that have broken down the fundamental institutions that were the strength of this country from the start.

We don't pay for it just in taxes, we pay with troubled children, failed educational institutions, a weakened military, more crime and dependent adults.

The letter "F" for too long has stood for Federal Government instead of Family. Keep working to reverse this terrible spiral.

THOMAS L. DAVIS.

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman for cosponsoring this legislation, which I will report to my colleagues now has over 200 cosponsors on both sides of the aisle. This is very much a bipartisan bill that is growing in momentum.

Let me mention very briefly exactly how this marriage penalty works in our tax code. It hits young people at the very beginning of their lives when they decide they want to get married. They are hit immediately with having to lose some of their deductions, with having to be thrown into a higher tax bracket in many cases. As my colleague from Illinois pointed out, oftentimes it seems as if the spouse's income is merely to pay the Federal income taxes because they go into those higher brackets.

But then it hits them again when they have children and will start qualifying for our $500 tax credit that we finally got President Clinton to sign last summer. Well, unfortunately, there is a marriage penalty built into that, so that some couples are earning so much money that they will not be able to qualify for that $500 credit if they are married, but if they file for a divorce, they would be able to receive that $500 tax credit. Again, an example of how this penalty strikes at the very core of our marriage institution.

Finally when they retire, many people are struck with a marriage penalty in Social Security when they want to remarry, if it is a widower, and start a second family.

I think it is critical that we also understand that this marriage penalty particularly discriminates against women. Oftentimes women are wage earners who come in and out of the marketplace. When they have children, they may put their career on hold in order to help raise a family. But that is only temporary and at some point they plan to come back and start working again, or out of necessity may have to have a second income just to make ends meet. Those women are sometimes hit with 50 to 60 percent marginal tax rates on their income. This bill would correct that and eliminate the discrimination in the tax code against women who choose to work in order to support their families.

When you consider the FICA, the State and local income taxes, this is an astonishing burden upon these families who decide to do it. Now, demographic statistics show us that three quarters of American families have two wage earners. So this is an enormous burden upon those families, and particularly the wives who decide that they want to have a chance to work in the workplace also. If we want to do anything to give women the choice of whether they work or stay home, we will equalize what taxes they pay and no longer penalize them when they decide they are going to go into the work force with a higher marginal rate.

Very quickly, let me show a real life example from a friend of mine in Muncie, IN. He lives up in Albany, works at Ball State University as an accountant, and he figured out the taxes for him and his wife. He earns about $44,000

as an accountant. She earns about a little over $32,000. My staff did not tell me what her profession is or what her job is, but if you call my office and ask for Angie Orem, she will tell you that.

But he earns $44,000, gets deductions of $15,000 and exemptions of another $5,000, ending up for a total income that is taxed at $23,000 if he files singly. His wife has $4,000 of deductions, another $2,500 of exemptions, for $25,000 in taxable income. Total taxable income if they file singly would be almost $49,000, $48,936. That is if they filed singly.

Now, if they file jointly as a married couple, they are married and the law requires them to do that, they earn a total income of $76,000, have deductions of $17,000 and another exemption of about $7,600 for a total taxable income of $51,589, so we can see there is an increase of over $2,000 in their taxable income.

The total tax burden, if my colleagues can follow me on this, is $1,649 in additional taxes to this couple because they both decided to work and are married. If they divorced tomorrow and took advantage of the ability to file singly, they would save $1,649.

Mr. Speaker, that is wrong. We cannot be penalizing people in this country who decide to work and be married. We must repeal this. We must have action on this bill in order to once and for all tell the American people the Government is on the side of families.

Now, let me yield to another cosponsor, a colleague of mine in the freshman class who hails from Illinois, who has worked very hard to make sure that this issue comes before this Congress.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. SHIMKUS].

□ 2330

Mr. SHIMKUS. Mr. Speaker, I thank my colleague from Indiana and also want to thank my colleague from Illinois [Mr. WELLER], who is ill tonight, who would be most certainly here on the floor discussing this issue with the American public had he been able to get out of his sick bed.

Let me begin by saying that this Republican Congress has done a remarkable job of keeping its promises. We promised tax cuts and we passed the first tax cuts in 16 years. We promised a balanced budget and we have the first balanced budget plan in 36 years. We promised to save Medicare, and again we have come through with extending the solvency of Medicare for 10 years. We have kept our word.

We often hear politicians talk about family values and protecting the children of this great Nation. This type of rhetoric sounds wonderful for cameras and reporters but does little for the American citizens. Without action, we have done nothing. We must mean what we say and say what we mean.

Tonight we are doing just that. The Members speaking tonight all support the Marriage Tax Elimination Act and are official cosponsors of this legislation. And if passed into law, the Marriage Tax Elimination Act would simply allow families to decide how to file their income taxes, either individually or jointly, whichever gives them the greatest tax benefit.

Currently, Federal tax law forces married American families to pay higher tax bills than they would if they remained single. I think this is wrong and so do most Americans.

I want to briefly tell my colleagues about three Americans that are constituents of mine, SallyJo, Derrick and Julia Derker. SallyJo is married to Derrick and they have a 17-month-old baby named Julia. SallyJo tells me the money she sends in taxes to the Federal Government is money she and her husband could have used to save for Julia's college education.

She also reiterated one of the things I hear over and over again as I travel around my district. She said that she and her family pay too much taxes and that it is not fair that married couples face higher tax bills than single people.

I agree with SallyJo and so do many of my colleagues. But I am doing more than just talking about the marriage tax. I have cosponsored, along with many of my colleagues in the House, this legislation and am going to push for its passage into law over the next year. I supported this change in the Tax Code because it is the right thing to do and because of people like the Derker family in Springfield, IL.

Mr. Speaker, Congress should lead by example and pass this worthy change into law as soon as possible, and I want to thank my colleagues for the opportunity to speak on this special order this evening.

Mr. MCINTOSH. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. SHIMKUS] for his support for this bill. And, by the way, I want the gentleman to feel free to give out our web site, www.house.gov/mcintosh to any of his constituents and ask them to write to us about how they are penalized on the marriage penalty. We will continue to use those examples to demonstrate to our colleagues how serious this problem is all across the Nation.

Let me now yield to another colleague of mine. We have worked together on many legislative projects in our first term in the Congress, in the 104th Congress. He is a colleague that I know cares deeply about the status of families in our country, and just like me he cannot stand the government when it does stupid things and penalizes individuals who are trying to work hard, save money and get ahead in this country.

Without further ado, I yield to my colleague, the gentleman from Maryland, Mr. BOB EHRLICH.

Mr. EHRLICH. And get regulations off their backs as well.

Mr. MCINTOSH. We will start with the taxes then go to regulations.

Mr. EHRLICH. It is always a pleasure to share the floor with my great friend, my classmate and terrific friend, the gentleman from Indiana, Mr. DAVID MCINTOSH.

Just a couple of observations. I really appreciate the gentleman's real life examples. As we have said on this floor now for 3 years, facts are dangerous. Those folks that live in the gentleman's district are real folks with real incomes and they are real facts, and it is very difficult to argue with real facts.

A couple of observations I will throw out for comment from my good friend from Indiana. First, I am very pleased to be a cosponsor of the bill. Over 200 cosponsors. We have only had the bill out for how long? A couple of weeks.

Mr. MCINTOSH. Only 3 weeks so far. The gentleman from Illinois, Mr. JERRY WELLER, by the way, has done a tremendous job as a member of the Committee on Ways and Means in recruiting people to sponsor this bill on both sides of the aisle. He wanted to be here with us tonight, but unfortunately took ill. But he will be working tirelessly through the rest of this fall session to get the rest of the cosponsors we need, and I am sure he will be coming to the floor to tell the American people and our colleagues about this legislation.

Mr. EHRLICH. The gentleman from Illinois [Mr. WELLER] has been terrific on this, so I congratulate him as well, also our classmate.

Second, I think it is important to note, although we never hear any of this coming from the other sides of the aisle or the White House, that this is yet another plank in the Contract With America. Nobody wants to bring this up, but the fact is that 80 percent of the Contract With America is now in law, signed by President Clinton. This is yet another plank of the Contract With America that did not get passed, unfortunately, but will be passed, we believe, in the 105th Congress, and that is terrific.

Third, I believe our friend, the gentleman from Illinois, Mr. DON MANZULLO, really talked about the cultural denigration side of this issue in a very articulate way, and I will not repeat what he said. He said it all. It is the moral and the right thing to do. We should not penalize folks for doing what we ask them to do, to be the bedrock of society and get married. Public policy should encourage and not discourage the institution of marriage.

Fourth, I know my friend the gentleman from Indiana [Mr. MCINTOSH] and I, and many folks on the majority side, were asked over the break, the August break, why did we not have this particular provision in the budget

agreement of 1997? The answer, obviously, is, we do not control the White House and we can only get so much done at one time.

It was a frustrating fact that we had to live with. We could not get this done in the budget agreement. We made great progress in other aspects of the Tax Code: Capital gains, a subject near and dear to my colleague's heart, I know; the alternative minimum tax; other taxes, capital gains, as I said, was certainly a priority with many of us during both of our elections in 1994 and 1996; also the estate tax, which we have discussed on this floor on prior occasions. So this is just another plank of the entire effort to, one, bring taxes down.

As our leadership has now begun to discuss over the past few months, we have folks in our leadership now crisscrossing the country talking about the next logical step as we continue to attack tax by tax, which is fundamental tax reform at the Federal level, asking ourselves how we can simplify our Tax Code, make it flatter, make it fairer for the majority of working Americans. That is the next step. But until we get to that step, and we need a national consensus to reach that, we need to attack it tax by tax. That is the reason we are here on this late night in the east right now talking about the marriage tax.

I will close with respect to my comments on this particular issue, I know we want to discuss another issue in a minute, with two quotes, one from the National Taxpayers Union, the director, Al Cors, talking about the marriage tax. "Such a double standard is wholly at odds with the American ideal that taxes should not be a primary consideration in any individual's economic or social choice." Well put.

We have talked about women and the importance of working women in this society, always, but particularly today. The National Independent Women's Forum, Barbara Ledeen, executive director, and I quote, "We urge Congress to put the Tax Code where its rhetoric is and eliminate marriage penalties. Serious steps to reform tax laws would mean real liberation for women, those who work and those who may have to in the future." Very well put.

With those two comments, I yield back for closing comments on this issue from my friend from Indiana.

Mr. MCINTOSH. Mr. Speaker, let me thank the gentleman; and, in fact, let me, in closing, read one more of these comments from the folks all around this country who have written in on the e-mail site www.house.gov/mcintosh where we have a special page in our web site for the marriage penalty and what it means for people in this country.

This message came from Bobby and Susan Payne in Marietta, GA.

We always filed as married filing separately, because that saves us about $500 a year over married filing jointly. When we figured out our 1996 tax return, just out of curiosity we went back through and figured out what our tax would be if we were just living together instead of being married. Imagine our disgust when we discovered that if we had just lived together, instead of being married, we would have saved an additional $1,000. So much for the vaunted quote family values of our government. Our government is sending a very bad message to young adults by penalizing marriage in this way.

I cannot tell my colleagues how much I agree with Bobby and Suzy Payne. This is a terrible message not only to young people but to everyone in our culture that the Government does not really care for families in this country.

We will work, I will work without stopping, to make sure this bill comes to the House floor next year so that once and for all we can eliminate the marriage penalty tax in this country.

The gentleman from Illinois, Mr. JERRY WELLER, will be back here on the House floor later in the month with additional examples and further progress reports on how we are doing in promoting this bill. I do support my colleague very much, the gentleman from Maryland [Mr. EHRLICH], on this bill, but he also asked me if we could use part of this time, and I am happy to do it because I think it is very important, on another subject that has been in the news in the past few days, and that is the continuing revelations about evidence of wrongdoing in this administration in the campaign finance area.

One of the things that has happened is that we all read with really quite a bit of surprise that this administration had taped many of the coffees and fund-raisers that were held at the White House and for some reason had failed to let investigators at the Justice Department know, had failed to let investigators here in the House or over in the Senate know that these tapes existed until last week when the day after Attorney General Reno sent a letter to the gentleman from Illinois, Mr. HENRY HYDE, chairman of our Committee on the Judiciary, saying she thought the President had done nothing wrong. Then the White House decided maybe we better turn these over to the Justice Department.

Well, this is one part of what is emerging as a larger pattern of this administration stalling, obstructing the investigations, telling us, oops, we made a mistake, we should have given you those a long time ago; or, oops, we made a mistake, we should never have asked for the FBI files to come to the White House; or, oops, we made a mistake, we did not know Mrs. Clinton's billing records were in the White House until one day one of the cleaning ladies found them in one of the document rooms; and, oops, we made a mistake, we did not tell the Congress about all the videotapes, and, frankly, we do not even know if there are more of those video tapes.

All of this is an indication that the American people deserve to know the full truth about this, and one of the things they deserve to know is who knew about this effort to review the tapes? When did they first discover it at the White House staff? Who was told about it? Did the Justice Department know about these tapes? Did Mrs. Reno have any inkling from the lawyers in the White House that this type of evidence was being reviewed? Had her attorneys asked for these tapes?

These are the questions that the American people need to know in detail about this issue. But it is all relevant for a larger question, and that is do we have an administration that at one point decided we are above the law; that we can break the campaign finance laws because we need to win in 1996?

Frankly, I think no American will accept the premise that any President of any party should be above the law, and that is the core issue that we are going to be looking at in these investigations.

Let me yield now to my colleague for additional comments on this subject.

Mr. EHRLICH. I thank the gentleman. We ask people not to be cynical as a result of the marriage tax. We are here tonight telling the American people we have over 200 sponsors. We are going to try to get rid of this bad public policy that punishes marriage. I want to direct a few comments to the gentleman from Indiana. Let us not make the American people more cynical than they are.

I love the fact that most of my constituents are skeptical about government. I want them to be skeptical about government. I am skeptical about government, my colleague is, and most folks in the majority party certainly is. That is what brought us here. Let us keep that healthy skepticism. But as revelation upon revelation occurs, they go beyond skepticism to cynicism, which is dangerous.

And something else that makes them very cynical, and we live it, we talk about it every day as we come over here to this floor for procedural vote followed by procedural vote followed by procedural vote; as we hear lots of discussion about the importance of campaign finance reform from the party that controlled this House for 40 years and never discussed it in a serious way; as another grand jury gets impaneled; as another subpoena is issued; as another document is discovered by a cleaning lady, a very thorough cleaning lady, by the way, I would like to hire her at some point; as a new videotape comes to light; as a new telephone log is produced; as soft money shows up in hard money accounts; as another big labor boss is the target of new allegations; as the Attorney General expands a new inquiry; as

Buddhist nuns testify with immunity; as fund-raising documents are destroyed; as the Lincoln bedroom and the Oval Office are rented out; as new front groups, like the National Council of Senior Citizens, one of the gentleman's favorites, I know, are exposed; as bad cases of amnesia hit the leaders of the Democratic Party; as another potential witness escapes across the sea from the subpoena power possessed by this Congress, we undergo day after day ridiculous procedural votes and 1-minutes and 5 minutes and 60 minutes of rhetoric about the importance of campaign finance reform.

□ 2345

And the bottom line, folks, is this. I direct this comment to the American people: There is a difference between illegal acts and stonewalling and a legitimate issue of campaign finance reform.

Let us talk about campaign finance reform. We can certainly tweak the system. But before we do, let us cut the phoniness, let us cut the inside-the-beltway garbage we hear so often, and talk about what the White House, what this administration, what these folks have done in making a mockery of our legal system, of our present campaign finance system, where we have dozens and dozens and dozens and dozens of statutes on the books that people are not supposed to violate.

Before we get to that legitimate discussion, let us clear it out and talk in very clear terms and have this administration, for once, come clean with the American people about what it does. That is the way we should operate in this House.

Mr. MCINTOSH. Reclaiming my time, let me point out to the gentleman that there is a parallel in this recent history of our country.

In the 1970's, we had a terrible scandal in the campaign area. It resulted in the campaign finance laws that we have today. And a lot of people have said that is all we need to do, is pass more laws and that will take care of the problem. But I will remind them that in Watergate two things happened.

One, we got tighter limits on contributions so people could not come in and give a million dollars and appear to buy their way into access into highest levels of our Government.

But second, those who committed a crime in violating the existing laws left office. They left office either because they were prosecuted by a special prosecutor or because they resigned, realizing that they could no longer justify holding that office to the American people.

Now, in my heart, I hope that President Clinton has not committed a crime. I wish that he and all of those in his administration would give us the evidence and not stonewall and obstruct investigations so that we can, once and for all, get to the bottom of that and reach that conclusion.

But we must see that evidence, because if it does show that there was a crime committed, then it will not be sufficient to pass new laws. The American people will demand that those who have broken the laws be held accountable just like everyone else.

We do not have a system in this Government where the President or any other person is above the law. We rejected that over 200 years ago when we left the monarchy in England and set up these United States. But to get to that conclusion, we must have all of the evidence and we must have it on the record so that the entire American people can make that judgment along with us in Washington.

Mr. EHRLICH. If the gentleman would yield, is that not really the ultimate cynical defense: They are all dirty, they all do it? Let us change the system. Let us not talk about what occurred in an objective way. Let us stonewall. Let us not discuss what actually happened. Let us make the American public take their eye off the ball. Anything but actually getting to the bottom line, which is what people so desperately want out of this town.

Mr. MCINTOSH. Let me say, yes, I agree totally with the gentleman from Maryland [Mr. EHRLICH] on that.

In fact, I remember watching as a young boy, I think I was in junior high, all summer long as the Watergate hearings continued. And I cannot tell my colleagues the amount of parallel that has come out, the most recent one being that there were tapes that nobody knew about and suddenly they were revealed. And then eventually it came out that some of those tapes had been altered. We have not seen all the tapes. We have to wait and see what they contain.

But, even more so, that everybody does it was something that the White House and its supporters made back in Watergate. "Well, why do you hold us accountable? This is something other Presidents have done before." The American people said, "No, we are not going to use that as a legitimate excuse. We are going to hold you accountable. You are the custodians of the trust of the American people in the White House and the Presidency, the highest office in our land." We will say the same thing now when that excuse is brought up.

Other parallels are incredible also. Eventually, a lot of people ended up, frankly, going to jail, not because of an underlying crime but because they had tried to obstruct justice, they had tried to withhold evidence that was necessary for the prosecutors at the Justice Department or the Special Counsel's Office or in Congress to proceed with their investigations.

I will tell my colleagues, we have seen an incredible series of coincidences, if that is what they are, where, whoops, we forgot to tell. But this evidence, until it is already in the public domain and then it becomes public and there is even further disclosures, we need an independent counsel, someone who will not be accountable to the President for his or her position the way Janet Reno is accountable to this President as Attorney General.

We need somebody who can be firm and say, Mr. President, it is not appropriate for you to withhold those tapes from my prosecutors. It is not appropriate for you to withhold those tapes from FBI agents working for me on this case. And that is what is going to be required to restore integrity to this office so that all of us can know what has happened and hopefully find out that the President is exonerated.

Mr. EHRLICH. Reclaiming my time, I agree with my colleague. Nobody wants the President or First Lady or anybody to get in trouble. We are in public office. We know it is not easy. Nobody deserves a medal for running, but it is not easy to be in public office in this day.

But at some point, at some point in time, the dog-ate-my-homework excuse literally cannot fly anymore and the American people are going to say, hey, what went on? Give me the facts. Please do not stonewall. We want to judge for ourselves. Cooperate with those folks. Produce the documents. Honor subpoenas. Produce your witnesses. Do not misuse power. Do not abuse power.

Because of all the discussions we have here in this body about policy, we can agree and disagree, the abuse of power is something the American people simply will not stand for.

Mr. MCINTOSH. Let me also address another point, which is the excuse that everybody has. It does not hold water in this case. We have seen unprecedented abuses of power and abuses of the campaign finance laws.

First of all, all these coffees that went on and selling the Lincoln bedroom. No other President in U.S. history has had the gall to use the White House in this way for this type of political partisan activity. They do not do it. It has never been done before.

It is a violation of the requirements that the Federal Government property not be used for political campaign activities. Even the Attorney General acknowledges, when you start using other buildings, the Government, like the Old Executive Office Building, there is a serious problem under the law with that use of that.

Second, we have never had an administration that systematically went out and solicited funds from people who were not legitimate donors, illegal donors, under our campaign finance laws. Never before in our history has a political party returned $3 million in contributions. Some of us think that may be just the tip of the iceberg.

Never before has an administration in this country said, we are going to launder that money if we have a donor that we know is illegal. Because they are a foreign citizen, well, let us see if they can give to another party. Maybe the unions in their elections and the unions will give us money in exchange for that.

That is money laundering, straight and simple. Never before has that been done in American politics. Never before has there been a systematic decision to ignore your lawyers and their legal advice, that Government equipment, like the White House computer, cannot be used for political fundraising and political activities.

And yet, we see evidence that memos were circulating in the White House among very senior advisors to the President to try to figure out exactly how to do that, to use that Government computer for partisan political activities.

So to say that everybody does it is just plain false. It has never happened in our history. It is unprecedented, and it is wrong.

Mr. EHRLICH. It is false, and it appeals to the lowest common denominator.

I will close on this point. It goes back to that cynical attitude that I suspect this administration has used pretty successfully over the years.

□ 2355

They all do it, they are all dirty, gosh, let us change it. We did not do it, and if we did it, we will not do it again.

Well, at some point in life, that is not good enough. At some point one actually has to put up or shut up. Our plea tonight, I know on behalf of many of our colleagues on both sides of the aisle is, just stop it. Just stop it. Come clean with the American people. Obey the subpoenas. Not the "whoops," not "the dog ate my homework," not the "no-controlling legal authority," not "the witnesses escaped overseas," not that "we forgot," not "the maid found something in the White House," not the "we did not do it and we apologize if we did." We are tired of it. Let us get on with the real issue of campaign finance reform, but we cannot do that until this administration actually obeys the law.

I thank the gentleman for the time this evening.

Mr. McINTOSH. Mr. Speaker, let me close in saying that tomorrow the gentleman from Indiana [Mr. BURTON] the chairman of our Committee on Government Reform and Oversight, will begin his hearings. We will begin to hear testimony from individuals who tell us about how they were given funds from a foreign government and they were told, "If you would only give that money as the donation to the Democratic National Committee, that would help us enormously in this campaign." It is a concrete example of how the laws were broken, it is a sad, sad tale, and as I pointed out earlier, it is unprecedented in American politics.

I thank my colleague from Maryland for joining me on this special order tonight. I look forward to working with him to continue to bring out the facts in this case, as well as to promote our efforts to provide equality for married couples in this country.

CONFERENCE REPORT ON H.R. 2169

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT H. REPT. 105–313

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2169) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $61,000,000, of which not to exceed $40,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees: Provided further, That none of the funds appropriated in this Act or otherwise made available may be used to maintain custody of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; and open to inspection by the Department.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $5,574,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, $4,400,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $121,800,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

PAYMENTS TO AIR CARRIERS

(RESCISSION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Of the budgetary resources provided for "Small Community Air Service" by Public Law 101–508, for fiscal year 1998, $38,600,000 are rescinded.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 1999: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,715,400,000, of which $300,000,000 shall be available for defense-related activities and $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That the number of aircraft on hand at any one time shall not exceed two hundred and twelve, exclusive of aircraft and parts stored to meet future attrition: Provided further, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That $34,300,000 of the funds provided under this heading for increased drug interdiction activities are not available for obligation until the Director, Office of National Drug Control Policy: (1) reviews the specific activities and associated costs and benefits proposed by the

Coast Guard; (2) compares those activities to other drug interdiction efforts government-wide; and (3) certifies, in writing, to the House and Senate Committees on Appropriations that such expenditures represent the best investment relative to other options: Provided further, That should the Director, Office of National Drug Control Policy decline to make such certification, after notification in writing to the House and Senate Committees on Appropriations, the Director may transfer, at his discretion, up to $34,300,000 of funds provided herein for Coast Guard drug interdiction activities to any other entity of the Federal Government for drug interdiction activities: Provided further, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 1998.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $397,850,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $212,100,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2002; $25,800,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2000; $44,650,000 shall be available for other equipment, to remain available until September 30, 2000; $68,300,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2000; and $47,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1999: Provided, That funds received from the sale of HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: Provided further, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation, of which not more than $9,000,000 shall be credited as offsetting collections to this account, to be available for the purposes of this account: Provided further, That the amount herein appropriated from the General Fund shall be reduced by such amount: Provided further, That any proceeds from the sale or lease of Coast Guard surplus real property in excess of $9,000,000 shall be retained and remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the Secretary, acting through the Commandant, may enter into a long-term Use Agreement with the City of Unalaska for dedicated pier space on the municipal dock necessary to support Coast Guard enforcement vessels when such vessels call on the Port of Dutch Harbor, Alaska.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $17,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55); $653,196,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $67,000,000: Provided, That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $35,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,301,934,000, of which $1,901,628,000 shall be derived from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds derived from the Airport and Airway Trust Fund may be used to support the operations and activities of the Associate Administrator for Commercial Space Transportation: Provided further, That up to $5,000 of funds appropriated under this heading may be used for activities under the Aircraft Purchase Loan Guarantee Program.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $1,875,477,000, of which $1,656,367,000 shall remain available until September 30, 2000, and of which $219,110,000 shall remain available until September 30, 1998: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $199,183,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development: Provided further, That none of the funds in this Act may be obligated or expended for the "Flight 2000" Program.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $1,700,000,000 in fiscal year 1998 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That discretionary funds available for noise planning and mitigation shall not exceed $200,000,000 and

discretionary funds available for the military airport program shall not exceed $26,000,000.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $412,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Except as specifically provided elsewhere in this Act, none of the funds in this Act shall be available for activities under this heading during fiscal year 1998.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed $552,266,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That $241,708,000 of the amount provided herein shall remain available until September 30, 2000.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For carrying out the provisions of section 1069(y) of Public Law 102–240, relating to construction of, and improvements to, corridors of the Appalachian Development Highway System, $300,000,000 to remain available until expended: Provided, That none of the funds provided under this heading shall be available for engineering, design, right-of-way acquisition, or major construction of the Appalachian development highway system between I–81 in Virginia and the community of Wardensville, West Virginia.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $21,500,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1998.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $20,800,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

None of the funds under this head are available for obligations for right-of-way acquisition during fiscal year 1998.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $85,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $84,825,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under part C of subtitle VI of title 49, United States Code, and chapter 301 of title 49, United States Code, $74,901,000, of which $40,674,000 shall remain available until September 30, 2000: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), to be derived from the Highway Trust Fund, $72,061,000, of which $49,520,000 shall remain available until September 30, 2000.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, and chapter 303 of title 49, United States Code, to remain available until expended, $186,000,000, to be derived from the Highway Trust Fund: Provided, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1998, are in excess of $186,500,000 for programs authorized under 23 U.S.C. 402, 410, and chapter 303 of title 49, U.S.C., of which $149,700,000 shall be for "State and community highway safety grants", $2,300,000 shall be for the "National Driver Register", and $34,500,000 shall be for section 410 "Alcohol-impaired driving counter-measures programs": Provided further, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $5,268,000 of the funds made available for section 402 may be available for administering "State and community highway safety grants": Provided further, That not to exceed $150,000 of the funds made available for section 402 may be available for administering the highway safety grants authorized by section 1003(a)(7) of Public Law 102–240: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-impaired driving counter-measures programs" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $20,290,000, of which $1,389,000 shall remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: Provided further, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $57,067,000, of which $5,511,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated under this heading are available for the reimbursement of out-of-state travel and per diem costs incurred by employees of State governments directly supporting the Federal railroad safety program, including regulatory development and compliance-related activities.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $20,758,000, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and 49 U.S.C. 24909, $250,000,000, to remain available until September 30, 2000, of which $12,000,000 shall be for the Pennsylvania Station Redevelopment Project.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That no new loan guarantee commitments shall be made during fiscal year 1998.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for Next Generation High-Speed Rail studies, corridor planning, development, demonstration, and implementation, $20,395,000, to remain available until expended: Provided, That funds under this head may be made available for grants to States for high-speed rail corridor design, feasibility studies, environmental analyses, and track and signal improvements.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $15,280,000 shall be for capital rehabilitation and improvements benefiting its passenger operations.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000, to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: Provided, That as a condition of accepting such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $23,000,000 in damages resulting from the legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 49 U.S.C. 24104, $543,000,000, to remain available until expended, of which $344,000,000 shall be available for operating losses, and $199,000,000 shall be for capital improvements: Provided, That if Amtrak reform legislation as required by section 977(f) of the Taxpayer Relief Act of 1997 is enacted into law prior to the distribution by the Secretary of any of the funds appropriated above for capital improvements, then the portion of this appropriation made available for capital improvements shall not be available for obligation and the Secretary shall not transfer any of the funds appropriated under this heading for capital improvements to Amtrak: Provided further, That in the event Amtrak reform legislation required by section 977(f) of the Taxpayer Relief Act of 1997 is enacted into law after the distribution of some or all of the funds appropriated under this account for capital improvements are transferred by the Secretary to Amtrak, then the Secretary of the Treasury shall reduce the amount refunded to Amtrak under section 977 of the Taxpayer Relief Act of 1997 by an amount equal to the funds distributed to Amtrak under this heading for capital improvements and the portion of this appropriation made available for capital improvements shall not be available for obligation and no additional funds appropriated under this heading shall be transferred by the Secretary to Amtrak for capital improvements: Provided further, That none of the funds provided for capital improvements may be transferred to operating losses to pay for debt service interest unless specifically authorized by law after the date of enactment of this Act: Provided further, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements with funds appropriated herein which is prohibited by this Act shall be deemed a violation of 31 U.S.C. 1341: Provided further, That funding under this head for capital improvements shall not be made available before July 1, 1998: Provided further, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $45,738,000: Provided, That none of the funds in this Act shall be available for the execution of contracts under section 5327(c) of title 49, United States Code, in an aggregate amount that exceeds $15,000,000.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5310(a)(2), 5311, and 5336, to remain available until expended, $240,000,000: Provided, That no more than $2,500,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds provided under this head for formula grants, no more than $150,000,000 may be used for operating assistance under 49 U.S.C. 5336(d): Provided further, That the limitation on operating assistance provided under this heading shall, for urbanized areas of less than 200,000 in population, be no less than seventy-five percent of the amount of operating assistance such areas are eligible to receive under Public Law 103–331: Provided further, That in the distribution of the limitation provided under this heading to urbanized areas that had a population under the 1990 census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact of reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by 49 U.S.C. 5317(b), to remain available until expended, $6,000,000.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by 49 U.S.C. 5303, 5311, 5313, 5314, and 5315, to remain available until expended, $92,000,000, of which $39,500,000 shall be for activities under Metropolitan Planning (49 U.S.C. 5303); $4,500,000 for activities under Rural Transit Assistance (49 U.S.C. 5311(b)(2)); $8,250,000 for activities under State Planning and Research (49 U.S.C. 5313(b)); $36,750,000 for activities including National Planning and Research (49 U.S.C. 5314 and 5313(a)); and $3,000,000 for National Transit Institute (49 U.S.C. 5315).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(a), $2,210,000,000, to remain available until expended and to be derived from the Highway Trust Fund: Provided, That $2,210,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $2,000,000,000 in fiscal year 1998 for grants under the contract authority in 49 U.S.C. 5338(b): Provided, That there shall be available for fixed guideway modernization, $800,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $400,000,000; and there shall be available for new fixed guideway systems $800,000,000, to be available as follows:

$44,600,000 for the Atlanta-North Springs project;

$1,000,000 for the Austin Capital metro project;

$46,250,000 for the Boston Piers MOS–2 project;

$1,000,000 for the Boston urban ring project;

$5,000,000 for the Burlington-Essex, Vermont commuter rail project;

$2,000,000 for the Canton-Akron-Cleveland commuter rail project;

$1,500,000 for the Charleston monobeam rail project;

$1,000,000 for the Charlotte South corridor transitway project;

$500,000 for the Cincinnati Northeast/Northern Kentucky rail line project;

$5,000,000 for the Clark County, Nevada fixed guideway project;

$800,000 for the Cleveland Blue Line extension to Highland Hills project;

$700,000 for the Cleveland Berea Red Line extension to Hopkins International Airport;

$1,000,000 for the Cleveland Waterfront Line extension project;

$8,000,000 for the Dallas-Fort Worth RAILTRAN project;

$11,000,000 for the DART North Central light rail extension project;

$1,000,000 for the DeKalb County, Georgia light rail project;

$23,000,000 for the Denver Southwest Corridor project;

$20,000,000 for the New York East Side access project;

$8,000,000 for the Florida Tri-County commuter rail project;

$2,000,000 for the Galveston, Texas rail trolley system project;

$1,000,000 for the Houston Advanced Regional Bus project;

$51,100,000 for the Houston Regional Bus project;

$1,250,000 for the Indianapolis Northeast corridor project;

$3,000,000 for the Jackson, Mississippi intermodal corridor project;

$61,500,000 for the Los Angeles MOS–3 project;

$31,000,000 for MARC commuter rail improvements;

$1,000,000 for the Memphis, Tennessee regional rail project;

$5,000,000 for the Metro-Dade Transit east-west corridor project;

$5,000,000 for the Miami-North 27th Avenue project;

$1,000,000 for the Mission Valley East corridor project;

$500,000 for the Nassau Hub rail link EIS project;

$60,000,000 for the New Jersey Hudson-Bergen LRT project;

$27,000,000 for the New Jersey Secaucus project;

$6,000,000 for the New Orleans Canal Street corridor project;

$2,000,000 for the New Orleans Desire Streetcar project;

$12,000,000 for the North Carolina Research Triangle Park project;

$4,000,000 for the Northern Indiana South Shore commuter rail project;

$3,000,000 for the Oceanside-Escondido light rail project;

$1,600,000 for the Oklahoma City MAPS corridor transit project;

$2,000,000 for the Orange County transitway project;

$31,800,000 for the Orlando Lynx light rail project;

$500,000 for the Pennsylvania Strawberry Hill/Diamond Branch rail project;

$4,000,000 for the Phoenix metropolitan area transit project;

$5,000,000 for the Pittsburgh airport busway project;

$63,400,000 for the Portland-Westside/Hillsboro project;

$2,000,000 for the Roaring Fork Valley rail project;

$20,300,000 for the Sacramento LRT project;

$63,400,000 for the Salt Lake City South LRT project;

$4,000,000 for the Salt Lake City regional commuter system project;

$1,000,000 for the San Bernardino Metrolink project;

$1,500,000 for the San Diego Mid-Coast corridor project;

$29,900,000 for the San Francisco BART extension to the airport project;

$15,000,000 for the San Juan Tren Urbano;

$21,400,000 for the San Jose Tasman LRT project;

$18,000,000 for the Seattle-Tacoma light rail and commuter rail projects;

$30,000,000 for the St. Louis-St. Clair LRT extension project;

$2,500,000 for the St. George Ferry terminal project;

$500,000 for the Springfield-Branson, Missouri commuter rail project;

$1,000,000 for the Tampa Bay regional rail project;

$2,000,000 for the Tidewater, Virginia rail project;

$1,000,000 for the Toledo, Ohio rail project;

$12,000,000 for the Twin Cities transitways projects;

$2,000,000 for the Virginia Rail Express Fredericksburg to Washington commuter rail project;

$2,500,000 for the Whitehall ferry terminal project; and

$3,000,000 for the Wisconsin central commuter rail project.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $2,350,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, including the Great Lakes Pilotage functions delegated by the Secretary of Transportation, $11,200,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $28,450,000, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $4,950,000 shall remain available until September 30, 2000: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OILSPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $31,300,000, of which $3,300,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2000; and of which $28,000,000 shall be derived from the Pipeline Safety Fund, of which $14,839,000 shall remain available until September 30, 2000: Provided, That in addition to amounts made available for the Pipeline Safety Fund, $1,100,000 shall be available for grants to States for the development and establishment of one-call notification systems and shall be derived from amounts previously collected under 49 U.S.C. 60301, and that an additional $365,000 in amounts previously collected under 49 U.S.C. 60301 is available to conduct general functions of the pipeline safety program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2000: Provided, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $42,000,000: Provided, That none of the funds under this heading shall be for the conduct of contract audits.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $13,853,000: Provided, That $2,000,000 in fees collected in fiscal year 1998 by the Surface Transportation Board pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1998: Provided further, That any fees received in excess of $2,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,640,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $48,371,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 1998 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than one hundred seven political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any

program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1998 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1997, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1998, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, 144, and 160 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240; and

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, the Federal lands highway program, the intelligent transportation systems program, the Truman-Hobbs bridges funded under the discretionary bridge program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102–240, and 49 U.S.C. 5316, 5317, and 5338: Provided, That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act.

(d) During the period October 1 through December 31, 1997, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103–1108, 4008, 6023(b)(8), and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $277,431,840.

(e) Notwithstanding any other provision of law, none of the funds in this Act shall be available for the distribution of bonus limitation under the federal-aid highways program.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. For the purposes of funds made available under the heading, Formula Grants, the term "Capital Project" includes a project for—

(A)(i) acquisition, construction, supervision, or inspection of a facility or equipment, including inspection thereof, for use in mass transportation; and

(ii) expenses incidental to the acquisition or construction (including designing, engineering, location survey, mapping, acquiring rights of way, associated pre-revenue startup costs, and environmental mitigation), payments for rail trackage rights, Intelligent Transportation Systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating a bus;

(C) remanufacturing a bus;

(D) overhauling rail rolling stock;

(E) preventive maintenance; and

(F) financing the operating costs of equipment and facilities used in mass transportation in urbanized areas with a population of less than 200,000.

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2000, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. None of the funds in this Act may be used to compensate in excess of 350 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1998.

SEC. 320. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $3,000,000, which limits fiscal year 1998 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $118,800,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 321. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 322. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 323. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the Denver International Airport, Denver, Colorado: Provided, That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds: Provided further, That funds may be used for activities related to planning or analysis of airport noise issues related to the sixth runway project.

SEC. 324. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 325. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 326. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 327. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 328. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 329. Notwithstanding any other provision of law, the Secretary may use funds appropriated under this Act, or any subsequent Act, to administer and implement the exemption provisions of 49 CFR 580.6 and to adopt or amend exemptions from the disclosure requirements of 49 CFR part 580 for any class or category of vehicles that the Secretary deems appropriate.

SEC. 330. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 331. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 332. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 333. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

SEC. 334. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 335. Notwithstanding any other provision of law, of amounts made available under Federal Aviation Administration "Operations", the FAA shall provide personnel at Dutch Harbor, Alaska to provide real-time weather and runway observation and other such functions to help ensure the safety of aviation operations.

SEC. 336. Notwithstanding 49 U.S.C. 41742, no essential air service shall be provided to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large and medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport.

SEC. 337. (a) IN GENERAL.—For purposes of the exception set forth in section 29(a)(2) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 48), the term "passenger capacity of 56 passengers or less" includes any aircraft, except aircraft exceeding gross aircraft weight of 300,000 pounds, reconfigured to accommodate 56 or fewer passengers if the total number of passenger seats installed on the aircraft does not exceed 56.

(b) INCLUSION OF CERTAIN STATES IN EXEMPTION.—The first sentence of section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 48 et seq.) is amended by inserting "Kansas, Alabama, Mississippi," before "and Texas".

(c) SAFETY ASSURANCE.—The Administrator of the Federal Aviation Administration shall monitor the safety of flight operations in the Dallas-Fort Worth metropolitan area and take such actions as may be necessary to ensure safe aviation operations. If the Administrator must restrict aviation operations in the Dallas-Fort Worth area to ensure safety, the Administrator shall notify the House and Senate Committees on Appropriations as soon as possible that an unsafe airspace management situation existed requiring the restrictions.

SEC. 338. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 1998.

SEC. 339. Notwithstanding any other provision of law, the Department of the Navy is directed to transfer the USNS EDENTON (ATS–1), currently in Inactive Ship status, to the United States Coast Guard.

SEC. 340. (a) FINDINGS.—The Congress finds that—

(1) Congress has the authority under article I, section 8 of the Constitution to regulate the air commerce of the United States;

(2) section 47107 of title 49, United States Code, prohibits the diversion of certain revenue generated by a public airport as a condition of receiving a project grant;

(3) a grant recipient that uses airport revenues for purposes that are not airport related in a manner inconsistent with chapter 471 of title 49, United States Code, illegally diverts airport revenues;

(4) illegal diversion of airport revenues undermines the interest of the United States in promoting a strong national air transportation system;

(5) the policy of the United States that airports should be as self-sustaining as possible and that revenues generated at airports should not be diverted from airport purposes was stated by Congress in 1982 and reaffirmed and strengthened in 1987, 1994, and 1996;

(6) certain airports are constructed on lands that may have belonged, at one time, to native Americans, native Hawaiians, or Alaskan natives;

(7) contrary to the prohibition against diverting airport revenues from airport purposes under section 47107 of title 49, United States Code, certain payments from airport revenues may have been made for the betterment of native Americans, native Hawaiians, or Alaskan natives based upon the claims related to lands ceded to the United States;

(8) Federal law prohibits diversions of airport revenues obtained from any source whatsoever to occur in the future whether related to claims for periods of time prior to or after the date of enactment of this Act; and

(9) because of the special circumstances surrounding such past diversions of airport revenues for the betterment of native Americans, native Hawaiians, or Alaskan natives, it is in the national interest that amounts from airport revenues previously received by any entity for the betterment of native Americans, native Hawaiians, or Alaskan natives, as specified in subsection (b) of this section, should not be subject to repayment.

(b) TERMINATION OF REPAYMENT RESPONSIBILITY.—Notwithstanding the provisions of 47107 of title 49, United States Code, or any other provision of law, monies paid for claims related to ceded lands and diverted from airport revenues and received prior to April 1, 1996, by any entity for the betterment of native Americans, native Hawaiians, or Alaskan natives, shall not be subject to repayment.

(c) PROHIBITION ON FURTHER DIVERSION.—There shall be no further payment of airport revenues for claims related to ceded lands, whether characterized as operating expenses, rent, or otherwise, and whether related to claims for periods of time prior to or after the date of enactment of this Act.

(d) CLARIFICATION.—Nothing in this Act shall be construed to affect any existing federal statutes, enactments, or trust obligations created thereunder, or any statute of the several States that define the obligations of such States to native Hawaiians, native Americans, or Alaskan

Natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy such obligations.

SEC. 341. LIMITATION ON FUNDS USED TO ENFORCE REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.—None of the funds made available in this Act may be used by the Coast Guard to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104–55), or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in—

(1) physical, chemical, biological, and other relevant properties; and

(2) environmental effects.

SEC. 342. Notwithstanding the provisions of any other law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 343. Subsection (d)(4) of 49 U.S.C. 31112 is amended by striking "September 30, 1997" and inserting "February 28, 1998".

SEC. 344. None of the funds in this Act shall be used to enforce against air carriers, conducting operations under part 135 of the Federal Aviation Administration (FAA) regulations (14 C.F.R. 135.1 et seq.) that are not scheduled operations (as defined in 14 C.F.R. 119.3), the requirement in section 44936(f)(1) of title 49 that records be checked before hiring an individual as a pilot, until the FAA determines, in writing that it can furnish to such air carriers the requested records within 30 days, as required by section 44936(f)(5) of title 49. If the Administrator cannot make the determination, in writing, within 150 days after enactment of this Act, then the Administrator shall report to the Committees on Appropriations, the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Transportation and Infrastructure, the reasons why the determination cannot be made.

SEC. 345. EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.—Section 41714 of title 49, United States Code, is amended by adding at the end thereof the following:

"(i) EXPEDITIOUS CONSIDERATION OF CERTAIN EXEMPTION REQUESTS.—Within 120 days after receiving an application for an exemption under subsection (a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a), the Secretary shall grant or deny the exemption. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure of the grant or denial within 14 calendar days after the determination and state the reasons for the determination.".

SEC. 346. (a) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation, acting for the Department of Transportation, may take receipt of such equipment and sites of the Ground Wave Emergency Network (referred to in this section as "GWEN") as the Secretary of Transportation determines to be necessary for the establishment of a nationwide system to be known as the "Nationwide Differential Global Positioning System" (referred to in this section as "NDGPS").

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation may establish the NDGPS. In establishing the NDGPS, the Secretary of Transportation may—

(1) if feasible, reuse GWEN equipment and sites transferred to the Department of Transportation under subsection (a);

(2) to the maximum extent practicable, use contractor services to install the NDGPS;

(3) modify the positioning system operated by the Coast Guard at the time of the establishment of the NDGPS to integrate the reference stations made available pursuant to subsection (a);

(4) in cooperation with the Secretary of Commerce, ensure that the reference stations referred to in paragraph (3) are compatible with, and integrated into, the Continuously Operating Reference Station (commonly referred to as "CORS") system of the National Geodetic Survey of the Department of Commerce; and

(5) in cooperation with the Secretary of Commerce, investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Transportation may—

(1) manage and operate the NDGPS;

(2) ensure that the service of the NDGPS is provided without the assessment of any user fee; and

(3) in cooperation with the Secretary of Defense, ensure that the use of the NDGPS is denied to any enemy of the United States.

(d) In any case in which the Secretary of Transportation determines that contracting for the maintenance of 1 or more NDGPS reference stations is cost-effective, the Secretary of Transportation may enter into a contract to provide for that maintenance.

(e) The Secretary of Transportation may—

(1) in cooperation with appropriate representatives of private industries and universities and officials of State governments—

(A) investigate improvements (including potential improvements) to the NDGPS;

(B) develop standards for the NDGPS; and

(C) sponsor the development of new applications for the NDGPS; and

(2) provide for the continual upgrading of the NDGPS to improve performance and address the needs of—

(A) the Federal Government;

(B) State and local governments; and

(C) the general public.

SEC. 347. The Secretary of Transportation is authorized to transfer funds appropriated to the Coast Guard in Public Law 102–368 in order to pay rent assessments by the General Services Administration related to prior year space needs of the Department: Provided, That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 348. (a) Subsection (b) of section 642 of the Treasury and General Government Appropriations Act, 1998 is amended by inserting "other than a Member of Congress," after "Code,".

(b) Paragraph (1) of section 642(c) of such Act is amended by striking "(1)(A) subject to subparagraph (B)," and inserting "(1)" and by striking "December 31, 1998" and all that follows through the end and inserting "December 31, 1998;".

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1998".

And the Senate agree to the same.

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN
TODD TIAHRT,
ROBERT B. ADERHOLT,
BOB LIVINGSTON,
MARTIN OLAV SABO,
THOMAS M. FOGLIETTA,
ESTEBAN EDWARD TORRES,
JOHN W. OLVER,
ED PASTOR,
DAVID R. OBEY,
Managers on the Part of the House.

RICHARD C. SHELBY,
PETE V. DOMENICI,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
LAUCH FAIRCLOTH,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. Report language included by the House (House Report 105–188) or the Senate (Senate Report 105–55 accompanying the companion measure S. 1048) that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT AND ACTIVITY

During fiscal year 1998, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project and activity" shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, Facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of

conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustment, if required, to be accomplished only through the normal reprogramming process.

STAFFING INCREASES PROVIDED BY CONGRESS

The conferees direct the Department of Transportation to fill expeditiously any positions added in this bill, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions. The conferees support the overall staffing reductions, and have made reductions in the bill which more than offset staffing increases provided for a small number of specific activities.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides $61,000,000 for salaries and expenses of the office of the secretary, instead of $60,009,000 as proposed by the House and $66,703,000 as proposed by the Senate.

The conference agreement deletes language proposed by the Senate that provides not to exceed $10,567,000 for rental of headquarters space, related services assessed by the General Services Administration, and for department-wide facility security enhancements. Sufficient funds are included within the appropriation to cover the office of the secretary's costs associated with the rental of headquarters space and related services assessed by the General Services Administration.

The conference agreement deletes bill language proposed by the House that would limit to $606,000 funds made available to the office of acquisition and grants management, solely for department-wide grants management activities.

The conference agreement includes the following changes to the budget request for this office:

Reductions in staff:	
−5 Attorney advisors	−400,000
−2 Congressional liaison officers	−150,000
−2 Intergovernmental liaison officers	−150,000
−3 Office of public affairs	−175,000
−3 Office of administration	−125,000
−1 Office of intermodalism	−100,000
Office of the chief information officer	−225,000
Fitness reviews of airlines, +3 FTE	+180,000

OFFICE OF CIVIL RIGHTS

The conference agreement provides $5,574,000 for the office of civil rights, as proposed by both the House and Senate.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement provides $4,400,000, as proposed by both the House and the Senate. Within the funds provided, $300,000 is included to conduct a national capital region congestion mitigation study and to hold a summit; $100,000 is included to develop with the Department of Agriculture, the private sector and the transportation industry a comprehensive strategy to distribute excess food and commodities from fields and warehouses to food banks and other public and non-profit organizations that assist the poor; and sufficient funds are included for transportation planning assistance for the 2002 Winter Olympics in Salt Lake City and for a multimodal transportation study for Albuquerque and Santa Fe, New Mexico.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

The conference agreement includes a limitation on activities financed through the transportation administrative service center at $121,800,000, as proposed by the House. Language is included in the conference agreement that stipulates that the limitation shall not apply to non-DOT entities and that services provided by the transportation administrative service center to entities within the department shall be provided on a competitive basis. In addition, the conference agreement includes two language provisions, as proposed by the House. The first provision limits activities transferred to the transportation administrative service center to only those approved by the agency modal administrator; the second limits special assessments or reimbursable agreements levied against any program, project, or activity funded in this Act to only those assessments or reimbursable agreements presented to and approved by the House and Senate Committees on Appropriations. The Senate bill contained no similar provisions.

The conferees reiterate that the department shall submit with the department's Congressional budget submission an approved annual operating plan of the transportation administrative service center and quarterly reports for the Committees' review. Quarterly reports and approvals of the Secretary's management council shall also be provided to the Committees in a timely manner.

The conferees direct the Office of Inspector General to undertake a study that evaluates the utility and cost effectiveness of the transportation administrative service center both to the individual modes and the department generally; whether the transportation administrative service center provides quality services responsive to customer needs at a competitive price; and whether the Federal Aviation Administration's franchise fund duplicates or reduces the cost effectiveness of a department-wide service center. The conferees direct that this report be provided to the House and Senate Committees on Appropriations not later than April 1, 1998.

PAYMENTS TO AIR CARRIERS

(RESCISSION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement rescinds $38,600,000 in contract authority which was provided in previous authorizing Acts, as proposed by the Senate. The House bill contained no similar rescission.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement includes a limitation on direct loans of $15,000,000 and provides subsidy and administrative costs totaling $1,900,000, as proposed by both the House and Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $2,900,000 for minority business outreach activities, as proposed by both the House and Senate.

COAST GUARD

OPERATING EXPENSES

The conference agreement provides $2,715,400,000 for Coast Guard operating expenses instead of $2,708,000,000 as proposed by the House and $2,435,400,000 as proposed by the Senate. In addition, the Senate-passed Department of Defense Appropriations Bill, 1998 included $300,000,000 for national security activities of the Coast Guard. The House bill included similar funding within the overall total provided in this bill.

The agreement limits Coast Guard aircraft to 212, as proposed by the House, instead of 221 as proposed by the Senate.

The agreement includes House provisions prohibiting the obligation of $34,300,000 budgeted for Coast Guard drug interdiction activities until the Director, Office of National Drug Control Policy (ONDCP) reviews such activities and provides a specific certification to the Congress regarding the merit of such activities. The bill also allows the Director, ONDCP to transfer all or part of these funds to other federal entities for other drug interdiction activities.

The following table compares the House and Senate bills and the conference agreement for items in conference:

Coast Guard
Operating Expenses
Fiscal Year 1998
Conference Agreement

	House	Senate	Conference
Personnel Resources:			
Budget estimate:	$1,723,261,000	$1,723,261,000	$1,723,261,000
Adjustments to budget estimate:			
Public affairs staffing	-840,000	0	-600,000
Professional training/education	-1,645,000	0	-1,645,000
Recruiting	-1,000,000	0	-1,000,000
FTE staffyear savings	-19,600,000	0	-18,440,000
Amount recommended	**1,700,176,000**	**1,723,261,000**	**1,701,576,000**
Operating Funds & Unit Level Maintenance:			
Budget estimate:	620,749,000	620,749,000	620,749,000
Adjustments to budget estimate:			
Governor's Island caretaker status	-8,300,000	-8,300,000	-2,300,000
Amount recommended	**612,449,000**	**612,449,000**	**618,449,000**
Depot Level Maintenance:			
Budget estimate:	395,990,000	395,990,000	395,990,000
Adjustments to budget estimate:	0	0	
Amount recommended	**395,990,000**	**395,990,000**	**395,990,000**
Account-Wide Adjustments:			
User fee offset, foreign flag cruise ships	-615,000	0	-615,000
GWEN/DGPS	0	+3,700,000	0
Amount recommended	**-615,000**	**3,700,000**	**-615,000**
Total appropriation	2,708,000,000	*2,735,400,000	2,715,400,000

* Includes $2,435,400,000 in this bill and $300,000,000 in the Department of Defense Appropriations Bill, 1997. Shown together here for comparability purposes.

Ballast water management program.—The conferees agree that, within the total amount provided, $1,995,000 is to implement the nationwide ballast water management program, as proposed by the House.

Governor's Island caretaker status.—The conference agreement provides $6,000,000 for Coast Guard maintenance of Governor's Island in a "caretaker" status pending transfer to the General Services Administration. This is a reduction of $2,300,000 from the budget estimate. The Coast Guard has indicated that Governor's Island can be adequately maintained until such transfer during fiscal year 1998 at this funding level; however, if costs are higher than currently expected, the Coast Guard should advise the Congress as soon as possible. The conferees do not expect to support Coast Guard funding for caretaker expenses in fiscal year 1999, since such funding would be beyond the normal responsibility of federal agencies under existing regulations.

Sand Island Bridge, Honolulu, HI.—The conferees direct the Coast Guard to conduct a study, using operating funds, to determine the eligibility of the Sand Island Bridge in Honolulu Harbor, Hawaii for funding under the "Alteration of bridges" program.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $397,850,000 for acquisition, construction, and improvements instead of $379,000,000 as proposed by the House and $412,300,000 as proposed by the Senate. The bill allocates funds by budget activity as follows:

Vessels, small boats, and related equipment.—$212,100,000 instead of $191,650,000 as proposed by the House and $214,700,000 as proposed by the Senate;

Aircraft and related programs.—$25,800,000 instead of $33,900,000 as proposed by the House and $26,400,000 as proposed by the Senate;

Other equipment.—$44,650,000 instead of $47,050,000 as proposed by the House and $51,200,000 as proposed by the Senate;

Shore facilities and aids to navigation facilities.—$68,300,000 instead of $59,400,000 as proposed by the House and $73,000,000 as proposed by the Senate.

The bill also allows up to $9,000,000 in offsetting collections from asset sales to be credited to this appropriation during fiscal year 1998, as proposed in both bills, with technical language as proposed by the House and the Senate.

The bill provides that the Secretary may enter into a long-term agreement with the City of Unalaska in Alaska for dedicated pier space on the municipal dock for Coast Guard vessels, as proposed by the Senate.

A table showing the distribution of this appropriation by project as included in the fiscal year 1998 budget estimate, House bill, Senate bill, and the conference agreement follows:

Acquisition, Construction, and Improvements
Fiscal Year 1998
Conference Agreement

Program Name	FY 1997 Enacted	FY 1998 Estimate	FY 1998 House	FY 1998 Senate	Conference Agreement
Vessels:	**216,500,000**	**186,900,000**	**191,650,000**	**214,700,000**	**212,100,000**
Survey and design - cutters and boats	500,000	500,000	500,000	500,000	500,000
Seagoing buoy tender (WLB) replacement	54,000,000	55,000,000	55,000,000	41,000,000	41,000,000
Coastal buoy tender (WLM) replacement	75,000,000	21,000,000	21,000,000	21,000,000	21,000,000
47-foot motor lifeboat (MLB) replacement project	26,000,000	21,600,000	31,600,000	21,600,000	31,600,000
Buoy boat replacement project (BUSL)	7,800,000	12,000,000	12,000,000	12,000,000	12,000,000
Polar icebreaker replacement follow-on	4,000,000	4,000,000	3,500,000	4,000,000	3,500,000
82-foot WPB capability replacement	33,100,000	0	0	0	0
Configuration management	3,500,000	3,800,000	3,800,000	3,800,000	3,800,000
Surface search radar replacement project	4,000,000	15,400,000	15,400,000	15,400,000	15,400,000
Motor surfboat replacement	1,100,000	0	0	0	0
210-foot medium endurance cutter MMA	2,500,000	0	0	0	0
Polar class icebreaker reliability improvement program	5,000,000	9,300,000	6,550,000	5,300,000	5,300,000
Coastal patrol boat (CPB)	0	37,300,000	37,300,000	68,100,000	63,000,000
Mackinaw replacement	0	0	2,000,000	2,000,000	2,000,000
Independent maritime response vessel	0	2,000,000	0	2,000,000	0
Deepwater capability concept exploration	0	5,000,000	3,000,000	5,000,000	3,000,000
Reprogramming (FY 1996 IMARV funds)	0	0	[2,000,000]	[2,000,000]	[2,000,000]
ATS-1 conversion	0	0	0	13,000,000	10,000,000
Aircraft:	**18,040,000**	**26,400,000**	**33,900,000**	**26,400,000**	**25,800,000**
Traffic alert & collision avoidance system (TCAS)	5,700,000	3,300,000	3,300,000	3,300,000	3,300,000
Global positioning system installation	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000
HC-130 engine conversion	6,800,000	5,200,000	5,200,000	5,200,000	4,100,000
HH-65A helicopter kapton rewiring	2,000,000	3,200,000	3,200,000	3,200,000	3,200,000
HH-65A helicopter mission computer replacement	2,000,000	4,400,000	4,400,000	4,400,000	4,400,000
HH-65 offset (FY 1995 reprogramming)	-360,000	0	0	0	0
Long range search aircraft capability preservation	0	4,600,000	4,100,000	4,600,000	4,100,000
HC-130 aircraft sensor upgrade	0	3,800,000	11,800,000	3,800,000	4,800,000
Reprogramming (FY 1996 C-130 SLAR funds)	0	0	[2,000,000]	[0]	[2,000,000]
Other Equipment:	**41,700,000**	**49,700,000**	**47,050,000**	**51,200,000**	**44,650,000**
Fleet logistics system	9,300,000	9,200,000	9,200,000	9,200,000	8,200,000
Ports and waterways safety system (PAWSS)	0	5,500,000	5,500,000	5,500,000	5,500,000
Marine information for safety and law enforcement (MISLE)	5,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Conversion of software applications	6,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Finance center information system replacement	2,100,000	0	0	0	0
Aviation logistics management information system (ALMIS)	4,800,000	2,700,000	2,700,000	2,700,000	2,700,000
National distress system modernization	1,000,000	7,000,000	7,000,000	5,000,000	5,000,000
Communication systems 2000	4,000,000	1,000,000	1,000,000	1,000,000	1,000,000
WLB/WLM support facility	1,800,000	0	0	0	0
Global maritime distress and safety system	700,000	0	0	0	0
Personnel MIS/Jt uniform military pay system	1,600,000	1,600,000	0	1,600,000	1,600,000
VHF-FM high level site upgrade	4,400,000	7,400,000	7,400,000	7,400,000	7,400,000
VTS requirements evaluation	1,000,000	0	0	0	0
Local notice to mariners automation	0	1,800,000	750,000	1,800,000	750,000
Frequency spectrum reallocation	0	5,100,000	5,100,000	5,100,000	4,100,000
Defense message system implementation	0	1,400,000	1,400,000	1,400,000	1,400,000
Differential GPS phase II (coastal gaps)	0	1,000,000	1,000,000	1,000,000	1,000,000
Port security equipment	0	0	0	3,500,000	0
Shore Facilities and Aids to Navigation:	**52,350,000**	**69,000,000**	**59,400,000**	**73,000,000**	**68,300,000**
Survey and design - shore projects	6,000,000	6,000,000	6,000,000	6,000,000	5,000,000
Minor AC&I shore construction projects	2,400,000	8,000,000	6,600,000	8,000,000	7,000,000
Mid-atlantic air station consolidation	1,300,000	0	0	0	0
Coast Guard Yard ship handling facility (phase II)	4,950,000	0	0	0	0
Support center Portsmouth - upgrade sandblast facility	2,000,000	0	0	0	0

Acquisition, Construction, and Improvements
Fiscal Year 1998
Conference Agreement

Program Name	FY 1997 Enacted	FY 1998 Estimate	FY 1998 House	FY 1998 Senate	Conference Agreement
Support Ctr San Pedro, CA - construct medical facility	3,700,000	0	0	0	0
Public family quarters	12,000,000	15,900,000	15,900,000	15,900,000	14,900,000
Base San Juan, PR - reconstruction	7,000,000	0	0	0	0
Waterways ATON projects	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Station Juneau, AK - renovate/expand station	2,000,000	0	0	0	0
Station Sabine - reconstruct/expand waterfront facilities	4,000,000	0	0	0	0
Owensboro, KY - relocate cutter moorings	2,000,000	0	0	0	0
Station Bellingham, WA - relocation	0	4,000,000	4,000,000	4,000,000	4,000,000
Group Woods Hole, MA - waterfront renovation	0	2,900,000	2,900,000	2,900,000	2,900,000
Group/Station New Orleans, LA - relocation	0	4,200,000	8,400,000	4,200,000	8,400,000
Base Ketchikan, AK - replace breakwater	0	1,600,000	1,600,000	1,600,000	1,600,000
Omega termination cost	0	6,700,000	0	6,700,000	0
Bayonne, NJ - construct pier	0	4,100,000	0	4,100,000	4,100,000
ISC Portsmouth, VA - command & control engineering center	0	4,700,000	4,700,000	4,700,000	4,700,000
New London, CT - leadership development center	0	5,900,000	4,300,000	5,900,000	4,300,000
Reprogramming (FY 1996 Wadsworth, NY funds)	0	0	[1,600,000]	[1,600,000]	[1,600,000]
ISC Kodiak - hanger renovation	0	0	0	4,000,000	4,000,000
Ground wave emergency network (GWEN)/DGPS	0	0	0	0	2,400,000
Personnel and Related Support:	**46,250,000**	**47,000,000**	**47,000,000**	**47,000,000**	**47,000,000**
Direct personnel costs	45,400,000	46,500,000	46,500,000	46,500,000	46,500,000
Core acquisition costs	850,000	500,000	500,000	500,000	500,000
Total gross appropriation	374,840,000	379,000,000	379,000,000	412,300,000	397,850,000
Offsetting collections from asset sales	0	-9,000,000	-9,000,000	-9,000,000	-9,000,000
Total net appropriation	*374,840,000*	*370,000,000*	*370,000,000*	*403,300,000*	*388,850,000*

Group/Station New Orleans.—The conferees agree to direct that $3,000,000 of the funds provided for relocation of Group/Station New Orleans is only to improve the condition of the waterway adjoining the relocation site, as proposed by the House.

Ground wave emergency network (GWEN)/DGPS.—The conference agreement includes $2,400,000 to initiate the establishment of a nationwide differential global positioning system (DGPS) utilizing decommissioned United States Air Force ground wave emergency network (GWEN) sites and equipment. The Coast Guard and Federal Railroad Administration have successfully converted a demonstration GWEN site into a Coast Guard-operated precision DGPS. The funds provided to the Coast Guard shall be used for site, tower, and antenna acquisition, equipment, construction, and other hardware and software costs related to the expansion of the Coast Guard's current DGPS coverage to a ground-based nationwide system. These increased mapping and locator capabilities will have far-reaching applications in the areas of positive train control, intelligent transportation systems, search and rescue, fire fighting, precision farming, and other public safety missions.

Hampton, Long Island seasonal search and rescue facility.—The conferees agree that the Department of Defense and the Coast Guard should sign a memorandum of agreement providing for a seasonal search and rescue capability operating out of the Air National Guard facility at the Francis S. Gabreski Airport in Hampton, Long Island for the period April 15 to October 15, 1998. However, the conferees agree that this activity should result in no additional costs being borne by the Department of Defense or the Air National Guard, and is approved at this time for one year only.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $21,000,000 for environmental compliance, as proposed by both the House and the Senate.

ALTERATION OF BRIDGES

The conference agreement includes $17,000,000 for the alteration of bridges program instead of $16,000,000 as proposed by the House and $26,000,000 as proposed by the Senate. The following table compares the conference agreement by project to the levels proposed by the House and Senate:

Bridge and location	House bill	Senate bill	Conference agreement
New Orleans, LA, Florida Avenue RR/HW Bridge	$7,000,000	$3,000,000	$7,000,000
Brunswick, GA, Sidney Lanier HW Bridge	9,000,000	18,000,000	10,000,000
Honolulu, HI, Sand Island Road Tunnel	0	5,000,000	0
Total	16,000,000	26,000,000	17,000,000

RETIRED PAY

The conference agreement includes $653,196,000 for Coast Guard retired pay as proposed by the Senate instead of $645,696,000 as proposed by the House. This is scored as a mandatory appropriation in the Congressional budget process.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $67,000,000 for reserve training as proposed by the House instead of $65,535,000 as proposed by the Senate. The conferees agree with the direction of the House that, of the increase provided, $1,000,000 is for additional recruiting activities. The conference agreement also includes a provision proposed by the House which limits to $20,000,000 the amount of this appropriation which may be transferred to Coast Guard "Operating expenses" or otherwise used to reimburse the active duty Coast Guard for its support of the reserves.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement includes $19,000,000 for Coast Guard research, development, test and evaluation as proposed by the House instead of $20,000,000 as proposed by the Senate. The conferees agree that the additional work proposed by the Senate to improve ballast water management practices can be accommodated within the $1,995,000 allocated in Coast Guard "Operating expenses" for this activity.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

The conference agreement includes $35,000,000 for boat safety, as proposed by both the House and the Senate.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement includes $5,301,934,000 for operating expenses of the Federal Aviation Administration instead of $5,300,000,000 as proposed by the House and $5,325,900,000 as proposed by the Senate. The bill also provides that these funds are in addition to amounts made available as a mandatory appropriation of user fees in the Federal Aviation Administration Reauthorization Act of 1996 (Public Law 104–264). These mandatory appropriations are estimated to add $50,000,000 to the FAA's operating budget for fiscal year 1998, providing a total budgetary increase of $451,934,000 (9.2 percent) over fiscal year 1997. Of the total amount provided, $1,901,628,000 shall be derived from the airport and airway trust fund as proposed by the Senate instead of $1,880,000,000 as proposed by the House. The balance of this appropriation is drawn from the general fund.

The bill includes a provision proposed by the House which prohibits funds from planning, finalizing, or implementing any regulation to impose new aviation user fees not specifically authorized by law after the date of enactment of this Act. Both the House and Senate Committees on Appropriations expressed very serious concerns this year with FAA's recent aviation user fee proposals on both technical and policy-related grounds. The recent bipartisan budget agreement authorizes aviation excise taxes for the foreseeable future which provide sufficient revenues to finance the FAA's activities without additional user fees. The significant increases in this bill for FAA's budget prove that Congress can provide adequately for the agency without augmenting appropriations with user fees.

The conferees are aware of FAA's opinion that the agency has the legal authority to establish new user fees under the generic authority provided in the User Fee Statute, and do not wish to see FAA circumvent the legislative process and avoid the normal cost controls which apply to other federal agencies through the administrative implementation of new user fees. The conferees emphasize, however, that this provision does not prevent the FAA from implementing new user fees. It only provides that such fees must be specifically authorized by the Congress.

The bill includes no limitation on the number of passenger motor vehicles which may be leased or purchased by the FAA, as proposed by the Senate. The House had proposed a limitation of four vehicles.

The bill allocates up to $5,000 for activities of the "Aircraft purchase loan guarantee program", as proposed by the Senate. The House bill contained no similar allocation.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity:

FAA Operations
Fiscal Year 1998
Conference Agreement

	House	Senate	Conference
Air Traffic Services:			
Budget estimate:	$4,192,516,000	$4,192,516,000	$4,192,516,000
Adjustments to budget estimate:			
HAZMAT program	-6,000,000	0	-6,000,000
ATR office	-2,625,000	0	-2,000,000
Contract maintenance	-3,659,000	0	0
Leased telecommunications	-6,200,000	-4,000,000	-5,000,000
Assoc. admin. ATS HQ staffing	-2,325,000	0	0
MARC	+1,500,000	0	0
PCS moves	-1,500,000	0	-1,500,000
Sat Comm, Anchorage, AK	0	+400,000	+400,000
NAS plan hand-off	0	-7,000,000	-7,000,000
Amount recommended	**4,171,707,000**	**4,181,916,000**	**4,171,416,000**
Aviation Regulation/Certification:			
Budget estimate:	613,768,000	613,768,000	613,768,000
Adjustments to budget estimate:			
Human intervention and motivation study (HIMS)	0	+400,000	+400,000
Amount recommended	**613,768,000**	**614,168,000**	**614,168,000**
Aviation Security:			
Budget estimate:	98,651,000	98,651,000	98,651,000
Adjustments to budget estimate:	-497,000	0	-497,000
Amount recommended	**98,154,000**	**98,651,000**	**98,154,000**
Research and Acquisition:			
Budget estimate:	92,858,000	92,858,000	92,858,000
Adjustments to budget estimate:	0	0	0
Amount recommended	**92,858,000**	**92,858,000**	**92,858,000**

	House	Senate	Conference
Administration of Airports:			
Budget estimate:	48,052,000	48,052,000	48,052,000
Adjustments to budget estimate:			
Staffing adjustment	0	0	0
Amount recommended	**48,052,000**	**48,052,000**	**48,052,000**
Commercial Space Transportation			
Budget estimate:	6,182,000	6,182,000	6,182,000
Adjustments to budget estimate:			
Staffing adjustment	0	0	0
Amount recommended	**6,182,000**	**6,182,000**	**6,182,000**
Administration:			
Budget estimate:	262,143,000	262,143,000	262,143,000
Adjustments to budget estimate:			
Executive staff-administration	-1,852,000	0	-1,852,000
Business & info consultation	-1,800,000	0	-1,800,000
Amount recommended	**258,491,000**	**262,143,000**	**258,491,000**
Staff Offices:			
Budget estimate:	71,930,000	71,930,000	71,930,000
Adjustments to budget estimate:			
Staffing adjustment	-1,825,000	0	0
Office of policy-periodic fitness reviews	-180,000	0	-180,000
Amount recommended	**69,925,000**	**71,930,000**	**71,750,000**
Account-Wide Adjustments:			
Travel reform	-5,900,000	0	-5,900,000
Time off awards	-2,875,000	0	-2,875,000
DOT library contribution	-120,000	0	-120,000
Interest on Sunday premium pay	-242,000	0	-242,000
Amount recommended	**-9,137,000**	**0**	**-9,137,000**

Total appropriation	5,350,000,000	5,375,900,000	5,351,934,000
(Appropriation in this bill)	(5,300,000,000)	(5,325,900,000)	(5,301,934,000)
(Mandatory user fees)	(50,000,000)	(50,000,000)	(50,000,000)

Mid-America Aviation Resource Consortium (MARC).—The conference agreement includes $1,700,000, as requested in the budget, to continue the agency's commitment to the Mid-America Aviation Resource Consortium (MARC) in Minnesota. The conferees believe that MARC provides cost-effective services to the FAA's air traffic controller training program, and does not compete with training services provided by the Mike Monroney Aeronautical Center in Oklahoma City.

Leased telecommunications.—The conferees agree that the reduction of $5,000,000 in leased telecommunications is based on the concern cited in the Senate report.

Cherry Capital Airport study.—The conferees agree with the direction of the House that the General Accounting Office should conduct a review of FAA's critical value studies on the Cherry Capital Airport in Michigan.

WINGS.—The conferees direct that no funds may be used in fiscal year 1998 to develop the proposed new personnel and payroll system known as WINGS.

Contract towers.—The conferees direct the FAA to study air traffic in New Bern and Hickory, North Carolina and Salisbury/Wicomico County Airport in Maryland and open contract towers at those airports in fiscal year 1998 if those studies show such airports: (a) meet existing benefit-cost criteria; or (b) are justified after consideration of cost-sharing agreements with non-federal parties. This modifies the Senate's proposal, which would have also directed establishment of a contract tower at these locations if the FAA projected that the airport might meet benefit-cost criteria within the next two years.

Regulations on the operation of lighter than air vehicles.—The conferees recognize the increasing popularity of hot air ballooning as a spectator and aviation sport. Currently, hot air balloons, also known as lighter than air (LTA) vehicles, are restricted by 14 CFR 91.119, the federal aviation regulation on minimum safe altitude requirement which normally applies to fixed wing aircraft. Understanding the vast differences between LTA and fixed wing aircraft, the conferees question the feasibility of requiring pilots of hot air balloons to comply with 14 CFR 91.119. The FAA currently exempts helicopters from this provision, and usually waives this regulation for hot air balloon rallies. The conferees encourage the FAA to examine this safety concern for balloonists and report back to the House and Senate Committees on Appropriations on the feasibility of exempting hot air balloons from this provision.

Electromagnetic hazards on commercial aircraft.—The conferees recognize the national need to examine the safety of commercial aircraft from electromagnetic interference. Currently, there is no independent organization that has the requisite resources such as aircraft, test facilities, and expertise that can function to provide science-based technical guidance for government and industry. The Department of Energy's Sandia National Laboratory and Army Test and Evaluation Command Directorate of Applied Technology Test and Simulation have the resources and ongoing programs that can provide science-based electromagnetic analysis and testing services for evaluation of aircraft safety issues due to the use of portable electric devices on board or other off-board electromagnetic sources such as high power radars and newer communication transmitters. The conferees encourage the FAA to examine the resources that exist within these organizations in order to begin addressing this issue.

GENERAL PROVISIONS

Wright Amendment.—The conferees have included the provision recommended by the Senate clarifying the meaning of section 29(a)(2) of the International Air Transportation Competition Act of 1979 regarding air transportation provided by commuter airlines operating aircraft with a passenger capacity of 56 passengers or less. The conferees do not adopt the Senate bill and report language relating to the Dallas City Council, and the discussions in the Senate report regarding regional jets. In addition, the conferees have added bill language including additional states to be covered under section 29(c) of the International Air Transportation Competition Act of 1979.

The conferees are concerned about the safety of flight operations in U.S. airspace, and have included language directing the FAA Administrator to ensure that aviation operations in the Dallas-Fort Worth metropolitan area are, and will remain, safe. In addition, the language directs the FAA Administrator to notify the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science, and Transportation of any restrictions on operations the Administrator directs to ensure safety. Further, the Administrator shall report to the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science, and Transportation within 45 days of enactment of this Act outlining any additional equipment or air traffic control support necessary to enhance traffic flow, airspace management, and safety in the Dallas-Fort Worth metropolitan area.

Upon a 25 percent increase in total flight operations from the levels existing as of the date of enactment of this Act at either Dallas Love Field or Dallas-Fort Worth International Airport, the Administrator of the Federal Aviation Administration shall initiate a review of air traffic management within the Dallas-Fort Worth metroplex and report to the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science, and Transportation within 180 days. This review shall include an analysis of congestion and delays in the metroplex airspace, the impact on Love Field or Dallas-Fort Worth International Airport, and air traffic management constraints in the region. Upon a 50 percent increase in total flight operations from the levels existing on the date of enactment of this Act at either of the airports mentioned in this section, the Administrator shall report to the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science, and Transportation within 30 days describing what actions, if any, are recommended to ensure the efficient and safe operation of Dallas-Fort Worth metroplex airspace.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $1,875,477,000 for facilities and equipment instead of $1,875,000,000 as proposed by the House and $1,889,004,883 as proposed by the Senate. The bill provides that funds for programs in budget activities one through four have an obligational availability of three years and funds for programs in budget activity five are available for two years, as proposed by the House and Senate. The total appropriation is derived from the airport and airway trust fund.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

FACILITIES AND EQUIPMENT
Fiscal Year 1998
Conference Agreement
(In thousands of dollars)

TITLE	FY 1997 Enacted	FY 1998 Estimate	FY 1998 House	FY 1998 Senate	Conference Agreement
ENGINEERING DEVELOPMENT, TEST AND EVALUATION:					
AVIATION WEATHER SERVICES IMPROVEMENTS	19,942.0	23,000.0	33,000.0	23,000.0	23,000.0
EN ROUTE AUTOMATION	96,500.0	0.0	0.0	0.0	0.0
VOICE SWITCHING AND CONTROL SYSTEM (VSCS) - EDT&E	13,300.0	0.0	0.0	0.0	0.0
OCEANIC AUTOMATION SYSTEM	39,000.0	32,000.0	42,000.0	32,000.0	32,000.0
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	0.0	0.0	15,000.0	0.0	15,000.0
NEXT GENERATION VHF A/G COMMUNICATION SYSTEM	2,090.0	7,400.0	7,400.0	7,400.0	5,400.0
WIDE AREA AUGMENTATION SYSTEM (WAAS) FOR GPS	95,000.0	0.0	0.0	0.0	0.0
NATIONAL SATELLITE TEST BED	11,500.0	0.0	0.0	0.0	0.0
AIR TRAFFIC MANAGEMENT (ATM)	0.0	18,240.0	45,440.0	18,240.0	45,440.0
WEATHER AND RADAR PROCESSOR (WARP)	0.0	0.0	24,400.0	0.0	24,400.0
SUBTOTAL - EN ROUTE PROGRAMS	**277,332.0**	**80,640.0**	**167,240.0**	**80,640.0**	**145,240.0**
TERMINAL DIGITAL RADAR (ASR-11)	13,300.0	42,200.0	42,200.0	35,800.0	35,800.0
TERMINAL AUTOMATION	48,000.0	68,000.0	73,000.0	68,000.0	68,000.0
REMOTE MAINTENANCE MONITORING SYSTEM	6,000.0	0.0	0.0	0.0	0.0
WEATHER SYSTEMS PROCESSOR (WSP)	8,055.0	6,200.0	6,200.0	5,200.0	5,200.0
AIRPORT SURFACE TARGET IDENTIFICATION SYSTEM	4,000.0	0.0	0.0	0.0	0.0
INNOVATIVE INFRARED DEICING TECHNOLOGY	0.0	0.0	970.0	0.0	970.0
SUBTOTAL - TERMINAL PROGRAMS	**79,355.0**	**116,400.0**	**122,370.0**	**109,000.0**	**109,970.0**
LOCAL AREA AUGMENTATION SYSTEM FOR GPS (LAAS)	6,000.0	6,500.0	6,500.0	6,500.0	6,500.0
WIDE AREA AUGMENTATION SYSTEM (WAAS)	0.0	101,530.0	114,000.0	101,530.0	152,830.0
SUBTOTAL - LANDING/NAVAIDS	**6,000.0**	**108,030.0**	**120,500.0**	**108,030.0**	**159,330.0**
FAA TECHNICAL CENTER FACILITY - BUILDING LEASE	5,290.0	5,290.0	5,290.0	5,290.0	5,290.0
UTILITY PLANT MODIFICATIONS	910.0	0.0	0.0	0.0	0.0
NAS IMPROVEMENT OF SYSTEM SUPPORT LABORATORY	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0
TECHNICAL CENTER FACILITIES	9,000.0	7,000.0	7,000.0	7,000.0	7,000.0
INDEPENDENT OPERATIONAL TEST SUPPORT	3,500.0	3,200.0	3,200.0	3,200.0	3,200.0
INNOVATIVE INFRARED DEICING TECHNOLOGY	0.0	0.0	0.0	970.0	0.0
SUBTOTAL, RDT&E EQUIPMENT AND FACILITIES	**20,700.0**	**17,490.0**	**17,490.0**	**18,460.0**	**17,490.0**
TOTAL ACTIVITY 1	***383,387.0***	***322,560.0***	***427,600.0***	***316,130.0***	***432,030.0***
AIR TRAFFIC CONTROL FACILITIES AND EQUIPMENT:					
LONG RANGE RADAR (LRR) PROGRAM - REPLACE/ESTABLISH	16,500.0	6,600.0	6,600.0	6,600.0	6,600.0
EN ROUTE AUTOMATION	106,100.0	214,240.0	214,190.2	214,240.0	212,290.2
NEXT GENERATION WEATHER RADAR (NEXRAD)	0.0	3,000.0	3,000.0	3,000.0	3,000.0
AIR TRAFFIC OPERATIONS MANAGEMENT	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
WEATHER AND RADAR PROCESSOR (WARP)	24,650.0	24,400.0	0.0	24,400.0	0.0
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	17,425.0	8,000.0	0.0	4,000.0	0.0
ARTCC BUILDING IMPROVEMENTS/PLANT IMPROVEMENTS	62,087.0	98,551.7	86,451.7	98,551.7	96,851.2
VOICE SWITCHING AND CONTROL SYSTEM (VSCS)	101,700.0	50,700.0	50,700.0	50,700.0	45,400.0
RCF - EXPAND/RELOCATE	2,825.0	1,440.0	1,440.0	3,140.0	3,140.0
TRAFFIC FLOW MANAGEMENT	38,000.0	0.0	0.0	0.0	0.0
AIR TRAFFIC MANAGEMENT	0.0	44,200.0	17,000.0	44,200.0	40,000.0
DATA MULTIPLEXING NETWORK (DMN)	3,900.0	3,900.0	3,900.0	3,900.0	2,900.0
CRITICAL COMMUNICATIONS SUPPORT	0.0	4,300.0	4,300.0	4,300.0	3,000.0
SATELLITE COMMUNICATIONS CIRCUIT BACK-UP	2,000.0	0.0	0.0	0.0	0.0
DOD BASE CLOSURE - FACILITY TRANSFER	500.0	2,200.0	2,200.0	2,200.0	2,200.0
BACK-UP EMERGENCY COMMUNICATIONS (BUEC)	3,000.0	8,500.0	8,500.0	8,500.0	8,500.0
AIR/GROUND COMMUNICATION RFI ELIMINATION	0.0	2,000.0	2,000.0	2,000.0	2,000.0
VOLCANO MONITOR	2,000.0	0.0	0.0	2,000.0	2,000.0

FACILITIES AND EQUIPMENT
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Conference Agreement
(In thousands of dollars)

TITLE	FY 1997 Enacted	FY 1998 Estimate	FY 1998 House	FY 1998 Senate	Conference Agreement
ATC BEACON INTERROGATOR (ATCBI) REPLACEMENT	1,000.0	7,400.0	7,400.0	7,400.0	7,400.0
SPECTRUM AUCTION IMPACT	40,000.0	0.0	0.0	0.0	0.0
LOW DENSITY RADIO COMMUNICATIONS LINK	0.0	29,840.0	23,840.0	23,840.0	23,840.0
ATC EN ROUTE RADAR FACILITIES	0.0	6,748.3	6,748.3	6,748.3	6,748.3
EN ROUTE COMMS AND CONTROL FACILITIES IMPROVEMENT	3,265.0	918.3	918.3	918.3	918.3
OMEGA TERMINATION COST	0.0	0.0	6,700.0	0.0	6,700.0
SUBTOTAL - EN ROUTE PROGRAMS	**425,952.0**	**517,938.3**	**446,888.5**	**511,638.3**	**474,488.0**
TERMINAL DOPPLER WEATHER RADAR (TDWR) - PROVIDE	4,655.0	4,800.0	2,300.0	2,300.0	2,300.0
MODE S - PROVIDE	3,980.0	0.0	0.0	0.0	0.0
TERMINAL AUTOMATION	16,300.0	40,000.0	33,800.0	40,000.0	36,500.0
REMOTE MAINTENANCE MONITORING SYSTEM (RMMS)	17,900.0	0.0	0.0	0.0	0.0
TERMINAL AIR TRAFFIC CONTROL FACILITIES - REPLACE	74,400.0	62,000.0	67,000.0	70,000.0	67,000.0
CONTROL TOWER/TRACON FACILITIES - IMPROVE	16,354.0	18,631.1	4,800.0	0.0	0.0
TERMINAL VOICE SWITCH REPLACEMENT (TVSR)	12,300.0	9,940.0	1,640.0	1,640.0	1,640.0
RADIO CONTROL EQUIPMENT (RCE) - PROVIDE	0.0	3,000.0	3,000.0	3,000.0	3,000.0
EMPLOYEE SAFETY/OSHA AND ENVIRONMENTAL COMPLIANCE	21,000.0	43,700.0	23,000.0	43,700.0	23,000.0
CHICAGO METROPLEX	2,900.0	4,700.0	4,700.0	4,700.0	4,700.0
NEW AUSTIN AIRPORT AT BERGSTROM	16,900.0	3,700.0	2,000.0	0.0	1,000.0
POTOMAC METROPLEX	1,000.0	2,600.0	27,600.0	2,600.0	27,600.0
DENVER METROPLEX	4,000.0	1,200.0	1,200.0	1,200.0	1,200.0
NORTHERN CALIFORNIA METROPLEX	7,500.0	21,700.0	21,700.0	21,700.0	21,700.0
ATLANTA METROPLEX	6,500.0	15,600.0	25,400.0	15,600.0	20,000.0
TOWER AUTOMATION PROGRAM	10,000.0	2,000.0	0.0	0.0	0.0
DIGITAL VOICE RECORDER SYSTEM	4,000.0	3,000.0	3,000.0	3,000.0	3,000.0
NAS INFRASTRUCTURE MANAGEMENT SYSTEM (NIMS)	0.0	26,750.0	18,000.0	25,350.0	18,000.0
AIRPORT SURVEILLANCE RADAR (ASR-9)	0.0	23,700.0	23,700.0	23,700.0	23,700.0
AIRPORT SURFACE DETECTION EQUIPMENT (ASDE-3)	4,000.0	0.0	8,600.0	0.0	7,500.0
TERMINAL RADAR (ASR) - IMPROVE	4,445.0	3,240.5	3,240.5	3,240.5	3,240.5
SOUTHERN CALIFORNIA METROPLEX	5,700.0	0.0	0.0	0.0	0.0
AIRPORT MOVEMENT AREA SAFETY SYSTEM (AMASS)	15,393.0	0.0	14,300.0	0.0	11,600.0
TERMINAL COMMUNICATIONS IMPROVEMENTS	3,406.0	2,189.0	0.0	0.0	0.0
GRR/GRT RADIO REPLACEMENT	12,000.0	0.0	0.0	0.0	0.0
SUBTOTAL - TERMINAL PROGRAMS	**264,633.0**	**292,450.6**	**288,980.5**	**261,730.5**	**276,680.5**
AUTOMATED SURFACE OBSERVING SYSTEM (ASOS)	12,644.0	14,850.0	14,850.0	24,850.0	24,850.0
OASIS	500.0	4,900.0	3,900.0	4,900.0	3,900.0
AUTOMATED WEATHER OBSERVING SYSTEM (AWOS)	550.0	0.0	0.0	0.0	0.0
AWOS/ASOS AUGMENTATION-STATE OF ALASKA	550.0	0.0	0.0	0.0	0.0
ADVANCED WEATHER OBSERVING SYSTEMS	0.0	0.0	7,150.0	0.0	0.0
DIGITAL ALTIMETER SETTING INDICATORS (DASI) - REPLACE	0.0	1,600.0	1,600.0	1,600.0	1,600.0
FLIGHT SERVICE FACILITIES IMPROVEMENT	0.0	1,418.5	1,418.5	1,418.5	1,418.5
SUBTOTAL - FLIGHT SERVICE PROGRAMS	**14,244.0**	**22,768.5**	**28,918.5**	**32,768.5**	**31,768.5**
VOR/DME/TACAN NETWORK PLAN	1,900.0	2,445.0	2,445.0	2,445.0	2,445.0
INSTRUMENT LANDING SYSTEM (ILS) - ESTABLISH/UPGRADE	2,900.0	3,000.0	3,000.0	23,000.0	3,000.0
ILS - REPLACE MARK 1A, 1B, AND 1C	0.0	2,200.0	2,200.0	2,200.0	2,200.0
LOW LEVEL WINDSHEAR ALERT SYSTEM (LLWAS)	17,399.0	4,300.0	4,300.0	4,300.0	4,300.0
RUNWAY VISUAL RANGE (RVR)	3,000.0	3,500.0	3,500.0	3,500.0	3,500.0
INSTRUMENT APPROACH PROCEDURES AUTOMATION (IAPA)	2,400.0	0.0	0.0	0.0	0.0
GULF OF MEXICO OFFSHORE PROGRAM	5,950.0	3,200.0	3,200.0	3,200.0	3,200.0
ILS REPLACEMENT/WILCOX CAT II/III	0.0	2,745.0	2,745.0	2,745.0	2,745.0
WIDE AREA AUGMENTATION SYSTEM (WAAS)	0.0	51,300.0	0.0	51,300.0	0.0
NDB SUSTAIN	0.0	1,400.0	1,400.0	1,400.0	1,400.0
NAVIGATIONAL AND LANDING AIDS - IMPROVE	3,744.0	2,402.5	2,402.5	3,357.5	3,000.0
ILS - REPLACE GRN-27	9,000.0	0.0	0.0	0.0	0.0
APPROACH LIGHTING SYSTEM IMPROVEMENT (ALSIP)	2,000.0	0.0	0.0	0.0	0.0

FACILITIES AND EQUIPMENT
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(In thousands of dollars)

TITLE	FY 1997 Enacted	FY 1998 Estimate	FY 1998 House	FY 1998 Senate	Conference Agreement
LORAN-C UPGRADES	4,650.0	0.0	5,000.0	0.0	3,000.0
PRECISION APPROACH PATH INDICATORS (PAPI)	3,125.0	0.0	5,000.0	5,000.0	3,500.0
ANEMOMETERS AND RELATED EQUIPMENT-JUNEAU, AK	375.0	0.0	0.0	3,500.0	3,500.0
TACTICAL LANDING SYSTEMS	0.0	0.0	0.0	10,000.0	0.0
SUBTOTAL - LANDING AND NAVIGATIONAL AIDS	**56,443.0**	**76,492.5**	**35,192.5**	**115,947.5**	**35,790.0**
ALASKAN NAS INTERFACILITY COMM SYSTEM (ANICS)	12,000.0	8,600.0	8,600.0	8,600.0	8,600.0
FUEL STORAGE TANK REPLACEMENT AND MONITORING	40,000.0	30,000.0	30,000.0	30,000.0	25,000.0
FAA BUILDINGS AND EQUIPMENT - IMPROVE/MODERNIZE	12,600.0	10,000.0	10,000.0	10,000.0	10,000.0
ELECTRICAL POWER SYSTEMS - SUSTAIN/SUPPORT	15,000.0	16,200.0	16,200.0	20,200.0	19,200.0
AIR NAVAIDS AND ATC FACILITIES (LOCAL PROJECTS)	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0
AIRCRAFT RELATED EQUIPMENT PROGRAM	4,900.0	2,000.0	2,000.0	2,000.0	2,000.0
AIRCRAFT FLEET MODERNIZATION	0.0	2,701.0	2,701.0	18,951.0	2,701.0
AIRPORT CABLE LOOP SYSTEMS - SUSTAINED SUPPORT	0.0	500.0	500.0	500.0	500.0
COMPUTER AIDED ENG GRAPHICS (CAEG) REPLACEMENT	1,500.0	1,000.0	1,000.0	1,000.0	1,000.0
SUBTOTAL - OTHER ATC FACILITIES	**88,000.0**	**73,001.0**	**73,001.0**	**93,251.0**	**71,001.0**
TOTAL ACTIVITY 2	***849,272.0***	***982,650.9***	***872,981.0***	***1,015,335.8***	***889,728.0***
NON-ATC FACILITIES AND EQUIPMENT:					
NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP)	0.0	1,000.0	1,000.0	1,000.0	1,000.0
HAZARDOUS MATERIALS MANAGEMENT	15,000.0	20,000.0	15,000.0	7,000.0	7,000.0
AVIATION SAFETY ANALYSIS SYSTEM (ASAS)	19,400.0	16,800.0	16,800.0	16,800.0	16,800.0
OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS)	5,100.0	1,600.0	0.0	1,600.0	1,000.0
FAA EMPLOYEE HOUSING - PROVIDE	5,000.0	0.0	0.0	0.0	0.0
LOGISTICS SUPPORT SYSTEM AND FACILITIES	1,500.0	9,749.0	9,749.0	9,749.0	9,749.0
TEST EQUIPMENT - MAINTENANCE SUPPORT	1,000.0	500.0	500.0	500.0	500.0
INTEGRATED FLIGHT QUALITY ASSURANCE	2,000.0	4,000.0	4,000.0	4,000.0	3,000.0
SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS)	2,600.0	4,100.0	4,100.0	4,100.0	4,100.0
NATIONAL AVIATION SAFETY DATA CENTER	3,700.0	2,000.0	2,000.0	2,000.0	2,000.0
NAS RECOVERY COMMUNICATIONS (RCOM)	1,500.0	0.0	0.0	0.0	0.0
PERFORMANCE ENHANCEMENT SYSTEM	5,400.0	11,000.0	11,000.0	11,000.0	11,000.0
EXPLOSIVE DETECTION SYSTEMS	144,200.0	0.0	0.0	0.0	0.0
SUBTOTAL - SUPPORT EQUIPMENT	**206,400.0**	**70,749.0**	**64,149.0**	**57,749.0**	**56,149.0**
COMPUTER BASED INSTRUCTION (CBI) - EXPAND/IMPROVE	3,000.0	5,500.0	3,000.0	5,500.0	3,000.0
AERONAUTICAL CENTER TRAINING AND SUPPORT FACILITIES	0.0	6,000.0	6,000.0	6,000.0	6,000.0
NATIONAL AIRSPACE SYSTEM (NAS) TRAINING FACILITIES	1,000.0	1,500.0	1,500.0	1,500.0	1,500.0
DSR TRAINING SIMULATOR (MARC)	0.0	0.0	4,000.0	0.0	4,000.0
AIRPORT FIREFIGHTING TRAINING (RMESTC)	0.0	0.0	0.0	750.0	0.0
SUBTOTAL - TRAINING EQUIPMENT & FACILITIES	**4,000.0**	**13,000.0**	**14,500.0**	**13,750.0**	**14,500.0**
TOTAL ACTIVITY 3	***210,400.0***	***83,749.0***	***78,649.0***	***71,499.0***	***70,649.0***
MISSION SUPPORT:					
SYSTEM ENGINEERING AND DEVELOPMENT SUPPORT	31,341.0	31,930.0	30,960.0	31,930.0	28,960.0
PROGRAM SUPPORT LEASES	29,600.0	27,500.0	27,500.0	27,500.0	27,500.0
LOGISTICS SUPPORT SERVICES	8,800.0	6,000.0	6,000.0	6,000.0	6,000.0
MIKE MONRONEY AERONAUTICAL CENTER - LEASE	15,500.0	15,200.0	15,200.0	15,200.0	15,200.0
IN-PLANT NAS CONTRACT SUPPORT SERVICES	4,800.0	2,500.0	2,500.0	2,500.0	2,500.0
TRANSITION ENGINEERING SUPPORT	47,500.0	44,800.0	44,800.0	44,800.0	44,800.0
FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE	1,200.0	1,500.0	1,500.0	1,500.0	1,500.0
PERMANENT CHANGE OF STATION MOVES	8,500.0	3,800.0	3,800.0	3,800.0	3,800.0
FAA SYSTEM ARCHITECTURE	6,500.0	5,200.0	5,200.0	5,200.0	3,500.0
TECHNICAL SERVICES SUPPORT CONTRACT (TSSC)	65,900.0	54,700.0	54,700.0	54,700.0	54,700.0

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(In thousands of dollars)

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RESOURCE TRACKING PROGRAM	1,000.0	500.0	500.0	500.0	500.0
CENTER FOR ADVANCED AVIATION SYSTEM DEV. (MITRE)	57,000.0	55,300.0	59,000.0	55,300.0	57,000.0
FY 2000 COMPUTER REPLACEMENT	0.0	18,000.0	18,000.0	18,000.0	18,000.0
WAREHOUSED EQUIPMENT	0.0	0.0	7,000.0	0.0	0.0
TOTAL ACTIVITY 4	***277,641.0***	***266,930.0***	***276,660.0***	***266,930.0***	***263,960.0***
PERSONNEL AND RELATED EXPENSES:					
PERSONNEL AND RELATED EXPENSES	217,000.0	219,110.0	219,110.0	219,110.0	219,110.0
TOTAL ACTIVITY 5	***217,000.0***	***219,110.0***	***219,110.0***	***219,110.0***	***219,110.0***
TOTAL	***1,937,700.0***	***1,874,999.9***	***1,875,000.0***	***1,889,004.8***	***1,875,477.0***

Funding responsibility for navigation and landing aids.—The conferees agree with the direction of the House that the FAA should not move forward on any proposal to shift funding responsibility for navigation and landing aids from the FAA to other parties without specific Congressional authorization.

Instrument landing systems—establishment.—The conference agreement provides $3,000,000 for installation of previously purchased instrument landing systems as requested in the budget and proposed by the House, instead of $23,000,000 as proposed by the Senate. The conferees agree not to direct these funds be allocated to specific locations.

Assessments.—The conferees agree with the direction of the House that the FAA is to discontinue the practice of "assessing" F&E projects for administrative costs unrelated to the specific F&E program.

GPS wide area augmentation system.—The conferees agree to provide $152,830,000 for continued development of the GPS wide area augmentation system (WAAS), as proposed by the Senate, instead of $114,000,000 as proposed by the House. All funds are provided under budget activity one, as proposed by the House, reflecting the developmental nature of this program.

The conferees are very concerned about the current status of this important program, and that comprehensive and timely planning—in concert with budget deliberations—is not being conducted. In the last three years, this program has witnessed changes in the prime contractor, the program manager, and the program sponsor. Significant new requirements have been announced by the FAA, the cost to complete has risen, and the schedule has slipped. And all this has occured in a program which has enjoyed the highest level of Congressional and Executive Branch support for funding—and which has been held up as an example of FAA's new acquisition management system.

The conferees are concerned that this critical program not turn into another debacle like the advanced automation system. Therefore, the conferees direct:

(a). That no more than 25 percent of fiscal year 1998 funds be obligated until the Secretary of Transportation reports to the House and Senate Committees on Appropriations regarding the status and management of the program, including a funding profile for all years of the program;

(b). That no more than 70 percent of fiscal year 1998 funds be obligated until April 1, 1998, unless the Appropriations Committees provide approval prior to that date;

(c). That the FAA administrator provide quarterly reports to the Appropriations Committees on cost, schedule, and technical performance status; and

(d). That the Comptroller General report to the Appropriations Committees on the status of the program, not later than March 1, 1998.

The conferees are uncertain of how FAA intends to provide satellite communications capability for this program, and the extent to which those costs are included in long range capital budget plans. Therefore, the conferees request the Secretary of Transportation to submit a report detailing the specific plans in this regard, including a detailed funding profile and schedule, by February 15, 1998.

The conference agreement provides funding sufficient for this program to maintain its current schedule. As a result, the conferees have deleted funds proposed by the Senate for additional instrument landing systems and for tactical landing systems. However, the conferees advise the FAA that a reprogramming for these systems might be directed during fiscal year 1998 if the FAA is unable to meet the tests above ensuring timely obligation of fiscal year 1998 WAAS funding.

Potomac metroplex.—The conference agreement provides $27,600,000 for construction of the Potomac metroplex, as proposed by the House, instead of $2,600,000 as proposed by the Senate. After many years of study, to the conferees' knowledge the FAA has not identified any aircraft noise-related issues attendant with the construction of this new facility. However, should the FAA determine in the future that adverse noise impacts might occur, the FAA is expected to advise the House and Senate Appropriations Committees in a timely manner.

Terminal automation.—The conferees are alarmed to learn that the FAA has internally reported a shortfall in the funding needed to continue production of the DDM-2300 series monitors, which are key elements in the architecture of the STARS program. This could not only jeopardize the fixed price contract, but also halt U.S. production of these monitors. The conferees direct the FAA to report to the House and Senate Committees on Appropriations by December 15, 1997 explaining how the agency will locate the resources necessary to continue to monitor production during fiscal year 1998.

Weather observing systems.—The conferees do not agree with the House's direction requiring a competitive procurement between AWOS and ASOS systems, but direct the FAA to perform a cost-capability tradeoff study to determine the appropriateness of procuring more AWOS units in fiscal year 1999. The conference agreement includes $10,000,000 as proposed by the Senate for the acquisition of additional ASOS systems.

ARTCC building improvements.—The conferees agree that, of the funds provided for "ARTCC building/plant improvements", $12,100,000 is for relocation of the Honolulu center/radar approach control (CERAP), as proposed by the Senate. The House recommended no funding for this facility.

Navigational and landing aids.—The conferees agree that, within funds provided for "Navigational and landing aids", the FAA should allocate $80,000 for an ODALS system at the airport in Cordova, Alaska, and sufficient funding to develop instrument approaches at the airport in Rutland, Vermont.

Terminal automated radar display and information system.—The conferees encourage the FAA to give full consideration to installing a terminal automated radar display and information system (TARDIS) at Paine Field in Washington.

Tucson International Airport tower study.—The conferees are concerned that the extension of the main runway at Tucson International Airport has altered the line of sight of air traffic controllers at this facility, and that the current placement of the control tower does not allow the controllers full visibility of the airfield. The conferees direct the FAA to conduct a study to determine if the air traffic control tower needs to be relocated to ensure the continued safety of flight operations at this airport.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $199,183,000 for FAA research, engineering, and development instead of $185,000,000 as proposed by the House and $214,250,000 as proposed by the Senate.

The following table shows the distribution of funds in the House and Senate bills and the conference agreement:

RESEARCH, ENGINEERING, AND DEVELOPMENT
Fiscal Year 1998
Conference Agreement

Program Name	Budget Estimate	Comparative Estimate	FY 1998 House	FY 1998 Senate	Conference Agreement
System Development and Infrastructure	**75,550,000**	**16,379,000**	**9,804,000**	**75,550,000**	**14,654,000**
System planning & resource management	1,164,000	2,889,000	1,860,000	1,164,000	1,164,000
Technical laboratory facility	3,341,000	8,046,000	2,500,000	3,341,000	8,046,000
Center for Advanced Aviation System Development	5,444,000	5,444,000	5,444,000	5,444,000	5,444,000
Personnel and related expenses	65,601,000	0	0	65,601,000	0
Capacity and Air Traffic Management Technology	**9,108,000**	**24,383,000**	**25,297,000**	**9,108,000**	**21,258,000**
Air traffic management technology	2,986,000	4,812,000	2,986,000	2,986,000	2,986,000
Oceanic automation program	0	4,202,000	5,000,000	0	4,202,000
Runway incursion reduction	2,990,000	3,294,000	6,000,000	2,990,000	6,000,000
System capacity, planning and improvements	1,367,000	4,013,000	7,241,000	1,367,000	4,000,000
Cockpit technology	1,765,000	4,070,000	4,070,000	1,765,000	4,070,000
General aviation/vertical flight technology	0	1,172,000	0	0	0
Modeling, analysis, and simulation	0	0	0	0	0
Free flight implementation	0	2,820,000	0	0	0
Communications, Navigation & Surveillance	**15,132,000**	**23,362,000**	**15,132,000**	**15,132,000**	**18,103,000**
Communications	4,706,000	9,965,000	4,706,000	4,706,000	4,706,000
Navigation	10,426,000	13,397,000	10,426,000	10,426,000	13,397,000
Surveillance	0		0	0	0
Weather	**3,982,000**	**6,055,000**	**15,300,000**	**8,982,000**	**15,300,000**
Airport Technology	**5,458,000**	**7,854,000**	**5,000,000**	**5,458,000**	**5,000,000**
Aircraft Safety Technology	**26,625,000**	**38,999,000**	**42,662,000**	**34,625,000**	**49,202,000**
Aircraft systems fire safety	2,049,000	5,665,000	6,993,000	2,049,000	6,993,000
Advanced materials/structural safety	1,700,000	2,706,000	3,065,000	1,700,000	3,065,000
Propulsion and fuel systems	1,691,000	3,048,000	5,000,000	1,691,000	5,000,000
Flight safety/atmospheric hazards research	1,660,000	3,018,000	2,063,000	1,660,000	2,063,000
Aging aircraft	12,966,000	16,040,000	15,000,000	20,966,000	21,540,000
Aircraft catastrophic failure prevention research	1,270,000	1,981,000	4,000,000	1,270,000	4,000,000
Aviation safety risk analysis	5,289,000	6,541,000	6,541,000	5,289,000	6,541,000
System Security Technology	**49,895,000**	**56,045,000**	**39,655,000**	**51,145,000**	**44,225,000**
Explosives and weapons detection	36,200,000	39,568,000	30,135,000	37,450,000	34,200,000
Airport security technology integration	4,000,000	5,358,000	2,485,000	4,000,000	2,485,000
Aviation security human factors	4,695,000	5,512,000	5,540,000	4,695,000	5,540,000
Aircraft hardening	5,000,000	5,607,000	1,495,000	5,000,000	2,000,000
Human Factors & Aviation Medicine	**10,737,000**	**21,668,000**	**26,550,000**	**10,737,000**	**26,550,000**
Flight deck/maintenance/system integration human factors	7,272,000	9,457,000	12,550,000	7,272,000	12,550,000
Air traffic control/airway facilities human factors	3,078,000	7,624,000	10,000,000	3,078,000	10,000,000
Aeromedical research	387,000	4,587,000	4,000,000	387,000	4,000,000
Environment and Energy	**2,891,000**	**2,891,000**	**3,600,000**	**2,891,000**	**2,891,000**
Innovative/Cooperative Research	**622,000**	**2,364,000**	**2,000,000**	**622,000**	**2,000,000**
Total appropriation	*200,000,000*	*200,000,000*	*185,000,000*	*214,250,000*	*199,183,000*

Runway incursion reduction.—The conferees agree that, within the funds available, the FAA should pursue, as a high priority, further development of the surface movement advisor and the demonstration of low-cost ASDE technology.

Weather research.—The conferees provide $15,300,000 for weather research as proposed by the House instead of $8,982,000 as proposed by the Senate. The FAA is directed not to reprogram any of these funds to activities outside the weather research program, as proposed by the House. Within the amount provided, the FAA is to allocate funds as follows:

Center for Wind, Ice and Fog, New Hampshire	$500,000
Project Socrates	3,000,000
National Center for Atmospheric Research (NCAR)	11,000,000

ATC/AF human factors.—The conferees agree that, of the funds provided for ATC/AF human factors, $500,000 is available only for additional research into assessment, evaluation, and development of training methodologies related to the English language proficiency problem.

Flight 2000.—The conference agreement includes bill language prohibiting funds in this Act from implementing the Flight 2000 demonstration program during fiscal year 1998. While the conferees agree that this program may ultimately prove to have merit, a great deal of financial and technical planning, and justification before the Congress, still needs to take place. The administration has not requested funds for this effort in fiscal year 1998, and the conferees agree with the House that funds should not be reprogrammed from other important FAA activities to begin such a large program midway through the year.

Aging aircraft.—Of the $21,540,000 provided for "Aging aircraft", the conferees agree to the following allocations: $3,000,000 for direct support of the Aging Aircraft Nondestructive Inspection Validation Center; $1,000,000 for aging aircraft-related activities at the Center for Aviation Systems Reliability; $6,000,000 for the Airworthiness Assurance Center of Excellence; $1,500,000 to conduct research at the Center for Intelligent Aviation Technologies; and $4,400,000 to further engine titanium component inspection.

Explosives and weapons detection.—The conferees agree that, of the funds provided for "Explosives and weapons detection", $1,250,000 is to continue to develop pulsed fast neutron transmission spectroscopy technology, as specified in the Senate report.

Explosive detection systems.—Consistent with the administration's budget request for fiscal year 1998, the conferees have not provided fiscal year 1998 funding for the acquisition and deployment of explosive detection systems. Since submission of the administration's fiscal year 1998 budget, the House and Senate Committees on Appropriations have repeatedly impressed upon the department that the Congress is open to a budget amendment on this issue. However, no amendment requesting funds for these systems has been submitted. The conferees reiterate a willingness to consider such funding in future appropriations action, should funding be requested. The conferees also note that acquisition of these systems is eligible for funding, under the airport improvement program. The conference agreement provides $1,700,000,000 for this program, which is a substantial increase over fiscal year 1997.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $1,600,000,000, as proposed by the House and the Senate.

Obligation limitation.—The conferees agree to an obligation limitation of $1,700,000,000 for the "Grants-in-aid for airports" program, as proposed by both the House and the Senate. The conferees also agree to the provision in the Senate bill which limits funds for the military airport program and the noise planning and mitigation program in order to provide additional funds for capacity enhancements and safety projects. Without this provision, there would be an imbalance between the various components of this program, with safety, security, small hubs, true discretionary, and capacity-enhancement funds held at the fiscal year 1997 level while allowing huge increases in two particular programs: the military airport set-aside and the noise-mitigation set-aside (increases of 252 percent and 66 percent, respectively). While providing an overall increase of 16 percent, the conference agreement provides more consistent and fair increases for each of these categories, as follows:

	Percent
Noise mitigation	+39.4
Military airport program	+40.5
Capacity/safety/security/noise (CSSN)	+27.0
Remaining discretionary	+27.0

Priority consideration.—The conferees agree that the FAA should give priority consideration to grant applications for the projects listed in the House or Senate reports, or in this statement of the managers, in the categories of discretionary grants for which they are eligible. If projects cited in these reports which are eligible for fiscal year 1998 AIP funding are not funded with funds in the remaining discretionary category, the conferees expect that any projects funded within this discretionary category will be:

(a). Projects for which FAA has issued letters of intent (LOIs);

(b). Projects that will produce significant aviation safety improvements;

(c). Projects otherwise necessary for rehabilitation of airport infrastructure; or

(d). Projects with a positive net present value, as determined by a benefit-cost analysis, for those projects exceeding $5,000,000 in capacity discretionary funding.

In addition to those airports listed in the House and Senate reports, the conferees agree to the following:

Akron-Canton Regional Airport, North Canton, Ohio.—The conferees urge the FAA to give priority consideration to requests for discretionary funding for the extension of runway 1-19.

Rickenbacker International Airport, Columbus, Ohio.—The conferees are pleased to note the significant progress made in the transition of the former Rickenbacker Air Force Base to Rickenbacker International Airport and foreign trade zone number 138. The conferees encourage the FAA to give favorable consideration to grant applications within available discretionary programs that will support Rickenbacker's five year capital improvement plan to address essential infrastructure needs.

Montgomery County Airport, PA.—The conferees agree that projects at this airport should receive priority consideration by the FAA, except the conferees agree that the safety concerns of residents adjacent to Wings Field should be addressed to their satisfaction before grant funding is considered or approved.

Waynesboro Airport, MS.—The conferees direct the FAA to give priority consideration to requests for discretionary funding to support continuation of the airport's improvement program, including earthwork and site preparation for a project to lengthen and widen a runway and construct a parallel taxiway and apron.

Brewton Municipal Airport, AL.—The conferees urge the FAA to give priority consideration to needed safety improvements at this joint military/civilian use airport.

Pueblo Airport, CO.—The conferees urge the FAA to give priority consideration to projects to improve and expand the Pueblo Airport in Colorado.

Philadelphia International Airport, PA.—The conferees urge the FAA to give high priority to the installation of an instrument landing system and precision runway monitor at Philadelphia International Airport in line with support for timely completion of a new runway at this facility. The conferees note the consistent support for this new runway by both FAA and the Congress. The schedule for installation of navigational aids at Philadelphia by the FAA needs to coincide with completion of the new runway, now scheduled to occur in December 1999, to ensure the safe and efficient use of the runway under instrument weather conditions.

Colorado Springs Airport, CO.—The conferees agree that the FAA should give priority consideration to rehabilitation of runway 17R/35L at Colorado Springs Airport instead of the projects cited in the Senate report.

Moore County Airport, NC.—Enplanements at the Moore County Airport, which serves the resort area of Pinehurst, continue to increase and the airport is thus eager to embark on the first phase of its four stage expansion plan. The airport wishes to accelerate the requisite land acquisitions due to the rapid growth of the area and the resultant appreciation of local real estate values. The conferees urge the FAA to give priority consideration to requests for discretionary funding for these land purchases and for projects related to timely safety and security improvements at the Moore County Airport.

Anchorage International Airport, AK.—The conferees have provided language in the Senate report urging FAA to issue a letter of intent to support planned improvements at Anchorage International Airport. Instead, the conferees urge FAA to give priority consideration for discretionary grants for surface improvements at the airport to support a new air cargo facility, to be developed with private funds, and for other improvements planned to meet expected growth in passenger traffic over the next twenty years.

Isbell Field Municipal Airport, AL.—The conferees are pleased that, since 1993, the FAA has assisted the City of Fort Payne, Alabama in its efforts to acquire the requisite land to expand the Isbell Field Municipal Airport. The multiyear funding requested by the City of Fort Payne would expand Isbell Field and increase its capacity to meet the growing aviation needs of De Kalb County. The conferees recognize the need for land acquisition at this airport and urge the FAA to award discretionary grants for the expanded runway project consistent with existing evaluation criteria.

Clover Field Airport, TX.—The conferees are pleased to note that, since 1989, the FAA has assisted local public sponsors in their efforts to acquire Clover Field Airport, a privately-owned, public use federal reliever airport

near Houston Hobby Airport in Texas. The FAA has helped fund Clover Field's feasibility study, airport master plan, and environmental assessment. The conferees consider this to be a worthy project, recognizing that Clover Field has served the region for over fifty years, and noting that the FAA has also recognized its importance by choosing it as the site for the recently commissioned doppler weather radar system and by making it one of the few general aviation facilities with a GPS weather station. Therefore, if the public sponsors complete their due diligence in fiscal year 1998, the conferees encourage the FAA to provide the needed funding to them for the final acquisition of Clover Field Airport.

San Diego International Airport, CA.—As a result of noise litigation, in 1993 the San Diego Unified Port District made a commitment to the community surrounding the San Diego International Airport to complete a school sound attenuation program. Of the five schools in the program, only one—Point Loma High School—remains to be sound attenuated. The conferees encourage FAA to give priority consideration to requests for discretionary funding to expedite and complete this program.

Ogden-Hinckley International Airport, UT.—The conferees are concerned about the adequacy of security provided for the Ogden-Hinckley Airport, not just the immediate area around the terminal. While security fencing of the terminal area might address the security needs of the airport in its existing role, the fencing may be inadequate for the 2002 Winter Olympics or for anticipated growth. The conferees are concerned about the vulnerability to intrusion of the taxiways, hangers, tie-downs, the heli-pad, the deicing area, and other facilities outside the 650 feet of fencing immediately adjacent to the terminal. Accordingly, the conferees urge the administrator to give priority consideration to construction of fencing which meets section 107 security mandates around the entire perimeter of the airport, to include Olympics-related security needs. In evaluating security needs related to the Olympics, the administrator should confer with local and federal law enforcement agencies.

Westmoreland County Airport, PA.—The conferees are aware of the need for funding for the second phase of the expansion of the terminal at the Westmoreland County Airport. This project, when completed, will include more efficient passenger and baggage handling systems, as well as new commercial space. The conferees urge the FAA to give this project priority consideration for available discretionary funds.

Johnstown-Cambria County Municipal Airport, PA.—The conferees are aware of the need for funding of the terminal renovation project and for constructing a firefighting and snow removal equipment building at Johnstown-Cambria County Municipal Airport. The terminal has not been renovated since 1966, and a bigger terminal would attract larger aircraft and more passengers. The conferees urge the FAA to give this project priority consideration for available discretionary funds.

Instrument landing systems.—The conferees agree that the following AIP-eligible equipment should be given priority consideration for discretionary grants:

Zanesville Airport, OH.—installation of localizer and glideslope equipment;

Hays Municipal Airport, KS.—instrument landing system;

Stanly County Airport, NC.—installation of instrument landing system;

Bessemer Airport, AL.—instrument landing system;

Manistee Blacker Airport, MI.—instrument landing system; and

Stennis International Airport, MS.—instrument landing system.

Letters of intent.—The conferees encourage the FAA to consider signing a letter of intent (LOI) for major capacity enhancement projects at the following airports:

New Orleans International, LA
Philadelphia International, PA
Atlanta Hartsfield International, GA
Seattle-Tacoma International, WA
Minneapolis-St. Paul International, MN
Salt Lake City International, UT

The conferees also direct the FAA to advise the House and Senate Committees on Appropriations thirty days prior to awarding any new LOI. This letter should detail any cost savings to the overall project expected to result from the proposed LOI and should list any other LOI applications pending before the FAA. The conferees note that the policy of prior written Congressional notification has been in effect for several years for LOIs totaling more than $10,000,000. However, greater attention needs to be paid to this requirement.

Minneapolis-St. Paul International Airport, MN.—The Minneapolis-St. Paul airport serves as a major hub and a regional air service connector for the upper midwest states. Construction of the planned new 8,000 foot north-south runway, primarily for air carrier operations, is projected to increase the operational capacity of the airport by 25 percent. As such, this project, including land acquisition, would significantly enhance system-wide airport capacity and reduce congestion and delay for aircraft and passengers in a multistate area. The FAA expects that its environmental review of this new runway will be completed during the first quarter of calendar year 1998. The conferees encourage the FAA to consider signing a letter of intent of AIP discretionary funds to this project so this capacity-enhancement project can be constructed as soon as feasible.

Salt Lake City International Airport, UT.—The Salt Lake City International Airport has embarked on a capacity enhancement development program designed to provide much-needed additional airport capacity for the future, as well as for the 2002 Winter Olympic Games. During the past five years, passenger activity has grown 60 percent, making Salt Lake City the second fastest growing airport in the nation. The conferees encourage the FAA to consider signing a letter of intent for the development program at this important airport.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds $412,000,000 in contract authority instead of $190,000,000 as proposed by the Senate. These funds are unavailable for obligation because they represent a portion of the amount of budget authority above the fiscal year 1997 obligation limitation. Therefore, this rescission will have no effect on ongoing airport construction programs.

AVIATION INSURANCE REVOLVING FUND

The conference agreement includes language authorizing the expenditure of funds for aviation insurance activities as proposed in the House and Senate bills. This legislative language has been carried in appropriations Acts for many years, and is expected to result in no budget authority or outlays during fiscal year 1998.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The conference agreement includes the qualified limitation on funds for the "Aircraft purchase loan guarantee program" proposed by the Senate instead of the outright prohibition on funds proposed by the House. Funding of up to $5,000 for this program has been included under FAA "Operations".

ADMINISTRATIVE SERVICES FRANCHISE FUND

The conference agreement deletes the prohibition on funding new activities under FAA's Administrative Services Franchise Fund during fiscal year 1998 proposed by the House. The conferees direct FAA to submit a report to the House and Senate Committees on Appropriations no later than March 1, 1998 detailing any cost savings which have been achieved by the FAA from operation of the franchise fund.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

The conference agreement limits general operating expenses of the Federal Highway Administration (FHWA) to $552,266,000, instead of $510,313,000 as proposed by the House and $558,440,000 as proposed by the Senate.

The conference agreement provides extended availability of $241,708,000 for contract programs of the Federal Highway Administration, instead of $202,226,000 as proposed by the House and $245,687,000 as proposed by the Senate.

The recommended funding distribution by program and activity of the administrative expenses and research and development programs of the FHWA is as follows:

Program/Activity	*Conference level*
Administrative expenses	$259,558,000
Motor carrier safety administrative expenses	51,000,000
Contract programs:	
Research and technology:	
Highway research and development	61,087,000
Intelligent transportation systems	130,160,000
Technology development	13,311,000
National advanced driving simulator	13,250,000
Local technical assistance	
National Highway Institute	
Minority business enterprises	10,000,000
International transportation	900,000
Rehabilitation of TFHRC	2,000,000
Technical assistance to Russia	
GPS support	1,000,000
R and T technical support	10,000,000
Total	552,266,000

The highway research and development and intelligent transportation systems programs by activity are displayed below:

Program/Activity	*Conference level*
Highway research and development:	
Safety	$9,500,000
Pavements	10,500,000
Structures	15,256,000
Environment	5,666,000
Right-of-way	365,000
Policy	5,400,000
Planning	7,000,000
Motor carrier	7,400,000
Total	61,087,000

Program/Activity	Conference level
Intelligent transportation systems:	
Research and development	31,500,000
Operational tests	83,900,000
Evaluations	7,000,000
Program support	7,760,000
Total	130,160,000

Office of motor carriers.—The conferees have provided $51,000,000 for the office of motor carriers' administrative expenses within the FHWA's limitation on general operating expenses. The conference agreement includes the following adjustments to the budget request:

Operating expenses excluding rent	−$245,000
Federal/industry training	−1,220,000
Outreach	−300,000

Flexibility in the use of funds provided under the limitation on general operating expenses.—The conferees acknowledge that certain activities funded under the limitation on general operating expenses in prior years are not recommended for funding in fiscal year 1998. This treatment is consistent with the administration's fiscal year 1998 budget request, which assumed that these activities will be provided contract authority under legislation pending to reauthorize the federal-aid highway program. The conferees agree that if legislation is not enacted in fiscal year 1998 providing contract authority for these activities, the FHWA may, following notification to and approval of the House and Senate Committees on Appropriations, utilize funds provided within this limitation on general operating expenses for such activities.

Highway research and development.—The conference agreement deletes the House's direction that up to $100,000 of the funds provided for highway research and development be allocated for the San Joaquin air quality study. Funds for the air quality study have been allocated within the funds provided for environment research and development.

The conference agreement deletes the House's direction that funds for various highway research and development activities shall not be obligated until after FHWA has increased its cost sharing from non-federal sources. The FHWA is directed, however, to increase substantially its cost sharing arrangements with non-federal sources in fiscal year 1998 and is directed to document those efforts and successes to the House and Senate Committees on Appropriations with its annual Congressional justifications.

Safety.—The conference agreement includes $250,000 for pedestrian and bicycle safety and $250,000 to conduct a demonstration of technologies and practices to improve the driving performance of elderly drivers.

Structures.—The conference agreement provides sufficient funds to pursue research into high performance materials and bridge systems. The conferees encourage FHWA to work with an academic and industry-led national consortium to demonstrate the applications of an all-composite bridge for civil engineering purposes.

Environment.—The conference agreement includes funding for FHWA's participation in the assessment of methodologies needed for estimating emissions of particulate matter in the San Joaquin Valley of California. The conferees encourage the FHWA to continue its work with the National Center for Physical Acoustics to identify scientific issues which impede accurate noise prediction.

Planning.—The conference agreement provides $7,000,000 for planning research and development. The conferees encourage the FHWA to assess the Red River corridor transportation infrastructure of the five state area pursuant to the recommendations of the Northern Great Plains Rural Development Commission. The conference agreement does not include any funding for the sustainable transportation initiative.

Motor carrier.—The conference agreement includes sufficient funds to conduct a study on the prevalence of sleep apnea in truck drivers and for an operational test and validation of technological aids to improve fatigue management among commercial truck drivers.

Intelligent transportation systems (ITS).—Within the funds provided for operational tests, the conferees direct that funding shall be available for the following projects in the amounts specified below:

Project	Conference level
Advanced transportation weather information system, University of North Dakota	$775,000
Arizona National Center for Traffic and Logistics Management	1,000,000
Commercial vehicle operations, I-5, California	1,500,000
Cumberland Gap tunnel, Kentucky	1,550,000
Dade County Expressway, Florida toll collection system	1,000,000
Franklin County, Massachusetts traveler information system	875,000
Greater Milwaukee freeway traffic management system (MONITOR)	5,500,000
Houston, Texas	1,500,000
I-90/I-94 rural ITS corridor, Wisconsin	1,700,000
Inglewood, California	500,000
Louisiana interstates 55, 10, and 610, ITS systems	5,500,000
Market Street and Pennsylvania convention center passenger information center	325,000
Minnesota Guidestar	6,000,000
Nashville, Tennessee traffic guidance system	750,000
National capital region congestion mitigation	6,000,000
National Institute for Environmental Renewal	1,000,000
I-90 connector, Rensselaer County, New York	1,250,000
I-275, St. Petersburg, Florida	1,000,000
Syracuse, New York advanced transportation management system	1,000,000
Texas Transportation Institute	1,000,000
Rt. 236/I-495, Northern Virginia, ITS systems	500,000
Bozeman, Montana, Western Transportation Institute	1,000,000
Southeast Michigan snow and ice management (SEMSIMS)	1,150,000
Utah intelligent transportation systems	3,500,000
Kansas City, MO, intermodal common communications technology	1,000,000
Reno, NV, intelligent transportation systems	1,875,000
Barboursville—Ona, WV, traffic management	8,000,000
North Dakota State University advanced traffic analysis center	600,000
Sullivan County, NY, emergency weather system	1,000,000
Urban Transportation Safety Systems Center (Philadelphia)	250,000
New York City toll plaza scanners	1,100,000
Cleveland, OH, computer integrated transit maintenance environment project	1,000,000
Santa Teresa, NM, intermodal technology demonstration project[1]	1,000,000
Operation Respond hazardous materials emergency response software	1,000,000
Washington State radio communication emergency call boxes	750,000
Washington statewide roadway weather information system	1,250,000
I-95 multi-state corridor coalition	1,000,000
Colorado I-25 truck safety improvements	9,000,000
Tuscaloosa, AL, traffic integration and flow control	2,200,000
Pennsylvania Turnpike Commission ITS	6,000,000
Alaska cold weather ITS sensing	1,000,000

[1] To be provided to the ATR Institute.

Should the reauthorization or the temporary extension of the Intermodal Surface Transportation Efficiency Act limit the administrative draw down of the Federal Highway Administration in such a way as to limit resources available to fully fund the preceding ITS projects under the limitation on general operating expenses, the conferees direct the FHWA to fund these ITS projects at the levels specified from funds made available for ITS deployment and research and development in the temporary extension and the reauthorization of the Intermodal Surface Transportation Efficiency Act.

International transportation.—The conferees encourage the FHWA to undertake a study on the potential for establishing a roadlink from Wrangell, Alaska to the Canadian border along a proposed Brandfield alignment.

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(LIQUIDATION OF CONTRACT AUTHORIZATION)

The conference agreement deletes an appropriation proposed by the Senate for liquidating cash for highway-related safety grants. The House bill contained no similar appropriation.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

The conference agreement includes $300,000,000 for the Appalachian development highway system as proposed by the Senate. The House bill contained no similar appropriation.

The conference agreement includes language that prohibits the expenditure of funds made available under this heading for engineering, design, right-of-way acquisition or major construction of the Appalachian development highway system between I-81 in Virginia and the community of Wardensville, West Virginia.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highway program to $21,500,000,000 as proposed by the House instead of $21,800,000,000 as proposed by the Senate.

The conference agreement deletes the Senate references of priority designations and set-asides within the Federal Highway Administration's discretionary grant programs.

Emergency relief program.—In view of a recent Inspector General report questioning the use of over $100 million in highway emergency relief funds, the conferees are concerned about the FHWA's stewardship of the

emergency relief program. The conferees expect FHWA to improve its program management by closely monitoring the expenditure of such funds and adhering to the program eligibility criteria. The conferees further require FHWA to provide a report explaining when emergency relief funds can be used to pay for "betterments". The report shall provide specific examples of the types of betterments FHWA would expect to be funded as a result of the environmental process. The conferees direct that the report be delivered to the House and Senate Committees on Appropriations not later than February 1, 1998.

Central Artery/Third Harbor Tunnel project.—The conferees are concerned that the cost estimate for the Central Artery/Third Harbor tunnel (CA/THT) project in Boston, Massachusetts has increased to approximately $11 billion. As noted in the past, the Commonwealth of Massachusetts must recognize that any cost growth that occurs in this project through the point of its completion will detract from what the state can hope to accomplish in its transportation investments throughout the state for many years to come. The conferees will not support any additional special federal-aid highway funding for the Commonwealth of Massachusetts for this project other than those funds that are apportioned to the state by formula as enacted by Congress. Therefore, cost increases in the project must either be covered by state funds or Massachusetts' formula federal-aid funding.

Further, although the state is currently free to utilize its federal-aid formula funds to support the project, the conferees are concerned that (1) support of the project not adversely impact transportation investments throughout the Commonwealth of Massachusetts; and (2) the project be completed consistent with its current budget. The currently approved finance plan for the project commits the state to support a $400 million annual highway program in the remainder of the state. The conferees are aware that the finance plan must be approved at least annually and that the next update was due October 1, 1997. The Department is directed to submit periodic updates of the plan to the House and Senate Committees on Appropriations, the Inspector General, and the General Accounting Office for review. The conferees feel that it is essential that the finance plan continue to commit the state to a statewide highway program of at least $400 million per year.

With the implementation of the Massachusetts Metropolitan Highway System legislation, the state has put in place mechanisms to help it secure the needed local funds to support both the short and long term needs of the project. That enabling legislation must be followed with specific actions to obtain the local funding. The next finance plan update must recognize the cost increase that occurred during the past year and it must ensure that the local funding sources are adequate to cover total project costs and cash flow needs that can not be met by reasonable expectations of federal-aid formula funds that will be available for obligation to the state.

The conferees note that the project design is virtually complete and the majority of the construction contracts are already awarded. The very nature of this project, constructing underground in a dense urban environment, provides many opportunities for cost increases that must be vigorously guarded against. The finance plan sets out a very stringent target for controlling costs on construction contracts once they are awarded and underway. The Commonwealth of Massachusetts has acknowledged that these goals are tough but achievable. The conferees believe that the state must fully commit its energies to controlling all costs for the remainder of the project life with special emphasis on the cost of awarded contracts. This will require that the state appropriately utilize the best available contract management techniques and also make full use of the contractor value engineering provisions of their contracts.

The conferees direct the state to continue to share project cost information with the Federal Highway Administration on at least a monthly basis and direct the Federal Highway Administration to evaluate trends that could warrant an update of the finance plan at a point sooner than its normal fiscal year anniversary, and to inform the House and Senate Committees on Appropriations of any variance of those trends from the preceding month.

The conferees reiterate that should cost estimates to complete the project exceed the current $11 billion estimate, there may be no other choice in the future but to cap the federal financial participation in the program and/or limit the percentage of federal-aid funds that may be allocated to the project from the state's overall federal-aid apportionment.

Federal lands.—The conferees encourage the FHWA central federal lands highways division to conduct a geographical engineering study to furnish data that will lead to the mitigation of a landslide affecting a major highway within the boundaries of Badlands National Park. The study should include survey, subsurface investigation and required instrumentation. The landslide in the area poses a significant threat to the safety of the traveling public and is a costly and continual maintenance burden.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $20,800,000,000 for the federal-aid highways program as proposed by the House, instead of $20,850,000,000 as proposed by the Senate.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

The conference agreement deletes an appropriation of $8,000,000 for the cost of direct loans from the right-of-way revolving fund as proposed by the Senate and includes a limitation prohibiting obligations for right-of-way acquisition during fiscal year 1998 as proposed by the House.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

A total of $85,000,000 has been provided in liquidating cash for motor carrier safety grants as proposed by both the House and the Senate.

MOTOR CARRIER SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides $84,825,000 for motor carrier safety grants instead of $85,325,000 as proposed by the House and $84,300,000 as proposed by the Senate. This agreement allocates the funding in the following manner:

Basic grants to states	$73,500,000
Border assistance	2,500,000
Priority initiatives	2,000,000
Administrative costs	825,000
Information systems and planning	6,000,000
Total	84,825,000

Basic grants to states.—The conferees have agreed to provide $73,500,000 for basic grants to states. Of this total, the Office of Motor Carriers has the flexibility to provide some of the total funding to states to improve data analysis, information systems, and program management necessary for the implementation of performance-based safety grants in fiscal year 1999, if requested.

Border assistance.—The conference agreement provides $2,500,000 for border assistance, as proposed by the House. Funding has not been provided to the second tier states because Mexican commercial motor vehicles cannot operate beyond Arizona, California, New Mexico, and Texas until the year 2000.

State training and administration.—The conferees provide $825,000 for state training and administration, and direct that no more than $100,000 from any motor carrier account be used to support the Challenge program in fiscal year 1998. Further, the conferees expect that this program will be entirely self-supporting in fiscal year 1999.

Information systems.—The conference agreement provides $6,000,000 for information systems and planning, which shall be allocated as follows: $2,000,000 for information systems and analysis; $3,000,000 for commercial vehicle information; and $1,000,000 for the driver program.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $74,901,000 from the general fund for highway and traffic safety activities instead of $74,492,000 as proposed by the House and $74,760,000 as proposed by the Senate. Of the total, $40,674,000 shall remain available until September 30, 2000 as proposed by the House. The Senate bill contained no similar provision.

The agreement includes a provision which prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemaking that would add requirements pertaining to tire grading standards that are different from those standards already in effect. This provision was contained in both the House and Senate bills.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

The conference agreement provides $72,061,000 from the highway trust fund for operations and research activities instead of $72,415,000 as proposed by the House and $71,740,000 as proposed by the Senate. Of the total, $49,520,000 shall remain available until September 30, 2000 as proposed by the House. The Senate bill contained no similar provision.

The conference agreement for operations and research (general fund and highway trust fund combined) includes the following adjustments to the budget request:

Auto safety hotline	−$236,000
Odometer fraud	−75,000
School bus restraint	+700,000
Youth, drugs, and driving initiative	−600,000
Enforcement and emergency services	−454,000
Head injury management	+250,000
Accountwide adjustment	−123,000

Biomechanics.—Within the funds provided, the conferees direct NHTSA to provide

$100,000 to develop a biofidelic child crash test dummy, as requested by the House.

School bus restraint devices.—The conferees have provided $700,000 for a new pilot program for states to experiment with alternative safety restraint bar devices on school buses. NHTSA shall report back to the House and Senate Committees on Appropriations by December 31, 1997, on the implementation of this program and provide the Committees with an evaluation of these safety devices by August 1, 1998.

Youth, drugs, and driving initiative.—The conferees have not funded the administration's youth, drugs, and driving initiative. No state has been willing to participate in this demonstration program because of serious constitutional, legal, and privacy issues raised by this program, and the enormous startup costs states would incur without federal assistance. This program is estimated to cost at least $16,000,000 during the next three years, and would detract from the amount of funding available for many other critical highway safety initiatives, such as alcohol-impaired driving, increasing seat belt usage, and reducing drug impaired driving. However, the conferees are concerned about the growing problem with youth and drugs, and have provided $1,400,000 to bolster training and education for law enforcement, prosecutors, and judges on detecting, arresting, and sanctioning youth alcohol and drug offenders. As part of this effort, NHTSA should consider developing model policies for youth enforcement, treatment and sentencing and then conducting a demonstration in 3 to 5 jurisdictions using this model.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $186,000,000 to liquidate contract authorizations for highway traffic safety grants, as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $186,500,000 as proposed by the House instead of $187,000,000 as proposed by the Senate. The conferees provide $5,268,000 for administration of the grant program as proposed by the House instead of $4,948,000 as proposed by the Senate. The conference agreement prohibits the use of funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for state, local, or private buildings or structures, as proposed by both the House and the Senate. Further, the conference agreement limits funds for the administration of highway safety grants to $150,000, as proposed by both the House and the Senate. The bill includes separate obligation limitations with the following funding allocations:

State and community grants	$149,700,000
Alcohol incentive grants	34,500,000
National driver register	2,300,000

State and community grants.—The conferees have provided $149,700,000 for state and community grants, instead of $140,200,000 as proposed by the House and $150,700,000 as proposed by the Senate. Of this total, $9,000,000 shall be used to expedite the efforts of States to increase seat belt usage beyond the estimated amount that each State spent in this area in fiscal year 1997, as proposed by the Senate. The House had provided $9,000,000 for occupant protection incentive grants as a separate item, subject to authorization; but authorization did not occur prior to the beginning of fiscal year 1998. Combining this funding with state and community grants does not prejudice the occupant protection incentive grant program from receiving consideration for funding in future appropriation bills, if authorized. The conferees have not earmarked any new funding for performance-based plans, as proposed by the Senate, because forty-one states are already preparing these plans in fiscal year 1997 and all states will prepare such plans in fiscal year 1998.

Alcohol incentive grants.—The conference agreement provides $34,500,000 for alcohol incentive grants instead of $35,000,000 as proposed by the House and $34,000,000 as proposed by the Senate. The conference agreement also includes bill language that limits to $500,000 the funds for alcohol-impaired driving countermeasures programs that are made available for technical assistance to the states, as proposed by the House and the Senate.

National driver register.—A total of $2,300,000 has been provided for the national driver register, as proposed by both the House and the Senate.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

The conference agreement appropriates $20,290,000 for the Office of the Administrator instead of $19,434,000 as proposed by the House and $19,800,000 as proposed by the Senate. Of the total amount, $1,389,000 shall remain available until expended, as proposed by the House instead of $1,339,000 as proposed by the Senate.

The conferees agree to the following adjustments to the budget request:

Limit growth in support services	−$68,000
Reduction in information technology	−140,000
Reduction in rent	−25,000
Reduction in Chief Counsel staffing	−36,000
Net reduction to budget	−269,000

GSA rent.—The conference agreement deletes a prohibition on the use of funds for rental payments to the General Services Administration to pay for the expenses of headquarters employees outside the Nassif building after January 1, 1998, as proposed by the House. The Senate bill contained no similar provision. However, the conferees have reduced the appropriation for rent by $25,000, or the square foot cost differential between housing FRA employees in the Nassif building or locating these employees in offices outside of the building. The conferees remain concerned that an entire modal administration previously housed within the Nassif building is now located a significant distance away from the department's other daily operations and is no longer fully integrated within the department. The conferees would strongly prefer to see FRA relocated back to the Nassif building, but recognize that it is only slightly more costly to house these employees outside of the main headquarters building.

Railroad relocation.—The conferees direct the FRA to continue, within available funds, consultative efforts to support the implementation of short term railroad operating and long term relocation solutions between railroads and local communities, including Metairie, Louisiana.

RAILROAD SAFETY

The conferees have provided $57,067,000 for railroad safety as proposed by the Senate instead of $56,967,000 as proposed by the House. Of the total amount, $5,511,000 shall remain available until expended as proposed by the House instead of $5,400,000 as proposed by the Senate. The conference agreement includes the following adjustments to the budget request:

Reduction in technology systems	−$77,000
Rail safety advisory committee	−100,000
Administrative reduction	−98,000
Enhance grade crossing safety initiatives	+275,000

Grade crossing safety initiatives.—The conferees have provided $275,000 above the request for the office of safety personnel and programs to support new and additional highway/rail grade crossing safety initiatives. FRA shall use this funding to perform interstate rail corridor and crossing safety evaluations; provide technical assistance to state transportation departments in identifying the most dangerous crossings; evaluate and disseminate best practices for crossing hazard mitigation; assess the effectiveness of crossing signal technologies; interface with the motor carrier industry through FHWA's office of motor carriers regarding safer commercial driving practices at highway/rail crossings; and, in accordance with new statutory requirements contained in the 1996 Federal Aviation Administration Reauthorization Act, work with affected local communities that are considering train whistle restrictions, to help develop effective supplementary safety measures.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $20,758,000 for railroad research and development instead of $21,038,000 as proposed by the House and $24,906,000 as proposed by the Senate and includes the following adjustments to the budget request:

Equipment related research	−$50,000
Operation Lifesaver	+200,000
T-6 railcar	−500,000
Magnetic levitation	−500,000
Environmental issues	−100,000
Research and development facilities	−80,000
TRB study	+150,000

1-800 emergency notification system.—The conferees have deleted funding provided by the Senate for expedited development of a computer-based emergency response system for notification of malfunctioning grade crossing signals and track obstacles, based on unobligated balances. FRA and two states are already working on the development of this system. The conferees expect that the agency's fiscal year 1999 budget submission will include a definitive schedule for completion of this project and a description of the process by which FRA will promote state investment in this approach to improving grade crossing safety.

Positive train control.—In conjunction with FRA, eastern railroads are developing positive train control (PTC) capable of operating with present and future technologies to adapt to the various types of railroad infrastructure. As the first step, an interoperable locomotive platform is being developed. As the next step, a positive train separation (PTS) pilot will be run on the rail line between Manassas, Virginia through Hagerstown, Maryland to Harrisburg, Pennsylvania to demonstrate the operation of locomotives over different types of PTC territory. This project, funded jointly by FRA and the railroads, was begun last year. The conferees direct FRA and the affected railroads to proceed under previously negotiated cost-sharing agreements with the second phase of the

pilot project, which is intended to develop a PTS system that builds on existing infrastructure, is interoperable, and cost-effective.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

The conference agreement provides $250,000,000 for the Northeast corridor improvement program as proposed by the House instead of $273,450,000 as proposed by the Senate. Funding shall be available until September 30, 2000 as proposed by the House instead of September 30, 1999 as proposed by the Senate. Of this total, $12,000,000 shall be available for the Pennsylvania station redevelopment project solely for life and safety improvements.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The conference agreement does not permit any new loan guarantee committments to be made during fiscal year 1998 as proposed by both the House and the Senate.

NEXT GENERATION HIGH SPEED RAIL

The conference agreement provides $20,395,000 for the next generation high speed rail program instead of $18,395,000 as proposed by the House and $26,000,000 as proposed by the Senate. The following table summarizes the conference agreement by budget activity:

	Conference level
Train control systems	$3,750,000
Non-electric locomotives	9,300,000
(ALPS)	(2,000,000)
(Prototype locomotive)	(4,800,000)
(RTL-3)	(2,500,000)
Grade crossings and innovative technologies:	5,600,000
(Sealed corridor)	(2,000,000)
(Mitigating hazards)	(2,500,000)
(Low-cost HSR crossing)	(1,100,000)
Track & structures	1,200,000
Planning technology	
Administration	545,000
Total	20,395,000

Prototype locomotives.—The conferees have provided $4,800,000 for prototype locomotives, which shall be available to FRA to: (1) continue its focus on high-speed fossil fuel research on flywheel turbine technology; (2) design, develop, and test different nonelectric locomotive concepts; and (3) evaluate technologies, which incorporate modern, recently developed locomotive car bodies that meet FRA's Tier II passenger rail car construction standards, other applicable federal safety regulations, and have the potential to operate at 150 miles per hour, yet be available for revenue demonstration at speeds of 125 miles per hour within a two to three year period.

Planning technology.—Although the conferees are supportive of analytic and technical assistance to states for the development of high-speed rail programs, the conferees have deferred funding for planning technology pending reauthorization.

ALASKA RAILROAD REHABILITATION

The conference agreement provides $15,280,000 for the Alaska Railroad instead of $17,000,000 as proposed by the Senate. The House bill contained no similar appropriation. Within the appropriation, $10,000,000 shall be available for track rehabilitation and $5,280,000 shall be for improvements to the Seward dock.

Seward dock.—The conferees have reduced the amount for improvements to the Seward dock from $7,000,000 in the Senate bill to $5,280,000. Such reduction will result in increased local participation in the project, particularly by the city of Seward. Therefore, the conferees direct the department to provide funding for the dock improvements directly to the city to complete the intermodal improvements on behalf of the Alaska Railroad.

RHODE ISLAND RAIL DEVELOPMENT

Total funding for the Rhode Island rail development project is $10,000,000 as proposed by both the House and the Senate. The conference agreement includes language that requires, as a condition of accepting such funds, the Providence and Worcester Railroad to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $23,000,000 if damages occur in vertical clearances in excess of those required for present freight operations as proposed by the House. The Senate bill required reimbursement up to the first $13,000,000.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $543,000,000 for grants to the National Railroad Passenger Corporation (Amtrak) as proposed by the House instead of $344,000,000 as proposed by the Senate. Within the appropriation, $344,000,000 shall be available for operating subsidies and $199,000,000 for capital grants instead of $202,000,000 for operating losses, $81,000,000 for retirement payments, and $260,000,000 for capital grants as proposed by the House. The Senate bill contained $344,000,000 solely for Amtrak operations.

The conference agreement deletes a number of language provisions included in either the House or Senate bills. These include: (1) deleting language proposed by the House that prohibits any of the funds appropriated for mandatory payments to be used for payments for Amtrak employees; (2) deleting language proposed by the House that prohibits obligation or expenditure of operating losses in excess of the amounts specified; (3) deleting language proposed by the House requiring the Federal Railroad Administration to submit quarterly reports on the financial status of Amtrak; and (4) deleting language proposed by the Senate that provides $641,000,000 for qualified expenses of Amtrak and non-Amtrak states, subject to the enactment of the Intercity Passenger Rail Fund, but withholding the amount until the enactment of a subsequent appropriation Act releasing such funds for obligation.

The conference agreement retains bill language proposed by the House that prohibits the transfer of capital improvement funds to pay for debt service interest unless specifically authorized by law and deems as a violation of the Anti-Deficiency Act the incurring of any obligation or commitment for the purchase of capital improvements prohibited in this appropriations Act. The Senate bill contained no similar provisions.

The conference agreement also retains language that makes funds available for capital improvements on July 1, 1998, as proposed by the House. The Senate bill included no similar provision.

The conference agreement includes language that requires the Secretary of Transportation to reduce the tax credit enacted under the Taxpayer Relief Act of 1997 by the amount appropriated for capital improvements, should Amtrak reforms be enacted. Neither the House nor the Senate bill contained a similar provision.

Operating subsidies.—The conference agreement provides $344,000,000 for operating subsidies. Of this total, the conferees believe that the federal appropriation for railroad retirement payments should not be greater than $81,000,000. This figure has been calculated by identifying Amtrak's tax liabilities (including Amtrak employer Tier 2 taxes and supplemental taxes) and subtracting the Railroad Retirement Board's payments to Amtrak's beneficiaries. The conferees believe that Amtrak has been overstating its passenger rail service payments and understating its routine operating expense subsidy. However, providing $81,000,000 in federal appropriations for railroad retirement payments in no way affects the railroad's statutory obligations. Amtrak shall continue to be liable for all taxes that normally would be payable by the corporation as a railroad employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.

The conferees direct the department to include an estimate of Amtrak's total tax liability and its components in FRA's annual congressional justification, and a comprehensive listing of Amtrak's operating expenses that, by statute, are eligible for federal subsidy. In addition, Amtrak is directed to provide to the House and Senate Committees on Appropriations a copy of the Railroad Retirement Board's annual letter to Amtrak, upon receipt, which identifies Amtrak's railroad retirement payments.

Route closure and realignment report.—The conferees direct the General Accounting Office (GAO) to examine economic data for Amtrak's system and develop system-wide performance rankings of all routes currently in service based on short- and long-term economic loss. This report should consider all income and all costs, and perform a revenue-to-cost yield analysis of each Amtrak route. Also, the economic implications of multiyear capital requirements and declining federal operating subsidies should be examined. Amtrak shall provide GAO with this data within 30 days after the bill is enacted. If Amtrak reauthorization is enacted into law by December 31, 1997, GAO should include, as part of its review, any reforms that may impact on each route's viability. GAO should provide the House and Senate Committees on Appropriations with interim briefings on the issues and prepare a final report by May 15, 1998.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $45,738,000 as proposed by the House instead of $41,497,000 as proposed by the Senate. The conference agreement limits funds available for the execution of contracts under section 5327(c) of title 49, U.S.C. for project management oversight activities to $15,000,000 as proposed by both the House and Senate.

FORMULA GRANTS

The conference agreement provides a total program level of $2,500,000,000 for transit formula grants, as proposed by the House instead of $2,400,000,000 as proposed by the Senate. Within this total, the conference agreement appropriates $240,000,000 from the general fund instead of $290,000,000 as proposed by the House and $190,000,000 as proposed by the Senate.

The conference agreement limits to $150,000,000 funds available for operating assistance, instead of $200,000,000 as proposed by the House. The Senate bill contained no similar limitation on operating expenses. In addition, the conference agreement retains language proposed by the House that provides transit operating assistance to urbanized areas of less than 200,000 in population

at a level no less than seventy-five percent of the amount such areas were to receive under Public Law 103–331; and, that in the distribution of the limitation of operating assistance to urbanized areas that have a population of 1,000,000 or more, instructs the Secretary to direct each area to give priority consideration to the impact of reductions of operating assistance on smaller transit authorities operating within the area. The Senate bill contained no similar provisions.

UNIVERSITY TRANSPORTATION CENTERS

The conference agreement appropriates $6,000,000 for university transportation centers as proposed by both the House and Senate.

TRANSIT PLANNING AND RESEARCH

The conference agreement provides a total of $92,000,000 for transit planning and research instead of $86,000,000 as proposed by the House and $77,250,000 as proposed by the Senate. Within the funds provided, $36,750,000 shall be available for national planning and research activities and other activities of the transit cooperative research program.

The conference agreement deletes language proposed by the Senate that provides $500,000 to the Colorado Department of Transportation to study the metropolitan planning process and organization in the Denver metropolitan area. The House bill contained no similar provision.

The conferees direct that within the funding level provided for transit planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

Project	*Conference level*
Joblinks employment transportation program	$1,000,000
Hennepin community works program, Hennepin County, Minnesota	1,000,000
Project ACTION	2,000,000
Advanced technology transit bus	10,000,000
Fuel cell bus program	4,000,000
Advanced transportation and alternative fueled technologies consortium	1,500,000
Rural transportation assistance program	750,000
Fatigue awareness and safety training program	1,000,000
Zinc-air battery research	2,000,000
Colorado metropolitan planning organization study	500,000
Electronic distribution center for surplus transit-related equipment	500,000
Low-speed magnetic levitation	1,000,000

Colorado metropolitan planning organization study.—The conferees have included $500,000 which shall be made available to study the metropolitan planning process and organization in the Denver metropolitan area. The study shall be based on a scope of work agreed to by Douglas County (on behalf of selected Denver regional county and municipal governments), the Denver Regional Council of Governments, and the Colorado Department of Transportation. In order to insure that the study is fair and objective, the conferees recommend that the Colorado Department of Transportation make these funds available to a Denver based, private sector, non-profit university based research organization with expertise in public policy. The conferees direct that the recommendations of the study be provided to the House and Senate Committees on Appropriations within twenty-four months of enactment of this Act.

Honolulu, HI.—The conferees direct the Federal Transit Administration to support a comprehensive transportation investment analysis of the primary urban corridor from Ewa to east Honolulu, Hawaii.

Fuel cell bus program.—The conferees have provided up to $4,000,000 to continue development of the fuel cell bus. The conferees direct that none of the funds provided in this Act shall be available for the construction of a parking garage or an Intermodal and National Depository Fuel Cell facility at Georgetown University in Washington, DC.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND

The conference agreement provides $2,210,000,000 in liquidating cash for the trust fund share of transit expenses as proposed by both the House and Senate.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the discretionary grants program to $2,000,000,000 as proposed by the House instead of $2,008,000,000 as proposed by the Senate. The conference agreement also limits obligations for fixed guideway modernization to $800,000,000; for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities to $400,000,000; and for new fixed guideway systems to $800,000,000 as proposed by the House. The Senate bill limits obligations to $780,000,000; $440,000,000; and $788,000,000, respectively.

The conference agreement deletes language proposed by the Senate that reallocates $6,345,000 in previously provided funds for the Alaska-Hollis to Ketchikan ferry project. The House bill contained no similar provision.

Three-year availability of section 5309 discretionary funds.—The conferees direct that the FTA not reallocate funds provided in fiscal year 1995 for the Whitehall ferry terminal project or the New Jersey Burlington to Gloucester rail project before September 30, 1998, because the Committees have been informed that these projects are nearing obligation. Further, the conferees direct the FTA to deobligate funds in the amount of $2,779,000 made available in Public Law 103–122, for preliminary engineering associated with the Minneapolis-St. Paul Twin Cities Central Corridor project and make these funds available for bus and bus facilities projects in the Twin Cities Central Corridor. The conferees also direct the FTA to reallocate funds in the amount of $4,962,500, made available in Public Law 103–331 for the Twin Cities Central Corridor project and not obligated by the end of fiscal year 1997, and make these funds available for similar bus and bus facilities projects in the Twin Cities Central Corridor.

Further, should additional funds from previous appropriations Acts be available for reallocation, the conferees direct the FTA to reprogram these funds no earlier than fifteen days after notification to the House and Senate Committees on Appropriations and only to the extent that those projects are able to fully obligate additional resources in the course of fiscal year 1998. With respect to reallocation of discretionary bus funds, the FTA is directed to reallocate funds to only those projects identified in the reports accompanying the Department of Transportation and Related Agencies Appropriations Act, 1998, no earlier than fifteen days after notification to the House and Senate Committees on Appropriations.

Bus and bus-related facilities.—The conference agreement provides $400,000,000 for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities, together with $978,000 of funds originally provided in the fiscal year 1995 Department of Transportation and Related Agencies Appropriations Act. The conferees agree that the recommended funding is to be distributed as follows:

Project	*Conference*
State of Alabama:	
Birmingham/Jefferson County buses	$3,000,000
Birmingham downtown intermodal transportation facility, phase 2	6,000,000
Gadsden, buses and vans	100,000
Hunstville Intermodal center, phase 1	5,000,000
Mobile southern market historic intermodal center	1,000,000
Mobile municipal pier intermodal waterfront access rehabilitation project	1,000,000
Mobile bus replacement	1,500,000
Mobile intermodal facility	5,500,000
Montgomery bus replacement	1,500,000
Tuscaloosa bus replacement	1,000,000
State of Arizona:	
Phoenix buses and bus facilities	4,500,000
Tucson intermodal center	1,000,000
State of California:	
Folsom multimodal facility	1,500,000
Foothill transit bus maintenance facility	9,000,000
I–5 Consortium Cities Joint Powers Authority facilities	5,000,000
Inglewood transit center project	500,000
Lake Tahoe intermodal center	1,000,000
Long Beach buses and bus facilities	1,500,000
Marina/Ft. Ord buses and multimodal center	1,000,000
Mendocino County buses	800,000
Modesto bus maintenance facility	1,750,000
Rialto MetroLink depot	1,100,000
Riverside County buses and bus facility	2,350,000
Riverside County transit vehicle ITS communications	1,000,000
Sacramento bus facility	1,000,000
San Joaquin (Stockton) bus facilities	2,000,000
Santa Clara buses	2,500,000
Santa Cruz metropolitan transit district buses and bus facility	1,000,000
San Ysidro border intermodal center	500,000
Solano County buses and bus-related equipment	1,200,000
Sonoma County bus facilities	1,000,000
Unitrans maintenance facility	1,000,000
Woodland transfer facility	200,000

Project	Conference
Yolo County buses and paratransit vehicles	1,000,000
Yosemite area regional transportation solution	500,000
State of Colorado, buses and bus facilities	5,500,000
State of Connecticut:	
Bridgeport buses and bus facilities	2,000,000
Bridgeport intermodal center	3,750,000
New Haven bus facility	1,200,000
State of Delaware: New Castle bus facility	1,500,000
State of Florida:	
Daytona Beach intermodal facility	2,000,000
Florida Citrus Connection buses	1,500,000
Lakeland transit buses	1,000,000
Lakeworth buses and bus facilities	1,000,000
LYNX buses and bus facilities	3,000,000
Metro-Dade County buses and bus facilities	5,000,000
Orlando intermodal facility	1,000,000
Palm Beach County buses and bus facilities	2,000,000
Tampa (Hillsborough County), HARTline buses and bus facilities	1,500,000
Volusia County buses and bus facilities	2,000,000
State of Georgia:	
Chatham bus facility	4,000,000
MARTA buses	5,000,000
State of Hawaii: Honolulu buses and bus facility	5,000,000
State of Illinois: Buses and bus facilities	4,500,000
State of Indiana:	
Indianapolis buses	2,000,000
South Bend intermodal facility	2,000,000
State of Iowa:	
Statewide bus and bus facilities	2,750,000
Sioux City park and ride facility	1,250,000
State of Kansas: Johnson County bus maintenance/operations facility	1,000,000
State of Louisiana:	
Statewide buses and bus facilities	13,900,000
State of Maryland: Buses and bus facilities	8,000,000
Commonwealth of Massachusetts:	
Franklin RTA buses	500,000
Greenfield Montague Transportation Area buses	700,000
South Station intermodal transportation center	1,000,000
Springfield intermodal center	1,000,000
Worcester Union Station	3,000,000
State of Michigan: Buses and bus facilities	7,500,000
State of Minnesota:	
Metropolitan Council transit operations, buses and bus facilities	9,000,000
St. Paul, Snelling bus garage	1,500,000
State of Mississippi: Jackson bus facility	2,000,000
State of Missouri:	
Kansas City buses and fare box collection system	3,500,000
Kansas City Union Station intermodal center	4,500,000
State of Missouri bus and bus facilities	8,000,000
State of Nevada:	
Clark County buses	8,000,000
Reno, Washoe County Regional Transportation Commission, buses and bus facilities	1,500,000
State of New Jersey: NJ Transit alternative fuel buses	6,000,000
State of New Mexico:	
Albuquerque uptown transit center	1,000,000
Demonstration of universal electric transportation subsystems (DUETS)	1,000,000
Las Cruces, Santa Fe, and Albuquerque park and ride	1,000,000
Sante Fe buses and bus facilities	1,000,000
Statewide, buses and bus facilities	3,750,000
State of New York:	
Nassau County and Long Island buses and bus facilities (Goodwill Games)	1,000,000
Nassau County natural gas buses	5,000,000
New Rochelle intermodal facility	1,500,000
New York City natural gas buses	7,500,000
NFTA HUBLINK program	1,000,000
Poughkeepsie intermodal facility	2,000,000
Rensselaer County intermodal facility	1,875,000
Staten Island/Brooklyn mobility project	1,000,000
Suffolk County buses	2,150,000
Syracuse buses	4,300,000
Westchester County buses	5,000,000
Yonkers intermodal facility	2,000,000
State of North Carolina:	
Chapel Hill University of North Carolina buses	1,000,000
Statewide buses and bus facilities	5,000,000
State of Ohio: Buses and bus facilities	12,500,000
State of Oregon:	
Eugene-Springfield-Lane County buses and bus facilities	1,000,000
Lane Transit District bus system	1,000,000
Salem and Corvallis buses and bus facilities	1,000,000
Commonwealth of Pennsylvania:	
Allegheny County buses	1,000,000
Armstrong Mid-County buses and bus facility	200,000
Berks Area Reading transit intermodal facility	500,000
Cambria County buses and bus facilities	800,000
Fayette and Somerset buses, vans, and bus facilities	600,000
Indiana County buses	500,000
Lackawanna County paratransit vans	300,000
Lawrence County buses	1,000,000
Lehigh and Northampton buses	1,000,000
Mid Mon Valley transit authority buses	750,000
New Castle area transit authority buses	750,000
North Philadelphia intermodal facility	1,000,000
Philadelphia Eastwick intermodal center	1,000,000
Schuykill County buses	200,000
Scranton buses and bus facility	1,500,000
SEPTA buses	7,500,000
Towanda Borough intermodal bus facility	2,000,000
Wilkes-Barre intermodal facility	1,500,000
Williamsport buses and bus facility	1,250,000
Statewide bus and bus facilities projects	4,000,000
State of South Carolina:	
Columbia buses and facility	2,000,000
Pee Dee Regional Planning Authority, buses and facilities	3,000,000
Virtual Transit Enterprise, integration of transit information processing systems	1,000,000
State of South Dakota:	
Statewide bus and bus facilities	2,250,000
State of Tennessee: Buses and bus facilities	8,000,000
State of Texas:	
Austin buses	3,000,000
Brazos Transit Authority, transit facilities and buses	3,000,000
Corpus Christi bus facilities	1,950,000
El Paso buses	1,000,000
Fort Worth buses	1,500,000
Galveston alternatively fueled vehicles	2,000,000
Rural Texas bus replacement program	2,500,000
State of Utah:	
Utah Transit Authority Olympic park and ride lots	2,000,000
Park City Transit buses	400,000
Utah Transit Authority bus acquisition	2,000,000
Utah Transit Authority Olympic intermodal transportation centers	2,500,000
Statewide buses and bus facilities	2,000,000
State of Vermont:	
Burlington multimodal center	1,500,000
Statewide bus and bus facilities	1,000,000
Commonwealth of Virginia:	
Clarendon canopy project	250,000
Falls Church electric buses	400,000
Dulles corridor buses and bus facilities	2,500,000
Richmond multimodal center	2,500,000
State of Washington:	
Bremerton buses and transportation center	1,000,000
Chelan-Douglas multimodal center	1,000,000
Community Transit, Kasch Park facility	1,500,000
Everett intermodal center	2,500,000
King County multimodal facility	1,000,000

Project	Conference
King County metro commuter intermodal connector	1,500,000
King County park and ride lots	5,000,000
Olympic Peninsula International Gateway Transportation Center	1,000,000
Snohomish County buses	2,500,000
Tacoma Dome station project	1,500,000
Thurston County intercity buses	1,000,000
Whatcom Transportation Authority, facilities	1,500,000
State of West Virginia:	
Huntington intermodal facility and buses	7,000,000
Statewide buses and bus facilities, communications and computer systems	9,250,000
State of Wisconsin:	
Milwaukee rail station rehabilitation	1,000,000
Wisconsin Transit System buses	13,000,000
Total	400,975,000

Mobile, Alabama intermodal facility.—The conference agreement includes $5,500,000 for phase 1 of an intermodal and transit transfer facility in the city of Mobile, Alabama. These funds are to be used for preliminary engineering, design, site acquisition, improvement and rehabilitation of an intermodal facility to link local transit, intercity bus and passenger rail, automobile, for-hire transportation and charter/excursion tours in the downtown area. The conferees encourage the city to seek additional appropriations in fiscal year 1999 to complete phase 2 of the intermodal facility.

Lake Tahoe intermodal center.—The conferees urge the Administrator to consider funds that have already been spent by nonfederal sources on planning of this project towards the local match requirements.

State of Louisiana.—The conference agreement includes $13,900,000 for the state of Louisiana to be distributed as follows: Baton Rouge bus-related facilities, $600,000; Jefferson Parish buses, $1,200,000; Lafayette bus-related facility, $750,000; Lake Charles buses, $150,000; LA DOTD vans and equipment, $700,000; Monroe buses and bus-related equipment, $800,000; New Orleans buses and bus-related facilities, $7,500,000; Shreveport buses and bus-related facility, $400,000; and St. Tammany Parish, bus and bus-related facility, $300,000.

State of Michigan.—The conference agreement includes $7,500,000 for the state of Michigan. In addition to the funds provided in this Act, the conferees direct the FTA to make available to the state of Michigan for the procurement of buses and bus-related equipment funds originally provided in the fiscal year 1995 Department of Transportation and Related Agencies Appropriations Act for a passenger intermodal transit center in Detroit, Michigan.

New fixed guideway systems.—The conference agreement deletes language proposed by the House that would make distribution of the funds available for new fixed guideway systems subject to authorization. The Senate bill contained no similar provisions. The conference agreement provides for the following distribution of the recommended funding for new fixed guideway systems as follows:

Project	Conference level
Atlanta-North Springs project	$44,600,000
Austin Capital metro	1,000,000
Boston Piers Mos-2 project	46,250,000
Boston urban ring	1,000,000
Burlington-Essex, VT, commuter rail	5,000,000
Canton-Akron-Cleveland commuter rail project	2,000,000
Charleston monobeam rail project	1,500,000
Charlotte South corridor transitway project	1,000,000
Cincinnati Northeast/Northern Kentucky rail line project	500,000
Clark County, Nevada, fixed guideway project	5,000,000
Cleveland blue line extension to Highland Hills project	800,000
Cleveland Berea red line extension to Hopkins International Airport	700,000
Cleveland waterfront line extension project	1,000,000
Dallas-Fort Worth RAILTRAN project	8,000,000
DART North central light rail extension project	11,000,000
DeKalb County, Georgia light rail project	1,000,000
Denver Southwest corridor project	23,000,000
East Side access project, New York	20,000,000
Florida Tri-County commuter rail project	8,000,000
Galveston rail trolley system project	2,000,000
Houston advanced regional bus plan project	1,000,000
Houston regional bus project	51,100,000
Indianapolis Northeast corridor project	1,250,000
Jackson, Mississippi intermodal corridor project	3,000,000
Los Angeles MOS-3 project	61,500,000
MARC commuter rail improvements	31,000,000
Memphis, Tennessee regional rail project	1,000,000
Metro-Dade transit east-west corridor project	5,000,000
Miami North 27th Avenue project	5,000,000
Mission Valley East corridor project	1,000,000
Nassau hub rail link EIS	500,000
New Jersey—Hudson-Bergen project	60,000,000
New Jersey Secaucus project	27,000,000
New Orleans Canal Street corridor project	6,000,000
New Orleans Desire streetcar project	2,000,000
North Carolina Research Triangle Park project	12,000,000
Northern Indiana South Shore commuter rail project	4,000,000
Oceanside-Escondido light rail project	3,000,000
Oklahoma City MAPS corridor transit project	1,600,000
Orange County transitway project	2,000,000
Orlando Lynx light rail project	31,800,000
Pennsylvania Strawberry Hill/Diamond Branch rail project	500,000
Phoenix metropolitan area transit project	4,000,000
Pittsburgh airport busway project	5,000,000
Portland—Westside/Hillsboro project	63,400,000
Roaring Fork Valley rail	2,000,000
Sacramento LRT project	20,300,000
Salt Lake City South LRT project	63,400,000
Salt Lake City regional commuter rail	4,000,000
San Bernardino Metrolink project	1,000,000
San Diego Mid-Coast corridor project	1,500,000
San Francisco BART extension to the airport project	29,900,000
San Juan Tren Urbano	15,000,000
San Jose Tasman LRT project	21,400,000
Seattle-Tacoma commuter and light rail projects	18,000,000
St. Louis-St. Claire LRT extension project	30,000,000
St. George ferry terminal project	2,500,000
Springfield-Branson, MO commuter rail	500,000
Tampa Bay regional rail project	1,000,000
Tidewater, Virginia rail project	2,000,000
Toledo, Ohio rail project	1,000,000
Twin Cities transitways projects	12,000,000
Virginia Railway Express Fredericksburg to Washington commuter rail project	2,000,000
Whitehall ferry terminal project	2,500,000
Wisconsin central commuter rail project (METRA)	3,000,000

Charleston, SC monobeam rail project.—The conference agreement provides $1,500,000 for conceptual planning and engineering and related work for a full-scale demonstration monobeam rail line in the Charleston, South Carolina area.

Denver southwest corridor project.—Congress has stated clearly that airport funds should not be used for non-airport purposes. Moreover, the House Subcommittee on Transportation Appropriations has stated that it will consider any action to divert revenue illegally from airports in all its decisions regarding funding for transportation projects within its jurisdiction. The conferees are concerned that the City of Denver may be considering the diversion of airport revenues to buy rights of way from the Union Pacific Railroad. The Inspector General is directed to inform the House and Senate Committees on Appropriations and the Federal Aviation Administration immediately should an illegal diversion of airport revenue occur.

Los Angeles MOS-3 project.—The conference agreement provides $61,500,000 for the Los Angeles MOS-3 project, of which $24,000,000 shall be available for the East Side extension, together with the required local matching funds. The conferees agree that none of the funds in this Act shall be available until (1) after the LACMTA produces a financially constrained rail recovery plan which complies with the consent decree for enhanced bus service; (2) the FTA conducts a final review and accepts the plans and certifies to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted US government standards; (3) the General Accounting Office and the Department of Transportation's inspector general conduct an independent analysis of the plans and provide

such analysis to the House and Senate Committees on Appropriations within sixty days of FTA accepting the plan; (4) the House and Senate have concluded their review of the analysis within sixty days of the transmittal of the analysis to the Committees; and (5) after the FTA has re-negotiated parts 1A and 1B of the MOS-3 full funding grant agreement.

Pittsburgh airport busway project.—In conjunction with the FTA and its project management oversight consultant, the Port Authority of Allegheny County, Pennsylvania has developed a recovery plan for the Phase I Pittsburgh Airport Busway/Wabash HOV facility in order to address budget and schedule variances from the original full funding grant agreement. The conferees believe that the recovery plan has yielded a revised project scope that will provide virtually all of the transit benefits within the original full funding grant agreement amount of $326.8 million. The conference agreement provides $5,000,000 for the Pittsburgh busway project, completing the federal government's commitment to the project.

The FTA has proposed to deobligate $19,410,000 of funds necessary to implement the recovery plan. These funds have already been provided by Congress for this project. Retaining these already-appropriated and obligated funds and adding the final $5,000,000 will complete the full funding grant agreement. Accordingly, the conferees direct the FTA not to deobligate the funds already obligated to the Port Authority.

Twin Cities transitways project.—The conference agreement provides $12,000,000 for the Twin Cities Transitways project. Of this amount, not less than $10,500,000 is provided for the development and construction of the Hiawatha Corridor fixed guideway. Up to $1,500,000 may be available for the planning, analysis and engineering on the Riverview, Northstar and Northwest Corridors, including a major investment study of the Riverview Corridor. In the Northstar and Northwest Corridors, a portion of the $1,500,000 may be used for minor transit improvements, as well as planning, analysis and engineering of transit routes and alternatives, including commuter rail.

Virginia Railway Express (VRE) Fredericksburg to Washington commuter rail project.—The conferees agree that the funds provided in this Act shall be distributed as follows: $1,100,000 shall be available for right-of-way acquisition at Route 123 and Route 1 to provide direct access to the Woodbridge station of the VRE and $900,000 shall be available to improve pedestrian safety at the King Street Metro and VRE station area.

Wisconsin central commuter rail project.—The conference agreement includes $3,000,000 for Wisconsin central commuter rail, or Metra. Funds provided in this Act are to be available for engineering and design work on proposed expansions to the Metra system, as well as station reconstruction on the South Shore line in Chicago.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $2,350,000,000 in liquidating cash for mass transit capital programs, as proposed by both the House and the Senate.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conference agreement includes $200,000,000 for the construction of the Washington, DC Metrorail system, as proposed by the House instead of $160,000,000 as proposed by the Senate.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement appropriates $11,200,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation as proposed by the House. The Senate bill presumed that authorizing legislation would convert the Corporation into a performance-based organization, requiring no direct appropriation in fiscal year 1998.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement appropriates $28,450,000 for research and special programs as proposed by the Senate instead of $27,934,000 as proposed by the House. The conferees have made the following reductions to the budget estimate:

Reduction in hazardous materials personnel, compensation and benefits	−$150,000
Limit research and development activities	−1,850,000
Increase funding for crisis response center	+450,000
Reduction in program support personnel, compensation and benefits	−102,000
Net change to the budget request	−1,652,000

Crisis response center.—The conferees have provided $450,000 for a transportation emergency preparedness and response demonstration project, as described in the Senate report. The state should provide at least $300,000 in cost sharing for this project. The conferees expect that the establishment of this center will be a one-time occurrence and do not expect the department to provide ongoing consulting or other services for the center.

Program and administrative support.—The conferees recommend $8,219,000 for program and administrative support. The conferees agree that a $102,000 reduction in program and administrative support shall be allocated at the discretion of the administrator, and permit the administration to continue using detailees as necessary.

Simultaneous vehicle and infrastructure design.—The conferees direct the Secretary of Transportation to submit a letter to the House and Senate Committees on Appropriations on the concept of simultaneous vehicle and infrastructure design by January 30, 1998.

Bill language, as proposed by the House, permitting credits to this appropriation to be used for expenses related to training, report publication, and dissemination, and for travel expenses incurred in the performance of hazardous materials exemptions and approval functions has been retained in the conference agreement. The Senate bill proposed similar language, but did not restrict the credit of funds received from state and other public and private authorities expenses only to travel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides total funding of $31,300,000 for the pipeline safety program, instead of $31,486,000 as proposed by the House and $31,000,000 as proposed by the Senate. In addition, the conferees have provided $1,465,000 from the reserve fund for one-call notification activities and some contract programs, instead of $1,000,000 for one-call activities as proposed by the House and $2,000,000 for one-call activities and some contract programs as proposed by the Senate.

The following table summarizes the conference agreement by budget activity and funding sources:

Budget activity	Pipeline safety fund	Oil spill liability trust fund	Reserve fund [1]	Total
Personnel, compensation and benefits	$7,706,000	$259,000	—	$7,965,000
Operating expenses	3,687,000	—	—	3,687,000
Contract programs:	2,942,000	713,000	$365,000	4,020,000
(Information systems)	—	—	—	(1,200,000)
(Risk assessment and technical studies)	—	—	—	(1,200,000)
(Compliance)	—	—	—	(300,000)
(Training and information dissemination)	—	—	—	(820,000)
(Emergency notification)	—	—	—	(100,000)
(National public education)	—	—	—	(400,000)
Oil pollution act	—	2,328,000	—	2,328,000
Research and development	1,165,000	—	—	1,165,000
Grants:	12,500,000	—	—	12,500,000
(State grants)	(12,000,000)	—	—	(12,000,000)
(Risk management grants)	(500,000)	—	—	(500,000)
One-call program	—	—	1,100,000	1,100,000
Total	28,000,000	3,300,000	1,465,000	32,765,000

[1] Funding derived from the reserve fund is not directly appropriated.

Coal log pipeline research study.—The conferees agree that the office of pipeline safety shall not complete a research study on coal log pipelines, as requested by the Senate, since the issue falls outside the scope and expertise of this office.

EMERGENCY PREPAREDNESS GRANTS

The conference agreement provides $200,000 for emergency preparedness grants as proposed by both the House and the Senate.

OFFICE OF INSPECTOR GENERAL

Salaries and Expenses

The conference agreement includes $42,000,000 for salaries and expenses of the office of inspector general as proposed by the House instead of $38,900,000 as proposed by the Senate.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement provides $13,853,000 for salaries and expenses of the Surface Transportation Board instead of $15,853,000 as proposed by the House and $12,300,000 as proposed by the Senate. In addition, the conference agreement includes language that permits the Board to collect $2,000,000 in fees to supplement its appropriation in fiscal year 1998, instead of $3,100,000 as proposed by the Senate. The House bill provided the Board with the ability to offset $2,000,000 of its appropriation from fees collected during the fiscal year. The conferees agree that any fees received in excess of $2,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998, as proposed by the House. The Senate bill proposed that fees in excess of $3,100,000 shall not be available until October 1, 1998.

BUREAU OF TRANSPORTATION STATISTICS

Funding for the Bureau of Transportation Statistics (BTS) is provided through the federal-aid highways budget. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) authorized $25,000,000 for fiscal year 1997, and the conference agreement defers funding decisions for fiscal year 1998 to the appropriate authorizing committees which shall determine BTS' funding levels in fiscal year 1998 in the context of the reauthorization of ISTEA. The conferees are concerned, however, that the BTS has sought to reduce activities of the Office of Airline Information (OAI), whose mission is to provide the US government, the department and other users with uniform and comprehensive financial, traffic, and economic data on individual air carrier operations and the air transportation industry, citing insufficient funding. Last year the conferees noted that ample funding was provided through BTS' core program to fund all on-going activities related to OAI, and the conferees again expect that all OAI activities shall be fully funded in fiscal year 1998 within the core funding provided to the BTS.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

The conference agreement provides $3,640,000 for salaries and expenses of the Architectural and Transportation Barriers Compliance Board as proposed by both the House and the Senate.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $48,371,000 for salaries and expenses of the National Transportation Safety Board instead of $46,000,000 as proposed by the House and $49,700,000 as proposed by the Senate. At this level, the conferees agree that sufficient funding is provided to fund 402 positions and to continue operating the communications center on a contract basis.

EMERGENCY FUND

The conference agreement provides $1,000,000 to the National Transportation Safety Board's emergency fund, as proposed by both the House and the Senate.

TITLE III

GENERAL PROVISIONS

The conference agreement includes general provisions that were in both the House and Senate versions of the bill that were not amended.

The conference agreement modifies the section on the distribution of the Federal-aid highway obligation authority contained in both the House and Senate bills by deleting the provisions relating to bonus limitation. The conference agreement prohibits bonus obligations and includes the limitation on federal-aid highway obligations during the period October 1 through December 31, 1997, as proposed by the House. The Senate bill contained no similar limitations.

The conference agreement includes the Senate provision that redefines the term "capital project" under the Federal Transit Administration's formula grants program to allow preventive maintenance and other activities to be funded as a capital expense. Also, the provision allows areas under 200,000 in population to use formula assistance grants for any transit purpose, including capital, planning and operating costs. The House bill contained no similar provision.

The conference agreement includes the House provision that limits funds to compensate in excess of 350 staff years under the federally funded research and development contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development. The Senate bill contained no similar provision.

The conference agreement modifies the House provision that reduces funding for activities of the transportation administrative service center of the Department of Transportation and limits obligation authority of the center to $118,800,000. The Senate bill contained no similar provision.

The conference agreement includes the House provision that prohibits funds to be used to prepare, propose, or promulgate any regulation pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section. The Senate bill contained no similar provision.

The conference agreement includes the House provision that prohibits the use of funds to be used for planning, engineering, design or construction of a sixth runway at the new Denver International Airport unless the Federal Aviation Administrator determines that safety conditions warrant obligation of such funds, and allows funds to be used for planning or analysis of airport noise issues related to a sixth runway. The Senate bill contained no similar provision.

The conference agreement includes the Senate technical correction to the House provision that allows for the sale and credit of receipts for Bureau of Transportation Statistics data products.

The conference agreement includes the House provision that prohibits the use of funds for any type of training which: (a) does not meet needs for knowledge, skills, and abilities bearing directly on the performance of official duties; (b) could be highly stressful or emotional to the students; (c) does not provide prior notification of content and methods to be used during the training; (d) contains any religious concepts or ideas; (e) attempts to modify a person's values or lifestyle; or (f) is for AIDS awareness training, except for raising awareness of medical ramifications of AIDS and workplace rights. The Senate bill contained no similar provision.

The conference agreement includes the House provision that requires the Federal Transit Administration's oversight of the Washington Metropolitan Area Transit Authority (WMATA) to be based in Washington, D.C. metropolitan area. The Senate bill contained no similar provision.

The conference agreement includes the Senate provision that limits the necessary expenses of advisory committees to $1,000,000. The House bill contained no similar provision.

The conference agreement includes "or fees collected by the Board" as proposed by the Senate as funds to be used for conducting the activities of the Surface Transportation Board. The House proposed to use only appropriated funds.

The conference agreement includes the House provision that prohibits the use of funds for the improvement of Miller Highway in New York City, New York. The Senate bill contained no similar provision.

The conference agreement includes the House provision that prohibits funds to implement or enforce regulations that would result in slot allocations for international operations to any carrier at O'Hare International Airport in excess of the number of slots allocated to and scheduled by that carrier as of October 1, 1993, if that slot is withdrawn from an air carrier under existing regulations. The Senate bill contained no similar provision.

The conference agreement includes the Senate provision that directs the Federal Aviation Administration to provide real-time weather and runway observation and other such functions at Dutch Harbor, Alaska. The House bill contained no similar provision.

The conference agreement includes the Senate provision that limits the number of communities that receive essential air service funding by excluding points in the 48 contiguous United States that are located 70 highway miles from the nearest large or medium hub airport, or that require a subsidy in excess of $200 per passenger, unless such a point is more than 210 miles from the nearest large or medium hub airport. The House bill contained no similar provision.

The conference agreement modifies the Senate provision on the definition of "passenger capacity of 56 passengers or less" for reconfigured aircraft under section 29(a)(2) of the International Air Transportation Competition Act of 1979. This provision is discussed under Federal Aviation Administration, Operations. The House bill contained no similar provision.

The conference agreement modifies the Senate provision that credits to appropriations of the Department of Transportation rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources. Such funds received shall be available until December 31, 1998, instead of December 31 of the next fiscal year. The House bill contained no similar provision.

The conference agreement includes the Senate provision that directs the Department of the Navy to transfer an inactive Navy vessel, USNS EDENTON (ATS–1), to the Coast Guard. The House bill contained no similar provision.

The conference agreement modifies the Senate provision that clarifies the treatment of airport revenues in the State of Hawaii.

Any existing obligations, trust or otherwise, to Native Hawaiians, Native Americans, or Alaskan Natives with respect to ceded lands, arising under existing federal or State statutes, remain unaffected. The agreement only prohibits airport revenues from being used to satisfy any such obligations. Therefore, the State of Hawaii's obligations to Native Hawaiians arising under the Admission Act (Public Law 96-3, 93 Stat. 4) remain unaffected by this provision, except that airport revenues may not be used to satisfy those obligations. The House bill contained no similar provision.

The conference agreement includes the Senate provision that prohibits the Coast Guard from issuing or enforcing regulations regarding animal fats and vegetable oils. The House bill contained no similar provision.

The conference agreement includes the Senate provision that authorizes the Secretary of Transportation to allow issuers to redeem or repurchase preferred stock sold to the Department of Transportation. The House bill contained no similar provision.

The conference agreement includes the Senate provision that extends the expiration date from September 30, 1997 to February 28, 1998 relating to the operation of longer combination vehicles in the State of Nebraska. The House bill contained no similar provision.

The conference agreement modifies the Senate provision that would have required the Federal Aviation Administration to implement pilot record sharing requirements of section 44936(f) of title 49, U.S.C., not later than February 1, 1998, if possible, and to work with non-scheduled air carriers under part 135 of the Federal Aviation Administration's regulations to implement such requirements. The conference agreement prohibits funds being used to enforce pilot record sharing requirements against unscheduled operations of part 135 carriers unless the Federal Aviation Administration determines that such records can be provided within 30 days. The Administrator shall report to Congress if that determination cannot be made within 150 days of enactment of this Act. The House bill contained no similar provision.

The conference agreement includes the Senate provision that requires the Secretary of Transportation to exercise the exemption authority under section 41714 of title 49, U.S.C., with respect to certain air service between slot-controlled airports subject to that authority and non-hub points, within 120 days after receiving a request for such an exemption. The House bill contained no similar provision.

The conference agreement includes the Senate provision that provides for the development and operation of the nationwide differential global positioning system. The House bill contained no similar provision.

The conference agreement includes a provision that authorizes the Secretary of Transportation to transfer funds appropriated to the Coast Guard in fiscal year 1993 in order to pay rent assessments by the General Services Administration related to prior year space needs of the Department. The Senate bill contained a provision that authorizes the Secretary of Transportation to transfer funds to make rental payments to the General Services Administration in excess of the amounts provided in the bill. The House bill contained no similar provision.

The conference agreement includes a provision which precludes Members of Congress from participating in a retirement plan change open season. The House and Senate bills contained no similar provision.

Those general provisions that were not included in the conference agreement follow:

The conference agreement deletes the Senate provision that allows the Department of Transportation to transfer up to 5 percent of any discretionary appropriation to another appropriation provided that the recipient account does not increase by more than 10 percent, and provides that any transfer be treated as a reprogramming of funds. The House bill contained no similar provision.

The conference agreement deletes the Senate provision that authorizes the Department of Transportation to receive and use funds resulting from fees charged to providers of telecommunications services for using Federal property for the siting of mobile service antennas. The House bill contained no similar provision.

The conference agreement deletes the Senate provision that allows the Federal Aviation Administration to approve closing the Richards-Gebaur Memorial Airport in Kansas City, Missouri, and the Bader Field in Atlantic City, New Jersey, as public airports and redeveloping such property for non-aeronautical use. The House bill contained no similar provision.

The Conference agreement has deleted, without prejudice, the language included in the Senate bill regarding Richards-Gebaur Memorial Airport located in Kansas City, MO and Bader Field located in Atlantic City, NJ. The conferees believe that additional statutory authorities are not necessary for the FAA to make the necessary findings regarding closure of civil aviation airports.

The conference agreement deletes the Senate provision that directs the New York Metropolitan Transportation Authority (MTA) to use its transit formula grants to study the costs and benefits of instituting an integrated fare system for commuters who use both the Metro North Railroad or the Long Island Rail Road and the New York City subway or bus systems, and to report to the Senate Appropriations Committee. The House bill contained no similar provision. The conferees understand that the MTA is prepared to undertake the preceding study using funds available to the MTA, and direct that the results of the study be submitted to the House and Senate Committees on Appropriations within 45 days of enactment of this Act.

The conference agreement deletes the Senate provision that provides up to $20,000,000 to the State of Michigan and $12,000,000 to the State of Illinois from transit discretionary grants for buses and bus facilities. The House bill contained no similar provision.

The conference agreement deletes the Senate provision that expresses the sense of the Senate concerning the imminent expiration of highway and mass transit spending authorizations and the function of this bill. The House bill contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997	$12,068,308,000
Budget estimates of new (obligational) authority, fiscal year 1998	13,115,727,000
House bill, fiscal year 1998	13,162,271,000
Senate bill, fiscal year 1998	12,808,122,883
Conference agreement, fiscal year 1998	13,062,718,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	+994,410,000
Budget estimates of new (obligational) authority, fiscal year 1998	−53,009,000
House bill, fiscal year 1998	−99,553,000
Senate bill, fiscal year 1998	+254,595,117

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	52,966,000	56,136,000	60,009,000	66,703,000	61,000,000	+8,034,000
Office of civil rights	5,574,000	5,574,000	5,574,000	5,574,000	5,574,000	.....
Transportation planning, research, and development	3,000,000	6,008,000	4,400,000	4,400,000	4,400,000	+1,400,000
Transportation Administrative Service Center	(124,812,000)	.....	(121,800,000)	.....	(121,800,000)	(-3,012,000)
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
(Limitation on obligations)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
Rescission of contract authorization	(-12,700,000)	(-38,600,000)	.....	(-38,600,000)	(-38,600,000)	(-25,900,000)
Rescission	(-1,133,000)	.....	.....	.....	.....	(+1,133,000)
Rental payments	127,447,000	10,567,000	.....	.....	.....	-127,447,000
Minority business resource center program	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000	.....
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	.....
Minority business outreach	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	.....
Total, Office of the Secretary	193,787,000	83,085,000	74,783,000	81,477,000	75,774,000	-118,013,000
(Limitations on obligations)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
Total budgetary resources	(219,687,000)	(83,085,000)	(74,783,000)	(81,477,000)	(75,774,000)	(-143,913,000)
Coast Guard						
Operating expenses	2,319,725,000	2,440,000,000	2,408,000,000	2,435,400,000	2,415,400,000	+95,675,000
Defense function (050)	.....	300,000,000	300,000,000	.....	300,000,000	+300,000,000
(Transfer from DOD)	(300,000,000)	.....	.....	(300,000,000)	.....	(-300,000,000)
Supplemental (P.L. 105-18)	1,600,000	.....	.....	.....	.....	-1,600,000
Acquisition, construction, and improvements:						
Offsetting collections	.....	-9,000,000	-9,000,000	-9,000,000	-9,000,000	-9,000,000
Vessels	216,500,000	186,900,000	191,650,000	214,700,000	212,100,000	-4,400,000
Aircraft	18,040,000	26,400,000	33,900,000	26,400,000	25,800,000	+7,760,000
Other equipment	41,700,000	49,700,000	47,050,000	51,200,000	44,650,000	+2,950,000
Shore facilities and aids to navigation facilities	52,350,000	69,000,000	59,400,000	73,000,000	68,300,000	+15,950,000
Personnel and related support	46,250,000	47,000,000	47,000,000	47,000,000	47,000,000	+750,000
Subtotal, A C & I appropriations	374,840,000	370,000,000	370,000,000	403,300,000	388,850,000	+14,010,000

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Environmental compliance and restoration	22,000,000	21,000,000	21,000,000	21,000,000	21,000,000	-1,000,000
Port Safety Development	5,000,000					-5,000,000
Alteration of bridges	16,000,000		16,000,000	26,000,000	17,000,000	+1,000,000
Retired pay	608,084,000	645,696,000	645,696,000	653,196,000	653,196,000	+45,112,000
Supplemental (P.L. 105-18)	9,200,000					-9,200,000
Reserve training	65,890,000	65,000,000	67,000,000	65,535,000	67,000,000	+1,110,000
Research, development, test, and evaluation	19,200,000	19,000,000	19,000,000	20,000,000	19,000,000	-200,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000	50,000,000	35,000,000	35,000,000	35,000,000	
Total, Coast Guard	3,476,539,000	3,910,696,000	3,881,696,000	3,859,431,000	3,916,446,000	+439,907,000
Federal Aviation Administration						
Operations	4,925,500,000	5,036,100,000	5,300,000,000	5,325,900,000	5,301,934,000	+376,434,000
Appropriation of user fees		300,000,000				
Offsetting Collections	-75,000,000					+75,000,000
Emergency appropriations	(32,400,000)					(-32,400,000)
Facilities and equipment (Airport and Airway Trust Fund)	1,793,500,000	1,875,000,000	1,875,000,000	1,889,004,883	1,875,477,000	+81,977,000
Emergency appropriations	(144,200,000)					(-144,200,000)
Research, engineering, and development (Airport and Airway Trust Fund)	187,412,000	200,000,000	185,000,000	214,250,000	199,183,000	+11,771,000
Emergency appropriations	(21,000,000)					(-21,000,000)
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	(+100,000,000)
(Limitation on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+240,000,000)
Rescission of contract authorization	(-800,000,000)			(-190,000,000)	(-412,000,000)	(+388,000,000)
Total, Federal Aviation Administration	6,831,412,000	7,411,100,000	7,360,000,000	7,429,154,883	7,376,594,000	+545,182,000
(Limitations on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+240,000,000)
Total budgetary resources	(8,291,412,000)	(8,411,100,000)	(9,060,000,000)	(9,129,154,883)	(9,076,594,000)	(+785,182,000)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Highway Administration						
Limitation on general operating expenses	(521,114,000)	(494,376,000)	(510,313,000)	(558,440,000)	(552,266,000)	(+31,152,000)
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(2,049,000)	(4,000,000)	.....	(4,000,000)	.....	(-2,049,000)
Rescission of contract authority	(-9,100,000)	.....	.....	.....	.....	(+9,100,000)
Appalachian Development Highway system	.....	.....	.....	300,000,000	300,000,000	+300,000,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(18,000,000,000)	(20,170,000,000)	(21,500,000,000)	(21,800,000,000)	(21,500,000,000)	(+3,500,000,000)
Supplemental obligation authority (P.L. 105-18)	(694,810,534)	.....	.....	.....	.....	(-694,810,534)
(Exempt obligations) (sec. 310 a-d)	(1,783,237,000)	(1,510,571,000)	(1,390,570,000)	(1,390,600,000)	(1,390,570,000)	(-392,667,000)
(Bonus program) (sec. 310 e)	(241,173,000)	.....	(269,656,000)	.....	.....	(-241,173,000)
(Liquidation of contract authorization)	(19,800,000,000)	(19,800,000,000)	(20,800,000,000)	(20,850,000,000)	(20,800,000,000)	(+1,000,000,000)
Emergency appropriations	(82,000,000)	.....	.....	.....	.....	(-82,000,000)
Emergency relief program (P.L. 105-18)	(650,000,000)	.....	.....	.....	.....	(-650,000,000)
Right-of-way revolving fund	.....	.....	.....	8,000,000	.....	.....
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(74,000,000)	(90,000,000)	(85,000,000)	(85,000,000)	(85,000,000)	(+11,000,000)
(Limitation on obligations)	(78,225,000)	(100,000,000)	(85,325,000)	(84,300,000)	(84,825,000)	(+6,600,000)
Rescission of contract authorization	(-12,300,000)	.....	.....	.....	.....	(+12,300,000)
State infrastructure banks	150,000,000	.....	.....	.....	.....	-150,000,000
State infrastructure banks (Highway Trust Fund)	.....	150,000,000	.....	.....	.....	.....
Transportation infrastructure credit program (Highway Trust Fund)	.....	100,000,000	.....	.....	.....	.....
Total, Federal Highway Administration	150,000,000	250,000,000	.....	308,000,000	300,000,000	+150,000,000
(Limitations on obligations)	(18,773,035,534)	(20,270,000,000)	(21,585,325,000)	(21,884,300,000)	(21,584,825,000)	(+2,811,789,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Total budgetary resources	(20,947,445,534)	(22,030,571,000)	(23,245,551,000)	(23,582,900,000)	(23,275,395,000)	(+2,327,949,466)
National Highway Traffic Safety Administration						
Operations and research	80,900,000	.....	74,492,000	74,760,000	74,901,000	-5,999,000
Operations and research (Highway Trust Fund)	51,712,000	147,500,000	72,415,000	71,740,000	72,061,000	+20,349,000
Subtotal, Operations and research	132,612,000	147,500,000	146,907,000	146,500,000	146,962,000	+14,350,000

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(168,100,000)	(185,000,000)	(186,000,000)	(186,000,000)	(186,000,000)	(+17,900,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(128,700,000)	(140,200,000)	(140,200,000)	(150,700,000)	(149,700,000)	(+21,000,000)
National Driver Register (Sec. 402) (limitation on obligations)	(2,400,000)	(2,300,000)	(2,300,000)	(2,300,000)	(2,300,000)	(-100,000)
Contract authorization (P.L. 105-18)	2,500,000	.....	.....	.....	.....	-2,500,000
Highway safety grants (Sec. 1003(a)(7)) (limitation on obligations)	(11,500,000)	.....	.....	.....	.....	(-11,500,000)
Occupant protection incentive grants (limitation on obligations)	.....	(9,000,000)	(9,000,000)	.....	.....	.....
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,500,000)	(34,000,000)	(35,000,000)	(34,000,000)	(34,500,000)	(+9,000,000)
Contract authorization (P.L. 105-18)	500,000	.....	.....	.....	.....	-500,000
Rescission of contract authorization	(-24,800,000)	.....	.....	.....	.....	(+24,800,000)
Total, National Highway Traffic Safety Administration	135,612,000	147,500,000	146,907,000	146,500,000	146,962,000	+11,350,000
(Limitations on obligations)	(168,100,000)	(185,500,000)	(186,500,000)	(187,000,000)	(186,500,000)	(+18,400,000)
Total budgetary resources	(303,712,000)	(333,000,000)	(333,407,000)	(333,500,000)	(333,462,000)	(+29,750,000)
Federal Railroad Administration						
Office of the Administrator	16,739,000	20,559,000	19,434,000	19,800,000	20,290,000	+3,551,000
Railroad safety	51,407,000	57,067,000	56,967,000	57,067,000	57,067,000	+5,660,000
Railroad research and development	20,100,000	21,638,000	21,038,000	24,906,000	20,758,000	+658,000
Northeast corridor improvement program	175,000,000	.....	250,000,000	273,450,000	250,000,000	+75,000,000
High-speed rail trainsets and facilities	80,000,000	.....	.....	.....	.....	-80,000,000
Next generation high speed rail	24,757,000	19,595,000	18,395,000	26,000,000	20,395,000	-4,362,000
Trust fund share of next generation high-speed rail (Highway Trust Fund): (Liquidation of contract authorization)	(2,855,000)	.....	.....	.....	.....	(-2,855,000)
Alaska Railroad rehabilitation	10,000,000	.....	.....	17,000,000	15,280,000	+5,280,000
Rhode Island Rail Development	7,000,000	10,000,000	10,000,000	10,000,000	10,000,000	+3,000,000
Direct loan financing program	58,680,000	.....	.....	.....	.....	-58,680,000
Direct loan financing program limitation	(400,000,000)	.....	.....	.....	.....	(-400,000,000)
Grants to the National Railroad Passenger Corporation:						
Operations	364,500,000	.....	283,000,000	344,000,000	344,000,000	-20,500,000
Capital	223,450,000	.....	260,000,000	.....	199,000,000	-24,450,000
Subtotal, Grants to Amtrak	587,950,000	.....	543,000,000	344,000,000	543,000,000	-44,950,000

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Capital grants to the National Railroad Passenger Corporation (Highway Trust Fund)	.....	445,450,000	.....	.....	.....	.....
(Northeast corridor improvements)	.....	(200,000,000)	.....	.....	.....	.....
(Pennsylvania Station Redevelopment Project)	.....	(23,450,000)	.....	.....	.....	.....
Operating grants to the National Railroad Passenger Corporation (Highway Trust Fund)	.....	344,000,000	.....	.....	.....	.....
Emergency railroad rehabilitation and repair:						
Emergency funding (P.L. 105-18)	(18,900,000)	.....	.....	.....	.....	(-18,900,000)
Total, Federal Railroad Administration	1,031,633,000	918,309,000	918,834,000	772,223,000	936,790,000	-94,843,000
Federal Transit Administration						
Administrative expenses	41,497,000	.....	45,738,000	41,497,000	45,738,000	+4,241,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)	.....	47,018,000	.....	.....	.....	.....
Formula grants	490,000,000	.....	290,000,000	190,000,000	240,000,000	-250,000,000
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(1,659,185,000)	.....	(2,210,000,000)	(2,210,000,000)	(2,260,000,000)	(+600,815,000)
Operating assistance grants	(400,000,000)	.....	(200,000,000)	.....	(150,000,000)	(-250,000,000)
Subtotal, Formula grants	(2,149,185,000)	.....	(2,500,000,000)	(2,400,000,000)	(2,500,000,000)	(+350,815,000)
Formula programs (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)	.....	(3,498,500,000)	.....	.....	.....	.....
(Liquidation of contract authorization)	.....	(1,500,000,000)	.....	(2,210,000,000)	.....	.....
University transportation centers	6,000,000	.....	6,000,000	6,000,000	6,000,000	.....
Transit planning and research	85,500,000	.....	86,000,000	77,250,000	92,000,000	+6,500,000
Metropolitan planning	(39,500,000)	.....	(39,500,000)	(39,500,000)	(39,500,000)	.....
Rural transit assistance	(4,500,000)	.....	(4,500,000)	(4,500,000)	(4,500,000)	.....
Transit cooperative research	(8,250,000)	.....	(8,250,000)	.....	.....	(-8,250,000)
National planning and research	(22,000,000)	.....	(22,500,000)	(22,000,000)	(36,750,000)	(+14,750,000)
State planning and research	(8,250,000)	.....	(8,250,000)	(8,250,000)	(8,250,000)	.....
National transit institute	(3,000,000)	.....	(3,000,000)	(3,000,000)	(3,000,000)	.....
Subtotal, Transit planning and research	(85,500,000)	.....	(86,000,000)	(77,250,000)	(92,000,000)	(+6,500,000)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Transit planning and research (Highway Trust Fund, Mass Transit Account)		91,800,000				
Metropolitan planning		(39,500,000)				
Transit cooperative research		(8,250,000)				
Statewide planning		(8,250,000)				
National planning and research		(16,800,000)				
National mass transportation institute		(3,000,000)				
University transportation centers		(6,000,000)				
Advanced Technology Transit Bus		(10,000,000)				
Subtotal, Transit planning and research		(91,800,000)				
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,920,000,000)		(2,210,000,000)	(2,210,000,000)	(2,210,000,000)	(+290,000,000)
Rescission of contract authorization	(-271,000,000)					(+271,000,000)
Discretionary grants (Highway Trust Fund) (limitation on obligations):						
Fixed guideway modernization	(760,000,000)		(800,000,000)	(780,000,000)	(800,000,000)	(+40,000,000)
Bus and bus-related facilities	(380,000,000)		(400,000,000)	(440,000,000)	(400,000,000)	(+20,000,000)
New starts	(760,000,000)		(800,000,000)	(788,000,000)	(800,000,000)	(+40,000,000)
Subtotal, Discretionary grants	(1,900,000,000)		(2,000,000,000)	(2,008,000,000)	(2,000,000,000)	(+100,000,000)
Rescission of contract authorization	(-588,000,000)					(+588,000,000)
Major capital investments (Highway Trust Fund, Mass Transit Account) (limitation on obligations)		(650,000,000)				
Mass capital investments (Highway Trust Fund, Mass Transit Account) (liquidation of contract authority)		(2,350,000,000)				
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,300,000,000)		(2,350,000,000)	(2,350,000,000)	(2,350,000,000)	(+50,000,000)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Washington Metropolitan Area Transit Authority	200,000,000	.....	200,000,000	160,000,000	200,000,000	.....
Washington Metropolitan Area Transit Authority (Highway Trust Fund, Mass Transit Account)	.....	200,000,000	.....	.....	.....	.....
Total, Federal Transit Administration	822,997,000	338,818,000	627,738,000	474,747,000	583,738,000	-239,259,000
(Limitations on obligations)	(3,559,185,000)	(4,148,500,000)	(4,210,000,000)	(4,218,000,000)	(4,260,000,000)	(+700,815,000)
Total budgetary resources	(4,382,182,000)	(4,487,318,000)	(4,837,738,000)	(4,692,747,000)	(4,843,738,000)	(+461,556,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,337,000	.....	11,200,000	.....	11,200,000	+863,000
Research and Special Programs Administration						
Research and special programs	26,886,000	30,102,000	27,934,000	28,450,000	28,450,000	+1,564,000
Hazardous materials safety	(15,472,000)	.....	(15,024,000)	(15,492,000)	(15,342,000)	(-130,000)
Emergency transportation	(993,000)	.....	(993,000)	(1,443,000)	(1,443,000)	(+450,000)
Research and technology	(3,580,000)	.....	(3,596,000)	(3,296,000)	(3,446,000)	(-134,000)
Program and administrative support	(6,841,000)	.....	(8,321,000)	(8,219,000)	(8,219,000)	(+1,378,000)
Subtotal, research and special programs	(26,886,000)	.....	(27,934,000)	(28,450,000)	(28,450,000)	(+1,564,000)
Emergency appropriations	(3,000,000)	.....	.....	.....	.....	(-3,000,000)
Pipeline safety (Pipeline Safety Fund)	28,460,000	30,660,000	28,186,000	28,000,000	28,000,000	-460,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,528,000	2,328,000	3,300,000	3,000,000	3,300,000	+772,000
Subtotal, Pipeline safety	30,988,000	32,988,000	31,486,000	31,000,000	31,300,000	+312,000
Emergency preparedness grants: Emergency preparedness fund	200,000	200,000	200,000	200,000	200,000	.....
Total, Research and Special Programs Administration	58,074,000	63,290,000	59,620,000	59,650,000	59,950,000	+1,876,000
Office of Inspector General						
Salaries and expenses	37,900,000	40,889,000	42,000,000	38,900,000	42,000,000	+4,100,000
Surface Transportation Board						
Salaries and expenses	12,344,000	14,300,000	15,853,000	12,300,000	13,853,000	+1,509,000
Offsetting collections	.....	-14,300,000	-2,000,000	.....	.....	.....

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
General Provisions						
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(25,000,000)	(31,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	.....
Transportation Administrative Service Center reduction	-10,000,000	.....	-25,000,000	.....	-3,000,000	+7,000,000
Railroad safety offsetting collections	.....	-60,000,000	.....	.....	.....	.....
Net total, title I, Department of Transportation	11,983,102,000	13,065,087,000	13,111,631,000	12,753,782,883	13,009,707,000	+1,026,605,000
Appropriations	(12,750,635,000)	(13,103,687,000)	(13,111,631,000)	(12,982,382,883)	(13,460,307,000)	(+709,672,000)
Rescissions	(-1,719,033,000)	(-38,600,000)	.....	(-228,600,000)	(-450,600,000)	(+1,268,433,000)
Emergency appropriations	(951,500,000)	.....	.....	.....	.....	(-951,500,000)
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(27,989,300,000)	(27,731,325,000)	(+3,745,104,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Net total budgetary resources	(37,993,732,534)	(40,179,658,000)	(42,453,682,000)	(42,133,682,883)	(42,131,602,000)	(+4,137,869,466)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,540,000	3,640,000	3,640,000	3,640,000	3,640,000	+100,000
National Transportation Safety Board						
Salaries and expenses	42,407,000	40,000,000	46,000,000	49,700,000	48,371,000	+5,964,000
Appropriation of user fees	.....	6,000,000	.....	.....	.....	.....
Emergency appropriations	(6,000,000)	.....	.....	.....	.....	(-6,000,000)
Emergency funding (P.L. 105-18)	(29,859,000)	.....	.....	.....	.....	(-29,859,000)
Emergency fund	.....	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Emergency fund (emergency appropriations)	(1,000,000)	.....	.....	.....	.....	(-1,000,000)
Total, National Transportation Safety Board	42,407,000	47,000,000	47,000,000	50,700,000	49,371,000	+6,964,000
Total, title II, Related Agencies	82,806,000	50,640,000	50,640,000	54,340,000	53,011,000	-29,795,000
Appropriations	(45,947,000)	(50,640,000)	(50,640,000)	(54,340,000)	(53,011,000)	(+7,064,000)
Emergency appropriations	(36,859,000)	.....	.....	.....	.....	(-36,859,000)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE III - GENERAL PROVISIONS						
National Civil Aviation Review Commission	2,400,000	.....	.....	.....	.....	-2,400,000
Net total appropriations	12,068,308,000	13,115,727,000	13,162,271,000	12,808,122,883	13,062,718,000	+994,410,000
Scorekeeping adjustments:						
Emergency appropriations	-289,600,000	.....	.....	.....	.....	+289,600,000
Emergency funding (P.L. 105-18)	-698,759,000	.....	.....	.....	.....	+698,759,000
General provision: Bonuses & awards	-513,604	.....	.....	.....	.....	+513,604
Pipeline safety	1,000,000	.....	1,000,000	2,000,000	1,000,000	.....
Railroad Safety	-3,000,000	.....	.....	.....	.....	+3,000,000
Total, adjustments	-990,872,604	.....	1,000,000	2,000,000	1,000,000	+991,872,604
Net grand total	11,077,435,396	13,115,727,000	13,163,271,000	12,810,122,883	13,063,718,000	+1,986,282,604
Appropriations	(12,796,468,396)	(13,154,327,000)	(13,163,271,000)	(13,038,722,883)	(13,514,318,000)	(+717,849,604)
Rescissions	(-1,719,033,000)	(-38,600,000)	.....	(-228,600,000)	(-450,600,000)	(+1,268,433,000)
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(27,989,300,000)	(27,731,325,000)	(+3,745,104,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Net grand total budgetary resources	(37,088,065,930)	(40,230,298,000)	(42,505,322,000)	(42,190,022,883)	(42,185,613,000)	(+5,097,547,070)
RECAP						
Total mandatory and discretionary	11,077,435,396	13,115,727,000	13,163,271,000	12,810,122,883	13,063,718,000	+1,986,282,604
Mandatory	617,284,000	645,696,000	645,696,000	653,196,000	653,196,000	+35,912,000
Discretionary:						
Defense (050)	.....	300,000,000	300,000,000	.....	300,000,000	+300,000,000
Nondefense	10,460,151,396	12,170,031,000	12,217,575,000	12,156,926,883	12,110,522,000	+1,650,370,604
Total, Discretionary	10,460,151,396	12,470,031,000	12,517,575,000	12,156,926,883	12,410,522,000	+1,950,370,604

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN,
TODD TIAHRT,
ROBERT B. ADERHOLT,
BOB LIVINGSTON,
MARTIN OLAV SABO,
THOMAS M. FOGLIETTA,
ESTEBAN EDWARD TORRES,
JOHN W. OLVER,
ED PASTOR,
DAVID R. OBEY,
Managers on the Part of the House.

RICHARD C. SHELBY,
PETE V. DOMENICI,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
LAUCH FAIRCLOTH,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Kentucky (at the request of Mr. ARMEY), for today after 7 p.m., and for the balance of the week, on account of illness in the family.

Mr. HILLIARD of Alabama (at the request of Mr. GEPHARDT), for Monday, October 6, and the balance of the week, on account of a death in the family.

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. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and October 8.

Mr. FOLEY, for 5 minutes, today and October 8.

Mr. PAXON, for 5 minutes, on October 8.

Mr. DUNCAN, for 5 minutes, on October 8.

Mr. KASICH, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

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

Mr. TAYLOR, for 5 minutes, today.

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

Mr. SOUDER, 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. CAPPS) and to include extraneous matter:)

Mr. STARK.
Mr. SCHUMER.
Mr. KENNEDY of Rhode Island.
Mr. CLYBURN.
Mr. FRANK of Massachusetts.
Mrs. MALONEY of New York.
Mr. COYNE.
Mr. MORAN of Virginia.
Mr. MCGOVERN.
Mrs. MEEK of Florida.
Ms. FURSE.
Mr. GORDON.
Ms. NORTON.
Mr. LIPINSKI.
Mr. DELLUMS.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. WAXMAN.
Mr. UNDERWOOD.
Mr. LANTOS.
Mr. FILNER.
Mr. KIND.
Mr. KUCINICH.
Mr. BONIOR.

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

Mr. ARCHER.
Mr. DUNCAN.
Mr. WELLER.
Mr. GRAHAM.
Mr. BILIRAKIS.
Mr. FRELINGHUYSEN.
Mr. TAUZIN.
Mr. HERGER.
Mr. PACKARD.

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

Mr. GANSKE.
Mr. ETHERIDGE.
Mr. RADANOVICH.
Mr. SPRATT.
Mrs. MEEK of Florida.
Mrs. CHENOWETH.
Mr. KIM.
Mr. MATSUI.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 590. An act to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado; to the Committee on Resources.

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes; to the Committee on Resources.

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

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 8, 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:

5385. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Statement of Identity, Nutrition Labeling and Ingredient Labeling of Dietary Supplements; Compliance Policy Guide, Revocation [Docket Nos. 95N-0245 and 94P-0110] (RIN: 0910-AA59) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5386. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Requirement for Nutrient Content Claims, Health Claims, and Statements of Nutritional Support for Dietary Supplements [Docket No. 95N-0282] received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5387. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Nutrient Content Claims: Definition for "High Potency" and Definition of "Antoxidant" for Use in Nutrient Content Claims for Dietary Supplements and Conventional Foods [Docket Nos. 95N-0245, 95N-0282, and 95N-0347] (RIN: 0905-AD96) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5388. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Notification Procedures for Statements on Dietary Supplements [Docket No. 96N-0240] received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5389. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Uniform Compliance Date for Food Regulations [Docket No. 96N-0094] received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5390. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Premarket Notification for a New Dietary Ingredient [Docket No. 96N-0232] received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5391. A letter from the Acting Administrator, Health Resources and Service Administration, transmitting the Administration's final rule—Grants for Residency Training and Advanced Education in the General Practice of Dentistry (RIN: 0906-AA47) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5392. A letter from the Administrator, General Services Administration, transmitting the Administration's strategic plan covering the years 1998 through 2002, pursuant to Public Law 103-62; to the Committee on Government Reform and Oversight.

5393. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7052-02; I.D. 092997A] received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5394. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes [Docket No. 961227373-6373-01; I.D. 092597A] received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5395. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd., MU-2B Series Airplanes (Federal Aviation Administration) [Docket No. 97-CE-94-AD; Amendment 39-10150; AD 97-20-14] (RIN: 2120-AA64) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD-900 Helicopters (Federal Aviation Administration) [Docket No. 96-SW-30-AD; Amendment 39-10149; AD 97-20-12] (RIN: 2120-AA64) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5397. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29022; Amendment No. 1823] (RIN: 2120-AA65) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5398. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29024; Amendment No. 1825] (RIN: 2120-AA65) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5399. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29023; Amdt. No. 1824] (RIN: 2120-AA65) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5400. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Thunder on the Lake Powerboat Races, Sunset Lake, Wildwood Crest, New Jersey (Coast Guard) [CGD 05-97-074] (RIN: 2115-AE46) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5401. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Red River, Louisiana (Coast Guard) [CGD8-97-037] (RIN: 2115-AE47) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5402. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Interstate 5 Bridge Repair Project, Columbia River, Vancouver, WA (Coast Guard) [CGD13-97-023] (RIN: 2115-AA97) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5403. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Requirements for Interest Rate Reduction Refinancing Loans (RIN: 2900-AI92) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5404. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Related Collection, Refunds, and Credits; Revision of Information Reporting and Backup Withholding Regulations; and Removal of Regulations Under Part 35a and of Certain Regulations Under Income Tax Treaties [TD 8734] (RIN: 1545-AU43; 1545-AT77) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5405. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 97-43] received October 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5406. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Time for Filing Form 4720 Return [TD 8736] (RIN: 1545-AU66) received October 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5407. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Payments Made Pursuant to a Securities Lending Transaction [TD 8735] (RIN: 1545-AP71) received October 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5408. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treaty-Based Return Positions [TD 8733] (RIN: 1545-AP35) received October 7, 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. BLILEY: Committee on Commerce. H.R. 1411. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biological products, and for other purposes; with an amendment (Rept. 105-310). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 261. Resolution waiving points of order against the conference report to accompany the bill (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, and for other purposes (Rept. 105-311). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 262. Resolution providing for the consideration of the Senate amendments to the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions (Rept. 105-312). Referred to the House Calendar.

Mr. WOLF: Committee of Conference. Conference report on H.R. 2169. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-313). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged from further consideration. H.R. 967 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ARCHER (for himself, Mr. CRANE, and Mr. DREIER):

H.R. 2621. A bill to extend trade authorities procedures with respect to reciprocal trade agreements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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. CRANE:

H.R. 2622. A bill to make miscellaneous and technical changes to various trade laws; to the Committee on Ways and Means.

By Mr. TAYLOR of Mississippi:

H.R. 2623. A bill to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the "Ray J. Favre Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. WHITFIELD:

H.R. 2624. A bill disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; to the Committee on Appropriations.

By Mr. BARR of Georgia:

H.R. 2625. A bill to redesignate Washington National Airport as "Ronald Reagan-Washington National Airport"; to the Committee on Transportation and Infrastructure.

By Mr. DUNCAN (for himself, Mr. SHUSTER, Mr. OBERSTAR, and Mr. LIPINSKI):

H.R. 2626. A bill to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOLEY (for himself, Mr. KENNEDY of Rhode Island, Mr. KLINK, Mr. FOX of Pennsylvania, Mrs. MYRICK, and Mr. MICA):

H.R. 2627. A bill to limit the authority of the Administrator of the Environmental Protection Agency to ban metered-dose inhalers; to the Committee on Commerce.

By Mr. GANSKE:

H.R. 2628. A bill to authorize amounts required to be paid by the United States pursuant to a judgement or settlement in favor of an individual to be used to pay child support and alimony obligations of the individual; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. TANNER, Mr. BERMAN, Mr. MORAN of Virginia, and Mr. DAVIS of Florida):

H.R. 2629. A bill to establish objectives for negotiating and procedures for implementing certain trade agreements; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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. SAXTON (for himself, Mr. LOBIONDO, and Mr. ANDREWS):

H.R. 2630. A bill to redesignate the Mullica River-Great Bay National Estuarine Research Reserve as the Jacques Cousteau National Estuarine Research Reserve at Mullica River-Great Bay; to the Committee on Resources.

By Mr. SKEEN (for himself, Mr. REYES, Mr. SCHIFF, Mr. MCDADE, Mr. LEWIS of California, Mr. STENHOLM, Mr. SISISKY, Mr. PICKETT, Mr. ABERCROMBIE, and Mr. REDMOND):

H.R. 2631. A bill disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; to the Committee on Appropriations.

By Mr. STARK:

H.R. 2632. A bill to amend title XI and title XVIII of the Social Security Act to combat health care fraud and abuse; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2633. A bill to amend title XVIII of the Social Security Act to provide for standard forms under the Medicare Program for certifications of medical necessity and certifications of terminal illness; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. GILMAN, Mr. RUSH, Mr. FOX of Pennsylvania, Mr. BONIOR, Mr. KENNEDY of Rhode Island, Mrs. KELLY, Mr. MCNULTY, Mr. HOLDEN, Mr. MASCARA, Mr. HINCHEY, Mr. FALEOMAVAEGA, Mr. MURTHA, Mr. FRANK of Massachusetts, and Mr. ACKERMAN):

H. Con. Res. 168. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should maintain the Postal Uniform Allowance Program; to the Committee on Government Reform and Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GRAHAM introduced A bill (H.R. 2634) for the relief of Jessica Koch; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 23: Mr. ACKERMAN, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. RIVERS, Mr. RUSH, Mr. MENENDEZ, and Mr. GREEN.

H.R. 121: Mr. WELDON of Florida.

H.R. 164: Mr. FARR of California, Mrs. JOHNSON of Connecticut, Mrs. MORELLA, Mr. FOLEY, and Mr. KENNEDY of Rhode Island.

H.R. 286: Ms. FURSE.

H.R. 287: Ms. FURSE.

H.R. 590: Mr. KENNEDY of Rhode Island and Mr. MINGE.

H.R. 619: Mr. TIERNEY, Mr. GUTIERREZ, Mr. CLYBURN, Mr. WYNN and, Mr. CAPPS.

H.R. 754: Mr. FARR of California.

H.R. 789: Mr. POMEROY.

H.R. 955: Mr. KLUG and Mr. SANDLIN.

H.R. 965: Mr. CRAPO.

H.R. 979: Mr. CUNNINGHAM, Ms. KILPATRICK, and Mrs. JOHNSON of Connecticut.

H.R. 983: Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. UNDERWOOD, and Mrs. THURMAN.

H.R. 1009: Mr. TIAHRT.

H.R. 1100: Mr. GRAHAM.

H.R. 1111: Mr. NEAL of Massachusetts, Mr. HILLIARD, Mr. COYNE, Mr. NADLER, Mr. FOLEY, Mr. GREEN, Mr. GEJDENSON, Mr. FAZIO of California, and Mr. LANTOS.

H.R. 1114: Mr. HOLDEN, Ms. MCCARTHY of Missouri, and Mr. MCINTYRE.

H.R. 1129: Mr. MCGOVERN, Mr. UNDERWOOD, Mr. SHAYS, and Mr. HILLIARD.

H.R. 1176: Mr. CAPPS and Mr. WAXMAN.

H.R. 1215: Mr. MARTINEZ and Mr. HINOJOSA.

H.R. 1231: Mr. MURTHA.

H.R. 1260: Mr. KIM.

H.R. 1320: Mr. BLAGOJEVICH.

H.R. 1334: Mr. FARR of California.

H.R. 1378: Mr. NUSSLE, Mr. REDMOND, and Mr. HERGER.

H.R. 1427: Mr. GREENWOOD.

H.R. 1500: Mr. WEXLER.

H.R. 1555: Mr. HINCHEY.

H.R. 1608: Mr. GUTKNECHT, Mr. DEAL of Georgia, Mr. BOSWELL, Mr. ADAM SMITH of Washington, Mr. FALEOMAVAEGA, and Mr. STOKES.

H.R. 1614: Ms. KAPTUR and Mr. KILDEE.

H.R. 1635: Mr. ENSIGN, Mr. SANDERS, Mr. SMITH of Michigan, and Mr. ALLEN.

H.R. 1689: Mr. THORNBERRY, Mr. FOX of Pennsylvania, Mr. MICA, Mr. HOUGHTON, Mr. METCALF, Mr. HAYWORTH, Mr. COLLINS, and Mr. MINGE.

H.R. 1737: Mr. GREEN, Mr. BALDACCI, Mrs. KELLY, Mr. BONIOR, Ms. SLAUGHTER, Mr. UNDERWOOD, Mr. FROST, Mr. LANTOS, Mr. SANDLIN, and Mr. LAMPSON.

H.R. 1782: Mr. CONYERS and Mr. SANDERS.

H.R. 1813: Mr. BONIOR, Ms. CHRISTIAN-GREEN, Mr. STRICKLAND, Mr. DELAHUNT, Mr. THOMPSON, Ms. KAPTUR, and Mr. VENTO.

H.R. 1823: Mr. BONIOR, Mr. MCGOVERN, Mr. LAMPSON, Mr. TIERNEY, Ms. HOOLEY of Oregon, Mr. PASCRELL, Mr. SYNDER, Mrs. MCCARTHY of New York, Ms. KILPATRICK, Mr. BLAGOJEVICH, Mr. ROTHMAN, and Mr. DAVIS of Illinois.

H.R. 1842: Mr. LEWIS of Kentucky.

H.R. 1850: Mr. LUTHER.

H.R. 2023: Mr. POSHARD and Mr. ACKERMAN.

H.R. 2053: Mr. STRICKLAND, Mr. GUTIERREZ, and Mr. LAFALCE.

H.R. 2100: Mr. FILNER.

H.R. 2120: Ms. STABENOW, Mr. WEYGAND, Mr. KIND of Wisconsin, and Mr. PAYNE.

H.R. 2125: Mr. SMITH of New Jersey.

H.R. 2128: Mr. FILNER.

H.R. 2131: Mr. CLEMENT, Mr. ABERCROMBIE, and Mr. LAMPSON.

H.R. 2174: Mr. DAVIS of Illinois, Mr. BOUCHER, Ms. KILPATRICK, and Ms. STABENOW.

H.R. 2195: Mr. BROWN of Ohio and Mr. EVANS.

H.R. 2202: Mr. EWING, Mr. BARRETT of Wisconsin, Mr. EDWARDS, Mr. LEWIS of Georgia, Ms. BROWN of Florida, Mr. MATSUI, Mr. GOODLATTE, and Mr. HILLIARD.

H.R. 2221: Mr. SESSIONS and Mr. HINOJOSA.

H.R. 2257: Mr. STARK.

H.R. 2265: Mr. GALLEGLY.

H.R. 2292: Mr. SMITH of Michigan, Mrs. TAUSCHER, Ms. HOOLEY of Oregon, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. SESSIONS, Mr. GINGRICH, Mr. DELAY, Mr. DAVIS of Virginia, Mr. COX of California, Mr. BOSWELL, Mr. HALL of Texas, and Mr. SNOWBARGER.

H.R. 2328: Mr. FAZIO of California.

H.R. 2369: Mr. WYNN, Mr. PETERSON of Minnesota, and Mr. DEAL of Georgia.

H.R. 2377: Mr. CONDIT, Mr. COOKSEY, Mr. CRAPO, Mr. THORNBERRY, Mr. NUSSLE, Mr. NETHERCUTT, Mr. HOEKSTRA, and Mr. GOODLING.

H.R. 2387: Mr. DAVIS of Illinois.

H.R. 2404: Ms. NORTON and Mr. MILLER of California.

H.R. 2421: Mr. UNDERWOOD, Mr. FRANK of Massachusetts, Mr. YATES, Mr. DELLUMS, and Mr. MILLER of California.

H.R. 2422: Mr. MARTINEZ.

H.R. 2450: Ms. FURSE, Mr. FALEOMAVAEGA, and Ms. RIVERS.

H.R. 2454: Mr. MCHUGH and Mr. LIPINSKI.

H.R. 2457: Mr. MCHUGH and Mr. LIPINSKI.

H.R. 2460: Mr. HUTCHINSON.

H.R. 2468: Mr. GUTIERREZ.

H.R. 2476: Ms. KILPATRICK, Mr. HOLDEN, Mr. TRAFICANT, Mr. FROST, and Ms. WOOLSEY.

H.R. 2485: Mr. PETRI, Mr. PALLONE, Mr. BARRETT of Wisconsin, Mr. BROWN of Ohio, Mr. MASCARA, Mr. DOYLE, Mr. JOHNSON of Wisconsin, Mr. MEEHAN, Ms. MCCARTHY of

Missouri, Ms. RIVERS, Mr. VISCLOSKY, and Mr. SAWYER.

H.R. 2495: Mr. DELAHUNT, Mr. PASCRELL, Mr. FALEOMAVAEGA, Mr. BROWN of California, Mr. STARK, Mr. BONIOR, and Ms. LOFGREN.

H.R. 2497: Mr. DREIER, Mrs. KELLY, Mr. FOLEY, Mr. BARR of Georgia, Mr. LOBIONDO, Mr. BALLENGER, Mr. HERGER, Mr. KASICH, Mr. WELDON of Florida, and Mr. BLUNT.

H.R. 2503: Ms. KILPATRICK, Mr. LIPINSKI, Mr. MCINTYRE, Mr. GUTIERREZ, and Mr. LAMPSON.

H.R. 2527: Mrs. MORELLA, Mr. BONIOR, Mr. BERRY, Mr. COSTELLO, Mr. GEJDENSON, Mr. MCGOVERN, Mr. SANDERS, Mr. CAPPS, Mr. SCHUMER, Mrs. MALONEY of New York, Ms. ESHOO, Mrs. CLAYTON, Mr. MURTHA, Mr. RUSH, Mr. RAHALL, Ms. RIVERS, Mr. STRICKLAND, Mr. EVANS, and Mr. ABERCROMBIE.

H.R. 2543: Mr. MARTINEZ.

H.R. 2545: Ms. DELAURO, Mr. CRAMER, Mr. EDWARDS, Ms. LOFGREN, Mr. LAMPSON, Mr. DEUTSCH, Mr. COBURN, Ms. FURSE, Ms. WOOLSEY, Mrs. MORELLA, Ms. SLAUGHTER, Ms. ESHOO, and Mr. SANDLIN.

H.R. 2558: Mr. LAMPSON, Mr. DELLUMS, and Mr. FILNER.

H.R. 2559: Mr. DELLUMS and Mr. FILNER.

H.R. 2560: Ms. ROYBAL-ALLARD, Mr. QUINN, Mrs. CLAYTON, Ms. WATERS, Mr. BONIOR, Mr. HASTINGS of Florida, Mrs. KELLY, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Mr. PAYNE, Mr. STOKES, Mr. OWENS, Mr. BARRETT of Wisconsin, Mr. TRAFICANT, Mr. ROEMER, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. RODRIGUEZ, and Mr. MCGOVERN.

H.R. 2563: Mr. HAYWORTH.

H.R. 2597: Ms. MCKINNEY.

H.R. 2599: Mr. GUTIERREZ.

H.R. 2604: Mr. DELAY, Mr. RAMSTAD, Mr. UNDERWOOD, and Mr. LANTOS.

H.R. 2611: Mr. PACKARD and Mr. BISHOP.

H.J. Res. 26: Mr. MCCRERY.

H. Con. Res. 80: Mr. PORTER, Mr. MCHALE, Mr. PETERSON of Pennsylvania, Mr. FATTAH, Mr. WELDON of Pennsylvania, Mr. SOLOMON, and Mr. GONZALEZ.

H. Con. Res. 107: Mr. SNOWBARGER and Mr. UNDERWOOD.

H. Con. Res. 155: Mr. REGULA and Mrs. NORTHUP.

H. Con. Res. 159: Mr. BARRETT of Wisconsin, Mr. WALSH, Mr. MARTINEZ, Mr. MCNULTY, Mr. OLVER, Mr. BROWN of Ohio, and Mr. FORBES.

H. Res. 96: Mr. STOKES and Mr. TORRES.

H. Res. 139: Mrs. CHENOWETH and Mr. KASICH.

H. Res. 200: Mr. YOUNG of Alaska.

H. Res. 212: Mr. BERMAN.

H. Res. 224: Mr. GEPHARDT, Mr. PRICE of North Carolina, Mr. TRAFICANT, Mrs. EMERSON, and Mrs. KELLY.

H. Res. 229: Mr. FILNER, Mr. HASTINGS of Florida, Mr. THOMPSON, Mr. GREEN, and Mr. SHAYS.

EXTENSIONS OF REMARKS

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

The House in Committee of the Whole House on the State of the Union 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:

Mr. LEVIN. Mr. Chairman, I rise in opposition to the Hyde amendment to the Commerce-Justice-State appropriation.

In Committee there was a provision added that would have allowed Members of Congress and their staffs to be reimbursed for legal costs in cases where they were the prevailing party against the Federal Government, unless a court found that the Government's case was "substantially justified or that other special circumstances would make an award unjust."

Under this provision, the burden of proof would be placed on Government prosecutors who would not only have to prove that there was probable cause a crime had been committed, but also that they were substantially justified in bringing the case to trial.

It was my intention to vote for an amendment to completely strike the committee language from the bill. Unfortunately, the Congress was not given an opportunity to vote on such an amendment.

Instead the Congress considered the Hyde amendment. This amendment took a questionable approach to a handful of cases involving Congress and sought to apply it to all cases prosecuted by the Government. This would open the Government up to a flood of litigation every time it lost a case, regardless of the circumstances.

It was a bad idea for cases involving Congress and it's an exponentially worse when it's extended to everyone else. The fact is that if this provision were to become law, the Department of Justice would choose not to pursue difficult, but legitimate, criminal cases such as those involving rape and child molestation.

CELEBRATING NATIONAL DYSTONIA AWARENESS WEEK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to celebrate October 12–19 as National Dystonia Awareness Week.

Mr. Speaker, I became interested in the efforts of organizations that promote public awareness and research into dystonia when one of my constituents, Larry Bienstock, brought to my attention his long-term battle with this devastating disease. After receiving his law degree from New York University, Larry was a leading figure in bringing people together who were concerned about dystonia and in establishing a strong collective voice for advocacy.

Dystonia is a rare neurological disorder characterized by severe muscle contractions and sustained postures that afflict an estimated 300,000 people in North America. The three major types of dystonia are primary, focal dystonia, and secondary dystonia.

Primary dystonia, also known as idiopathic torsion dystonia, causes spasms that affect different parts of the body and often starts in childhood.

Focal dystonia affects one specific part of the body, distinguished in five categories: blepharospasm, cervical dystonia, oromandibular dystonia, spasmodic dysphonia, and writer's cramp. Blepharospasm causes eyelids to rise tightly for seconds to hours. Cervical dystonia is the contraction on neck muscles turning the head to one side or pulling it forward or backward. Oromandibular dystonia—also known as Meige's Syndrome—is a combination of blepharospasm and oromanibular dystonia in which the muscles of the lower face pull or contract irregularly to cause facial distortions. Spasmodic dysphonia affects the speech muscles of the throat, causing strained, forced, or breathy speech. Writer's cramp is characterized by muscles in the hand and forearm contracting.

The final type of dystonia, secondary dystonia, is caused by an injury or other brain illness.

Unfortunately at this time, there is no definite test for dystonia and many primary care doctors have only minimal knowledge of the symptoms of this disease. The medical profession has found this particular neurological disorder difficult to detect, and therefore it is difficult to correctly diagnose individuals suffering from dystonia. Dystonia affects six times more Americans than other better known disorders such as Huntington's disease and muscular dystrophy.

Those who suffer from dystonia, their families, and their friends have benefited from the creation of the Affiliated National Dystonia Association [ANDA], which is comprised of the Dystonia Medical Research Foundation, the National Spasmodic Dysphonia Association, and the National Spasmodic Torticollis Association. I applaud their work, and support their outstanding efforts.

ANDA provides outreach education regarding the various types of dystonia to both the medical and lay communities, including school systems, government, and the media. It also provides for medical grants to promote research into the causes of and treatment for dystonia. Finally, ANDA sponsors patient and family support groups and programs.

Many citizens react to the physical manifestations of dystonia by avoiding those who have this disorder, causing them to experience isolation and suffer grave psychological harm. Greater recognition and understanding of dystonia, both in the medical and the lay communities, is highly desirable. Individuals can obtain more information about dystonia on the world wide web. The Dystonia Medical Research Foundation has created a web page that not only offers information about the various forms of dystonia, but also details meeting places and dates for those who are or have a family member affected by dystonia. The web address is http://www.ziplink.net/users/dystonia/. You can also learn more by visiting an Internet news group dedicated to dystonia research at "alt.support.dystonia." The toll-free number is 1–800–377–DYST (3978).

Today, as we celebrate National Dystonia Awareness Week, I stand with those who have suffered with dystonia and those who have been their advocates. We must continue to increase public awareness of this disease and ultimately, to search for a cure.

HAPPY 50TH ANNIVERSARY LEROY AND JEANETTE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. POSHARD. Mr. Speaker, in an era when many are concerned with the demise of the institution of marriage and the family unit in the United States, I rise today to honor Leroy and Jeanette Linck. It gives me great pleasure to congratulate Leroy and Jeanette on their 50th anniversary. Leroy and Jeanette were married on September 5, 1947 at the Methodist Church in Bartonville. The Linck's joyously celebrated their 50th anniversary with close friends and family on September 6 at an intimate reception in the Spillertown Baptist Church Educational Building for all to share in this wonderful occasion.

Leroy has been an active volunteer in the political arena and through his work experience he is a jack of all trades. Leroy was a Democratic Precinct Committeeman for 32 productive years. His fervor for community involvement was intoxicating and is personally responsible for letting the people in the surrounding areas become aware of the political process. Jeanette dedicated 12 years to her career as a nurse at a local doctor's office until she decided to retire when the practice closed.

Mr. Speaker, in a day where marriages are too often short lived, it is a real treasure to be

a witness to a couple that has endured the daily trials and tribulations that cause many couples to fail. The Linck's have proven that they can work things out and muddle through their struggles. This family is no stranger to life's hardships.

Leroy and Jeanette have been blessed with a large, loving family and a strong marriage. Mr. Speaker, what a monumental achievement to be married for 50 years. It is an honor to represent a couple like the Linck's—they are an inspiration to us all in southern Illinois and I am proud to represent them in the U.S. House of Representatives.

POWER VACUUM AT PANAMA CANAL

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. KING. Mr. Speaker, on October 5, 1997 The New York Times ran an interesting story by Larry Rohter on a power vacuum developing at the Panama Canal. The importance of the Canal to the United States' economic interests should not be underestimated with over 200,000 jobs in our Nation dependent on a safe and efficient Canal operation. For example, one out of every four vessels entering or leaving the Port of New York and New Jersey transits the Panama Canal.

I commend to my colleagues the Rohter story with the hope that officials at the Pentagon will not neglect our responsibilities in Panama over the next 27 months.

[From the New York Times, October 5, 1997]

AS PANAMA CANAL TRANSFER NEARS, MORE JOCKEYING TO FILL A POWER VACUUM

(By Larry Rohter)

MIAMI, Oct. 4.—The sudden resignation of the chairman of the Panama Canal Commission, with barely two years remaining before the United States yields control of the vital waterway, has created a power vacuum that Panama is now maneuvering to fill, American officials and current and former canal officials say.

Meeting in a closed session here this week, the nine-member binational body, created by the Panama Canal Treaties 20 years ago, chose the United States Secretary of the Army, Togo D. West, Jr., to succeed Joe R. Reeder, an American, who resigned on Sept. 15.

But in a nod to Panama's increasingly assertive posture regarding the running of the canal, the board also created a new position, that of vice chairman, and named a Panamanian, Jorge E. Ritter, to the job.

As Minister of State for Canal Affairs and a member of the commission's board, Mr. Ritter is already the Panamanian Government's principal negotiator on canal matters. This summer, President Ernesto Perez Balladares enhanced Mr. Ritter's already considerable influence by naming him director of the Panama Canal Authority, the entity that will assume management of the waterway when the United States hands it over to Panama on Dec. 31, 1999.

Mr. West, on the other hand, is relatively new to canal matters and remains preoccupied with the Army's sexual harassment scandals, the deployment of American troops in Bosnia and a host of other issues. This has led to concerns among some shipping executives and other canal specialists that he will be unable to devote the time required to supervise the handover properly and to assure that the Canal Treaties are properly implemented.

"It makes no sense in the heavy-duty transition that is under way to have the Secretary of the Army as chairman of the Canal Commission," said Robert R. McMillan, Mr. Reeder's predecessor as board chairman. "There is no way he can do justice to the position, no matter how many colonels from his retinue he has swarming around the Canal. With this job, it's hands on or nothing; you can't tune in just for board meetings and be an effective chairman."

In a telephone interview Friday, Mr. West, a lawyer and former general counsel of the Department of Defense, said his new post "has always been a part-time job" and that "the occasions on which the chairmanship was the sole duty of whoever held it are rare, if any." Naming a Panamanian as vice chairman "probably should have been done before now," he added, and "provides a further sign of the spirit of cooperation" between the two countries.

"We have every confidence that Secretary West will be fully capable of handling his responsibilities as Secretary of the Army as well as chairman of the Panama Canal Commission board of directors," said Capt. Michael Doubleday, a Defense Department spokesman in Washington.

Captain Doubleday noted that former Army Secretary Michael P. Stone also served as chairman of the Panama Canal commission's board, from early 1990 to January 1993.

Like Mr. Pérez Balladares' other nominees to the future Canal Authority, which include four members of his or his wife's family, Mr. Ritter has close ties to the President and the governing Democratic Revolutionary Party. During the rabidly anti-American dictatorship of Gen. Manuel Antonio Noriega, who was then leader of the party, Mr. Ritter was Panama's Ambassador to Colombia and then Foreign Minister.

In 1992, after the American invasion that toppled and captured him, General Noriega was convicted here of drug trafficking, racketeering and money laundering to aid Colombian drug cartels and was sentenced to 40 years in prison. During his trial, a witness testified that Mr. Ritter, using his diplomatic privileges while Ambassador in Bogatá, had purchased a Mercedes-Benz on behalf of a leading Colombian drug dealer in return for $50,000. Mr. Ritter has denied that he did anything improper.

"Having to deal with Jorge Ritter is a sizable assignment," one American official said, speaking on condition of anonymity. "That's why it is vitally important to the national interest to have someone in place who can really focus on the situation on a day-to-day basis and provide continuity all the way through 1999."

Canal officials say that Panama viewed Mr. Reeder's departure, which American officials attributed to tensions between him and Mr. West, as an opportunity to strengthen its presence on the commission. There had even been informal suggestions that the new chairman be a Panamanian, they said, which led to negotiations aimed at avoiding a show of discord at the body's next public meeting, scheduled to take place in New York this month.

Mr. West said that "if there was any such discussion in the margins, I had no sign of that." He described Mr. Ritter as "a very impressive person, intellectually very sharp, the right person to do this job," but, when asked if he himself expected to remain as chairman of the commission through 1999, he did not answer directly.

"There is every intention for all of us to be a stabilizing and not a destabilizing influence," he said. Though "neither I nor the Administration have any present plans for me not to see this through," he added, "the half life of political appointees in any administration is of such a nature that I have already exceeded my expected term."

DON PIENKOS, 1997 OUTSTANDING AMERICAN OF POLISH DESCENT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. KLECZKA. Mr. Speaker, I rise today in heartfelt tribute to my good friend, Don Pienkos, who has been honored by the National Polish Alliance's Milwaukee Society as the 1997 Outstanding American of Polish Descent.

Don has for many years played such an important role in the Polish-American community in the Milwaukee area and nationally. He's been on the board of directors for the Polish National Alliance and is very involved with its Milwaukee Society. He is also active in the Polish American Congress and Milwaukee's Polishfest Festival. Dr. Pienkos has also long been a supporter of the Polish Institute of Arts and Sciences of America and the Kosciuszko Foundation.

Currently the director of undergraduate studies for the Political Science Department at the University of Wisconsin-Milwaukee, Don Pienkos' special area of interest is Eastern Europe and the nations of the former Soviet Union. He has taught at UWM for nearly 30 years, working to instill in his students an appreciation for and understanding of Eastern European politics and culture. In addition, he helped organize UWM's committees on Russian and Eastern European studies, as well as Polish studies.

As a natural outgrowth of his interest, knowledge and pride in his Polish heritage, Don has authored several books on Poland and on Polish-American organizations. These informative works provide us with wonderful accounts of the efforts Polish-Americans have made on behalf of the Polish people and fellow Polish-Americans.

Most recently, Don has been active in Poland's struggle to rebuild its government and economy after the fall of eastern bloc communism. He has worked with elected community leaders from Poland to train them in local democratic government and was in Poland to observe and write about their 1995 elections. Don was also honored to have met with President Clinton and Vice-President GORE to discuss North Atlantic Treaty Organization enlargement, and has worked hard toward the goal of full NATO membership for Poland.

Mr. Speaker, it is my privilege to honor Professor Donald Pienkos for his outstanding work in the Polish-American community. I congratulate him on being awarded the Milwaukee

Society's Outstanding American of Polish descent and extend my best wishes for a successful Pulaski Day celebration and continued success for years to come. Sto Lat!

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. KIND. Mr. Speaker, today we begin the 6th week of legislation business since returning from the August district work period. Each weekend I return home to western Wisconsin and meet with the people whom I represent. Each weekend I have to inform them that we have not taken any action on campaign finance reform. Mr. Speaker, the people of my district are tired of hearing that another week has gone without campaign finance reform.

Over the past 6 weeks in Congress we have found the time to tackle some very difficult matters. Yet that action has done nothing to restore the public's faith in this institution. The reason for this lack of faith is our failure to clean our own house. The public is demanding that we eliminate the influence of big money in the political system before they will trust us to serve the interests of the people. Failure to even consider a bill on campaign finance reform is only feeding that cynicism.

Instead of banning soft money Congress gave huge tax breaks to tobacco companies. Instead of requiring special interests to disclose what they spend on campaign advertising Congress continues to allow those special interest groups to run unregulated political ads more than a year before an election. Instead of instituting more stringent campaign reporting requirements Congress conducts repetitive, partisan inquiries into past campaign abuses.

Mr. Speaker, it is time to restore the public's faith in our democratic system. It is time to show the voters that we have the ability to clean our own house. It is time we pass meaningful campaign finance reform.

FAMILY PLANNING FUNDING

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. SABO. Mr. Speaker, the Foreign Operations conference report soon will be considered by the House. As we consider that legislation, I want to call my colleague's attention to this editorial on family planning funding which appeared recently in the Minneapolis Star Tribune.

EDITORIAL: FAMILY PLANNING—SAVING THE WORLD'S CHILDREN, AND MOTHERS

Before they settle into office, perhaps new members of Congress should be required to visit a developing country. They'd see what it's like to scratch a livelihood out of the dirt, to strain to feed more mouths than the available food can fill. They'd see how overpopulation spawns a cycle of poverty, disease, illiteracy and environmental devastation. And these world travelers would likely return to the Capitol knowing something that many of today's lawmakers can't seem to grasp: If Americans want to save lives and improve health overseas, funding family planning is the surest bet.

There's really no disputing this; no credible group even tries. The World Bank—hardly a bastion of bleeding hearts—says investing in contraception is a remarkably cost-effective way to improve child and maternal health. Yet U.S. lawmakers have been mysteriously reluctant to take note of this wisdom. In recent years they've devoted only a pittance of foreign-aid funds to family planning, and then have bent over backwards to keep from spending it.

This year's backbend comes courtesy of the House of Representatives, which has pasted a "global gag rule" and other debilitating amendments to its version of the foreign operations appropriations bill. The bill is being considered along with its cleaner Senate companion in a conference committee that convened Thursday.

The House's gag rule is a variation on an old theme, born of the hope that holding family planning programs hostage can somehow stop abortion. Though federal law has barred the use of U.S. funds for foreign abortions for two decades, the House plan goes one grand step further. It would bar family-planning groups overseas from receiving U.S. funds if—using their own, non-U.S. money—the groups provide abortions, openly support abortion or even speak to their governments about making abortion safer. The House bill would also cut off $25 million to the U.N.'s Population Fund unless the agency pulls out of China, where forced abortions have been reported.

Whatever its intent, it's hard to imagine that this scheme will actually do much to curb abortion. Its chief effect will likely be to weaken the network of family-planning agencies on which millions of the globe's most destitute contraceptive-seekers depend. And since contraception is the best anti-abortion program around, making it hard to get is sure to spur fresh demand for abortion. Even now, unwanted pregnancies result in about 50 million abortions every year—many performed in dangerous, often deadly, conditions. What sensible soul would want to add to that number?

TRIBUTE TO DONALD J. BABB

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. BLUNT. Mr. Speaker, I rise today to commend Donald J. Babb as this year's recipient of the American Hospital Association's Shirley Ann Monroe Leadership Development Award. Mr. Babb serves as chief executive officer of Citizens Memorial Hospital [CMH] and executive director of Citizens Memorial Health Care Foundation in Bolivar, MO. The Monroe Award is given annually to a chief executive officer of a small or rural hospital.

Don has been with CMH since it first opened its doors in the fall of 1982. In fact, Don was hired before construction even began, and was the hospital's first employee. He was hand-picked by the hospital's original board of directors to come to Bolivar to help build CMH from the ground up. And, build it from the ground up he did.

Because of Don's hard work and vision, CMH has grown from a 45,000 square foot facility with 90 employees to a 300,000 square foot facility with over 1,000 employees. But the hospital's phenomenal growth cannot be measured merely in terms of physical size. Under Don's leadership CMH has evolved into a fully-integrated health care delivery system to meet the growing needs of its service area, which has grown from 17,000 to nearly 80,000 people in only 15 years. Today, CMH includes a 74 bed acute care hospital, an intensive care unit, a full-service outpatient clinic, rehabilitation services, a home health agency, 12 physician clinics, an ambulance service, and a residential care facility. The hospital will also add a dialysis clinic this fall.

The health care industry has faced many changes in the past two decades, and Don has confronted those changes head-on. Because of the rising costs of health care Don formed Missouri Advantage, the first Health Maintenance Organization [HMO] for a small, rural hospital in Missouri, and one of only six in the Nation at that time. In 1996, Don expanded Missouri Advantage to cover three additional rural hospitals in the State.

Don has consistently used his position to look for new and better ways to identify and address the health care needs in his community. In 1995, he formed Community Health Assessment Resource Teams [CHART] in five counties within the CMH service area. Don has used CHART to bring together professionals, lay people, and volunteers to address issues like teen pregnancy, infant mortality, and the acute shortage of health care professionals in rural communities.

In spite of Don's personal success, he has never lost touch with the community he serves or the people he works with. It is not uncommon for Don to take time out to visit personally with the employees of CMH and let them know that he appreciates their efforts. His is a great example. I would like to thank Don once again for having the courage to lead, and to congratulate him on receiving this well deserved honor.

86TH ANNIVERSARY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate President Lee Teng-hui and Vice President Lien Chan of the Republic of China on Taiwan as they celebrate the 86th anniversary of the founding of their nation. Their commitment to the sometimes-difficult task of forging a democratic nation is to be lauded.

Also, I would like to extend my best to Representative Jason Hu, who is returning to Taiwan to assume the duties of Foreign Minister. If his tenure here in the United States is any indication of the future, Dr. Hu will be a first-rate foreign minister for the Taiwanese Government. His efforts to forge ties between our countries are commendable and will surely serve him well.

Finally, I ask my colleagues to join me in offering encouragement to the Taiwanese Government in its continued efforts to build a democratic nation.

READING EXCELLENCE ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. GOODLING. Mr. Speaker, for many years I have led the battle to combat illiteracy in the United States, through the development of the Even Start Family Literacy Program and through the improvement of the Adult Education Act.

What has been missing has been a focus of preventing reading difficulties from developing in the first place. We have several major Federal education programs focused on assisting children who are experiencing difficulties learning to read, such as title 1 of the Elementary and Secondary Act and the Individuals With Disabilities Education Act. And yet, the 1994 NAEP Reading Report Card points out that 40 percent of children in fourth grade are reading below the basic level. This means they have only partially mastered the prerequisite knowledge and skills which are fundamental for proficient work at their grade level.

President Clinton, and I commend him for his interest in improving reading skills in our Nation's children, has proposed that we address this problem primarily through the use of volunteers to help students experiencing reading difficulties. However, hearings before my Committee on Education and the Workforce have pointed out that an even more fundamental change is necessary if we are to teach children to read. The fact is, we first have to teach teachers how to teach reading based on reliable, replicable research on how children learn to read.

Dr. Reid Lyon, Chief of the Child Development and Behavior Branch at the National Institutes of Health, testified before the committee that fewer than 10 percent of our Nation's teachers have an adequate understanding of how reading develops or how to provide reading instruction to struggling readers.

Rather than focusing on volunteers, we need to focus our attention on those individuals who have the primary responsibility for teaching our children to read.

Today I am introducing a bill which I believe will go a long way toward addressing the illiteracy problems in our country. This legislation, the Reading Excellence Act, provides grants to States to provide funding to title 1 schools in school improvement to teach teachers how to teach reading and to provide for a range of other activities to help prevent the development of reading difficulties among children in elementary school.

Among other activities, the bill requires schools to provide transition programs for children who are not ready to move from kindergarten to first grade, family literacy activities for parents who have low levels of literacy to help them become their child's first and most important teacher, and additional assistance before and after school, on weekends, during non-instructional periods during the school day and during the summer to children experiencing reading difficulties.

The bill also requires States to fund tutorial assistance grants. These grants would go to title 1 schools in enterprise and empowerment zones and would be used to provide grants to parents to seek additional reading assistance for their children from a list of providers developed by the local educational agency.

The Reading Excellence Act also calls for the board dissemination of information on reliable, replicable research on reading to Federal education programs with a strong reading component so all teachers have the knowledge they need to teach children how to read.

Finally, this bill makes important changes to the Even Start Family Literacy Act and the College Work Study Act to allow them to work with children and families to improve the reading ability of our Nation's children.

Mr. Speaker, this is a good bill which will go a long way toward insuring that the children in our Nation will learn to read as soon as possible once they enter school. It is my sincere hope that this bill can receive bipartisan support and I have been working closely with the Clinton administration and Democrats who serve on my committee to achieve that goal. While we are not there yet, it is my desire to continue to work with them to develop a bill that both Republicans and Democrats can support and that will truly help all children to read no later than the third grade.

INTRODUCTION OF THE EMERGENCY MEDICAL SERVICES ENHANCEMENT ACT OF 1997

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. ETHERIDGE. Mr. Speaker, I am pleased today to announce an important initiative for rural America. Recently, rural areas have been faced with rising health care costs, and providing medical services has become a financial burden on local government. As a result, rescue and EMS squads have had to to forgo needed improvements, construction, and equipment. When a loved one requires emergency services, ambulances must roll, equipment must work, and facilities must be in place. These organizations often make the difference between life and death in an emergency. We cannot risk one life because of a lack of sufficient funds for these organizations.

Today, I am introducing legislation that will seek to correct this problem. The Emergency Medical Services Enhancement [EMS] Act will allow emergency organizations to issue tax-exempt bonds to raise funds for the purchase of equipment and for the construction and improvement of facilities. Tax-exempt bonds are used to build schools, bridges, and other public facilities. Volunteer fire departments have issued these bonds to purchase equipment and facilities. It is only right that we give similar consideration to those volunteer organizations that provide life saving emergency services to our citizens.

Mr. Speaker, this legislation will have an immediate impact on volunteer emergency organizations in rural areas across this country. In Harnett County, NC, my home county, the town of Dunn is building a new EMS facility as a result of damage to the previous station from Hurricane Fran last year. The Dunn EMS would have saved half a million dollars if it could have issued tax-exempt bonds. In Franklin County, the Franklinton EMS has been colocated with the fire department since its headquarters were destroyed by Fran last year. This bill will help them rebuild and provide the quality services the people of Franklin County deserve. This bill will save lives in rural counties throughout the country.

Mr. Speaker, this bill builds on the work of my friend and a former Member of this body, martin Lancaster. He laid the foundation for this effort by introducing this bill when he was in the House a few years ago. I am pleased to have the opportunity to introduce this bill that will fulfill a critical need in our rural communities.

INTRODUCTION OF THE CHILD SUPPORT ENHANCEMENT ACT OF 1997

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. GANSKE. Mr. Speaker, today I am introducing the Child Support Enhancement Act of 1997 which will help ensure that deadbeat parents take personal responsibility for their children.

It takes two people to bring a child into the world and it takes two people to raise a child in this world. Unfortunately, in too many cases, one parent believes that their responsibility ends when the baby is born.

Statistics estimate that by 1994, there were approximately 11.4 million families with minor children in this country that were single-parent households. While single-parent families made up roughly 13 percent of American families in 1970, this number escalated to 31 percent of all families in 1994.

This harsh reality means that the success of our Nation's child support enforcement efforts is important to an even greater number of children growing up in this country in single-parent homes.

As I have mentioned before, while we can't legislate and force parents to read to their children, attend Little League baseball games or show up at birthday parties, we can help make sure there is food in children's mouths and clothes on their backs by encouraging financial responsibility. This financial responsibility must include both parents. Child support is not merely a legal duty; it is a moral duty.

This is why I strongly supported the initiatives contained in the welfare bill that passed into law during the 104th Congress. The new law improves child support collection procedures, enhances enforcement of child support orders across State lines, and helps insure that deadbeat parents take personal responsibility for their children.

As Members of Congress we must oversee the implementation of the new law to ensure

it is achieving its intended purpose. In the meantime, we must continue efforts to strengthen our child support enforcement efforts.

The importance of these initiatives can clearly be seen when one considers that in fiscal year 1995, the child support enforcement program collected child support payments for less than 20 percent of its caseload.

That is why I am introducing the Child Support Enforcement Act of 1997. This bill authorizes the seizure or interception of judgments or settlements to private individuals in suits brought against the Federal Government. The legislation applies to settlements or judgments in both administrative actions and claims in a court of law.

Currently, State child support enforcement officials and others working on behalf of custodial parents can seize or intercept moneys in suits against private individuals and State governments, but only in very narrow circumstances can they do this when Uncle Sam is involved.

If a deadbeat parent is going to receive money from the Federal Government, this legislation will help to ensure that the children get their share.

We must continue efforts that make it easier for child support collectors to do their job.

For kids' sake, I urge my colleagues to support this bill.

TRIBUTE TO MICHAEL GARSON

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to commend and congratulate Michael Garson for his outstanding community service in my district. Mr. Garson was recently honored by the Harry S. Truman Democratic Club, also in my district. Community action and service are critical to the betterment of our cities, and Mike certainly is an outstanding example of how people involved in such service can have positive impact on those around them.

In addition to serving as a Democratic State committeeman and as a Democratic leader of the 41st assembly district, Mike is a member of the New York State and Brooklyn Bar Associations, the International Legal Fraternity Phi Delta Phi, B'nai B'rith Sheepshead Lodge, Congregation Beth Shalom of Sheepshead Bay, and the Jewish War Veterans No. 335, Cohen-Eisenman Post. He also services with distinction on the board of directors of the Kings Bay YMHA–YWHA. He was honored in 1982 by the Kings County Young Democrats and is listed in Who's Who in the East. Mike lives in the Madison section of Brooklyn with his wife, Laurie, and his daughter, Francesca.

I thank Mike for his continued community service and wish him success in his life. I sincerely hope that we will continue to work together for many years to come.

HONORING SHERMAN SPEARS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. DELLUMS. Mr. Speaker, I rise to recognize the achievement of one of my constituents, Mr. Sherman Spears. He will be honored on October 14, 1997 as a recipient of the Amendment Award of Excellence in Crime Prevention on behalf of the National Crime Prevention Council. Out of 140 nominations, Mr. Spears was selected along with eight extraordinary individuals who are fighting crime and building community.

Mr. Spears was shot at the age of 19 and fortunate to have survived. The incident, which left him a paraplegic, motivated him to dedicate his life to doing what he can to help at-risk young people make choices to keep themselves and others alive, and to teach them how to build safer communities. Since 1993, he has been the Coordinator of Teens on Target, a youth violence prevention program in my hometown of Oakland, CA. He began the Caught in the Crossfire hospital peer visitation program in 1994.

Mr. Spears used his experience and understanding to develop the Caught in the Crossfire program. This program provides adolescents, who are recovering from violent injuries in the Highland hospital trauma center, with educational materials about violent crime to dissuade victims and their friends from retailing against their attackers. Upon discharge, Mr. Spears contacts the patients to see if they have used the referrals given to them, such as joining a program to help them get their GED, changing friendship groups, or joining and attending a physical rehabilitation program.

Caught in the Crossfire provides visitation to all recovering adolescents who are referred by the Highlight hospital staff. This averages 50 visits per year. The average length of hospital stay of each patient is 2 to 3 days; Mr. Spears responds to the call for help within 24 hours.

Teens on Target approaches at-risk youth in an attempt to reform their perspectives and to help them understand the repercussions of violence. The program trains multiethnic urban youth to educate their peers about the causes of violence and how to prevent it at home, in their neighborhood, and in their city. Each year, 25 youth from two high schools in Oakland are trained by Mr. Spears to: First, provide peer violence prevention education at schools, conferences and community events; second, educate professionals on the impact of violence on youth and strategies for prevention that will work; third, provide an informed voice to the media about how youth can be leaders in preventing violence; fourth, provide positive role models for youth; and fifth, provoke policymakers to take action to prevent violence. The youth, at risk for dropping out of school themselves, are referred to Teens on Target by probation officers, principals, counselors, and teachers. They provide four interactive violence prevention workshops to approximately 2,000 youth per year addressing the issues of gun violence, street and gang violence, alcohol and drug violence, and family violence. Over 5,000 youth have received this training since Mr. Spears has coordinated the project.

I would like to thank the National Crime Prevention Council and Ameritech for their commitment in helping individuals fight crime and build community and for recognizing and honoring the work of Mr. Spears and others.

Sherman Spears did not let his experience with violence become an excuse for defeat. He has not allowed the physical difficulties resulting from that incident to keep him from making a contribution to his community. Instead, he has used his unique insight to create programs to address crime throughout Oakland. We, in Oakland, are fortunate and proud to have Mr. Spears working on the front lines, to help break the vicious cycle of violence. Thank you so much for your commitment and work on our behalf. I also ask my colleagues to join me in congratulating Sherman Spears and hard-working individuals like him who make a difference in their communities.

EMERGENCY MEDICAL SERVICES ENHANCEMENT ACT OF 1997

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. ETHERIDGE. Mr. Speaker, I am pleased today to announce an important initiative for rural America. Recently, rural areas have been faced with rising health care costs, and providing medical services has become a financial burden on local government. As a result, rescue and EMS squads have had to forgo needed improvements, construction, and equipment. When a loved one requires emergency services, ambulances must roll, equipment must work and facilities must be in place. These organizations often make the difference between life and death in an emergency. We cannot risk one life because of a lack of sufficient funds for these organizations.

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Mr. Speaker, this legislation will have an immediate impact on volunteer emergency organizations in rural areas across this country. In Harnett County, NC, my home county, the town of Dunn is building a new EMS facility as a result of damage to the previous station from Hurricane Fran last year. The Dunn EMS would have saved half a million dollars if it could have issued tax-exempt bonds. In Franklin County, the Franklinton EMS has been co-located with the fire department since its headquarters were destroyed by Fran last year. This bill will help them rebuild and provide the quality services the people of Franklin

County deserve. This bill will save lives in rural counties throughout the country.

Mr. Speaker, this bill builds on the work of my friend and a former Member of this body, Martin Lancaster. He laid the foundation for this effort by introducing this bill when he was in the House a few years ago. I am pleased to have the opportunity to introduce this bill that will fulfill a critical need in our rural communities.

SOMERSET AMVETS LOUIS A. COLON POST #72 FIFTIETH ANNIVERSARY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. McGOVERN. Mr. Speaker, I am here today to congratulate the Somerset AMVETS Louis A. Colon Post #72 on their 50 anniversary. The Somerset AMVETS have been a source of community pride and public service since their inception in 1947.

For the past 50 years the Somerset AMVETS have worked tirelessly to promote the values of those who have served in the U.S. military. They have sponsored numerous youth athletic teams, partnered with Somerset South school in providing athletic and academic mentoring, provided scholarships to area youths attending college, worked with the VA voluntary services and for 50 consecutive years sponsored Boy Scout troop #2. This is just a sampling of the charitable and community service work the Somerset AMVETS have provided in the past 50 years.

Once again I would like to congratulate and commend the Somerset AMVETS Louis A. Colon Post #72 on their 50th anniversary. I with them continued success in all their future endeavors.

TRIBUTE TO MARILYN LLOYD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding achievements of one of our former colleagues, Marilyn Lloyd, who served in the House from 1975 to 1995. On October 10, Ms. Lloyd's 20 years of service to her district will be commemorated at the dedication of the Marilyn Lloyd Environmental and Life Sciences Complex in Oak Ridge, TN.

The Marilyn Lloyd Environmental and Life Sciences Complex will comprise most of the Environmental Sciences Division's labs and offices on the west end of Oak Ridge National Laboratory [ORNL]. Ms. Lloyd's successor, Congressman ZACH WAMP, along with various officials and dignitaries, will be on hand to express their appreciation for her efforts on behalf of ORNL.

There could not be a more fitting tribute to her hard work and dedication to the Oak Ridge community. As a senior member of the House Science Committee and chairwoman of the Subcommittee on Energy, former Representative Lloyd was in a unique position to assume a watchdog position and ensure that Oak Ridge was treated fairly. At a time when many DOE sites are struggling, Oak Ridge has maintained its status as a national leader in neutron science, cutting-edge technology, and environmental cleanup. None of this would have been possible without Marilyn Lloyd's diligence and commitment to the Third District of Tennessee.

In her previous position as a U.S. Congresswoman, Ms. Lloyd brought attention to the need for fusion energy research and the Isotope Production and Distribution Program. Her dedication to her district and the science community was so deep-rooted, she chose to remain the chairwoman of the Energy Subcommittee even after she had obtained the seniority to chair a subcommittee on the House Armed Services Committee.

Ms. Lloyd still remains active in the science community and in Oak Ridge. She is an appointee to the Secretary of Energy's advisory board and a member of Lockheed Martin Energy Research Corp. board of directors. Her community service, church activities, and family keep her busy as well.

As the first and only woman to be elected to a full term in the U.S. House of Representatives from Tennessee, Marilyn always was a trailblazer. I cannot think of anyone more deserving of this tribute than my former colleague and friend, Marilyn Lloyd. Her past and continued work for the Oak Ridge National Lab and the Third District should never be forgotten.

CELEBRATION OF AUSTRIAN-AMERICAN DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. BILIRAKIS. Mr. Speaker, I rise today to commemorate Austrian-American Day. President Clinton and Governors across the Nation proclaimed September 26, 1997, as Austrian-American Day. Three of my constituents, Christian Robin, Maria Groh, and Anna Goodman, came to Washington, DC, to celebrate this important occasion.

Why is September 26 important to Austrian-Americans? On September 26, 1945, at the meeting of all Federal Provincial Governors, the United States insisted that Austria remain a united nation. Had it not been for the United States, Austria would have been divided between the East and West.

This year also marks an important anniversary for Austrian-Americans. Fifty years ago, the United States initiated the Marshall plan. Through this plan, many war-torn European nations were able to rebuild after World War II. The Marshall plan enabled these nations to fend off the looming Communist threat.

Austrian-Americans work hard to make their communities a better place to live in by sharing what they have and helping others in need. In a sense, we can say that our aid in postwar reconstruction has come full circle. We are now receiving the benefits of the generosity that our Nation showed to another country in their time of need.

Mr. Speaker, many great Austrian-Americans have contributed to our way of life. I want to take a moment and reflect on some famous Austrian-Americans: Joseph Pulitzer, Supreme Court Justices Felix Frankfurter and Earl Warren, Estee Lauder, Fred Astair, and Arnold Schwarzenegger. These individuals have made many contributions to our society. Of course, there are countless other Austrian-Americans who have contributed greatly in the areas of literature, science, economics, medicine, and entertainment.

Austria and America have an inextricable bond which has been created not only through the Marshall plan but also through those Austrians who have chosen to make the United States their home. Though they may have been born and raised in another country, they have joined the melting pot that is our country, making our Nation even stronger by the addition of their experiences and hopes and dreams for America. We must take the time to learn and appreciate other heritages and cultures. I would like to commend Austrian-Americans for making their culture accessible to all of us through their many different activities throughout the United States.

CONGRATULATIONS TO J. EDWIN KYLE

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. TAUZIN. Mr. Speaker, J. Edwin Kyle is celebrating his 80th birthday on October 12, 1997. I would like to wish him a very happy birthday and congratulate him on reaching this milestone. I wish him many more joy-filled birthdays.

FAST TRACK IS THE WRONG TRACK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. LIPINSKI. Mr. Speaker, it is no secret that I have been a consistent and vocal critic of NAFTA. When Congress voted to expand the treaty to Mexico in 1994, I opposed it, and subsequent events have demonstrated all too clearly why NAFTA was a bad deal for the American working man and woman. The United States has lost more than 400,000 jobs, while the situation of Mexican workers has continued to deteriorate.

Perhaps NAFTA could have been salvaged when Congress received it for deliberation 4 years ago. Unfortunately, we had no choice but to vote for it as it was presented to us, with no opportunity to add amendments or insert clarifications of any kind, because in 1992, Congress handed President Bush fast track negotiating authority.

Now President Clinton would like to expand NAFTA to other nations in the Western Hemisphere, such as Chile. And, of course, he

again wants fast track authority in dealing with our neighbors.

The problem with fast track is not so much that the President is using it to negotiate bad trade deals, although he did, and I believe he will again. The overriding concern is that fast track is yet another voluntary abrogation of congressional authority to the President.

It should be of great concern to my colleagues and all Americans that the people's legislature—Congress—could again surrender much of its constitutional prerogatives in shaping trade policy. There is no denying that we exist in a global economy, where we should always strive for free and fair trade. However, at a time when world commerce is becoming increasingly complex and the future well-being of American workers is pegged to the way we do business with other countries, Congress is voluntarily handing over its responsibility when it comes to shaping the rules by which we have to play.

Over the last 30 years, Congress has given up many of its traditional powers to the President, such as sending American troops into war zones. It is time for Congress to put a stop to this trend, and the upcoming fast track vote is the perfect place to turn the tide.

Even the ardent free traders at the Wall Street Journal recently published a poll that showed an overwhelming majority of Americans believe that Congress should play a role in the crafting of our Nation's trade agreements.

It is time for Congress to put a halt to both self-destructive trade agreements and the meek surrender of its prerogatives and responsibilities.

HONORING SANDOR BRATTSTROM

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the hard work and dedication of a valued employee, Mr. Sandor Brattstrom, who has served as congressional liaison to communities in the 11th District of Illinois since I took office in 1995. Sandy has been a faithful friend of the people of the 11th District of Illinois. His service on their behalf, particularly the people of Will County, has positively affected these communities in innumerable ways.

As congressional liaison to Will County, he has helped me build strong relationships with local officials and business leaders. His instinctive understanding of the needs of these communities and his ability to perceive fruitful courses of action has served to make me more effective as a community servant.

A very important part of Sandy's work has been his critical role in the redevelopment of the 23,500 acre Joliet Arsenal property, a project which has attracted national attention as a prototype for the conversion of unneeded military facilities to productive civilian use.

Not only did Sandy play a key role in mobilizing the diverse 11th District sources of support needed to ensure passage of the enabling redevelopment legislation, the Illinois Land Conservation Act of 1996, but he has since worked very hard to help begin the process of implementing the following major provisions of this landmark act of Congress:

The creation of the 19,000-acre Midewin National Tallgrass Prairie—the largest tallgrass prairie in the Nation. The prairie will be a wonderful natural treasure cherished by Americans for many generations to come.

The development of a 3,000-acre industrial park utilizing much of the arsenal's infrastructure to eventually provide economic growth and thousands of new jobs.

The building of a 985-acre national veterans' cemetery—larger even than the Arlington National Cemetery and the second largest in the Nation—to honor the men and women whose courage and sacrifice to America have preserved our freedoms.

Sandor Brattstrom has been a very important contributor to the success of my service in the U.S. Congress on behalf of the citizens of the 11th District. I am pleased to know that in his new position as assistant executive director of the Joliet Arsenal Development Authority, he will continue to serve many of the people of Will County and the 11th District.

I thank you, Sandy, for all you have accomplished for me and the people I represent.

TRIBUTE TO ADELE McKENZIE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. DUNCAN. Mr. Speaker, on Veterans Day of this year, a great American and wonderful lady, Adele McKenzie, will be honored at the courthouse in Maryville, TN.

This will be a very well-deserved tribute to a very patriotic woman.

Adele McKenzie is a native of Blount County and the daughter of the late India and Thomas Brady.

She is the great, great, great, great, great granddaughter of the first county judge who served when Blount was still a territorial county.

Mrs. McKenzie is the widow of Lt. Comdr. Boyd McKenzie, a 30-year veteran of the U.S. Navy. The wife of a career military man is in many, many ways a veteran herself.

She is the mother of Boyd McKenzie, Jr., who is with Delta Airlines in Atlanta, and Melinda Bryan, a sergeant with the Chattanooga police department.

Mrs. McKenzie has long been active in community affairs, especially the VFW Auxiliary, for which she served two terms as district 2 president.

She was president of the Sam Houston School PTA and worked for 32 years as a Scout leader. She has been a longtime member of the Blount County Jury Commission, a member of the Disabled American Veterans Auxiliary, the Fort Loudon Association, and the Sam Houston Memorial Association.

Mrs. McKenzie has been best known in recent years as a valuable and devoted member of the staff of The Daily Times newspaper.

Adele McKenzie has been and remains today as one of the most active and respected citizens of Blount County.

She is loved and admired by thousands. She has not lived her life on the sidelines, but instead has done her best to help others.

This Nation would be a much better place if we had more people like Adele McKenzie.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article about the life of Adele McKenzie which was published in The Daily Times.

COMMISSION HONORS REPORTER, HISTORIAN FOR SERVICE TO PUBLIC

(By Tammy Stanford)

Adele McKenzie—veteran government news reporter and historian—was honored by the Blount County Commission Monday. 1A resolution approved unanimously by the group, said McKenzie of The Daily Times has given years of "exceptional and selfless public service."

For more than two decades, McKenzie covered the Blount County Court and Commission for the Times, including its important budget committee meetings.

"You were an honorary member of the budget committee," James Kyker, a commissioner for many years and current commission chairman, told McKenzie during the presentation.

Said Dean Stone, McKenzie's long-time coworker and executive-editor of the times: "(Adele's) favorite assignments were the Blount County Quarterly Court and the Blount County Commission."

County Executive Bill Crisp said officials wanted to acknowledge McKenzie's dedication with a resolution.

"We wanted to make sure you understood how much we appreciate and love you." Crisp told the honoree.

McKenzie now writes features and a weekly cooking column for the newspaper.

Stone noted McKenzie's renown as a local historian. Her family has been prominent in the area since Blount was a territorial county.

McKenzie's son, Boyd M. McKenzie Jr., was at the presentation and also lauded his mother's contributions to the county.

She has been a leader in many community clubs, including the Sam Houston Memorial Association and Boy Scouts and Girl Scouts.

McKenzie is the daughter of the late India Patton Brady and Thomas F. Brady. She is the widow of Lt. Cmdr. Boyd M. McKenzie.

The couple's daughter, Melinda Bryan, is a Chattanooga police officer. Their son works for Delta Airlines in Atlanta.

PERSONAL EXPLANATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. SCHUMER. Mr. Speaker, I was unavoidably detained on Monday, October 6, 1997, and thus was unable to vote in favor of the Veterans Health Programs Improvement Act. I know that this bill passed by a very wide margin and that my vote made no difference in the outcome, however as one who has consistently supported our veterans and who has joined with many Members to seek additional research into gulf war syndrome, I had hoped to be on the House floor to cast an affirmative vote.

GLENN T. SEABORG—ELEMENTAL PIONEER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. DELLUMS. Mr. Speaker, it is my great privilege today to pay tribute to one of America's—and the world's greatest scientists. Dr. Glenn T. Seaborg is currently the university professor of chemistry at the University of California, associate director-at-large at the Lawrence Berkeley National Laboratory and chairman of the Lawrence Hall of Science. He has previously served as both chancellor of the University of California, Berkeley and as chairman of the Atomic Energy Commission.

Dr. Seaborg is perhaps best known as the cowinner of the 1951 Nobel Prize in Chemistry for his work on the chemistry of the transuranic elements. He is the codiscoverer of 10 transuranic elements, and is the only person to hold a patent on a chemical element—both americium and curium.

Today I want to applaud Dr. Seaborg for yet another honor. The international panel that approves the names of new elements has approved the naming of Element 106 as Seaborgium. This is the first time that an element has been named for a living person, and is a great tribute to the work that Dr. Seaborg has accomplished over the last six decades. He is one of a very few Americans for whom the term "living legend" truly applies, and it is my honor today to congratulate Dr. Seaborg on this magnificent achievement.

THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. RADANOVICH. Mr. Speaker, as a cosponsor of H.R. 901, the American Land Sovereignty Protection Act, I am confident that the bill makes a firm commitment to protecting America's public lands against overreaching international bureaucracies, like the United Nations. I particularly commend Chairman DON YOUNG for his leadership on this bill.

My district in California includes three national parks—Yosemite, Kings Canyon, and Sequoia. Therefore, any question of threatened sovereignty over public lands and its potential impact on adjoining private property is of critical concern to me and my constituents. The United Nations should not be operating in our backyard in the absence of congressional oversight. H.R. 901 reasserts Congress' constitutional role in the making of rules and regulations governing lands belonging to the United States and its people.

It is arrogant for the United Nations to believe that undermining the United States' hard won sovereignty is in the best interest of world peace. Preserving every measure of U.S. sovereignty is crucial to maintaining American leadership abroad and at home. I urge the House to pass H.R. 901.

HONORING CLARA PADILLA ANDREWS

HON. ELIZABETH FURSE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Ms. FURSE. Mr. Speaker, I rise today in honor of Hispanic Heritage Month to recognize an outstanding individual, a constituent, and friend of mine in the First Congressional District of Oregon, Ms. Clara Padilla Andrews. Ms. Andrews has dedicated her life to serving others.

Ms. Andrews is the owner and publisher of the El Hispanic News, a bilingual English/Spanish weekly community newspaper in Oregon. Previously, Ms. Andrews has served as a Community and Family Services integration of services supervisor and the Hispanic services coordinator for Multnomah County in Portland. Through her tenure with the county, she demonstrated her strong will, dedication, and commitment to sharing her talents and knowledge to promote networking and partnerships. Her ability as a community organizer and strong encouragement of project collaboration were essential ingredients in the work she did and continues to do in creating a better society for all.

Ms. Andrews is known for her behind-the-scenes advocacy on behalf of disenfranchised Hispanic families in Multnomah County. She was instrumental in obtaining monetary support to staff positions at three high schools to reduce the Hispanic student dropout rate.

She was also essential in the renovation of the Galaxy apartment complex. This cluster of apartments in their original condition were a northeast Portland neighborhood eyesore in deplorable condition with a prevalence of drugs and prostitution, crime, and poverty.

Today the Galaxy apartments are the Villa de Clara Vista apartments named in honor the Hacienda Community Development Corp. and recruited board members to spearhead the renovation effort to make affordable family housing available. The project today also includes a one-stop center for coordinated social services for area occupants. This project now serves as a national model.

Ms. Andrews has worked at all levels of government. Her civic involvement is admirable, as she served as the secretary of state for New Mexico from 1983 to 1986 and was the highest ranking Latina elected official at that time. When Ms. Andrews lost her granddaughter, Susana Gurule, to cancer, she founded the Susana Maria Gurule Foundation which focuses its efforts on increasing the number of minority volunteers for the National Marrow Donor Program registry. As a result of her work, she has also been named to the National Marrow Donor Program board.

Ms. Andrews is a 1986 recipient of a Congressional Hispanic Caucus Distinguished Service Award, the 1994 Doernbecker Hospital Hero's Award, Executive Women in State Government Distinguished Award, and several others. She has also been named 1 of the 100 Most Influential Hispanics four times.

Ms. Andrews is an exemplary citizen. Her lifetime of achievements and contributions to making society a better place for all serves as a model for all of us to learn from and follow. In recognition of National Hispanic Heritage month, it is my honor to recognize my friend, Ms. Clara Patilla Andrews.

PAYING TRIBUTE TO JUDITH MAY COOK

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to honor an exemplary citizen and beloved public servant, Judith May Cook. Her endless contributions to the small community of Little Compton deserve proper recognition as she prepared to retire from her position as town clerk.

Judith was born to Clarence F. and Lucille Hambly on November 25, 1947. At 29 years old she began her distinguished career as a public servant. On April 1, 1976, Judith was first appointed to fill the unexpired term of retiree, Olive R. Kneeland, as treasurer of Little Compton. She committed her invaluable efforts to this office for 6 years and her hard work and dedication were not soon forgotten. After the tragic death of Philip B. Wilbur, the town clerk, Judith was appointed to fill his unexpired term. Since her appointment on December 4, 1986, she has run unopposed in every election for this position. Besides fulfilling the duties of her appointments, Judith was elected to participate on the town's budget committee for a term and a half. Ms. Cook has played a vital role in the government's stability and financial security of the small community of Little Compton.

Little Compton is a sparesely settled, seaside community populated by only 3,367 permanent residents. While the town entertains an influx of summer residents, the economy does not rely on tourism, but agriculture is its largest significant component. Little Compton has remained free of many of the political and economic pressures of the 20th century. In a town that celebrates its natural evolution as much as its picturesque landscape, a defining citizen like Judith May Cook proves to be a true role model.

When Judith May Cook retires on January 1, 1998, it will be a great loss for the community of Little Compton. Her professional success and dedicated service will always stand as a model of commitment for which we may strive to emulate. I ask my colleagues to join me to salute and thank Judith for her years of outstanding public service.

PERMANENT LEGAL RESIDENCY FOR JESSICA KOCH

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. GRAHAM. Mr. Speaker, today, I introduced a bill crucial to Jessica Koch, a high school senior in my district. This bill will provide for the permanent legal residency of this

well-rounded, ambitious girl whose world has been irrevocably changed after recently discovering her status as an illegal immigrant.

Jessica came to this country with a tourist visa in 1981. Shortly thereafter, when she was 18 months old, she was abandoned by her biological mother, the only parent she had ever known. Fortunately, she was taken into the caring home of David and Diane Miller, who were awarded legal custody of her when she was 5. Oblivious of her status as an illegal immigrant, the Millers raised her, supported her, and cared for her as one of their own. It was not until this year that Jessica's life and hopes for a successful future were turned upside-down.

On August 13, Jessica went to replace a lost Social Security card that the Millers obtained for her when they were given custody. She was stunned when she was denied a card and was told she was an illegal immigrant. Until that moment Jessica took pride in acting as a responsible citizen by working part-time while in school and registering to vote. Now, upon learning of her illegal status, she was forced to stop working to help support herself.

Because Jessica came to this country as an infant and became a member of the Miller family at a young age, she was raised with the impression that she was an adopted member of the Miller family and that she was a U.S. citizen. This is a case to which Congress can bring a happy resolution. By introducing this bill, I am hopeful that Jessica can remain in the United States, the only country she calls home.

IN RECOGNITION OF CAPTAIN PACKARD'S NAVAL INTELLIGENCE TREATISE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. MORAN of Virginia. Mr. Speaker, Capt. Wyman H. Packard, U.S. Navy (Retired), a constituent of mine from Arlington, has spent the past three decades diligently compiling the first public history of U.S. Naval Intelligence. Today, the result of his effort is a joint publication of the Office of Naval Intelligence and the Naval Historical Center titled "A Century of Naval Intelligence."

Captain Packard's undertaking was done without remuneration from the U.S. Government. Rather, he chose to demonstrate that history repeats itself and we have a tendency of going in a circle under the guise of progress. This book will serve as a textbook for the Naval Intelligence School and will provide a starting point for future historical studies. This administrative history studies how the discipline and bureaucracy of naval intelligence evolved.

Most of Captain Packard's research comes from firsthand experiences. He participated in five major sea engagements during World War II, including Midway, the Coral Sea, and the Solomons. He also served abroad the USS *Hornet* from the time it was launched and through its brief but heroic history until it was sunk in the Pacific.

This book clearly demonstrates the importance of naval intelligence to the U.S. national security during peace and war and is a valuable reference for defense professionals.

100-MILE DIABETES WALK

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a truly remarkable group of individuals from western Pennsylvania.

This year marks the 20th annual Walk to Beat Diabetes. Each year, Mr. Robert Mandera, a postal worker from Caraopolis, PA, leads a small band of dedicated volunteers on a 100-mile walk from Erie, PA, to Pittsburgh to raise money for diabetes research. The walk will begin this year on October 10 and end on October 12.

Mr. Mandera started this project 20 years ago after his daughter was diagnosed with juvenile diabetes. His personal experience with this terrible disease motivated him to begin raising money to support diabetes research.

Each year, Mr. Mandera and his fellow walkers cover the 100 miles between Erie and Pittsburgh over the course of 3 grueling days. A number of generous sponsors provide food, lodging, supplies, and clothing for the volunteers. Many family members, contributors, and well-wishers join the walkers for the last few miles. The walk ends at the McKnight Siebert Shopping Center in Township, where a raffle is held for sports memorabilia to raise more money for diabetes research. This year, the walkers hope to raise $20,000 for diabetes research.

Mr. Mandera is a Vietnam veteran who is active in the V.F.W. He serves on the board of directors of the Pittsburgh Chapter of the American Diabetes Association, and he has raised money for arthritis research and the March of Dimes as well as for the ADA.

Mr. Speaker, I salute these brave volunteers, and I want to especially commend Mr. Robert Mandera for 20 years of unstinting dedication to this worthy cause.

SMALL BUSINESS PROGRAMS REAUTHORIZATION AND AMENDMENTS ACT OF 1997

SPEECH OF

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1997

Mr. LoBIONDO. Mr. Speaker, I rise today in strong support of H.R. 2261, the Small Business Programs Reauthorization and Amendments Act. The Small Business Administration provides the principal form of disaster relief for communities struck by tragedy. On August 21 and 22, 13½ inches of rain fell in Atlantic County in my district in a matter of hours. This downpour ended up causing $54 million in estimated damage, impacting more than 5,000 homes and businesses. Because a bulk of the area is not located in a flood plain, many of the impacted families and business owners did not have flood insurance.

Last week, the President declared Atlantic County a disaster area making the area eligible for Federal assistance. A bulk of this assistance, which is made up of low-interest loans for home repairs and property and inventory damage, will come from the Small Business Administration. The people benefiting from this aid are small business owners and hard-working families, many of which were told they did not have to have flood insurance because they were located in a low-risk area. Where do these people turn when suddenly they have to come up with thousands upon thousands of dollars to replace such essential items as water heaters, washer/dryers, and furnaces? Many of them turn to the Small Business Administration. As we speak, representatives from the Small Business Administration are holding workshops in my district for individuals interested in applying for low-interest disaster loans. They have issued more than 2,000 loan applications and have already made several approvals since they started taking applications last week.

The Small Business Administration fulfills a vital need for disaster victims. For individuals and businesses that cannot recoup their losses through insurance, the SBA provides a safety net that enables people to put their lives back together after a devastating natural disaster. I am proud to support H.R. 2261 and I hope we can secure swift passage of this vital legislation.

REAUTHORIZATION OF THE EXPORT-IMPORT BANK

SPEECH OF

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States:

Mr. ARCHER. Mr. Chairman, I rise today in support of reauthorization of the Export-Import Bank of the United States. This institution is absolutely vital to our Nation in order to keep American companies and workers competitive in the world marketplace.

My philosophy on trade has always been that we should take every step possible to make it free and fair for all countries, and that purchases should be made based on quality, price, and service. I firmly believe that, under such circumstances, American companies will excel. Unfortunately, as my colleagues know, this is not always the case today. In a perfect world, France, Germany, Japan, England and our other competitors would not provide unfair advantages to their exporters. If that were the case, we would be having a different debate today. We would not need the Exim Bank to level the playing field.

However, the fact remains that the Exim Bank finances American exports where commercial financing is simply not available or

competitive and where, without government action, the sale would be lost. The Exim Bank does this at a low cost to the taxpayers and with a tremendous positive impact on the American economy. Last year alone, Exim Bank supported over 200,000 high quality American jobs.

It is also important to note that the Exim Bank is not a giveaway program. The Bank must be repaid every dollar it lends, and has had a default rate of only 1.0 percent over the last 15 years. This is significantly better than our own commercial banks have performed over the same period of time.

Last week I met with Mr. James Harmon, the new president of Exim Bank. Frankly, I was impressed with his determination to institute management and policy changes at the Bank that will make it an even better value for the taxpayers. He has some great innovative ideas that will help make American companies even more competitive in the 21st century. I look forward to working with him and I urge my colleagues to vote against unilateral economic disarmament and vote in favor of reauthorizing the Export-Import Bank.

IN HONOR OF DR. H. BEECHER HICKS, JR.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Ms. NORTON. Mr. Speaker, I rise in praise of Rev. Dr. H. Beecher Hicks, who is the senior minister at Metropolitan Baptist Church in Washington, DC and one of the Nation's great preachers. He is a brilliant spiritual leader, a renowned author, a distinguished civic leader, and an outspoken champion of the rights of District residents.

I rise to recognize Pastor Hicks on the occasion of the Metropolitan Baptist Church's 20th Pastoral Jubilee for their pastor, when the more than 7,000 members of the church are celebrating his many accomplishments and contributions. Pastor Hicks has been a leader in bringing women into the ministry and has advocated the ordination of women. He has established programs at the church that are much-praised models for churches around the Nation for people living with AIDS and their families, for prison inmates, for seniors, and for youth. He has rebuilt his historic church and made it a center for revitalization of its inner city neighborhood.

Dr. Hicks has become a leading voice in pursuing the democratic right of self government for District residents. When the Congress forced a death penalty referendum on the District in 1992, Dr.Hicks was chair of the campaign against the death penalty. He led the campaign not only as a civic leader of the community, but also as a minister of the Gospel who, like many of the ministers in the District, opposes the death penalty on religious grounds.

Dr. Hicks' dissertation for his doctoral degree from Colgate Rochester Divinity School in 1972, "Images of the Black Preacher: The Man Nobody Knows," was published in 1977. Since then he has been widely published in religious publications. His two most recent volumes are "*Preaching Through a Storm*" and "*Correspondence with a Cripple From Tarsus.*"

In recognition of his extraordinary talent in his calling, *Ebony* named Dr. Hicks one of the "Fifteen Greatest African-American Preachers" in 1993. Mr. Speaker, I ask that Members of this body, the U.S. House of Representatives, join me in saluting the dynamic leadership of Rev. Dr. H. Beecher Hicks, Jr.

MEDICARE AND MEDICAID BENEFICIARY PROTECTION ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. STARK. Mr. Speaker, today I am introducing the Medicare and Medicaid Beneficiary Protection Act of 1997, a bill designed to continue our fight against health care fraud, waste, and abuse in the Medicare and Medicaid Programs.

THE PROBLEM

The General Accounting Office [GAO] has estimated that fraud and abuse could be as much as 10 percent of total health care spending. This best estimate—that 10 percent of the Nation's $1 trillion health bill is lost in waste, fraud, and abuse—includes both the private and public sector. Consider this . . . Federal baseline outlays for Medicare are approximately $208 billion in fiscal year 1998—and 10 percent of waste, fraud, and abuse roughly equals the $23 billion we cut each year in this year's budget reconciliation bill. If we were tougher on health care fraud, we wouldn't have to cut payments from the honest, hardworking providers who justly should receive payment for their services.

A recent audit by the Health and Human Services Office of Inspector General [HHS OIG] estimated that approximately $23 billion—about 14 percent of the total Medicare fee-for-service benefit payments—had been improperly paid through the Medicare system. These errors included everything from simple mistakes to outright fraud. Most improper payments were due to the lack of any or adequate documentation to support the claimed service—lack of medical necessity; incorrect coding; and noncovered or unallowable services. All the money improperly paid, however, was wasteful.

RECENT LEGISLATIVE EFFORTS ARE PROMISING BUT NOT ENOUGH

We should be proud of recent legislative efforts. The Health Insurance Portability and Accountability Act and the Balanced Budget Act of 1997 made significant strides in combating fraud, waste, and abuse in the Medicare and Medicaid Programs. With bipartisan cooperation, we enacted unprecedented tools for fighting what has become one of the favorite crimes of the 1990's—cheating the Government of billions of dollars through health care fraud. This new legislation designs a fraud fighting program that coordinates the efforts of a broad array of law enforcement and health care agencies. Equally as important, it authorizes funding to support the work of law enforcement and the development of new detection and enforcement techniques.

Total fines, restitutions and recoveries achieved this year from OIG criminal and civil investigations totaled $1.2 billion. This is five times higher than recoveries for fiscal year 1996. Approximately 2,500 health care providers and entities were excluded from doing business with the Medicare, Medicaid, and other Federal and State health care programs because of violations of the law—an 80-percent increase from the 1,400 exclusions in fiscal year 1996.

Although we're heading in the right direction, massive fraud schemes to defraud the Government continue. Here are just a few examples.

A psychologist billed for more than 24 hours of therapy in a single day.

A home health agency charged for visits to patients' homes when the patients were actually hospitalized.

A nursing home submitted claims for surgical dressings on behalf of patients who had not undergone surgery.

A fictitious diagnostic firm collected payment for nonexistent lab work on dead people.

One beneficiary was charged $5,290 for tape over a 6-month period of which $5,000 was excessive. Medicare paid for but the beneficiary probably did not receive, 66,000 feet or 12.5 miles of 1-inch tape.

Although recent legislation is a good first step, we need to do more. In a August 19, 1997, statement, Gregory Anderson, director of corporate and financial investigations for Blue Cross and Blue Shield of Michigan said it best—despite increased enforcement and the publicity of million dollar settlements with large, multi-State health corporations, "the rewards outweigh the risks today."

The bill I am introducing today aggressively continues the fight. My message should be clear to those who do business with Medicare and Medicaid—the fight against health care fraud is just beginning.

FINANCIAL AND COMPLIANCE AUDITS SHOULD BE A COST OF DOING BUSINESS WITH MEDICARE AND MEDICAID

I want to highlight one particular provision in this bill—the use of compliance and financial audits. 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.

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. It's time we do the same for providers and suppliers who do business with the Medicare and Medicaid programs.

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. 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 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.

HHS doesn't have the funding to audit all categories of providers that have abusive track records. Even if it did, taxpayers shouldn't have to foot the bill. Twenty three billion dollars says it's time to make Federal audits a cost of doing business with the Nation's largest health care payer, the Federal Government.

WE SHOULD BE DILIGENT IN OUR FIGHT AGAINST HEALTH CARE FRAUD

It's simple for me—individuals found to intentionally, systematically and repeatedly defraud Medicare and Medicaid should go to jail. We should have a zero tolerance for repeat offenders. We should not hide behind free market language as an excuse for criminal behavior. The fight against health care fraud should be aggressive and on-going. Medicare beneficiaries deserve the best we can offer—quality care at an affordable price with strong protections against unscrupulous providers.

The following is a summary of the bill:

I. Title I—Revisions to Sanctions for Fraud and Abuse

A. Subtitle A—Exclusion Authority

1. Sec. 101—Clarifies the application of mandatory exclusion based on felony convictions relating to controlled substances to individuals involved in health care.

2. Sec. 102—Clarifies the period of exclusion based on loss of license.

3. Sec. 103—Clarifies the application of sanctions to Federal health care programs.

B. Subtitle B—Civil Monetary Penalties

1. Sec. 111—Repeals the clarifications concerning levels of knowledge required for the imposition of civil monetary penalties.

2. Sec. 112—Allows for civil monetary penalties to be applied for services ordered or prescribed by an excluded individual or entity.

3. Sec.113—Permits HHS to pursue civil monetary penalty actions after consulting with the Attorney General.

4. Sec. 114—Clarifies payment practice exception authority to definition of remuneration.

5. Sec. 115—Extends subpoena and injunction authority.

6. Sec. 116—Clarifies amounts of civil monetary penalties.

7. Sec. 117—Applies anti-dumping sanctions against physicians who refuse an appropriate transfer at a hospital with specialized capabilities or facilities.

C. Subtitle C—Criminal Penalties

1. Sec. 121—Kickback penalties for knowing violations

2. Sec. 122—Repeals expanded exception for risk-sharing contract to anti-kickback provisions

3. Sec. 123—Expands criminal penalties for kickbacks

4. Sec. 124—Treats certain Social Security Act crimes as Federal health care offenses

D. Subtitle D—Miscellaneous Provisions

1. Sec. 131—Repeals HIPAA advisory opinion authority

2. Sec. 132—Clarifies identification numbers to be used with adverse action data base

3. Sec. 133—Clarifies who may have access to information in adverse action data bank

II. Title II—Improvements in Providing Program Integrity

A. Subtitle A—General Provisions

1. Sec. 201—Limits the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.

2. Sec. 202—Requires certain providers to fund annual financial and compliance audits as a condition of participation under the Medicare and Medicaid programs

3. Sec. 203—Makes clear that Medicare carriers and fiscal intermediaries and State Medicaid agencies are liable for claims submitted by excluded providers.

4. Sec. 204—Reforms Medicare Hospital Outpatient Payment Policies.

5. Sec. 205—Standardizes forms used for certifications of medical necessity and certifications of terminal illness.

6. Sec. 206—No mark-up for drugs, biologicals or nutrients; requires use of national drug code numbers in Medicare claims.

7. Sec. 207—Adjusts hospital payments to reflect excess payment resulting from a financial interest with downstream facilities.

Subtitle B—Other Provisions

1. Sec. 211—Inclusion of cost of home health services in explanation of Medicare benefits.

2. Sec. 212—Prohibits "cold-call" marketing for Medicare+Choice plans.

III. Title III—Provider Enrollment Process—Fees

1. Sec. 301—Fees for agreements with Medicare providers and suppliers.

2. Sec. 302—Establishes requirements and fees for Medicare overpayment collections.

3. Sec. 303—Requires an administrative fee for Medicare overpayment collection.

IV. Title IV—Payment Improvements

A. Subtitle A—Mental Health Partial Hospitalization Services

1. Sec. 401—Limits location of provision of services.

2. Sec. 402—Clarifies qualifications for community mental health centers.

3. Sec. 403—Requires audit of providers of partial hospitalization services.

4. Sec. 404—Implements prospective payment system for partial hospitalization services.

5. Sec. 405—Provides for a demonstration program for expanded partial hospitalization services.

B. Subtitle B—Rural Health Clinic Services

1. Sec. 411—Decreases beneficiary cost sharing for rural health clinic services.

2. Sec. 412—Implements a prospective payment system for rural health clinic services.

CAMPAIGN FINANCE HEARINGS ARE CREATING AN ATMOSPHERE OF DISCRIMINATION AGAINST ASIAN-AMERICANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. LANTOS. Mr. Speaker, a number of concerns have been expressed over the past few months regarding the manner in which Chairman BURTON and the majority members of the House Government Reform and Oversight Committee have conducted their investigation into campaign finance abuses during the 1996 election campaign. There have been complaints that the investigation is too partisan, that it is duplicative and poorly managed. After 9 months and literally millions in taxpayer funds, this investigation has been beset with delays, staff resignations, poorly conducted investigations, and bungled procedures.

At the recent meeting of the committee at which committee members voted to extend immunity to a few witnesses who will testify at a hearing later this week, I raised a matter of the most serious concern to me. Mr. Speaker, I would like to call to the attention of the House those concerns which I raised during the meeting of the committee.

Mr. Speaker, this House and the committee investigating campaign finance must be particularly sensitive about the possible discriminatory effects that the investigation may have on Asian-Americans. There is a grave danger that stereotyping and Asian bashing will become, and in many instances have become, part and parcel of this investigation.

There is a long history of discrimination against Asian-Americans in this country. We all remember chapters of that history, perhaps the most shameful of which is the incarceration of tens of thousands of United States citizens of Japanese origin during the Second World War.

This investigation, perhaps inadvertently, has contributed to stereotyping and race baiting. As one who is singularly conscious of this issue, I want to call attention to this issue, because Asian-Americans have as much right to participate in the political process as do Americans of any other national origin. Deliberately or otherwise, Asian-Americans have been the target of both of these investigations to an unacceptable and overwhelming degree.

While some might consider the question of Asian bashing ludicrous and outrageous. Organizations representing Asian-Americans do not. A petition with the U.S. Commission on Civil Rights was filed on behalf of the leading organizations representing Asian-Americans. These organizations believe that members of some of this Nation's most important institutions have acted irresponsibly and carelessly to allegations of campaign finance wrongdoing

by scapegoating and stereotyping of Asian-Americans.

In point of fact, affiliates and subsidiaries of foreign-owned corporations have made vastly greater contributions to both political parties than the issues that we are dealing with in the Burton investigation. A Canadian-owned corporation gave $2 million to the political parties. An Australian-owned corporation gave $674,000, and an additional $1 million to the California Republican Party. Brown and Williamson, a British-owned tobacco company, gave $642,000.

None of these foreign-owned corporations have been the subject of any inquiry by either the Senate or House committee. As a matter of fact, in July, the Federal Election Commission levied the largest fine in history on a foreign contribution, and that contribution was made by a citizen of German origin. He has not been hauled before either committee.

Mr. Speaker, it would be absurd and an escape from reality to argue that there is not an Asian tone to these hearings. It is my hope that as hearings in the House commence that we will all remain acutely conscious of these most sensitive issues.

IN HONOR OF NEW YORK STATE SENATOR LEONARD P. STAVISKY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly outstanding individuals in our communities.

The Franklin D. Roosevelt Democratic Association of New York will be presenting its first ever Life-Time Achievement Award to State Senator, and dear friend of mine, Leonard P. Stavisky. To list the accomplishments of this great man would take up more pages that I would be allocated in the CONGRESSIONAL RECORD. To those of us who know him so well, I do not have to tell you of the Senator's accomplishments in the field of education, city and State government, and the many issues with which he has been involved. I am just amazed that one person could accomplish so much.

I congratulate you Leonard for over 30 years of service dedicated to the public good. Your example and your friendship over the years has meant so much to me, and I am just grateful for the opportunity to honor you with a CONGRESSIONAL RECORD statement.

ON THE CELEBRATION OF THE REPUBLIC OF CHINA'S 86TH ANNIVERSARY NATIONAL DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Ms. PELOSI. Mr. Speaker, tomorrow in San Francisco, which I am privileged to represent in the U.S. Congress, a special celebration will take place marking the 86th Anniversary of the National Day of the Republic of China. I rise to bring to the attention of my colleagues this, the "Double Tenth" celebration of freedom.

The people of the United States have a special bond with the people of the Republic of China [Taiwan], who have unflinchingly demonstrated to the world their commitment to democracy under steady pressure. The Republic of China is a vibrant, thriving nation for the present and a model for the future—a model characterized by strong economic growth and respect for basic human rights and democratic freedoms.

The Republic of China is an important partner of the United States, economically, culturally, strategically, and politically. I am proud to relay to the Double Tenth celebrants in San Francisco the support and best wishes of the Republic of China's many friends in Congress. I congratulate the participants in this festival of freedom on their 86th Anniversary National Day and look forward to celebrating this historic event annually for many, many years to come.

PRINCIPLES FOR PRACTICAL DRUG POLICIES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, I believe that one of the areas in American public policy where debate is the most retarded and stunted is that of drug policy. For too many of us in elected office, debating drug policy means engaging in a competition to show how tough one can be, without regard for how intelligent one is. In many areas of public policy we have come to the thoughtful realization that good intentions do not necessarily solve a problem, and that persisting in failed policies may make political sense, but rarely serves as a useful way to achieve real progress in improving society. Unfortunately, none of this seems to have penetrated the area of drugs, where despite the enormous shortcomings of the current excessively punitive policy, which does not do nearly as much as we could do to reduce drug use, and, in fact, exacerbates some problems, elected officials appear afraid to reexamine the issue.

For this reason, I was delighted to read the report of the drug policy project of the Federation of American Scientists. A group organized by the FAS recently issued an extremely useful statement, embodying a set of principles for practical drug policies. The list of those subscribing to these policies is an impressive one, and while I doubt that any single Member of Congress will agree with all of the principles—indeed I doubt that any single member of the group agrees fully with all of the principles—it represents a very important step forward in trying to produce rational discussion of public policy in the drug area, both because it seeks to break the taboo against precisely this sort of discussion, and because of the common sense embodied in the principles themselves.

Because I believe it is very important that we break out of the intellectual rut in which drug policy is now mired, I ask that this statement be printed here, along with the list of endorsers.

PRINCIPLES FOR PRACTICAL DRUG POLICIES

As a step toward redirecting discussion and action around drug abuse control into more useful channels, we propose the following as reasonable and moderate principles for practical drug policies.

1. [Why drug policy?] Any activity that diminishes normal capacities for self-control can create dangers for those who engage in it and for those around them. Drugs that threaten self-control, either through intoxication or through addiction, are therefore matters of social as well as personal concern. This applies to licit and illicit substances alike.

2. [Science and policy] Drug policies should be based on the best available knowledge and analysis and should be judged by the results they produce rather than by the intentions they embody. Too often, policies designed for their symbolic value have unanticipated and unwanted consequences.

[Minimizing overall damage] Drug control policies should be designed to minimize the damage done to individuals, to social institutions, and to the public health by (a) licit and illicit drug-taking, (b) drug trafficking, and (c) the drug control measures themselves. Damage can be reduced by shrinking the extent of drug abuse as well as by reducing the harm incident to any given level of drug consumption.

[Forms of damage] The forms of damage to be minimized—whether caused by drugs or drug control measures—include illness and accidents, crimes against person and property, corruption and disorder, disruption of family and other human relationships, loss of educational and economic opportunities, loss of productivity, loss of dignity and autonomy, loss of personal liberty and privacy, interference in pain management and other aspects of the practice of medicine, and the costs of public and private interventions.

5. [Laws and regulations] Laws and regulations are among the primary means of preventing drug abuse. Lifting prohibition on a substance is likely to increase its consumption, perhaps dramatically. Some substances present dangers such that even limited licit availability, other than for medically supervised use, would be unlikely to yield the desired minimum-damage outcome. Therefore, we cannot escape our current predicament by "ending prohibition" or "legalizing drugs."

6. [Enforcement for results] Enforcement and punishment, like other policies, should be designed to minimize overall damage. As long as some substances are illegal or tightly regulated, there will be attempts to evade those controls and therefore a need for enforcement and sanctions, in some cases including imprisonment. The use of disproportionate punishments to express social norms is neither just nor a prudent use of public funds and scarce prison capacity.

7. [Stance towards users] Social disapproval of substance abuse can be a powerful and economical means of reducing its extent. Such disapproval should not be translated into indiscriminate hostility towards all drug users based solely on their drug use. Persons who violate the rights of others under the influence of intoxicants or in order to obtain intoxicants are to be held fully responsible for their actions, criminally as well as civilly.

8. [Tailoring policies to drugs] Alcohol is familiar and widely accepted, yet it shares the intoxicating and addictive risks of some of the illicit drugs. Current policies make alcohol too easily and cheaply available and allow it to be too aggressively promoted. The resulting damage to users and others is very large. Taxation, regulation, and public information are all justified means to the end of reducing that damage.

10. [What about tobacco?] Nicotine, as commonly used, is not an intoxicant. But its addictive potential is great, and chronic cigarette smoking carries severe health risks. The wide prevalence of tobacco use under current policies makes cigarette smoking the leading cause of preventable early death. More stringent regulation is needed to protect the public health.

11. [Valuing treatment properly] Successful treatment for people with substance abuse disorders produces benefits for those treated and for those around them. Treatment episodes that reduce drug use and damage to self and others but do not produce immediate, complete, and lasting abstinence ought to be regarded as incomplete successes rather than as unredeemed failures.

12. [Prevention] For drug abuse as for other ills, the more successful the prevention effort the less the need for remediation. Developing and implementing effective drug abuse prevention strategies, especially for minors, is an essential means of drug abuse control. Prevention messages should accurately reflect what is known about the effects and risks of the substances they discuss.

13. [Taking measured steps] Drug policies need to be updated as social conditions change and the base of scientific knowledge grows. Policy changes that can be introduced incrementally and evaluated step by step are to be preferred over sweeping changes with less predictable consequences.

14. [Integrity and civility] Debate about drug policies engages deeply felt values and therefore often becomes heated and even acrimonious. Civility and honesty about facts, proposals, and motives can serve both to improve drug policies and to advance the broader public interest in healthy political discourse.

These principles may seem straightforward, hardly needing to be said. That they are in fact controversial illustrates something important about the way drugs and drug policy now tend to be discussed.

The current drug policy debate is marked by polarization into two positions stereotyped as "drug warrior" and "legalizer." This creates the false impression that "ending prohibition" is the only alternative to an unrestricted "war on drugs," effectively disenfranchising citizens who find both of those options unsatisfactory. Polarization and strong emotions give rise to misrepresentations of facts and motives, oversimplification of complex issues, and denial of uncertainty.

In the face of strong opposition, some of those who favor fundamental changes in the drug laws have elected to concentrate on more modest proposals which they intend as way stations towards their unstated longer-term goals. Partly as a consequence, some of those devoted to maintaining or intensifying present anti-drug efforts have taken to dismissing all criticisms of current policies—even those based on solid research showing that one or another policy or program fails to serve its stated aim—as mere fronts for a covert "legalization" effort.

In this climate, every idea, research finding, or proposal put forth is scrutinized to determine which agenda it advances, and the partisans on each side are quick to brand anyone who deviates from their "party line" as an agent of the opposing side. As a result, propositions of dubious validity achieve the status of loyalty oaths, and questions that ought to be addressed on technical and practical grounds (what works in prevention, how well interdiction performs, which treatment approaches help which clients) are instead debated as matters of ideological conviction.

The tendency in each camp is to focus on only one face of the problem. One extreme talks as if the miseries surrounding drug distribution and abuse are entirely the product of unwise policies. The other is just as likely to say or imply that the damage comes entirely from the drugs themselves. In fact, both drugs and drug policies cause harm. Any policy, including inaction, does harm as well as good. Once that is acknowledged, we can begin the hard work of shaping policies that do more good than harm. That work will demand reasoned analysis and scientific respect for evidence, and doing it well will require learning from mistakes rather than denying them.

ENDORSEMENTS—PRINCIPLES FOR PRACTICAL DRUG POLICIES

Hamilton Beazley, former President, National Council on Alcoholism and Drug Dependence.

George E. Bigelow, Professor of Behavioral Biology in the Department of Psychiatry and Behavioral Sciences, Johns Hopkins University School of Medicine.

Joseph V. Brady, Professor of Behavioral Biology in the Department of Psychiatry and Behavioral Sciences and Professor of Neuroscience, Johns Hopkins University School of Medicine.

William J. Bratton, CEO, First Security Consulting; former Commissioner of the New York City Police Department.

Jonathan P. Caulkins, Professor of Public Affairs, Carnegie-Mellon University.

Philip J. Cook, Professor of Economics and Policy Studies and Acting Director of the Terry Sanford Institute for Public Policy, Duke University.

Harriet de Wit, Associate Professor of Psychiatry, University of Chicago.

John J. Dilulio Jr., Professor of Politics and Public Affairs at Princeton University and Senior Fellow at the Brookings Institution.

William A. Donohue, President, Catholic League for Religious and Civil Rights.

Peter Edelman, Professor, Georgetown University Law Center and former Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services.

Margaret E. Ensminger, Associate Professor of Health and Policy Management, Johns Hopkins School of Hygiene and Public Health; joint appointment in Psychiatry, Johns Hopkins University School of Medicine.

Marian W. Fischman, Professor of Behavioral Biology, Department of Psychiatry, Columbia University College of Physicians and Surgeons.

Avram Goldstein, M.D., Professor Emeritus of Pharmacology, Stanford University.

Roland Griffiths, Professor of Behavioral Biology, Department of Psychiatry and Behavioral Sciences and Professor of Neuroscience, Johns Hopkins University School of Medicine.

Francis X. Hartmann, Executive Director, Program in Criminal Justice Policy and Management, Kennedy School of Government, Harvard University.

Chris-Ellyn Johanson, Professor of Psychiatry and Behavioral Neurosciences, Wayne State University School of Medicine.

Reese T. Jones, M.D., Professor of Psychiatry, University of California, San Francisco.

Carl Kaysen, Professor Emeritus of Political Economy, MIT, and former Director, Institute for Advanced Study, Princeton.

David McLean Kennedy, Senior Researcher, Program in Criminal Justice Policy and Management, Kennedy School of Government, Harvard University.

Sheppard G. Kellam, M.D., Professor of Mental Hygiene, Johns Hopkins School of Hygiene & Public Health; joint appointment in Psychiatry, Johns Hopkins School of Medicine.

Mark A.R. Kleiman, Professor, School of Public Policy and Social Research, University of California, Los Angeles.

Stanley Korenman, M.D., Professor of Medicine and Associate Dean, UCLA Medical School.

Robert E. Litan, Director of Economic Studies, Brookings Institution; former Associate Director, U.S. Government Office of Management and Budget.

Glenn Loury, University Professor, Professor of Economics, and Director of the Institute on Race and Social Division, Boston University.

Robert MacCoun, Associate Professor, Graduate School of Public Policy, University of California at Berkeley.

Mark H. Moore, Professor of Criminal Justice Policy and Management, Harvard University.

Dennis E. Nowicki, Chief of Police, Charlotte-Mecklenburg Police Department, North Carolina.

John O'Hair, Prosecuting Attorney, Wayne County (Detroit), Michigan.

Peter Reuter, Professor of Public Affairs and Criminology, University of Maryland.

Michell S. Rosenthal, M.D., President, Phoenix House Foundation.

Sally L. Satel, Lecturer, Yale Medical School.

Thomas C. Schelling, Distinguished University Professor at University of Maryland.

Charles R. Schuster, Professor of Psychiatry and Behavioral Neurosciences and Director of the Clinical Research Division on Substance Abuse, Wayne State University School of Medicine; former Director of the National Institute on Drug Abuse.

Lewis Seiden, Professor and Chairman of the Department of Pharmacology, University of Chicago.

Solomon H. Snyder, M.D., Distinguished Service Professor of Neuroscience, Pharacology, and Psychiatry; Director, Department of Neuoscience, The Johns Hopkins University School of Medicine.

George Vaillant, M.D., Professor of Psychiatry, Harvard Medical School.

RECOGNITION OF NATIONAL BLACK McDONALD'S OPERATOR'S ASSOCIATION 25TH ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise to announce the 25th anniversary of the National Black McDonald's Operators Association. The

association will hold its biennial convention October 7–10 in the Miami metropolitan area.

The establishment of the association grew out of McDonald's concern over riots following the assassination of Dr. Martin Luther King, Jr. In the aftermath, McDonald's national management team expressed its belief that community business leaders, and in this instance, black community business leaders, were best able to address the issues and concerns of their communities.

On December 21, 1968, Herman Petty of Chicago became the first black owner/operator of a McDonald's franchise. Soon thereafter, McDonald's experienced a black-owned franchise growth spur. By the end of 1969, there were 12 black-operated McDonald's restaurants throughout the country. Today, there are over 300 franchises in the association, with a total of 800 restaurants nationwide.

This year's theme—"Pride in Progress"—reflects the association's commitment to teamwork in their efforts to improve the communities where they live and their businesses prosper. We often are encouraged to give back to our communities. For 25 years, members of the National Black McDonald's Operators Association have done that through scholarship programs, regional cooperative projects, and individual donations to special projects.

Mr. Speaker, I believe in free enterprise and strong economic growth. I also believe that the best antidote to despair and racism is full participation in our strong and growing economy. The black American business women and men of this association know that they must take the initiative to bring the spark of enterprise to their inner cities while striving to reach those communities that prosperity has passed.

As the National Black McDonald's Operators Association celebrates this impressive milestone, I salute the members for their philanthropic commitment and for their embodiment of the American spirit.

RECOGNITION OF ASHLEY CHOATE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. PACKARD. Mr. Speaker, three times a year, a select group of high school juniors come to our Nation's Capital to serve in the congressional page program. Sixty-six of the best and brightest young men and women head to Washington for a semester in the Halls of Congress. This semester, one of my own constituents was chosen as a congressional page. Today, I am pleased to recognize Ashley Choate, of Dana Point, CA, as a member of the fall of 1997 class of congressional pages.

Ashley has not only excelled in academics at Dana Hills High School, but she has given back to her community and found the time to participate in high school athletics. It is truly commendable that Ashley was able to hold on to her 3.45 grade-point average while volunteering at an orphanage in Mexico and selling Christmas trees to raise money for her church. She also found the time to play softball for her high school during her freshman and sophomore years prior to coming to the House of Representatives.

Mr. Speaker, Ashley Choate is truly deserving of commendation. She is a wonderful individual and was recently recognized by the Los Angeles Times in an article of September 24, 1997, for earning the distinction of serving as a congressional page. I am especially pleased that she was chosen as a page in the House of Representatives. However, I am more pleased to have Ashley as an official representative of the 48th District of California. She is truly exceptional. I wish her well.

TRIBUTE TO ELIZABETH STEWART CARLSON—A QUIET AMERICAN HEROINE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. LANTOS. Mr. Speaker, few Members of this House have had the good fortune that I have enjoyed since I first became a Member in 1981. My greatest good fortune has been to have a district office staff of extraordinary high caliber.

For most of the 17 years that I have served in this body, I have benefited enormously from the dedication of a quiet, dignified, vital American heroine, special assistant in my district office, Elizabeth Stewart Carlson. Just a few days ago on October 3, we celebrated her 80th birthday, and at the same time we marked the beginning of another decade of dedicated service to the lives of so many by this wise, wonderful, and brave woman.

Elizabeth Carlson has been firmly rooted in the San Francisco Bay Area all of her life. Her father served for some time as the mayor of the City of Vellejo in the East Bay. As were so many in our area and elsewhere in our Nation, Betty Carlson was deeply affected by her teenage experience in the Bay Area during the Great Depression of the 1930's. Although her own family escaped some of the worst consequences of that difficult period, she saw the lives and health of others visibly ground down by deprivation and suffering. It was during that time that Betty Carlson first practiced and learned her quiet courage.

Mr. Speaker, this early observation of widespread suffering produced a desire in Betty Carlson to serve humanity. She graduated as a registered nurse in time to serve in Bay Area hospitals during the Second World War, and, in recognition of her care and compassion, she received the award for Outstanding Graduate after One Year from the Mount Zion School of Nursing. Then, and throughout her entire 30-year career in nursing, Betty applied kindness, careful treatment, common sense, and empathy to countless patients, some of them very ill and dying.

Betty Carlson's first husband, who had a career in law enforcement, met an early death in a line-of-duty accident. Because of her husband's profession, Betty lived a life of particular courage. The families of individuals which have pursued careers in public safety know the daily bravery required to watch a loved one go off to work with the knowledge of the personal danger that is involved.

Betty Carlson did not sit idly at home and wait, however. In addition to her professional nursing career, she was fully engaged in activities to support their son Frank. She continued her motherly responsibilities after her second marriage to Sten Carlson, and, with the birth of their son Eric, her responsibilities increased in such areas as the PTA, Boy Scouts, and other youth groups.

In addition to her efforts with those groups that were important to her family, Betty Carlson has provided leadership and countless hours of service to many major civic and philanthropic organizations during Sten's long and dedicated service with United Airlines, and since his retirement.

The skill, compassion, courage, and leadership which Betty Carlson developed and demonstrated in her family, civic life, and formal nursing career during the first 30 years of her adult life would have made her a most highly valued member of my congressional staff. But one horrible experience she endured in 1974 has brought Betty enormous suffering, heroic reaffirmation, and positive public social action.

Mr. Speaker, in 1974, Betty Carlson's son Frank and his young wife Annette were viciously attacked in their San Francisco home. In one of the most reprehensible and appalling crimes that I have ever known about, Frank and his wife Annette were brutally and senselessly tortured and then left for dead. Betty's beloved son Frank died during that long and tragic night. Annette, Frank's wife and Betty's daughter-in-law, miraculously survived.

It is entirely fitting that we view Betty Carlson's suffering since that tragic event, her resulting religious struggle and reaffirmation, and the ongoing, quiet heroism of her principled and constructive public response in a similar light to the response of the heroic, nonviolent Guatemalan Mayan Nobel Peace Price winner Rigoberta Menchu, after the similarly terrible torture and murder of her mother.

With the help of Betty's husband Sten and other loved ones, prayer, pastoral counsel, her own great courage, and the healing of time, Betty Carlson survived, and has helped her son's wife to live an active and productive life. Betty cofounded and served as president of the group Justice for Murder Victims. In 20 years, this group has greatly improved public awareness and to some extent improved our laws in dealing with families of the victims of murder. I have the greatest respect for Betty Carlson's ongoing service and the kindness mixed with common sense which she has shown toward many who have suffered.

Mr. Speaker, on the occasion of Betty Carlson's 80th birthday I invite my colleagues to join me in paying tribute to this outstanding woman. We extend to her our very best wishes that she may continue to offer many more years of public service, commitment to her religious community, and a joyous family life with her husband Sten, her son Eric, and her daughters-in-law Wai Ling and Annette.

TRIBUTE TO AILEEN HARPER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing Aileen Harper for her extraordinary contributions and dedication to the Center for Health Care Rights in Los Angeles.

The Center for Health Care Rights is a California-based nonprofit organization dedicated to assuring consumer access to quality health care through information, education, counseling, advocacy, and research programs. Founded in 1984 as the Medicare Advocacy Project, the Center for Health Care Rights has gained widespread recognition as a leader among the State's health insurance counseling and advocacy programs. The center offers more than 1 million Medicare beneficiaries in Los Angeles County a free, one-stop service center that provides much needed counseling and education.

The success of the Center for Health Care Rights depends greatly upon its devoted and knowledgeable staff. Aileen is being presented with the Health Insurance Counseling and Advocacy Program Service Award for her ongoing leadership and vision at the center. This past September marked her 13th anniversary with the center. During her tenure, Aileen has developed and managed programs in community education and counseling designed to provide assistance with Medicare, managed care, long-term care, and other related health insurance matters that Medicare beneficiaries face in Los Angeles County.

Aileen currently serves as the director of district service programs, continuing her longtime commitment to serving the center's clients, particularly the underserved elderly and disabled populations who seek the center's counsel. She has also developed extensive experience with consumer concerns and protections in Medicare and managed care, having authored a number of consumer training materials that are used not only by the center, but by other Medicare advocates in California as well.

Our community owes Aileen a debt of gratitude for her significant accomplishments and distinguished record of achievement. I ask my colleagues to join me in applauding her tremendous efforts and in wishing her happiness and success for the future.

INTRODUCTION OF THE MARRIAGE PENALTY RELIEF ACT

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. HERGER. Mr. Speaker, I rise today to announce the introduction of H.R. 2593, the Marriage Penalty Relief Act. I am pleased to report that a bipartisan group of my colleagues, including Mrs. KENNELLY, Mr. WELLER, Mr. CRANE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. BUNNING, Mr. HOUGHTON, Mr. MCCRERY, Mr. CAMP, Mr. NUSSLE, Mr. JOHNSON of Texas, Ms. DUNN, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. WATKINS, Mr. HAYWORTH, Mr. NEAL, and Mr. COYNE have joined me in this effort to provide relief to those couples who pay more in taxes simply because they are married.

Now that the Taxpayer Relief Act of 1997 has been signed into law, Congress must begin to consider its options for further tax relief in 1998. While this year's landmark tax cut does provide important benefits to students, investors, small business owners, and families with children, no specific provisions were included to assist those families victimized by the marriage penalty. I strongly believe that marriage penalty relief should figure prominently into the next tax cut passed by Congress.

Mr. Speaker, the marriage penalty imposes a substantial burden on a great many American families. According to a recent report by the Congressional Budget Office, the average marriage penalty was nearly $1,400 in 1996. Indeed, under 1996 tax law, married couples could have owed the IRS more than $20,000 in additional taxes compared to what they would have owed had they not been married. This is patently unfair, Mr. Speaker, and Congress must act to provide these families the relief that they deserve.

As financial pressures push more and more nonworking spouses into the labor force, an increasing number of families fall prey to marriage penalties. Indeed, CBO estimates that 42 percent of all married couples—some 21 million families—incurred marriage penalties in 1996. One of the major reasons why so many of these joint filers face this added tax burden is that the very first dollar earned by a family's lower earning spouse is taxed at the marginal rate of the higher earning spouse. Exempting some of the lower earning spouse's income from tax would mitigate this unfair situation, providing significant relief to the millions of Americans who face a higher tax bill solely because they are married.

Mr. Speaker, two-earner married couples were once entitled to a significant tax deduction to help offset the marriage penalties that are built into the Internal Revenue Code. However, the Code no longer permits these families to take advantage of this deduction. The Marriage Penalty Relief Act would simply restore this two-earner deduction, once again allowing couples a 10-percent deduction for up to $30,000 of the lower earning spouse's income. While this approach will not eliminate the marriage penalty in all cases, it will provide meaningful relief to victims of this unfair tax—at roughly one-third the estimated revenue cost of outright elimination.

Mr. Speaker, I believe that providing families relief from the marriage penalty should be a major legislative priority during the next session of the 105th Congress. I am pleased that the approach adopted in my legislation has already attracted substantial bipartisan support, and I would urge the rest of my colleagues to cosponsor the Marriage Penalty Relief Act.

GUAM BATTLES FAMILY VIOLENCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. UNDERWOOD. Mr. Speaker, last week my home island of Guam was shocked by the death of 7-year-old Erica Aquino, her mother Therese Crisostomo Aquino and her father Rudy Aquino. The island of Guam is shocked and horrified at the horrible details of these violent deaths. According to police and media reports, Rudy Aquino, estranged from his ex-wife Therese, had shot her and then their young daughter Erica before turning the shotgun on himself. Immediate family members were summoned to the scene of the crime to learn first hand of the tragedy. They had been preparing for a birthday celebration in honor of Therese's brother, a newly ordained parish priest.

Therese was a social worker in the adult protective services unit of the Guam Department of Public Health and Social Services. Her daughter Erica was a second grade student at San Vicente School in Barrigada. A week has passed since these deaths and the family and friends of Therese Crisostomo Aquino and her daughter Erica are asking many questions, "Why did it happen?; How could we have helped?" The friends and family of Rudy Aquino also ask "Why did it happen?" and "How could we have helped?"

The incident occurred on the eve of Governor Carl Gutierrez's Proclamation of October as Family Violence Awareness Month. As if to demonstrate the need for such a proclamation, three lives were lost because of family violence. As we all know, family violence affects us regardless of age, sexual orientation, physical ability, marital status, ethnicity, cultural or educational background, religion or economic status. It is often ignored and tolerated by our society, and despite the number of agencies and nonprofit organizations set up to assist them, many victims continue to feel isolated and ashamed, and even responsible for the abuse—blaming themselves. We have to do all that we can to let them know that they are not alone.

Family violence affects the whole family, especially children. Children in abusive homes carry the terrible lessons of violence with them into adulthood and into the next generation. Children who grow up in violent homes are 6 times more likely to commit suicide, 24 times more likely to commit sexual assault crimes, 74 times more likely to commit crimes against the person and 50 times more likely to abuse drugs or alcohol.

Sadly, in Guam, despite a culture in which our elderly or "manamko", as they are affectionately known, are honored and revered, it was essential for our government to open an adult protective services unit in 1989. Since its inception, there have been 800 reports of physical and emotional abuse received by our island's elderly and disabled. Abuse in our families has reached into the generations that preceded us.

In Guam, police officers have responded to 5,969 family violence offenses from 1993

through 1995. During that same time period, the Child Protective Services received 5,881 referrals, and in 1996 they have reviewed over 3,000 of these referrals. In 1995, the Guam Attorney General's Office prosecuted 106 criminal felony cases and 248 criminal misdemeanor cases; while from January through June, 1996, they prosecuted 50 criminal felonies and 248 criminal misdemeanor cases. So many women and men are reluctant to admit to the violence and reach out beyond the family that experts believe the actual prevalence may be much higher than the numbers indicate.

So what are we doing in Guam to lessen and eliminate the instances of violence taking place between family members? Since 1993, the Governor, through executive order, has established the family violence task force comprised of all governmental agencies and nonprofit organizations which deal with family violence. Among its primary duties is the development and implementation of inter-and intradepartmental or agency policy and protocol on family violence; the development and evaluation of prevention and treatment programs for the community-at-large and for targeted groups; and the establishment of a community resource, referral and visitation center to disseminate throughout the territory, educational information and materials concerning prevention and response to family violence.

The family violence task force was just reinstitutionalized this year, and includes the following members: The First Lady of Guam, Mrs. Geraldine T. Gutierrez; and representatives of the following private and public entities: the Guam Police Department; the Department of Corrections; the Department of Law, Attorney General's Office; the Superior Court of Guam, Family Counseling and Client Services Division; the Guam Legal Services Corporation; the Public Defender Services Corporation; the Guam Bar; Department of Mental Health and Substance Abuse; the Crisis Hotline; Healing Hearts; Department of Public Health & Social Services, Adult and Child Protective Services; Department of Youth Affairs; the Governor's Community Outreach Federal Programs Office; the Mayors' Council of Guam; the Guam Housing and Urban Renewal Authority; the Guam Department of Education; the Guam Community College; the University of Guam; the Alee Shelter and Shelter for Abused Children, Catholic Social Services; Victim Advocates Reaching Out [VARO] inafa'maolek, Inc; Victim Witness Ayuda Services; Sanctuary Inc; United Women of Micronesia; Naval Services Center, U.S. Navy Hospital Guam; Andersen Air Force Base Support Flight; and other individuals, to be named from the community-at-large which include religious leaders, private business persons and members of civic associations and organizations.

The Family Violence Task Force has traditionally held a public awareness campaign throughout the month of October. This year, Family Violence Awareness Month is being headed by Alicia Limtiaco, a private attorney who has formerly served as the island's Chief Prosecutor. One of the many events planned for the month is a "Silent Witness Exhibit" in memory of fatalities of domestic violence of Guam. Guam will be represented in the national events being held this month here in Washington by First Lady Geri Gutierrez, Sister Eileen of the Alee Shelter, and Marie McElligot of the Superior Court of Guam, as well as other dedicated supporters and advocates.

Also scheduled throughout the month are numerous appearances on all the local radio and television stations, as well as forums for specific target groups such as "Up Close and Personal" for service providers, "Ashes, Ashes We All Fall Down" for university students; and forums with broader themes such as "Legal Issues," "Life Skills for Women Only," "Life Skills Seminar for Couples," and "For Men Only." The local churches are encouraged to conduct sermons on family violence, and a poster and essay contest will be conducted in the island's schools.

Despite all these efforts, Guam continues to battle with family violence. It is recognized as a very serious and escalating problem within our community, and will take the entire community to actively work together to make our island safe for everyone, especially our women, children, elderly and disabled. On behalf of the people of Guam and the United States, I commend the dedicated work of all of the agencies, professionals, and volunteers, who work tirelessly to bring peace to each island family.

CONGRATULATIONS ON DOUBLE TENTH DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to mark the October 10, 1997 celebration of the 36th anniversary of the founding of the Republic of China on Taiwan. October 10 was selected as the date for observing Taiwan's founding because on that date in 1911, troops and ordinary citizens of the Wuchang region of China revolted against their Manchu dynastic rulers to protest against the corruption and incompetence of their leadership. After centuries of imperial and dynastic rule, the October 10th rebellion affirmed the desire of the Chinese people to achieve self-determination. With the election of President Lee Teng-hui, the first democratically-elected head of state in China's history, we witnessed a partial realization of the aspirations of the Chinese people who revolted in 1911.

Under President Lee's leadership, Taiwan has expanded its presence within the international community and has become an important source of development assistance. As evidence by the levels of cultural exchanges and bilateral trade, relations between the United States and Taiwan have never been stronger. President Lee has selected Dr. Jason Hu, Taiwan's former representative in Washington, as his new Foreign Minister. During his time in Washington, Dr. Hu proved himself to be a hard-working, highly effective and selfless representative of the Taiwanese Government and people. I am confident that Dr. Hu will be equally successful and impressive in his new position of Foreign Minister.

In closing, Mr. Speaker, I extend my heartfelt congratulations to the people of Taiwan on the upcoming October 10, 1997 celebration of the anniversary of the founding of the Republic of China on Taiwan.

IN HONOR OF GREGORY R. DEMALINE ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Gregory Demaline of Parma, OH, who will be honored for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering Scouting achieve this rank.

My fellow colleagues, let us recognize and praise Gregory for his achievement.

THOSE SURPLUSES: PROCEED WITH CAUTION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. SPRATT. Mr. Speaker, 2 weeks ago, the Washington Post published an excellent article about the Federal budget by Dr. Robert Reischauer, former CBO director and now a fellow at the Brookings Institution. I would like to share this article with my colleagues. Many of our colleagues are proposing new ways to spend a putative budget surplus, either by cutting more taxes or raising spending. Dr. Reischauer warns Congress that this is a mistake. He reminds us that even though we have made extraordinary progress in reducing the deficit, the Government is still not in surplus and the budget is not projected to reach surplus until after the year 2000. We should certainly not be spending a surplus we don't have.

Even when we reach surplus, Dr. Reischauer points out, we will be relying on the balance in the Social Security trust fund to

offset the deficit spending in the rest of the Federal budget. Finally, there is considerable merit in paying down the $4 trillion debt the Federal Government owes the public, once we reach surplus. This will help prepare us for the deficits we will be facing once we start to pay the cost of the baby boomers' retirement.

Two months ago, Congress and the President enacted a bipartisan 5-year budget plan, which provided both for modest spending increases and tax cuts. Sticking to the budget agreement is the surest path to reaching a budget surplus. In any case, we should certainly not start spending surpluses we have not yet achieved.

[From the Washington Post, Sept. 21, 1997]

THOSE SURPLUSES: PROCEED WITH CAUTION

(By Robert D. Reischauer)

Had Rip van Winkle been around a few years ago, he would have been put to sleep reading the endless stream of apocalyptical budget reports which warned that the large deficit of the day would soon explode if politically impossible spending cuts or tax increases were not enacted immediately. Had he been roused a few weeks ago and told that the president had just signed the first significant tax cut since 1981 and that the latest budget projections were for modest but growing surpluses after 2001, he undoubtedly would have gone into immediate cardiac arrest.

The amazing budgetary turnaround of the past year and the prospect of future surpluses have also quickened pulses on Capitol Hill. Those who worship at the concrete altar already have drawn up plans to boost highway spending; those whose faith tells them that lower taxes can solve all of the nation's problems have begun crafting further tax reductions; and those whose worthy social initiatives have been cruelly sacrificed to the gods of fiscal responsibility over the past decade are dusting off their proposals for expanded social investments.

Before the promised surpluses burn a hole in the congressional pocketbook, lawmakers should remember that these surpluses are not yet in hand and that there are benefits from sustaining rather than spending them. The projections of surpluses assume that Congress and the president will adhere to the balanced budget act's limits on discretionary spending. These limits, which provide half the deficit reduction needed to balance the budget in the year 2002, will require politically painful votes on appropriations in each of the next four years, votes that will reduce real discretionary spending 12 percent below current levels by 2002. The experience of the past few months should raise a bit of skepticism about the political system's ability to mete out such sacrifice. When faced with the $544.8 billion discretionary spending cap that the 1993 budget agreement set for the coming fiscal year, Congress and the president balked and used the new agreement to add $8.5 billion to the fiscal 1998 limits.

The projected surpluses could also evaporate if there are many slips in those portions of the balanced budget and tax relief acts that do not require further legislative action. Some of the promised Medicare savings, which account for over half of the spending reductions anticipated for the next five years, could fail to materialize if the Health Care Finance Administration has difficulty implementing the 226 complex provisions of the new law that generate these savings. The $21.4 billion expected to be bid for rights to use portions of the electromagnetic spectrum for commercial purposes could turn out to be more pie-in-the-sky than money-in-the-bank. The revenue loss from the tax relief act could be larger than anticipated if individuals respond with more gusto than expected to its incentives or if wily tax accounts find unforeseen ways to mine the provisions of the new law.

The considerable uncertainty that surrounds estimates of both how much the program cuts will save and how much tax reductions will cost if cuts and reductions are implemented as planned is a further reason for caution. The Office of Management and Budget's estimate of the net reduction in Medicare spending over the next five years is 34 percent larger than the Congressional Budget Office's, while Congress's Joint Tax Committee calculates that the child tax credit will cost 19 percent more than Treasury estimates.

While the economics assumptions upon which the new budget projections are based appear to be quite prudent, an average-sized recession could easily add $100 billion to the deficit for a year or two and delay the attainment of a balanced budget until well after 2002.

These warnings may represent excessive caution; modest surpluses could well materialize early in the 21st century. But if they do, there are good reasons to squirrel them away—that is, to pay down the federal debt—rather than spend them on program expansions or further tax cuts. Even in 2002, when the budget is first projected to be in surplus, taxpayers won't come close to footing the full bill for what the federal government provides them. The overall budget surplus of $32 billion that CBO projects for 2002 will be made up of a $120 billion surplus in the Social Security program offset by a whopping $88 billion deficit in all of the government's other accounts. It is well recognized that Social Security is incurring future liabilities that far exceed its modest surpluses and that without major reform it will be insolvent before the last of the baby boomers has retired.

Furthermore, surpluses have consequences that can be every bit as salutary as those provided by tax reductions or expanded government programs. Surpluses add to national saving, boost domestic investment and thereby raise, by small but important amounts, productivity, economic growth and incomes. If surpluses are allowed to develop, interest rates will be reduced, and the federal debt will be reduced, and the federal debt will begin to shrink. As a consequence, the portion of the federal budget devoted to debt service—currently one out of every seven dollars—will shrink, leaving more for real priorities.

Having probably achieved a balanced overall budget—an objective that seemed to be unattainable only a few years ago—it is time to shift the focus of the policy debate to balancing the non-Social Security budget and restructuring Social Security and Medicare for the long term. If these objectives can be achieved, Rip van Winkle won't find when he next wakes up a nation in which either retirees are scrimping by on inadequate social insurance benefits or workers are unduly burdened supporting the aged.

TRIBUTE TO MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD RECIPIENTS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to two of my constituents who have been honored by receiving the Milken Family Foundation National Educator Award. These constituents are Mr. Linard McCloud from Charleston, SC, and Mrs. Thomasenia J. Benson of Orangeburg, SC.

Mr. Linard McCloud is the band conductor at Burke High School in Charleston. He has been the band director at his alma mater for almost 20 years. During his tenure at Burke, the Burke High School band has improved to a grade V concert level band. The band has received no less than an excellent rating in the past five concert festivals with most of the onstage music receiving superior ratings.

Under Mr. McCloud's direction, the Burke High School band has performed for the Prince of Wales, recorded an ETV production on the percussion ensemble, filmed a local commercial, marched in two Mardi Gras parades, and performed for several college football games. In addition, the band has toured Canada three times and will travel to New Orleans in the spring.

Aside from his excellent leadership as band director, Mr. McCloud has given tirelessly to his students and the music community. He has been credited with obtaining over 100 scholarships for his students. He also serves as the president of the Charleston County Band Director's Association, and is a member of the Florida A&M University summer band camp staff, Kappa Kappa Psi music fraternity, and Alpha Kappa Mu honor society. He has received community service awards from Alpha Phi Alpha, Kappa Alpha Psi, and Phi Beta Sigma fraternities. He is also a senior trustee and lifelong member of Morris Brown AME Church.

Mrs. Thomasenia J. Benson, who also received the Milken Family Foundation National Educator Award, is currently in her second year as principal at Orangeburg-Wilkinson High School in Orangeburg, SC.

Mrs. Benson, a native of the Pee Dee area of South Carolina, received a bachelor of science degree from Benedict College in Columbia, SC. She received a master's degree in education and credits in counseling and secondary administration from the University of South Carolina, also in Columbia.

Mrs. Benson began her career as an educator by teaching U.S. history and psychology for 12 years at Batesburg-Leesville High School. From there, she taught social studies for 4 years at Irmo Middle School. Next, she served as assistant principal at Irmo Middle School. From there, Mrs. Benson became the assistant principal at W.A. Perry Middle School in Columbia for 3 years. Prior to becoming principal of Orangeburg-Wilkinson High School, she was principal at William J. Clark Middle School, also in Orangeburg, for 3

years. Mrs. Benson's commitment to education is illustrated through almost three decades of service to the students of South Carolina.

Mr. Speaker, these two South Carolina educators are among 150 of the Nation's most distinguished educators to be awarded the Milken Family Foundation National Educator Award. Along with the $25,000 financial award, they will receive educational resources through the powerful network for over 1,000 previous recipients of this prestigious award. This year's recipients were chosen, among other criteria, for their achievement in developing innovative educational curricula, programs and/or teaching methods; outstanding ability to instill in students character and self-confidence; and commitment to professional development.

As two of this year's winners, both Mr. McCloud and Mrs. Benson will be sent to Los Angeles in June 1998 for the annual Milken Family Foundation National Education Conference. Mr. Speaker, I ask you to join me in paying tribute to these two distinguished educators from my district as I am so proud to have them represent both the Sixth Congressional District and the State of South Carolina.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. KIND. Mr. Speaker, today is a sad day for supporters of campaign finance reform. The U.S. Senate failed to pass the McCain-Feingold campaign finance bill. A majority of the Senate, 53 Members, supported this bill. However they were seven votes short of ending a filibuster by those who are satisfied with the status quo.

The amendment supporters included 45 Democrats and 8 Republicans. this bipartisan show of support is an encouraging sign and it reflects the growing momentum for passage of campaign finance reform. It is unfortunate that a majority of the Members in the Senate cannot pass such an important piece of legislation. I hope that the leadership of the Senate will see the wisdom of allowing reconsideration of the McCain-Feingold bill.

However, at least the members of the Senate were allowed a vote on campaign finance reform. In the House we haven't been given the opportunity to vote on any bill. With the effort in the Senate stalled now is the time for the House to take up this issue. Mr. Speaker, lets put our partisan differences aside and allow a vote on meaningful campaign finance reform.

IN HONOR OF ST. INNOCENT ORTHODOX CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate St. Innocent Orthodox Church on the consecration of its new church structure in Olmsted Township, OH.

Fourteen years ago, a coalition of dedicated Orthodox Christians from a variety of ethnic backgrounds came together to practice their faith in a common language. These early members began holding biweekly services in the Community Room of Great Northern Mall and established committees to determine the growth and direction of the new parish. St. Innocent was chosen as the patron saint because the zeal of the missionary, who taught the Orthodox Christian Faith across North America and Alaska, would be an inspiration to the members of the new church.

In 1984, the members of St. Innocent began holding services in a rented chapel in Westlake. Members established a church school program for children and adults and weekly Bible studies. The church is also very active in outreach to the surrounding community. A program to provide food and support to St. Herman's House of Hospitality receives continued support. In addition, money from an extra collection each month is donated to charitable organizations or to families in need. Each Christmas, the parish supports at least one family in the community with gifts, food, financial assistance, and love.

St. Innocent welcomes the diversity of its parish and combines the many ethnic traditions into its services. I am confident that the growing parish family will flourish, and that the many services and activities it sponsors will multiply in the new church facility in Olmsted Township.

EDEL JENSEN PETERSEN: YWCA TRIBUTE TO WOMEN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize and honor Edel Jensen Petersen, who will receive on October 10, 1997, the YWCA Tribute to Women Award for a lifetime of volunteer work in Lincoln, NE.

Born in 1910, Edel has been described as a woman ahead of her time. It was quite an accomplishment at the time for her, a woman, to go to college. She taught school, both in Iowa and Nebraska, in the elementary grades and in special education. She married in 1936 and is the mother of Sharon Edel Schultze, my senior legislative assistant and a member of my San Diego Board of Education, San Diego City Council, and congressional staff for almost 20 years.

As a woman ahead of her time, Edel has worked in an equal partnership with her husband of over 61 years, long before the women's movement highlighted the importance of this concept. She and her husband, Pastor Alvin Petersen, are the perfect partners—working and playing together as a team throughout their 30-year ministry at the Lutheran Student Center and Chapel at the University of Nebraska in Lincoln and now in their retirement.

Edel was an integral part of the staff at the Lutheran Student Center, sometimes as paid staff, but more often as a volunteer. She was affectionately known as "Mom Pete" by all who came to the student center. She offered her skills in counseling, networking, research, and the arts. She is said to have had a profound influence on the lives of many, and she served as a mentor to thousands of young women as they passed through the university. In fact, she has been a role model to women during her whole life—as a teacher, a mother, a grandmother, the wife of a pastor, a community volunteer, as part of the team at the student center, and in retirement. Most importantly, she has been a friend to all who needed a friend.

She was also a mentor to the wives of other campus pastors and pastoral interns at the university. She formed a study group for married women students and, along with her husband, initiated a Couples Club, a Grad Club, and a theology study group—all opportunities to support the sharing of ideas and concerns.

Edel's code for living, "to listen, to accept, to love, and to affirm", is evident in everything she does. She frequently opened her home to university students who needed a place to live, including many international students. Early in their ministry at the university, Pastor Pete and Mom Pete initiated International Night, inviting students from various countries, including all religious beliefs, to prepare and share a meal of foods from their native countries. Such events eventually became a cooperative effort of all the campus ministries. She encouraged students at the student center to sponsor children through the Foster Parents Plan, a project which helped these students reach out beyond their own concerns. She and her husband spent a summer in the 1960's leading a group of young people in their work with a Chicago inner-city project sponsored by the Methodist Church.

Another important sphere of her influence was the creative enrichment she brought to the university students and the community as a whole, by initiating an annual Festival of the Arts at the Lutheran Student Center. The festival included both local and nationally known artwork, music, and drama. The final festival before her husband's retirement was a magnificent display of Native American Indian art and was described by one university professor as the best show he had seen of Native American artists.

As a gifted pianist, writer, poet, and weaver, Edel's own contributions to the arts have been published and featured throughout the Midwest. Two of her most notable weavings are featured at the Lutheran Student Center and at the Lied Center for Performing Arts in Lincoln.

She recently won first place in the Legacies Story Writing Contest, sponsored by the Lincoln Area Agency on Aging. She had her winning essay published in Lifelines magazine, and also recently was published in the Lincoln Journal-Star newspaper, with an article describing how she has worked to grow older with joy and continued commitment to life and to worthwhile causes.

In the community outside of the student center, Edel has been a volunteer tutor through the American Red Cross, has served as president of the PTA at her daughter's school, led Camp Fire troops, was a docent at

the Sheldon Art Gallery for more than 10 years, has been a member of Bread for the World since it was first organized and of the United Nations for over 20 years, read weekly to retired people at a senior center, and most recently, has helped to establish a reading group for visually and hearing impaired women at Eastmont Towers, the retirement home where she now lives.

And Edel has been recycling since her youth, before anyone else ever thought about the importance of recycling. Preservation of our Earth's environment is one of her paramount concerns.

Being in the limelight has never been what it was about for Edel Petersen. Her joy has been to motivate, to empower, to facilitate—often from behind the scenes. So it is highly appropriate and rewarding that her contributions are being recognized by this prestigious award.

Edel is an example of what one woman can do, by keeping herself open to the possibilities to help and to serve—whether her actions have a large impact in the community or help the person next door who needs love and encouragement.

For all these reasons, I am particularly pleased to recognize the contributions of Edel Petersen with this acknowledgement in the House of Representatives.

IN HONOR OF THE 50TH WEDDING ANNIVERSARY OF ADOLF AND DOROTHY ZALEWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the 50th wedding anniversary of Adolf and Dorothy Zalewski.

Mr. and Mrs. Zalewski were married on October 25, 1947 at the Immaculate Heart of Mary Church and are life-long residents of the Slavic Village neighborhood of Cleveland. Adolf Zalewski retired in 1985 after working for 38 years at LTV Steel and is a World War II veteran. Dorothy Zalewski served a term as a councilwoman in Newburgh Heights and is currently a Precinct B committeewoman.

Both Adolf and Dorothy remain active in church, civic, and political affairs. Adolf is an auxiliary policeman in Newburgh Heights and is active at his church. Dorothy is president of the Newburgh Heights Democratic Club and volunteers at a local hospital. Adolph and Dorothy will celebrate their 50th anniversary with their three children and eight grandchildren.

I am happy to congratulate Adolf and Dorothy Zalewski on 50 years of marriage and wish them another 50 years of happiness together.

INTRODUCTION OF THE RECIPROCAL TRADE AGREEMENTS ACT OF 1997

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. MATSUI. Mr. Speaker, today I, along with several of my colleagues, am introducing companion legislation to the legislation passed out of the Senate Finance Committee on fast track. Last week, the Senate Finance Committee voted to approve bipartisan fast-track legislation. We believe the Finance Committee's legislation strikes a reasonable balance with respect to various concerns raised about fast track and is a bill that every Member who wants to support fast track should be able to support. The bill also includes an extension of requested trade adjustment assistance programs.

This legislation lays out important principal negotiating objectives including expanded and strengthened language for agriculture and intellectual property. These are two areas in which we, as a country, stand to gain in the near term. In addition the bill contains a provision specifically calling for greater transparency in international fora and particularly in the WTO. The bill also is consistent with proposals which afford fast-track procedures primarily for trade and trade-related measures. This strongly reflects the traditional use of fast-track authority. Finally, the legislation addresses labor and the environment issues in a meaningful and constructive way.

The debate over fast track thus far has been contentious and divisive. It is time to move from abstract issues to the business of legislating. We believe that it is important to our country's continued leadership on all fronts that we pass fast track before the Congress adjourns this year.

HIGH SPEED GROUND TRANSPORTATION ASSOCIATION LEGISLATIVE EDUCATION ACTION PROGRAM

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. KIM. Mr. Speaker, I rise today to express my strong support for including a high-speed rail program in our Nation's surface transportation law.

For much of my life, I have had a strong interest in magnetic levitation train technologies, Maglev. When I was a practicing engineer, I actually worked on the proposed Anaheim to Las Vegas Maglev train route. That project never got off the ground, but I knew then that Maglev was the technology of the future.

Other countries in Asia and Europe realized decades ago that high-speed rail systems were essential to effective, intercity travel. But in America, we really don't have anything like that. Amtrak runs a few trains over 100 miles-per-hour in the Northeast Corridor, but that's about it. In the United States, intercity travel means air travel or your car.

Unfortunately, that's not good enough. In some cities our airspace is dangerously crowded, the airports are over capacity, and the freeways are congested nightmares. We need an alternative to air travel, and I think high-speed rail is the answer.

That's why I introduced H.R. 2341, the Magnetic Levitation Transportation Technology Deployment Act. My bill provides almost $1 billion over 6 years for research grants, planning and design, and construction of a Maglev project. The first 2 years would provide $50 million for research, corridor planning, and development. The final 4 years would provide $940 million for additional research and construction. H.R. 2341 would usher the United States into the next generation of intercity travel.

The House Transportation and Infrastructure Committee, upon which I serve as a subcommittee chairman, has taken a more conservative approach to Maglev technology in its reauthorization of the Nation's surface transportation law. The Building Efficiency Surface Transportation Equity Act [BESTEA] reauthorizes the Swift Rail Development Act at $35 million per year for corridor planning, research, and development. In recognition of my Maglev bill, our committee agreed to expand the Swift Rail Development Act to include Maglev systems. In short, BESTEA provides important research and planning funds like H.R. 2341, but it is silent on the construction phase of the program. I believe this is a good start for Maglev, and I look forward to working with our chairman to improve upon this program.

In the Senate, the chairman of the Environment and Public Works Committee has included a Maglev program in his reauthorization bill that is almost identical to H.R. 2341. I commend the chairman and ranking member for their leadership in making Maglev a transportation priority, and I intend to work with them in conference to see that a Maglev program is included in the final bill sent to the President.

IN HONOR OF TAYLOR E. GOODE ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Taylor Goode of North Olmsted, OH, who will be honored on October 12, 1997, for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering Scouting achieve this rank.

My fellow colleagues, let us recognize and praise Taylor for his achievement.