SENATE—*Monday, October 20, 1997*

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

PRAYER

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

Dear God, trustworthy Sovereign of this Nation, and Lord of our lives in whom we trust, we join with others throughout this land in seeking to have trustworthiness a pillar of our character and an essential mainstay of our culture. We know that we should not pray for a quality of life like this for society unless we are willing to begin with ourselves.

Lord, You desire to implant Your character in us. Everything we know about being trustworthy we've learned from You. Your faithfulness never fails; You are consistent in Your loving kindness; You are always true to Your Word. May our trust in You as our God be the inspiring motivation of trustworthiness in us. May integrity be the basic fiber of our character. We dedicate ourselves to speaking the truth, to saying what we mean and meaning what we say. Make us totally dependable to keep our promises. May others be able to count on us and always be able to say, "What you see is what you get." We pray that our actions will build a confidence of trust in others. We commit ourselves to making trustworthiness a reliable, consistent quality of our character. Help us, Lord, to keep this promise to You. Through our Lord and Saviour. Amen.

Congress has designated the third week of October as "Character Counts" week. During this week, six pillars of character are to be emphasized. The focus of our prayers this week will be to make these pillars a part of our personal character and of our society.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. DEWINE. I thank the Chair.

SCHEDULE

Mr. DEWINE. Mr. President, I make the following statement this morning on behalf of the majority leader. Today the Senate will be in a period of morning business until the hour of 2:30 this afternoon. At 2:30 the Senate will resume consideration of S. 1173, the ISTEA legislation. As the leader announced before the recess, no rollcall votes will occur during today's session. The leader further hopes the Senate will be able to make progress on this important legislation regarding highway construction and highway safety programs. As Members are aware, the first session of this Congress will be concluding before too long and there is much work left to be done. This week the Senate must act on a continuing resolution as we attempt to pass the remaining appropriations bill and conference reports. As the conferences finish their work, the full Senate awaits these conference reports. The majority leader encourages all Senators to cooperate as we schedule the remaining legislative period.

The majority leader also reminds colleagues that typically these closing weeks of session are some of the busiest. Senators should be prepared, therefore, for busy sessions with rollcall votes occurring each day unless other notification is given. The majority leader thanks all Senators for their attention.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak up to 12 minutes.

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

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Rena Subotnik, a fellow in my office, be permitted privileges of the floor for the duration of the debate.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1295 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I ask unanimous consent to be permitted to speak for 5 minutes in morning business.

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

UNITED STATES-CHINA SUMMIT

Mr. THOMAS. Mr. President, I wanted to come to the floor to talk a little bit about the summit that is coming up soon—as a matter of fact, the 29th and 30th of this month. President Jiang Zemin of China will visit Washington to have a summit meeting with President Clinton. It is a good time I think for us to do two things. One is to think a little bit about our role with respect to the summit, our role as Congress. Another is that it is a good time for us to take another look at our policy and our bilateral relationships and reevaluate both of those with respect to China and its goals.

As chairman of the Subcommittee on East Asia and Pacific Affairs, this relationship, of course, and its ramifications in the future, its impact on the United States and the world is something that is very important to me. East Asia, of course, will be a source of one of our most important economic and strategy challenges as we move into the next century. China, with 1.2 billion people and an increasingly expanding economy, will continue, and increasingly, to be a center of attention in Asia. To adequately meet those kinds of challenges, obviously, why, we need to continue to articulate and develop a workable policy with respect to China and then, of course, to all of the countries in Asia.

This administration has and continues to refer to our China policy as a constructive engagement, which has a nice sound, a nice ring to it, but I am not sure anybody really knows what that means. Apparently, it can mean whatever one would like it to mean. If you ask 10 or 12 different people, each of them might give you a different explanation of what it is. Moreover, and probably even more important, the Chinese do not know what constructive engagement means. Many of them are not persuaded and talk often about the idea that our relationship with China is one of containment, which it really is not.

So I think it is a good opportunity to make clear what our policy is with respect to China. And it seems to me

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

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that that policy ought to reflect those things that are of concern to us, those things that are important to us, those things that will over time allow us to have a relationship with China. I happened to have the opportunity to visit there in August. Most of the leadership was at the coast because of the summertime, but I did go there and visit with the Foreign Minister. We talked a good deal about the upcoming summit and what it is that it might be.

I was, and am still, a bit concerned that when you have a summit there may be a compelling interest among the administration people to be able to announce great things at the summit, which would be fine if, indeed, they are based on the kind of arrangements and the kind of agreements that really need to be made in order to have great things to announce. It would be a shame, on the other hand, if we rushed to agreement on some things and came up with unsatisfactory agreements simply in order to make the summit look as good as it should.

I agreed with the Foreign Minister that, indeed, it would be better to just have a summit to help our relationships, to talk about problems, if that is all we could do, than to have some artificial arrangements made in order to make some announcements.

So I think that is a little bit where we are. One of the things that I believe is important is that the Congress should be involved. In most countries like China and Indonesia that have a different system, of course, the people do not really understand that Congress has something to do with foreign policy, that Congress is involved in foreign policy. That is not the case in most countries. So I am hopeful, and I am now fairly confident, there will be some congressional involvement in this summit.

One of the things I am glad has not occurred, however, as sometimes does is that—of course, we are free here and should speak out on whatever we want—often you see a whole series of sense-of-the-Congress resolutions that are not very conducive to having a good meeting—some of them saying, well, if you do not behave, we will take away your visas and all that sort of business, which may have merit but it does not seem it is useful as we come up to a summit with the intention to try to improve the relationships we have. I think those things are counterproductive, as is the case generally with sanctions; sanctions do not work. There are less than a handful of objectives that the Chinese simply can't get somewhere else. We have sanctions on something when they are bargaining with Boeing for 777's and they go to France and buy Airbuses. That is kind of the way that works. We hurt our own relationship for no positive reason.

Now, I am not an apologist for China. There are many things that are being done there that we think should be done differently, many things that are being done there that are not consistent with our values, but I think probably as important as anything, if China wishes to be part of the family of business in the world, then there are some rules they have to abide by or else they are not part of the family. Countries have to stay with agreements that they have, the contracts they have.

So there are many things that make it more difficult to embrace people in the international community. In the case of China, there are concerns about Tibet, concerns about human rights, religious persecution, rule of law, intellectual property rights, relationships with Taiwan. All of those things are concerns. But the issue is how do we best deal with them. Nobody denies that there are problems we have to deal with, but as in the case of most favored nation, then you say I understand the problem. The question is how do we best deal with it. Do we best deal with it by standing away? Do we best deal with it by sanctions? Or do we best deal with it by articulating a foreign policy and then saying we are going to stay with that policy? I believe that is the best answer for us.

There are a number of things that ought to be talked about, I believe, at this summit. I have met with Sandy Berger, who is the President's adviser and the person I think most responsible for the meeting, who seems also to be in tune with this. There are about four real issues that I hope are talked about very candidly and talked about in depth. One is nuclear proliferation—the idea of parts shipped to Pakistan, the idea that Iran and the PRC have a nuclear cooperation agreement, changes to domestic law to prevent dual use. These kinds of things. Now, we are in the course of the President certifying that these things are not in fact happening, and I hope they are not. But we need to talk about that. We need to have an understanding. We need to be able to have visibility to see if, indeed, that is happening.

Another is human rights. I think we need to continue to speak out about religious freedom. We need to continue to speak out about personal freedom. Those are our values. We are not going to be able to tell everybody else how to live, but we can promote values that we believe are important. And among those at the top is human rights.

Trade. China, of course, wants to belong to the World Trade Organization, and I, indeed, hope they do. I think it would be better for us so that when you have trade problems, it is not a unilateral kind of thing but, indeed, would fall within the purview of the World Trade Organization. And some measures could be put on by other countries as well as ours.

Finally, security. We have had good cooperation from the PRC with regard to North Korea. But one of the reasons that we are involved as we are in China and in Asia is, of course, to stabilize the security of this part of the world, which is terribly important to us. I think we have been relatively successful in doing that.

Mr. President, as this summit comes close, I am pleased that the Congress is somewhat involved. I am actually pleased that these have kind of been four issues that at least the National Security Council has set forth. I hope we have honest, candid talks with the President of China. I hope we say in very understandable terms what our policy is in regard to human rights, in understandable terms what our policy is with regard to trade. We obviously have to open up China so that our trade deficit doesn't worsen.

So we have real problems to resolve. We do not resolve them by simply saying we are going to have "constructive engagement." I think we need to be specific on a relatively small number of things that are important to us and then, by golly, stick with them. If we have an agreement on intellectual property and it is not adhered to, then we need to do something about it. We should not try to run everything that everybody else does in another country, but those things that are important to us I think we ought to stay with. I look forward to the summit. I hope it is a useful one. I hope it contributes to world peace. I hope it contributes to stability in world trade and perhaps most of all the improvement of human rights in that part of the world.

FEDERAL MARITIME COMMISSION'S ACTIONS AGAINST RESTRICTIVE JAPANESE PORT PRACTICES

Mr. HOLLINGS. Mr. President, I would like to take this opportunity to commend the Chairman of the Federal Maritime Commission [FMC], Mr. Harold Creel, and the other Federal Maritime Commissioners, Mrs. Ming Hsu, Mr. Joe Scroggins, and Mr. Delmond Won for their resolve in pursuing trade liberalization of Japan's restrictive port practices.

The problem of unfair, restrictive port practices in Japan is a long standing one. The United States carriers and United States Government have asked the Japanese to reform their system for over a decade. The Japanese had refused even to acknowledge that this was a problem, much less to resolve it.

Two years ago, the carriers, weary of the futility of diplomatic and commercial pressure, asked the FMC to address this. This was not a matter of the FMC grandstanding or attempting to justify its existence. In fact, I would note that the same Japanese restrictive port practices were challenged at the World Trade Organization [WTO] by European carriers. To date, the WTO has not

acted on the European carrier petition. However, the FMC acted vigorously at the request of United States industry interests to address a long-standing, Japanese-created situation that could not be resolved through more amicable means. In September 1995, the FMC issued orders to gather information on the subject.

In November 1996, the FMC issued a proposed rule, with monetary sanctions to go into effect April 1997.

In April 1997, an agreement between the United States and Japanese Governments resulted in Japanese commitments to achieve certain steps toward reform by July 1997. Accordingly, the FMC postponed the effective date of the sanctions until September 1997.

But then the Japanese failed to meet their April commitments. In September, the Japanese again asked for a postponement of the FMC rule. The FMC refused, and beginning in September, fees of $100,000 per voyage began accruing. The fees for the month of September, which totaled $4 million, were due and payable October 15, 1997.

Despite frequent assurances by the Japanese carriers that they would pay the fees, when the October deadline was reached, they refused to do so. Accordingly, the FMC took the next step, which is authorized by statute and specifically spelled out in the final rule: to request that Customs deny clearance of Japanese vessels at United States ports, and to request the Coast Guard to detain the vessels. This action is entirely avoidable upon payment by the Japanese carriers of their now overdue debts to the United States.

The Japanese port practices at issue result in costly, arbitrary, and unnecessary expenditures by United States carriers and prevent them from making their own decisions on whom to hire for stevedoring services, from being licensed to operate their own terminals, and from operating efficiently. These practices are injurious not only to U.S. carriers, but to all U.S. importers and exporters who rely on ocean shipping, and to the American consumer. Japanese port costs are the highest in the world, and American consumers of Japanese goods ultimately foot the bill. Moreover, Japanese carriers are not subject to such restrictions in their operations in the United States.

None of these achievements of the FMC would have been possible were the FMC not an independent agency, separate from the executive branch departments. Only an independent agency, free from political pressure and the host of other concerns which frequently paralyze larger executive branch agencies, could have acted so swiftly and effectively. We must ensure that the FMC continue to retain its independent status.

It is my understanding that United States and Japanese negotiators are coming close to an agreement that would resolve this issue. This issue would not be resolved, but for the actions of the FMC. Bravo, keep up the good work, and ensure that whatever issues the Japanese Government agrees to are enforced for the benefit of the shipping public.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 17, 1997, the Federal debt stood at $5,418,064,201,028.31. (Five trillion, four hundred eighteen billion, sixty-four million, two hundred one thousand, twenty-eight dollars and thirty-one cents)

One year ago, October 17, 1996, the Federal debt stood at $5,226,593,000,000 (Five trillion, two hundred twenty-six billion, five hundred ninety-three million)

Twenty-five years ago, October 17, 1972, the Federal debt stood at $436,027,000,000 (Four hundred thirty-six billion, twenty-seven million) which reflects a debt increase of nearly $5 trillion—$4,982,037,201,028.31 (Four trillion, nine hundred eighty-two billion, thirty-seven million, two hundred one thousand, twenty-eight dollars and thirty-one cents) during the past 25 years.

RICHARD JOHNSON: 43 YEARS OF OUTSTANDING SERVICE

Mr. DASCHLE. Mr. President, it is my privilege today to honor Richard Johnson of Baltic, SD. Richard recently retired after 43 years of service in the Baltic Fire Department—half of the department's 86 years of existence. His friends describe him as a man who can always be relied upon and who never failed to answer the call when an emergency struck his community.

Nearly 20 years ago, a grain elevator exploded in this quiet town in southeastern South Dakota, tragically killing two people, and starting a furious blaze that could be seen for miles. Richard, an assistant manager at the elevator, was the first firefighter on the scene. Fighting large fires is a particular challenge in rural South Dakota, where fire departments depend upon teams of volunteers and often lack adequate supplies of water. On this day, firefighters were called in from all over the region and a pump truck was brought from Sioux Falls to draw water from the Big Sioux River. Together, they worked throughout the afternoon to bring the blaze under control before finally extinguishing it. For all of that long, exhausting afternoon, and for the 3 days of cleanup that followed, Richard was there.

These days tell us a lot about Richard. Quiet and reserved, he never asked for the spotlight, but for 43 years he was always there when he was needed. After all his long years of service, it is an honor to recognize his accomplishments before the Senate. Mr. President, September 26 was declared Richard Johnson Day in Baltic, and he was named parade marshal for the Baltic Homecoming Parade held that same day. As part of the celebration, 14 of the 18 fire chiefs Richard served under during those 43 years came to honor him—a testament to the respect Richard earned during his years with the department.

I wish Richard the best as he begins his retirement, and hope that he has many happy years together with his friends and his family.

RECESS

Mr. THOMAS. Mr. President, seeing no one else in the Chamber, I ask unanimous consent that the Senate now stand in recess until 2 p.m.

There being no objection, the Senate, at 12:59 p.m. recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERTS).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a continued period for the transaction of morning business not to extend beyond the hour 2:30, with Senators permitted to speak therein for up to 5 minutes each. Who seeks time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for as much time as I consume in morning business.

The PRESIDING OFFICER. The Senator is recognized, without objection.

THE FAST-TRACK TRADE DEBATE

Mr. DORGAN. Mr. President, I am going to visit today about the fast-track trade debate that we are expected to take up here in the U.S. Senate in the next couple of weeks. It is an interesting topic. I expect it will be a hotly contested debate as it deals with international trade.

I was in North Dakota last week, and I assume the presiding officer was in Kansas and my other colleagues from here in the Senate were in their home States. I saw an interesting editorial in the largest newspaper in North Dakota, the Fargo Forum. The editorial says: Farm Economy Is at Risk. Then it describes the problems that our family farmers are facing in North Dakota including, problems of lower production because of crop disease, the lack of moisture in some parts of our State, too much moisture in other parts of our State, and very low prices that they receive for their grain. The editorial talks about an average size farm

penciling out to a $23,000 loss in net worth this year. This is for the average size farm with average production this year.

I was thinking about this because as I travel in North Dakota I see a great many family farmers. Most of them are descendants of the homesteaders in this country, the people who moved out to build a farm, and try to make a living. For some people it has been very, very hard.

In North Dakota about 200 years ago, in fact just about 7 or 8 years less than 200 years ago, we had a visit from Louis and Clark. Thomas Jefferson, then President of the United States, bought from Napoleon Bonaparte the Louisiana Purchase, as it was called, for 3 cents an acre. He bought all that land out there for 3 cents an acre. Some jumped up in the Senate and said, why on Earth would you buy land out there? There is nothing out there. There are Indians and sagebrush. Why would you want that land?

If you were to equate what he paid for the Louisiana Purchase and compared to our current budget, he paid the equivalent of $3 trillion. This is as a percentage of what we spend today at the Federal Government level versus what Jefferson proposed to spend on the Louisiana Purchase. He bought for 3 cents an acre on all of that land. This is equivalent of about $3 trillion of what we would have to pay today. Then he sent Louis and Clark to go look at what he had purchased to try to find a water route to the ocean out west.

I read, as the Presiding Officer and many others may have, the wonderful book that was just published about Louis and Clark's journey. I discovered that when Thomas Jefferson gave them the charge to go explore that new territory, he gave Mr. Louis the opportunity to sign vouchers for whatever he needed for the trip. Mr. Louis went to St. Louis, MO, and he began signing vouchers. He was buying all kinds of things in St. Louis that he felt were necessary, because he didn't know what he was going to confront on that trip or how long it would take him.

He hired a bunch of folks and signed vouchers for a lot of things. They said he bought 120 gallons of whiskey for the trip. I wonder if today the Citizens Against Government Waste would let somebody get by with that. Well, probably not. Not 120 gallons of whiskey. Apparently, the theory was he needed enough whiskey to get him up into and through Montana, because at that point it was too late to turn back. I don't know whether that was said tongue-in-cheek or not.

In any event, the chronicles of the Louis and Clark expedition are quite wonderful. It is interesting to see our part of the country through their eyes 200 years ago because they stayed the winter in North Dakota. It was kind of chilly. They got hunkered down for the winter in North Dakota. They chronicled that in their book as well.

Then, about 100 years passed, and toward the turn of this century we had something called the Homestead Act, which led people to move out to States like North Dakota and claim 160 acres of land and build a house and operate a farm and raise a family, and the land would be theirs under the Homestead Act. So my State was populated by these homesteaders about 100 years ago. It is about as difficult a life as one can imagine, trying to start a farm out in the prairies of North Dakota, facing the wind, and the uncertainty of the weather. Then there was the question of, if you plant some seeds in the ground, will you get a crop? Will you have grasshoppers? Will you have crop disease? Will a hailstorm come along? And then, if you get a crop will there be a price sufficient so you can sell the crop and make a living?

Now, 100 years after the homesteaders, we discover fewer and fewer yard lights in rural North Dakota. More family farmers are going broke. Fewer family farmers can make a living. We continue to see the type of editorial I just described, "The Farm Economy Is at Risk," which describes the net loss of so many family farms in North Dakota this year.

Family farmers are the last of the free marketers in this country. They don't ask for much. They don't get much. And they risk virtually everything they have, based on the marketplace. Yet, one by one those tens of thousands of family farmers, as small producers, confront a marketplace of very large producers whose economic clout is enormous. If you are raising a beef cow when you go to the marketplace you confront the large beef packers, four of which control over 80 percent of the beef packing plants in this country. So you face an economic pressure that really is not particularly fair. The result is, generally speaking, lower prices than one would expect to exist in a free market.

When you try to market your wheat, you confront other economic enterprises. You confront the big millers, you confront the grocery manufacturers, you confront the folks who are involved in the grain trade, all of whom are large economic enterprises. Yet a family farmer competes in the marketplace against these larger economic interests which want lower prices. They want lower prices for family farmers, which means family farmers lose and they win.

The reason I describe all that is we come around now to this question about trade. The discussion in the Congress will be negotiating new trade agreements, because the President says, and a lot of both Republicans and Democrats say that the route to economic health is trade. That may be. The theory is the more you trade, the better off you are. If you read the doctrine of comparative advantage from the great economic thinkers going back to Adam Smith and Ricardo and others, the presumption was that every part of the world would do what it could do best and trade back and forth. This was the doctrine of comparative advantage. Of course, what they were talking about was trade from nation to nation, because there were no corporations at the advent of that kind of economic theory. But, notwithstanding that, the provision still exists, I suppose, in the minds of some, that the route to economic health is through trade. They believe that discussion should not be about what kind of trade. Instead, the question should be how much trade.

Some of us are concerned about our situation with trade. It is not because we believe we should not have aggressive trade practices or that we should not find ways to market our goods overseas in foreign markets that might need those goods. It is not because we believe that American consumers should not be able to take advantage of goods produced elsewhere that they may want. Instead, we are concerned because we see a pattern of trade in this country that is not fair to this country and that in the long-term inevitably weakens and injures our production and manufacturing base in America. The manufacturing base is the center pole of a strong economy. If you weaken your manufacturing base, you weaken the sector that provides the good jobs that pay well and have good benefits.

We have been led into thinking, I expect, by some, that a measure of economic health in America is not what you produce but what you consume. Think to yourself, what are the economic indices that are used every month to evaluate how healthy America is? It is what we consume every month. Were sales up or down? That's the basis by which we evaluate is America doing very well. Yet there is very little discussion about what we produce.

I want to hold up a chart that describes the aggregate trade deficits in recent years. Even though we have been negotiating trade agreements and we have done a number of these trade agreements under the procedure called fast track, which I will describe in a moment, it is very hard to determine that we are moving in the right direction. This particular chart demonstrates that for 21 straight years we have run merchandise trade deficits in this country, and in most recent years we have had the largest deficits in America's history. Last year, the year before, the year before that, and, incidentally, this year, we will once again see the largest merchandise trade deficit in this country's history. It is very hard to take a look at all of this red

ink and discern that somehow we are doing very, very well.

I had written a piece about trade. Then there was an article in the Washington Post recently. The writer of this article described this trade agreement in ways so that apparently I and others could understand it, suggesting that we just don't understand this. He said that we don't understand that this is not a sign of economic trouble, but that this is a sign of economic health. He reported the bigger the deficits the better off you are. Let me read the description by the writer from the Washington Post:

> If someone offered to trade you $10,000 worth of apples for $5,000 worth of pears, you'd jump at the deal. In the same vein, we Americans can hardly be considered unfairly treated if we obtain more imports that foreigners have slaved to produce for our consumption in exchange for fewer exports that we have slaved to produce for theirs.

Those of us from the middle of the country would have missed this entire economic theory had he not written this. In fact, I have an uncle, Uncle Harold, who would love to get involved in some of this pear and apple trade. If someone offered to pay you $10,000 worth of apples for $5,000 worth of pears would you jump at the deal? Yes, I suppose you would, unless you didn't need the apples and you didn't have the money to go in debt for the balance. That is the problem. This is always the thoughtlessness we get on trade debate. It is that somehow America is getting something for free. The fact is, America is inheriting the largest trade deficits in its history and no one seems to care very much. This writer says the economists make the point that this is very healthy, it is a wonderful thing.

In fact, in this same article they were talking about why we have a trade deficit. There is kind of an incestuous relationship between all the sources. The same people go to the same sources for the same quotes. This uses these same sources. The source, an economist, says the reason we had a trade deficit is because America doesn't save enough. There is an interesting thought. Companies close their American plant and move it to Mexico because somebody in Detroit doesn't save enough or somebody in Russell, KS, doesn't save enough? I'm sorry, I studied economics and I taught economics and that's not a theory with which I find credible. Maybe it's another theory that those of us in the middle of the country don't understand.

This same source that said our problem is that we don't save enough and that's why we have huge trade deficits said many months ago that we have a huge trade deficit because we have mounting budget deficits. He said that when the budget deficit goes down the trade deficit will go down.

Well, guess what? The budget deficit has gone down 4 years in a row. What has happened to the trade deficit? The trade deficit has continued to increase to new record levels. So much for that theory. The same source says, and some others say, that we have a trade deficit because of our currency valuation. They say that we have a strong dollar and that causes the trade deficit. But, the dollar goes up and the dollar goes down, we still have the trade deficit, and the trade deficit continues to grow. So much for that theory.

My point is, those who give us this malarkey about the trade deficit somehow don't understand that these deficits, the largest deficits in this country's history, mean that we are buying from abroad much more than we are selling overseas, and the result is an outflow of American jobs.

That may not mean much to people who write in the newspapers. It probably doesn't mean very much to economists, and it probably doesn't mean much to politicians. Because I don't know of any journalist, politician, or economist who has ever lost a job because of a bad trade agreement. In fact, I want someone to come to the floor of the Senate and advise me, as we have this debate in the next couple of weeks. Give me one name. Tell me the name of one economist, one politician, or one journalist who has ever lost his or her job because their plant moved overseas. It didn't happen. That is why to them this is all theory, and when their theories are wrong, they just wake up with a new theory. It doesn't matter.

Will Rogers used to say when there is no place left to spit, you either have to swallow the tobacco juice or change with the times. I say to all these economists who have delivered all this nonsense in recent years, there's no place left to spit on these issues. You have given us eight reasons for the trade deficit, and all of them have been disproved. All of them have been wrong, and maybe it is time for some new sources. Maybe it is time for some new discussion about what this deficit means to our country.

Let me talk just for a moment about so-called free markets. The free-market system is a wonderful system. I am not suggesting that we get involved in managing the economy. We have a free-market system that works pretty well. Inside our country, it is interesting, the free-market system says, for example, that those farmers out there who get up and do chores at 6 in the morning and do evening chores at 6 in the evening, risk all their money and wonder what is going to happen, they can lose $23,000 a year. At the same time the three supporting characters on "Seinfeld," a leading television program, can get $600,000 a week. That is $600,000 a week for each of the three supporting characters; $13 million a year in salaries. That is our market system. That is fine.

If you are 7-foot tall and can dunk a basketball, and you are 21 years old and play for a certain team in the Midwest, you can get a $121 million contract for 6 years playing basketball. Pay somebody to play basketball or hire 1,000 teachers. It is the same price. One 7-foot basketball player or 1,000 teachers; one 7-foot basketball player, or a thousand family farmers making a profit. The market system determines what is what, and the market system is a wonderful system, but it produces some aberrations from time to time.

One of the problems, as we describe a market system in the context of trade, is this: People say, "Well, what we need to have is a market system in which when we trade back and forth, it would be absolutely free and unfettered." That leads to another question. If it is free and unfettered trade between us and Canada, us and Mexico, us and Japan, or us and China, why is it then that they can get their goods into this country so much easier than we can get our goods into their country? Why?

Let me give some examples. Canada and wheat. We have a virtual flood of wheat coming into this country from Canada. We had kind of an agreement about how much would come in. Last year, Canada sent in 21,000 semi-truckloads of wheat above the agreed-upon level. What can we do about it? Nothing, because we don't have a trade remedy that works here. Canada sends it in through a State trading enterprise, which would be illegal in this country, and with secret prices, so no one knows at what price they are selling it in America. Nonetheless, we have a wheat trade problem with Canada.

Is that free trade? No; I don't think so. I went to the border in an orange truck, a 12-year-old 2-ton truck, with a man named Earl Jenson. We took 200 bushels of Durum wheat from the United States to try to get it into Canada. Guess what happened to us at the border? They stopped us. They said you can't take wheat into Canada. All the way from the border, we had watched semi-truckloads filled with Canadian wheat that were coming south.

Is it fair trade? I don't think so. Is it free trade? I don't think so.

I can describe chapter and verse about the Mexico situation, but let me talk about both Canada and Mexico. We had the last free-trade agreement considered under what is called fast-track procedures. First, the agreement is reached through negotiations that are not public but private negotiations. Then after they come from behind closed doors and say, "We reached an agreement," it comes to Congress, and Congress, because of fast-track procedures, is prevented from offering an amendment. The last one was called NAFTA, the North American Free-Trade Agreement.

Just prior to the NAFTA trade agreement, our country had an $11 billion trade deficit with Canada. Now some

years later, the trade deficit has doubled. We now have a $23 billion trade deficit with Canada. Just prior to the North American Free-Trade Agreement, we had a $2 billion trade surplus with Mexico. Now we have a $16 billion trade deficit with Mexico. Yet, we have people crowing on the floor of Congress, the House and the Senate, that these have been wonderful agreements. What kind of adding machines do they have? What kind of logic are they using to suggest that when you find yourself in a deep hole that things are going just great? The NAFTA agreement has been a disastrous agreement.

In fact, the Economic Policy Institute just did a study that said we have lost 395,000 jobs in this country as a result of the NAFTA agreement. Those who claim, incidentally, there have been new jobs created in this country take a look at only one side of the ledger, and that is the amount of exports we send out. They do not consider the amount of imports that are sent in to displace what had previously been produced here.

For example, they would take a look at Canada and Mexico and say, "Well, gee, we sent a little more to Canada, to Mexico, things are doing just great." The problem is, we have had much, much more coming in from each of those countries, and we have gone from a positive trade balance with Mexico to a substantial negative trade balance. We have doubled our trade deficit with Canada. Who on Earth can conclude that is a trade policy on the right path?

Let's take China just for a moment. China's trade deficit has ratcheted up, up, up and way up, and now our trade deficit with China is $40 billion a year and moving up toward $50 billion a year. They say, "Well, we're supposed to have free trade with all these folks." There is no free trade with China. We can't get much American pork into China. When China wants wheat, it shops elsewhere for wheat. It buys some from us. With the $40 billion to $50 billion trade surplus it has with us, it ought to be buying wheat from us.

When China needs airplanes and wants to buy airplanes, guess what it says? "We will buy American airplanes only if they are manufactured in China." It is another way of saying, "We want to trade with you, but we want American jobs to move to China." That is not fair trade.

Japan this year will have a trade deficit increased by 20 percent above last year. This year it is projected to reach $65 billion in trade deficits that we will have with Japan. Year after year, every year, the trade deficit with Japan goes on ranging and from around $50 billion to over $60 billion.

Is our trade relationship with Japan a mutually productive relationship? We could talk chapter and verse forever today about the amount of American goods we cannot get into Japan because their markets are not open to us.

The administration says it wants fast-track authority because it wants to open foreign markets. I want to prevent fast-track authority because I am sick of having trade negotiators negotiate bad agreements on the front end and then fail to enforce them on the back end. I say, "You go out and negotiate, go right ahead, come back and let's see what you have done. If you think these are fair agreements, you will get them passed through the Congress. If not, you are going to get a resounding no." They say, "We can't negotiate under those circumstances."

It is interesting to me, there have only been five trade agreements reached under fast-track trade authority granted by the Congress ever in history. We haven't granted fast-track authority for complicated nuclear arms agreements or test ban treaties. We haven't granted fast-track authority for any of those. Only a handful of trade agreements have had fast-track trade authority, and I ask my colleagues to evaluate what has been the result of those trade agreements.

Mr. President, I am going to propose a number of things when we talk about fast track. I think that we ought to establish some principles that evaluate what is right for this country. I said when I started that I think we ought to have expanded trade. The more trade the better, as far as I am concerned, but I demand that the trade that we have as a country be fair trade with other countries. We ought not continue to swallow huge deficits year after year only to find the countries that move their goods into our marketplace with impunity decide their marketplace is closed to us. That is not free trade, and that is not fair trade.

When we discuss fast track, what I am going to propose is a number of principles that represent the basis of our trade policy:

No. 1: A principle ought to be to end chronic, escalating trade deficits. Is that a goal of this country? If it is, we sure are not doing well. I just showed you that the trade deficits have increased every year. We ought to decide as a country that we ought to end the escalating trade deficits by increasing U.S. net exports.

No. 2: A trade agreement ought to result in real growth in the U.S. economy, provide more and better jobs and improve living standards. Incidentally, there is no such principle that guides today's trade negotiating.

No. 3: We ought to provide mandatory performance standards for trade agreements together with enforcement to ensure full reciprocity. It seems to me that when you go from a $2 billion trade surplus with Mexico to a $15 billion trade deficit, someplace there ought to be some snapback provision that allows Congress to look at that and say, "Oops, that's not what we meant; that's not headed in the right direction."

No. 4: No trade agreement ever ought to be negotiated that doesn't include adjustment mechanisms to prevent currency exchange rate fluctuations from distorting the trade flows. You can't have trade agreements and then have someone devalue their currency which wipes out every single gain, plus 50 percent more, in the trade agreement on lowering tariffs. That doesn't make sense. Everybody understands you must include these. These are the principles, I think, that we must consider when we evaluate whether we want to provide fast-track trade authority for new negotiations dealing with international trade.

I look forward to the debate we are going to have, because this country, I think, needs a new blueprint for trade negotiations. The old trade blueprints are tired, worn and not working. It is no longer good enough to have trade policies that allow those corporations who decide that they will personally profit by finding a place in the world to produce at very low cost and then ship the production to Pittsburgh or Los Angeles or Fargo or Topeka just because that is good for their profits. It is no longer acceptable to me that this ought to be a model for trade.

If a company which is now an international concern says, look, "My model for the future is I want to produce in Bangladesh, I want to produce in Indonesia, I want to produce in Sri Lanka, and I want to ship the product to America," you say to them, "Why do you want to produce there?

"I want to produce there because we can hire people for pennies an hour, a dime, 12 cents, 14 cents, a quarter, or 50 cents an hour. We don't have the problem with pollution. We can pollute the air and the water. We can hire kids. We won't have OSHA looking over our shoulder because we don't have safe workplace standards, and we can just pole vault over all those things we have negotiated and fought about for 50 to 75 years in this country. We can pole vault over all of those problems as a producer and go overseas, close the U.S. manufacturing plant, hire foreign workers, have no problems on pollution, child labor and wage standards and then produce the same garage-door opener or produce the same toothbrush or produce the same vacuum cleaner and ship it to America."

That might be good for these corporations, but it is not good for America because inevitably that means diminishing America's manufacturing base. It means moving American jobs overseas and it means injuring this country's long-term economic strength.

That is what this debate has to be about: What is in America's economic

interests; what is in our country's long-term economic interest; and, what will best represent the opportunity to create new jobs and advance our country's economic interests? That is what this debate must be about.

I hope in the coming couple of weeks, on behalf of farmers and wage earners, and, yes, American businesses, we can decide we have a trade strategy that doesn't now work, that causes substantial trade deficits, and substantial amounts of American jobs leaving and moving overseas. I hope we can decide that there is a better way and a different way. My purpose is not to promote some kind of xenophobic, isolationist, protectionist strategy. It is not to put walls around our country, but to decide that the trade between us and our trading partners must be mutually productive. We must have trade between us and Japan be balanced trade. If they get their goods into our marketplace, then we have a right to demand we get our goods into theirs. The trade between us and China should be mutually beneficial; that if we have something they want, they have a responsibility to buy it from us, and not demand that we manufacture it on Chinese soil at a time when they have a $50 to $60 billion trade surplus with us or we a deficit with them. It seems to me now is the time for us to demand that.

One of the reasons that I am pleased that we are finally going to have a debate about trade is that we have not been able to have any discussion about it. This turns instantly to a thoughtless discussion—instantly—the minute you start turning to the issue of trade.

Finally, maybe in discussing fast track this will become a thoughtful discussion about what is in this country's best interests. Yes, expanded trade, but, yes, especially better trade agreements that are better for this country and trade agreements that are enforced with tough, no-nonsense standards, saying we represent the economic interests of our country—not other countries but our country.

The current trade strategy, resulting in huge recurring trade deficits, hurts rather than helps our country. Those are trade deficits we can solve by requiring that we be able to sell more goods around the world and by requiring that trade agreements be fair and enforced.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BISHOP ROBERT CARLSON

Mr. DASCHLE. Mr. President, the people of our State, and certainly all Catholics of the Sioux Falls diocese, are keeping Bishop Robert Carlson in our hearts and prayers today.

Bishop Carlson has been a vibrant leader within our communities and the Catholic Church in South Dakota. His outreach and partnership with social, religious and civic leaders for the past 3 years have been responsible for significant accomplishment.

I join with all South Dakotans in wishing him success as he endures his operation for cancer this afternoon. We certainly hope that with all of the good will, our faith, and the many prayers that are with him at this very difficult time, he will fully recover and that we see him back in good health.

We have no doubt that he will continue to provide the kind of strong religious and social leadership for which he is so well known. After some rest and recuperation his voice and involvement will be welcome, once again, on an array of issues confronting our country and the church. I wish him well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. CHAFEE. Mr. President, it is my understanding we will return to the bill.

The PRESIDING OFFICER. The Senator is correct.

The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee/Warner Amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee/Warner Amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee/Warner Amendment No. 1314 (to Amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott Amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott Amendment No. 1318 (to Amendment No. 1317), to strike the limitation on obligations for administrative expenses.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I urge my colleagues in the Senate, if they have statements in connection with this legislation, to come over and deliver them. Now is an excellent opportunity. I do not envision a great deal else happening this afternoon. But this is an ideal chance for those who have statements or questions that they wish to pose or to discuss the bill in some substance. Now is the opportunity.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. The chairman of the committee is accurate. We all know that very often there is the tendency to wait until the last moment, and we do not get an opportunity sometimes to say what we want to say or offer amendments. Now is the opportunity to speak on the bill. Senators may have questions about the bill. This is an excellent opportunity to take advantage of that because there may not be another opportunity.

So I, first of all, encourage Senators who have an interest in one of the more important pieces of legislation, certainly one of the more expensive bills that this Congress is going to pass this year, to come on over. Tell us what you think. If you may have a problem with the bill, perhaps we can work it out. But now is the time. I urge Senators on both sides of the aisle to do so because this is an opportune time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. It is my understanding that there would be an objection to amendments being considered. But absent that, Senators could come over and discuss amendments that they might subsequently be filing or be permitted to be considered. So there is a chance to get a lot done this afternoon if those Senators in their offices would come on over and give us the benefit of their wisdom on this matter, which we seek.

So, Mr. President, I suggest, until such occurs, the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I came back this week after our recess very enthusiastic about moving forward on

ISTEA. The people in my State are very anxious about it. It is an important issue to us, the funding of Federal highways. Our State, of course, has lots of highways and not too many people.

I must tell you I am disappointed we are not moving along a little faster on something I think is probably the highest priority that we have now before we adjourn for the fall, the funding of our Interstate Highway Program in the ISTEA. I hope we do find a way to move forward with it. It seems like it is discouraging to us, discouraging to the American people, when we find ourselves in gridlock here in the Senate, not able to do the kind of things we want to do, the kind of things that people want us to do, the kind of things that we came here to do.

In the meantime, however, I did want to give my thanks to our chairman, Senator CHAFEE, and our ranking member, Senator BAUCUS, for the work they have done to bring this bill to the floor. It is a bill that is not easy to manage, certainly, because it affects everyone.

Everyone has a little different idea of what the formula distribution ought to be. I understand that. But they have, with the support of their committee, come to this floor with a bill that is, I think, a very good bill. It is one of the things that has changed America, this idea of having an Interstate Highway System. The current ISTEA has made some important changes through the years on surface transportation, but now we are moving forward into another changing time. The President has used for several years the metaphor of a bridge to the 21st century. This is, literally, a bridge to the 21st century. This is literally a movement through our transportation system to the 21st century.

No one would argue this bill is perfect. It does not fit everybody's view of what it ought to be, but none do. This one is good and it is close. It will create some new rules of the road that I think serve the national interest and will help us to build highways and bridges to the 21st century.

First, ISTEA is what it says, a national interstate transportation system. That means that it goes clear across the country. That means a great deal to the people in Wyoming. We are what you call a bridge State. We are between the east and the west coast. We are between the heavily populated areas. Of course, to get from here to there, you have to go through Wyoming, or Kansas, either of us which is a great treat.

Interestingly enough, Wyoming taxpayers contribute more to the highway trust fund per person than any taxpayers in the country—it is because we do have lots of roads—nearly $200 per person. Yet we have, as do others, a deteriorating highway system, and roads and bridges that are, at best, in fair to poor condition.

We are not satisfying national needs, either. The U.S. Department of Transportation reports this country only invests about 70 percent of what it needs to be investing in the infrastructure to maintain it. These shortfalls hurt us all as taxpayers. What we need is a set of efficient and well-maintained roads that interconnect cities. They are as important as cities. They are a part of how we export our goods and transfer business throughout the country. ISTEA makes smooth movement of people and merchandise throughout the year.

We have a couple of areas that are difficult. One, of course, is to find the level of spending that is correct. We have, through the years, not spent as much on Federal highways as we take in in Federal highway funds, for obvious reasons. One is to help balance the budget. There will be arguments about that, and certainly we would like to spend more money, take more money out of the fund and put it into the place for which it was taxed. It will be controversial. And part of the problem is maintaining our commitment to a balanced budget. The other is the formula through which the dollars that are spent are allocated throughout the country in various States. Each of us seeks to do the best we can for our State. I understand that.

This bill, I believe, achieves a fair funding formula. It recognizes a national system. There is an area which I have special concern that I intend to raise during the course of this and that is our Federal parks. We have considered Federal lands, and in the bill they are considered, including Indian reservations, including BLM lands, and it includes forest lands. I have to tell you the one that I think stands out the most are the national parks, for several reasons.

One reason is forests and BLM get some cooperation and coordination with counties and States to help build roads in those areas, but the national parks do not. National parks are responsible for national park roads in national parks. They belong to all the people of this country. In addition, those who drive in the parks, and there are many miles there, each of them are taxed for every mile that goes into the Federal program. About 40 percent of existing parks and roads and bridges are in poor or failed condition. There is approximately $1.8 billion backlog in national park needs for roads—$1.8 billion. Yellowstone Park, the largest park in our State and indeed the country, has road needs of $250 million. It will receive only $8 million under the current law. The U.S. Department of Transportation and the National Park Service estimate that a minimum of $161 million annually should be spent on park roads.

So we take a small step toward resolving that problem. I think we need to take a larger one. I hope we will give some consideration to that. I expect to explore those opportunities.

ISTEA II as it exists, however, will streamline the program structure that we have, give State and local governments more flexibility. I think that is extremely important. This is a very diverse country. Each of our needs are much different. The needs for highway construction in Montana and Wyoming are much different than they are in New Hampshire, Florida, and New York. So we need to give to the States the flexibility to use those dollars to the best advantage.

The bill consolidates five major programs into three. I think that is useful. It is efficient. It saves money. It provides more flexibility in the safety program, and I think that is very important. It will always ensure that taxpayers get more for their fuel dollars. We need to do that.

I am very excited about ISTEA II. I think if we can get it on the floor as we should it will get great support. It is my feeling we should pass this bill through the Congress. I am not enthusiastic about the proposition of a 6-month extension. I think State highway departments need to have security and knowledge of what will happen in the future so they can make the contracts that are necessary to implement ISTEA.

I particularly thank Senators WARNER, CHAFEE, and BAUCUS for their leadership. They have done an excellent job. I intend to support the bill. Senator BAUCUS and KEMPTHORNE and I introduced earlier an ISTEA reauthorization bill, STARS 2000, and much has been incorporated into this bill. We appreciate that.

Mr. President, ISTEA II maintains the integrity of the original ISTEA law and improves it by more equitable investment in taxpayers' fees and ensures people all across the country will have access to all of the country and increases the flexibility. I urge our colleagues to step aside from all the difficulties in holding up this bill for other reasons and move forward with this. There are other things that are important, of course. This happens to be before the Senate. We ought to do it. The reauthorization has expired. We need to go forward with it. This is an excellent bill. I urge we move forward with it and approve it as it is.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Wyoming for his statement. I agree we ought to move forward. This is a bill of tremendous importance everywhere in the Nation. It affects every State. I hope we can get to it and take up the amendments and deal with them up or down and move on to completion of this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, while the chairman is waiting for Senators to come over and give their views on the bill, I thought I would explain the main provisions in our bill and how the formula works so that Senators will better understand these items. If at any time a Senator wants to come over and speak, I will be more than pleased to interrupt my statement and let that Senator say whatever he or she wishes to say.

Mr. President, today we are currently operating under a 6-year ISTEA highway bill. The bill before us is a new 6-year ISTEA bill. This new bill will bring up to date some of the provisions that are in the current law. By up to date, I refer to the formulas. Believe it or not, our current formula uses some historical factors such as the 1980 census data, as well as the 1916 postal road miles. That outdated data is included in the current funding formula to allocate dollars among the States. When writing the new bill, the committee thought it made a lot of sense to dispense with the use of the old data. After all, some of the data are pretty old. The 1980's is old enough, but the 1916 postal road miles is going a bit far.

The current ISTEA program also has a lot of accounts. Eleven to be exact. It is difficult for States to work with all the different accounts. And it is a bit complex. So the new bill we are debating today eliminates that old historical data and brings the funding formulas up to date. This new bill also reduces the number of accounts from 11 to 5. This provides States with a lot more flexibility.

Let me briefly discuss how the current formulation works. As I said, the new bill has five major accounts. One is the Interstate National Highway System, which has two components—the Interstate component as well as the National Highway System component. Another is the Surface Transportation Program and another is the Congestion Mitigation and Air Quality Program, more commonly known inside the beltway as CMAQ. And we have two equity accounts to kind of even things out for States.

Let me say a little bit about the Interstate National Highway System account. It has two components—the interstate component and the National Highway System component. We all know what Interstates are; that is pretty obvious. Let me say that the National Highway System component is essentially our other principal Federal roads. What do we do with the interstate components? How are dollars allocated to States with respect to the Interstate System that they have? It is very simple. Fifty percent of the formula for interstate use is interstate lane miles. So the more interstate lane miles a State has, the more dollars that State is going to receive under our formula in the bill.

Well, what about the States that have, say, not quite so many interstate lane miles, but the ones they do have are traveled very heavily? Those States feel they should receive adequate interstate funds because their maintenance costs are higher because they have more traffic on their interstates. We take care of that. Fifty percent of the interstate component is lane miles and the other 50 percent is what we call interstate vehicle miles traveled, otherwise known as VMT. So there is a balance here with respect to the interstate dollars that are sent out to States. Fifty percent of the interstate component is based upon the number of interstate lane miles that a State has. This helps a State like my State of Montana which has a lot of interstate lane miles. For States without a lot of interstate lane miles, the other 50 percent measures congestion as vehicle miles traveled. So my State does not have a lot of vehicle miles traveled. Contrast that with the State, say, of my distinguished colleague from Rhode Island, the chairman of the committee. I suppose he does not have a lot of lane miles, but his vehicle miles traveled is probably high in Rhode Island compared with my State of Montana. That is how we allocate dollars that go to interstate highways. Virtually all of that money is for maintenance, because we have completed the interstate construction in our country. Those dollars go to maintenance. And again, we feel we have a fair formula that measures the extent and use of the interstate system. I should mention that about $6 billion a year that goes into the interstate account.

The other portion of the Interstate National Highway System we call the National Highway System component. That is for non-interstate highways or highways that have a lot of traffic. Again, $6 billion a year goes into the National Highway System component. The formula for dividing this money among the States is also fair. It measures the extent and use of the other highways. Twenty percent of it is apportioned to what we call principal arterial lane miles. Twenty-nine percent is apportioned according to principal arterial vehicle miles traveled. So a larger percentage goes to those States that have more traffic on principal arterials. Eighteen percent is allocated according to what we call arterial bridge square foot deficiencies. That is, if you look at bridges that are deficient and calculate the number of square feet on the bridge, 18 percent of the dollars in our bill in the National Highway System account go to States that have those deficiencies. Twenty-four percent is allocated according to the State's diesel fuel consumption. That is to measure truck use because the large trucks that travel our highways do pound our highways much more than average cars. Those States that have a lot of diesel fuel consumption are probably States that have a lot of truck use and, therefore, need more dollars to maintain their highways. Twenty-four percent of the National Highway System component is divided according to diesel fuel consumption. Nine percent is allocated according to what we call principal arterial lane miles per person. This measures the population density on principal arterials. So that is the first main component of the funding formulas in this bill —the Interstate National Highway System.

Let me mention the next major portion in this bill. It is called the Surface Transportation Program. The Surface Transportation Program is used for other transportation needs, and it is about $7 billion a year; 20 percent is allocated according to Federal aid lane miles, 30 percent according to Federal aid VMT, vehicle miles traveled—again, congested States—25 percent to Federal aid for bridge square foot deficiency, and 25 percent according to contributions to the Highway Trust Fund. That totals $7 billion. Again, that is the Surface Transportation Program.

The next major program is the Congestion Mitigation Air Quality Program. This is designed to allow our highway spending to merge, in some sense, with our Clean Air Act. That is, we want our highway spending to be planned to meet our environmental concerns. CMAQ helps States meet the requirements of the Clean Air Act. We don't want our bill to encourage States to be not in compliance with the Clean Air Act. Rather, we would like our bill to encourage cities and States to be in compliance with the standards in the Clean Air Act.

So this bill spends about $1.15 billion a year, according to the severity of air quality nonattainment for ozone and carbon monoxide, and also for populations living in nonattainment areas. I must say, Madam President, that ISTEA, this bill, led the way on programs like congestion mitigation air quality, otherwise known as CMAQ, and flexibility for States. The person who is principally responsible is Senator MOYNIHAN from New York. When he wrote the ISTEA legislation about 6 years ago, which we are currently operating under, he was the main person that added those provisions in there.

So I might repeat, Madam President, that our current bill, ISTEA II, uses updated data, not old historical data, 1980 census data and 1916 postal road data. Rather, we use the latest census data available each year. We also use

data based upon current fuel consumption because we think that is somewhat of an indication—not a perfect indication—of how much State highways get used, therefore, the number of dollars that State would need for maintenance and upkeep.

I think this is a pretty good formula. It is one that is fair to different regions of the country. We have a very diverse nation. There is a wide variety of transportation needs among the States. From Maine, the State of the current occupant of the chair, to California to Nevada or my State of Montana, every State is different. We have done our very best to try to balance the different needs. I think that passage of this bill out of committee by a vote of 18 to 0 somewhat reflects the views of the Senators on that committee that this is a balanced and fair bill. Those eighteen Senators come from the West, from the East, from the South. We have Senators from so-called donee States and Senators from so-called donor States. I think we have done a good job.

I hope that Senators who have ideas on how to further improve this bill will come down and speak with the chairman of the committee and with me because we are more than open to ways to improve this bill.

Madam President, I will pause now to allow Senators to come down and speak.

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. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Madam President, I ask unanimous consent that John Hemphill and Elizabeth Cummings of my staff be given floor privileges during the debate on this bill.

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

Mr. CHAFEE. Madam President, I ask unanimous consent that Ms. Cherlye Tucker, a detailee from the Department of Transportation, who has been assisting the EPW staff with ISTEA, be given floor privileges during the ISTEA debate.

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

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Madam President, I ask unanimous consent that two letters written by the Congressional Budget Office be printed in the RECORD. The first letter dated October 7, 1997, includes the cost estimate for S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, the ISTEA bill we are considering now, as reported by the Committee on Environment and Public Works.

This letter points to certain technical violations of the Budget Act in S. 1173. We have made adjustments in the committee substitute for S. 1173 which was agreed to on October 8 to correct those deficiencies.

So that is the first letter, Madam President.

The second letter, dated October 6, 1997, includes more detailed information on the Minimum Allocation Program, one of the components of the Federal Aid Highway Program that is exempt from the annual obligation limitation. The Committee on Environment and Public Works used the information in the October 6 Congressional Budget Office letter to make the technical budget corrections found in the committee substitute amendment to S. 1173.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 7, 1997.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Clare Doherty (for federal costs), Pearl Richardson (for federal revenues), and Marc Nicole (for the state and local impact).

Sincerely,

PAUL VAN DE WATER
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1173 INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

(As reported by the Senate Committee on Environment and Public Works on October 1, 1997)

Summary

S. 1173 would reauthorize the Intermodeal Surface Transportation Efficiency Act of 1991 (ISTEA) and would provide $145.3 billion in contract authority for the Federal Highway Administration's (FHWA's) Federal-Aid Highways program for the fiscal years 1998 through 2003. In addition to providing contract authority, S. 1173 would authorize the appropriation of $2.1 billion for programs managed by the Department of Transportation for the same six-year period. The bill would create a new credit program that would likely result in an increase in tax-exempt financing, and a consequent loss of federal revenues. Because S. 1173 would affect direct spending and receipts, pay-as-you go procedures would apply to the bill.

S. 1173 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments except as a condition of receiving federal assistance or participating in a voluntary federal program.

Description of the bill's major provisions

S. 1173 would reauthorize many of the existing components of the Federal-Aid Highways program and would authorize some new activities within the program. Over the 1998–2003 period, contract authority under the bill would total $137.5 billion for Federal-Aid activities that are subject to annual obligation limitations in appropriation acts, and $7.7 billion for activities that are exempt from such obligation limitations. In addition, the bill would authorize the appropriation of $2.1 billion over the same six-year period for new highway-related spending.

	By fiscal year, in millions of dollars						
	1997	1998	1999	2000	2001	2002	2003
Baseline spending under current law:							
Estimated budget authority [1]	22,428	23,047	23,378	23,884	24,385	24,900	25,425
Estimated outlays	2,057	2,052	1,650	1,346	1,162	1,064	980
Proposed changes:							
Estimated budget authority	0	665	238	−85	−324	−283	59
Estimated outlays	0	73	245	333	407	482	552
Total spending under S. 1173:							
Estimated budget authority	22,428	23,712	23,617	23,800	24,060	24,617	25,484
Estimated outlays	2,057	2,126	1,895	1,679	1,570	1,546	1,532
SPENDING SUBJECT TO APPROPRIATION							
Spending under current law:							
Budget authority	364	0	0	0	0	0	0
Estimated outlays [2]	18,366	18,595	18,853	19,242	19,670	20,215	20,755
Proposed changes:							
Estimated authorization level	0	190	182	382	382	432	482
Estimated outlays [3]	0	532	2,184	2,904	2,938	2,841	2,884
Spending under S. 1173:							
Estimated authorization level	364	190	182	382	382	432	482
Estimated outlays	18,366	19,127	21,037	22,146	22,607	23,056	23,639

	By fiscal year, in millions of dollars						
	1997	1998	1999	2000	2001	2002	2003
CHANGES IN REVENUES							
Estimated Revenues [4]	0	−1	−3	−9	−16	−22	−28

[1] The 1997 level is the amount of contract authority provided under ISTEA. The 1998–2003 levels are the amounts included in CBO's March 1997 baseline, which assumes annual increases for anticipated inflation.
[2] Outlays from the mandatory contract authority for programs that are subject to annual obligation limitations, and from discretionary appropriations.
[3] Outlays from new authorizations in addition to the programs subject to annual obligation limitations.
[4] Minus signs denote a loss of revenue.

CBO estimates that spending under the bill would total about $142 billion over the 1998–2003 period. Of that amount, $131.6 billion would be discretionary outlays and $10.3 billion would be direct spending. Of the $131.6 billion in total estimated outlays subject to appropriation, about $129 billion would come from contract authority, and $2.6 billion would come from amounts authorized to be appropriated by S. 1173 or already appropriated in prior years. Under the CBO baseline, direct spending outlays would total $8.3 billion over the 1998–2003 period (about $2 billion less than the six-year total for S. 1173), and discretionary outlays from contract authority would total about $117 billion over the same period (approximately $12 billion less than under S. 1173). The costs of this legislation fall within budget function 400 (transportation).

Enacting S. 1173 would also affect revenues. The Joint Committee on Taxation estimates that the new credit program would increase tax-exempt debt, resulting in a loss of revenues to the federal government totaling $79 million over the 1998–2003 period.

Basis of estimate

Enacting S. 1173 would affect direct spending, spending subject to appropriation, and revenues. In particular, the bill would provide $145.3 billion in contract authority, which is a form of direct spending, for the Federal-Aid Highways program. Most of the outlays from this contract authority would be controlled by annual obligation limitations imposed through the appropriation process. All of the projected outlays controlled by appropriation action, whether from appropriated budget authority or annually limited contract authority, are shown in the table under "Spending Subject to Appropriation." Because a portion of the new minimum guarantee program would be exempt from obligation limitations, some of the outlays for that program as well as all of the outlays for other exempt programs are included in the table under "Direct Spending."

Direct spending

S. 1173 would authorize funding for a new Federal-Aid Highways activity that would be partly exempt from obligation limitations—the minimum guarantee program. Under this bill, a portion of the minimum guarantee spending would be subject to annual obligation limitations and the remainder would be exempt. Outlays from the exempt portion of the minimum guarantee program would be direct spending.

Under the baseline, CBO assumes continued funding for the minimum allocation program (which would be replaced by minimum guarantee funding), one of the exempt programs under current law. Based on projections from the FHWA that CBO used in its March 1997 baseline, the estimated funding for minimum allocation would be $4.1 billion over the 1998–2003 period—$639 million for 1998, $654 million for 1999, $670 million in 2000, $687 million in 2001, $704 million in 2002, and $721 million in 2003.

Under the formula contained in S. 1173, we expect that the minimum guarantee program would cost more than the minimum allocation program. CBO assumes that this new program would have the same obligation rates and outlay rates as assumed for minimum allocation. Based on FHWA projections, CBO estimates that funding for the portion of the minimum guarantee program that would be exempt from obligation limitations would total $5.7 billion over six years—$896 million in 1998, $898 million in 1999, $909 million in 2000, $926 million in 2001, $991 million in 2002, and $1,096 million in 2003.

The emergency relief program, the other Federal-Aid activity under current law that is exempt from obligation limitations, is permanently authorized. S. 1173 would not change the emergency relief program, which receives $100 million each year.

For the Woodrow Wilson Memorial Bridge project, S. 1173 would provide contract authority of $100 million a year for 1998 and 1999, $125 million in 2000, $175 million in 2001, and $200 million a year for 2002 and 2003. The bill would exempt that spending from obligation limitations, so outlays relating to the bridge project would be direct spending. CBO estimates that outlays for the bridge project would total about $640 million over the 1998–2003 period.

The contract authority authorized for transportation infrastructure finance and innovation credit would also be exempt from obligation limitations. CBO estimates that the outlays for this new credit activity would total about $470 million over the 1998–2003 period. The authorized funding for the new credit program is assumed to be for the costs of the subsidies to support the direct loans and loan guarantees that would be provided under the bill. CBO estimates the subsidy amount provided for each year would be spent over a two-year period. (Subsidy outlays are recorded in the year that loans are disbursed; we assume that loans obligated or guaranteed under S. 1173 would be disbursed—on average—over two years.)

Spending subject to appropriation

For purposes of this estimate, CBO assumes that the amounts authorized for highway programs would be appropriated by or near the start of each fiscal year. Outlay estimates for all of the spending subject to appropriation are based on historical spending rates for the affected FHWA and NHTSA programs. Because most of the outlays from contract authority are governed by obligation limitations in appropriation acts, they are discretionary and so are included in the table as estimated outlays subject to appropriation. To estimate such outlays, CBO used the obligation limitations specified in the bill.

One of the new programs that would be controlled by Federal-Aid obligation limitations is safety belt incentive grants. A provision in the bill would require the Secretary of Transportation to calculate the budgetary savings relating to federal medical costs, including savings in the Medicare and Medicaid programs attributable to increased seat belt usage, and distribute that savings to the states that had caused those budgetary savings. CBO estimates that there would be no significant budgetary savings from this provision because the likelihood that the provisions of the bill would increase seat belt usage significantly is small and the impact of any change in seat belt usage on Medicare and Medicaid spending would likely be negligible and difficult to identify. CBO assumes that states would only receive the authorized amounts in the bill with no additional funds from budgetary savings.

S. 1173 would give states some additional flexibility in the use of their Federal-Aid Highways dollars, especially funds for the National Highway System (NHS), and the Surface Transportation Program (STP). The bill would give states the ability to put a significant portion of their Federal-Aid Highways dollars in a state infrastructure bank (SIB). Under the bill, a SIB is an infrastructure investment fund that could be created at the state or local level to make loans and provide other forms of financial assistance to surface transportation projects. In addition, a SIB could enhance credit, serve as a capital reserve, subsidize interest rates, ensure letters of credit, and provide security for debt financing. The bill includes language ensuring that the federal disbursements to SIBs do not exceed more than 20 percent of the total federal funds obligated annually for such purposes.

S. 1173 would give states the flexibility to use NHS and STP funds for capital improvements for Amtrak or a publicly owned passenger line, publicly owned intracity or intercity passenger rail or bus terminals, capital improvements for intelligent transportation systems, and publicly owned magnetic levitation projects. Given this additional flexibility, outlays could occur at faster rates for the Federal-Aid Highways program than assumed in the CBO baseline. The outlay pattern assumed for the Federal-Aid program is rather slow, with outlays for each year's obligations spent over nine years because of the significant amount of capital expenditures within the program. If a significant number of states were to spend a large portion of their Federal-Aid Highways funds on Amtrak or other passenger rail expenditures, magnetic levitation projects, or other nontraditional Federal-Aid expenditures, the funds would be spent more quickly than under the traditional program structure.

S. 1173 would authorize the appropriation of $2.1 billion over the 1998–2003 period for new highway programs. The bill would authorize appropriations over the six-year period totaling $750 million for grants to states for trade corridor and border crossing grants, $300 million for the joint partnership for advanced vehicles program, $30 million for the transportation and environmental cooperative, and $20 million for developing and maintaining a reporting system for excise taxes on motor fuels. In addition, the bill would authorize a total appropriation of $950 million for magnetic levitation grants from 2000 through 2003.

S. 1173 would require the FHWA to conduct studies and publish subsequent reports. It would require the Secretary of Transportation to report on the extent and use by states of uniformed police officers on Federal-Aid Highway construction projects. It would also require the Secretary to report

annually on the rates of obligation of funds apportioned under the Federal-Aid Highway program. A third provision would direct the Secretary to submit a report on the activities and results of the new federal credit assistance activity under the bill. Based on information from the FHWA, CBO estimates that the cost of completing the studies and preparing the reports would be less than $100,000 per year. In addition, the bill would require the General Accounting Office (GAO) to complete three highway studies and subsequently publish reports. According to GAO, the cost of completing these studies and reports would not be significant.

Revenues

Subtitle C, Chapter 2 of S. 1173 provides for a federal credit program for such facilities as border crossings, multistate trade corridors, intermodal facilities, toll roads and other facilities that generate their own revenue streams through user charges. The credit program, which is intended to complement other funding and to leverage private co-investment, could include secured loans, loan guarantees, and lines of credit, up to a maximum amount of credit ranging from $1.2 billion in 1998 to $2.0 billion in 2003. That program could leverage new issues of tax-exempt bonds and result in a net increase in the volume of outstanding tax-exempt debt. The Joint Committee on Taxation estimates that this program would result in revenue losses totaling $79 million over the 1998–2003 period.

Pay-as-you-go considerations

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO's estimate of the bill's impact on outlays from direct spending is summarized in the following table for fiscal years 1998 through 2007. The table also contains estimates of changes in revenues (governmental receipts) provided by the Joint Committee on Taxation. For purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted. Also, only direct spending outlays are subject to pay-as-you-go requirements; the discretionary outlays from contract authority subject to obligation limitations are not included as pay-as-you-go effects because those outlays are controlled by appropriation acts.

SUMMARY OF EFFECTS ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Changes in outlays	73	245	333	407	482	552	517	384	361	336
Changes in receipts	−1	−3	−9	−16	−22	−28	−34	−40	−46	−51

Intergovernmental and private-sector impact

S. 1173 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments except as a condition of receiving federal assistance or participating in a voluntary federal program. Most of funding authorized in this bill would be redistributed to states in the form of grants for transportation purposes.

Estimate prepaid by:

Federal Costs: Clare Doherty;

Federal Revenues: Pearl Richardson;

Impact on State, Local, and Tribal Government: Marc Nicole.

Estimate approved by:

Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 1997.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, we are providing the following information on the minimum allocation program, one of the components of the Federal-Aid Highways program that is exempt from annual obligation limitations. The minimum allocation program is funded under section 157 of Title 23, United States Code. Based on information from the Federal Highway Administration, we included the following amounts of mandatory budget authority for fiscal years 1998 through 2003 in CBO's March 1997 baseline, which underlies the 1998 budget resolution.

	By fiscal year, in millions of dollars					
	1998	1999	2000	2001	2002	2003
Estimated budget authority	639	654	670	687	704	721

The funding level for 1997 was $603 million.

If you wish further details, we will be pleased to provide them. The CBO staff contact is Clare Doherty.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 1296 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER (Mr. ALLARD). The Senator from New York.

Mr. MOYNIHAN. Mr. President, as a member of the Committee on Environment and Public Works for nigh on to 21 years now, I rise with a great sense of pleasure and even pride at what our committee has done in the legislation before you, the Intermodal Surface Transportation Efficiency Act of 1997, known informally as ISTEA II. It is a work of great complexity, yet clarity of principle. It is a tribute to our chairman, Senator CHAFEE, to his distinguished and wholly informed, carefully attentive ranking member, Senator MAX BAUCUS of Montana. One would not wish to overlook the work of Senator JOHN WARNER of Virginia, whose subcommittee had to produce this measure. Nine months ago—and this might be an augury for many of the matters that remain for the Senate in this session—9 months ago it was thought that this bill would bring about some of the fiercest interregional battles of this time in our national life. And, yet, to the amazement of all and to the very great credit of the managers of the bill, it was reported out of committee unanimously. The committee has a long-standing tradition of bipartisanship, which is always challenged when the elemental and legitimate interests of different regions, and different States, come into play. It is a matter of great satisfaction to me that the authors of the bill chose to give it the same name, the Intermodal Surface Transportation Efficiency Act, which we gave to the bill in 1991, ISTEA I, if you like. Robert A. Roe of New Jersey, then chairman of the House Public Works Committee and a public servant of the highest capacity, and I, as the person charged with the task in the Committee on Environment and Public Works, developed principles for the first highway bill to mark the post-Interstate era. And here I would like to make a point to which I will return at the conclusion of my remarks

The point is, Mr. President, that the Department of Transportation in 1990–91 faced the unavoidable fact that the Interstate and Defense Highway System, the Eisenhower Interstate System, as it was named at the behest of our beloved John Heinz, was finished. It was built, and they could think of no other thing, no better move, no different task, than to build another.

I think the distinguished managers will recall, as I will not forget, the occasion on which we were summoned to an event in the auditorium at the Executive Office Building. President Bush came, and stood on the stage by a great map of the United States with white background and red lines, just moving here and there, up and down, right, left. I thought, "Oh, my Heaven, is this the new interstate map?" However, I was reassured finally by the then Secretary of Transportation, that no, these were just illustrative lines

drawn, presumptively for aesthetic effect, as might be an abstract expressionist painting exhibited in New York's Museum of Modern Art in the 1980's. They had no idea what to do and had no instinct, save to go on doing what they had done.

Congress thought differently. Congress chose, in a cooperative mode, to devise the first post-Interstate era transportation program for the country.

The Interstate System was a long time in the making, Mr. President. It began as a concept at the 1939 World's Fair. I may be one of the only Members of the body who went to that fair, which was in Flushing Meadows in Queens, NY. The General Motors Co., had an exhibit which was the great sensation and joy of the fair. It was called "Futurama."

Under a great plexidome, it showed a map of a portion of the United States with Chevrolets and Buicks driving steadily through these great divided highways with cloverleaf intersections, passing through mountains, stopping, in one instance, at the 40th floor, as I recall, of the Empire State Building. It was just a huge success as displays go.

In 1944, President Roosevelt, having in mind the possibility that the Depression of the 1930's would return at the end of the Second World War—this was a widely held belief—had Congress authorize an interstate highway system to be built when the war was over and peace resumed.

This was done. The Interstate System was authorized. No funds were made available. Then President Eisenhower came to office. One of the current ideas was the creation of an Interstate system. He appointed a commission to look into it, because this had a particular hold on his personal experience.

His first command in 1919 had been to assume that enemy action had destroyed the national railroad system, and he was to take a convoy of military trucks from Fort Meade, on the outskirts of Washington, to the Presidio in California. He got there, but it was a tale to tell, and he would tell it. It is a wonderful passage in a book he put out, "Stories I Like To Tell."

He crossed the Mississippi River to the Pacific. He averaged about 4 miles an hour. That wouldn't do if, indeed, there was a military emergency. And so the Interstate System became the Interstate Defense System. A dedicated gasoline tax was imposed—this was very much the work of Jim Wright of Texas—and we began the largest engineering public works project in the history of the world.

Indeed, we had already begun it in New York State where Governor Dewey, in 1946, simply took it upon himself to build such a road with funding from the sales of bonds. He built this road from the outskirts of New York City across the path of the New York Central Railroad and the Erie Canal to Buffalo and down to Pennsylvania. It is called the New York State Thruway. And the inspired civil engineer who built it, Bertram Tallamy, was asked down by the Eisenhower administration to take over the small Bureau of Public Roads in the Department of Commerce to build this national system. Previously, the Bureau of Public Roads managed a very small Federal program, mostly involved with what we call farm-to-market roads for rural areas.

The Interstate System was a vast success, in many ways too much of a success. It changed the outlay of the American economy, the regions, the regional distribution. Cities emptied out, suburbs grew up, factories moved, and a great change took place in our system. The use of automobiles doubled, and then redoubled. The time came, however, when this Interstate System, which really was a misnomer because most of the expanse was in and around cities, was finished and the time had come to do something more.

The new legislation in 1991 established the principle of a balanced national transportation investment policy, an intermodal policy to improve mobility and access to jobs. Because as jobs left the inner cities all over our country, there was no public transportation available to people who didn't have automobiles.

It provided for environmental protection. Sometime in the 1970's, we began to notice the phenomenon of air pollution in our cities. A scientist at the University of California identified the process by which smog is formed. Air quality became a genuine and urgent issue. We said we would look at the environment generally and see to it that local communities participated in decisions affecting their environment.

This, Mr. President, sounds like a routine statement. But before ISTEA, participation by local communities was not a routine event for our National Highway Program. These plans were drawn up in Washington and administered from highway departments in State capitals. Local governments had little or no say. The money, the 90–10 money, the 95–5 money, could scarcely be resisted and decisions were centralized at the State level in a way that would surprise many who began the program.

If you would like to see an example of devolution, look to what our committee has done in these two bills in moving decisionmaking from the States to regional and local groups. In the hearings that have been held all over the country, there has been, as I understand, very strong endorsement of this legislation on this ground.

A hearing held at the Alexander Hamilton Custom House in Bowling Green, NY, by Senator WARNER brought the Governor of New Jersey, the Governor of New York, the mayor of New York City, persons from the surrounding counties in Connecticut, New Jersey, and New York to say this has been a revelation to us that we could have something to say in the expenditure of Federal moneys. Federal funds didn't just have to go for another highway, there was something called efficiency involved.

We would say in 1991 that there is no such thing as a free lunch and there is no such thing as a free way. We have to introduce pricing principles where the users of the highways pay tolls, varied by hour of the day or night. Electronics could be introduced to efficiently do that.

At the time of the 1991 legislation, at the Triborough Bridge in New York, which had been opened in time for the 1939 World's Fair, there still were men, now women as well, standing at toll booths collecting tolls. Sixty years had gone by and not a bit of productivity had been introduced into the system. Today, you go through with something called EZ Pass, which electronically collects the toll, and it has quite transformed the system.

We talked about air quality. We talked about efficiency. We talked about the need to maintain existing infrastructure, and we have been successful. The present bill before you, ISTEA II, contains those principles, reasserts them and will continue them.

The bill does another important thing, and more important to some States than to others. The 1991 legislation provided that States that had built highways that were contributed to the Interstate System would be reimbursed for the expense. This was clearly contemplated by the original authors of the Eisenhower legislation—a committee headed by Gen. Lucius D. Clay. The bill before you continues that principle by including the interstate reimbursement program in the base amounts paid to States under the new formulas.

This is especially important to New York State, which was authorized to obtain $5 billion over the course of 15 years, and has already received some $600 million. The installments are about a third of a billion each year.

There are other important problems yet to be resolved. There is an issue of the transit title of our bill. Transit is one aspect of national legislation in which one region will be very much more involved than in others.

For example, a third of the transit rides in the United States are in the New York region. Yet we receive only 18 percent of the funds, despite having twice that much transit ridership. On balance, we do not get much in the way of flood plain protection. Our agricultural subsidies are minimal. Our defense outlays are almost nonexistent.

Transit is one of the key Federal programs that addresses New York's needs.

We are a big nation, and not every part is exactly like another part. I see the brilliant chairman of our committee has returned. I want to tell him how grateful I am to him. But I say that if the transit formulas in this bill become radically different from those which existed for many, many years, then it will be difficult for any number of us to support the final legislation. This need not happen, and it should not.

We have a bill here before us from a unanimous committee that can really solidify an enormous and important change. We are talking about transportation policy for the next century. It is not going to be good enough just to go on building those superhighways of this century.

One of the measures that inspired us in 1991 was a report by a committee that had been established by the State of Florida to look into what would it require to accommodate the automobile traffic from Miami to the Disney complex in northern Florida by the year 2020. The report said it would require 40 lanes of interstate highway. Well, you keep that up and there is nothing left of Florida. You have to do better, and you have to think differently than in the past. Today we must increase innovation and investment in infrastructure, while including the absolutely essential Federal labor protections that are written into law today and have been, in some cases, for 60 years.

Here, Mr. President, I have one final thing I would like to say. I do not find any pleasure in it, but from time to time such statements are necessary. I am not sure that the Department of Transportation is able to think differently. It is an organization created with one program to administer, and that one program having concluded, it seems incapable of doing anything else.

As I said at the outset, in 1990, having completed the Interstate System, the only thing the Department of Transportation could think to do, was to build another. In our legislation in 1991, without meaning to be particularly partisan, we provided $725 million to build some prototype magnetic levitation trains and other intelligent transportation systems to get us past the point of a highway automobile driver.

Magnetic levitation—it is the most important scientific idea in the history of ground transportation since the wheel. It is the first mode of transportation since persons got up on their hind feet, you might say, which does not depend on friction. It is a frictionless mode of ground transportation. The simple principles are magnets which lift a vehicle and moves it as if it were flying on the rails.

The idea, sir, was invented on the Bronx-Whitestone Bridge, which connects Long Island with the mainland, by a young nuclear engineer, still thriving, working at the Brookhaven Laboratory, who was going back to MIT. As you can do only when you are a nuclear engineer and you are 26 years old, he thought up maglev, between the time he got on the bridge and the time he got off. A colleague patented it the other day.

I do not assert that it is the necessary new mode of transportation within city regions or in densely populated corridors. But I do say, sir, that they have a train running in Japan now that just broke some new speed records.

By pure chance, this morning I received an invitation to the opening of the German system this next spring. It was in this morning's mail. I have been on that system. I believe our distinguished chairman has also been there. In Germany, for what it is worth, they have decided to no longer have intracountry air service. They will move by new high-speed technology such as this.

Sir, in the 6 years since ISTEA, the DOT did nothing, or nothing that I know of—and I will be very pleased to retract these remarks if they are inaccurate—to advance maglev. They pour concrete, or rather they know the contractors that pour the concrete for them. When an institution gets so fixed on one mission that it cannot adapt to a new challenge, to a new time, some of my radical friends in this body, and perhaps most especially in the other body, ought to ask whether that institution is really necessary. Under the legislation as written, this program could be run from an office of perhaps 10 people in the Office of Management and Budget, or what you will.

In the present legislation, the chairman, the ranking member, and Senator WARNER, also said: We will give another try. And $30 million has been provided for the program. And another $920 million is authorized. It could be done.

We are entitled to hear from the Secretary of Transportation whether he intends to try? Does he have anybody in the employ of the Department who knows what the Congress is proposing? Is there any explanation why no effort was made to spend the money previously provided for maglev? You know, organizations go brain dead, sir, in the history of the world, in the history of governments that cannot adapt to new circumstances.

I hope that the Department of Transportation would hear what was said. In that first legislation, we wrote at the outset a set of principles about efficiency, adaptability, local involvement, intermodalism because it seemed necessary. It was stipulated in law, black and white law, that these principles should be printed and every member of the Department of Transportation be given a copy. It was stipulated in law, black and white law, that the principles be printed in larger form and posted in every office of the Department. But I wish I could say there has been more of a response.

I hope I have not done an injustice to individuals in the Department who have tried. But in fact, sir, we have little to show. And that is not good enough. I do not think it is good enough for the managers or for the Congress. They have done their work. Congress will have made this law. It is now for the Executive to see that the law is faithfully executed.

We have had a good beginning. But we are no way at the conclusion. We are not as far as we had hoped to be, but this continues us in the direction we set out in. I can only once again congratulate the esteemed Senator from Rhode Island, his colleague from Montana, and our colleague from Virginia. They have brought to the Senate floor a bill with the unanimous support of the Committee on Environment and Public Works. What 9 months ago seemed something not possible, surely not probable, has now been done. It is an effort that should be acknowledged, praised and rewarded.

If I may speak just briefly in the colloquial, there is an old saying which, translated from the Gaelic, says, "If you want an audience, start a fight." Well, yes, true enough. But if you want legislation, find unanimity, find consensus.

The managers have done this. I just want to congratulate them once more. I know I shall have the opportunity when the final bill comes to the floor.

I ask that the principles of the 1997 legislation as printed be printed in the RECORD.

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

HOUSE REPORT 102-404—INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

* * * * *

DECLARATION OF POLICY: INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.

It is the policy of the United States to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner.

The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic development and supporting the Nation's preeminent position in international commerce.

The National Intermodal Transportation System shall include a National Highway System which consists of the National System of Interstate and Defense Highways and those principal arterial roads which are essential for interstate and regional commerce

and travel, national defense, intermodal transfer facilities, and international commerce and border crossings.

The National Intermodal Transportation System shall include significant improvements in public transportation necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.

The National Intermodal Transportation System shall provide improved access to ports and airports, the Nation's link to world commerce.

The National Intermodal Transportation System shall give special emphasis to the contributions of the transportation sectors to increased productivity growth. Social benefits must be considered with particular attention to the external benefits of reduced air pollution, reduced traffic congestion and other aspects of the quality of life in the United States.

The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity, growth, and accountability. Practices that resulted in the lengthy and overly costly construction of the Interstate and Defense Highway System must be confronted and ceased.

The National Intermodal Transportation System shall be adapted to "intelligent vehicles", "magnetic levitation systems", and other new technologies wherever feasible and economical, with benefit cost estimates given special emphasis concerning safety considerations and techniques for cost allocation.

The National Intermodal Transportation System, where appropriate, will be financed, as regards Federal apportionments and reimbursements, by the Highway Trust Fund. Financial assistance will be provided to State and local governments and their instrumentalities to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.

The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century.

The Secretary shall distribute copies of the Declaration of Policy to each employee of the Department of Transportation and shall ensure that such Declaration of Policy is posted in all offices of the Department of Transportation.

Mr. CHAFEE. Mr. President, I want to thank the distinguished senior Senator from New York for his very fine comments. Coming from him they mean a lot. As we all know, he was the principal author of the bill that emerged from the conference in 1997, the so-called ISTEA legislation. It is due, principally, to Senator MOYNIHAN, that that bill came out as it did. All of us were there. The Senator from Montana and I and others were there during those negotiations. The Senator from New York was not the chairman of that conference, the chairman was the Representative from New Jersey, Mr. Roe. But the chairman of the Senate in the conference was the chairman of the Environment and Public Works Committee at that time, the Senator from New York.

Out of that came a bill that I think has been a model. I have always said it and I will say it again that the principal credit for doing that, achieving that, was what the Senator from New York did.

Regarding the magnetic levitation, I agree with him, the Senator from New York. Based upon his urgings, I went over to Bremen, Germany, to see the magnetic levitation demonstration tracks. It is about a 10-mile track that is in the form of a figure 8. We attained at that time speeds of over 300 miles an hour with a cruising speed of 240 miles an hour. It was so calm you could rest a glass of water on the table or you could write a letter with ease.

As the Senator from New York mentioned, there were considerable sums in the ISTEA legislation, but those sums, as I recall, were not spent but were taken back by the appropriators over the years. So we have $30 million more from that in here. From that, we believe the Department of Transportation can arrive at the site. We ought to try one of these. Where it will be, I don't know. It could well be in Texas or Florida, moving vast amounts of people back and forth in some fashion wherever it might be. I am sure it will not be in the State of Rhode Island, but I am for it. And I am not necessarily saying we have to develop new technology. I think the Germans have developed some outstanding technology. I have not seen the one in Japan.

I think we ought to get on with it and see how it works in this country and see not only if the construction costs can be amortized but the operating costs, likewise.

Again, I thank the splendid Senator from New York for his comments and appreciate the support he has given this legislation from the word go.

Mr. BAUCUS. Mr. President, I join my colleague and chairman of the Environment and Public Works Committee in recognizing and praising the intelligence and the vision of the senior Senator from New York. I think I can state without reservation and categorically that the Senator from New York is the most interesting Senator in the U.S. Senate. He is most interesting not because he makes outrageous statements but for a lot of reasons. One is his historical knowledge. The Senator from New York has a deeper historical knowledge of many facets, whether it is American history, world history, technical history——

Mr. CHAFEE. Architectural history.

Mr. BAUCUS. Than anyone else in this entity. Very often he draws upon his vast reservoir to enlighten us and remind us of something that happened in the past and how it is relevant to what we are attempting to do in the future.

He is also most interesting because he is, I think, the most profound. He comes up with more new ideas, has a broader perspective on what is happening, which enables him to approach a subject from more angles, more ways, and he thinks more outside the box, if you will.

There are many examples of that but one that comes to mind is what he did in the last ISTEA bill, focusing on intermodality, a big word but very important concept. Not just building concrete highways but all the various ways that transportation has to and should be connected.

For example, the Senator will remember we had a field hearing in New York. I flew up to New York on an airplane. I didn't drive. I took a water taxi in the Delta terminal over to some pier in New York and then a taxi over to where the hearing was located. The point is that States, under the vision of the Senator from New York, can spend ISTEA dollars on a Delta water taxi. That is permissible. I don't know whether any dollars were spent, maybe, but they can be.

In addition, in our bill we give States added flexibility. Our bill allows States to spend money on Amtrak if they choose. In some States, Amtrak is a lot more important, or in parts of some States Amtrak it is more important than others.

The intermodality, that flexibility, is made available here, to say nothing of spending money on transit. Highway dollars can be spent on mass transit. We don't have much mass transit in my State of Montana, but certainly in the State of New York and other States transit is very, very important. Bus lines, bike paths, you name it, States have a lot more flexibility and there are many more uses on the various components of transportation that make up the totality of transportation instead of just highways.

Again, that was a vision of the Senator from New York that put in place that concept 6 years ago and is continued and improved upon in this bill. That is why we named it ISTEA II, and the next one, I am sure, will be ISTEA III.

There is no Senator who, as I said, is more interesting and can contribute more than the Senator from New York. We deeply appreciate it.

Mr. CHAFEE. Mr. President, it is curious that both the Senator from Montana and I serve on the Finance Committee, likewise on the Environment Committee with the Senator from New York. So I have served with the Senator from New York for some 21 years on this committee and 18 years or so on the Finance Committee. And then we both were on the Intelligence Committee back and forth at different times. The Senator from Montana has been on the Finance Committee, likewise, 15, 16 years or so. So I have always felt, Mr. President, because of serving on those committees with the Senator from New York that I received

a Harvard education without having to pay for it, and it has been worth it.

I know the story the Senator has told about then, I believe, Second Lieutenant Eisenhower leading a convoy across the country. I think it took about 40 days. And from that, as the Senator from New York pointed out, came this inspiration for the then Lieutenant Eisenhower, later General Eisenhower, and then President Eisenhower, that we ought to build superhighways to get across this Nation.

So I echo what the Senator from Montana says. It has really been a pleasure to work with the Senator from New York.

Mr. MOYNIHAN. I am beyond words but not beyond gratitude. I could not thank my colleagues enough.

Mr. CHAFEE. On a separate subject, Mr. President, I know there are efforts made to get cosponsors on the so-called Byrd-Warner-Baucus, et al., amendment.

I say to my colleagues that might be listening, we have not seen that yet. That has not emerged. I hope people would go slow on cosponsorship of measures such as that because Senator DOMENICI and I have an approach that we think is a very good one and we want to make sure that people just don't get committed in advance, particularly on a measure they have not even seen yet.

I believe I am correct in saying that the Senator from Montana, that measure which was discussed on Thursday a week ago, in other words, something like the 9th of October and was imminent, has not yet appeared, am I correct?

Mr. BAUCUS. If the Senator will yield, I will enthusiastically describe the contents of the amendment so Senators know what it is.

The amendment, it is true, has not been finalized in its final form but it certainly will be very quickly, and I might say to my good friend from Rhode Island, it is a very good amendment because it is an amendment which does not take money from other programs, as has been said by opponents. It is an amendment that does not require any additional spending, a claim sometimes made by its opponents.

I might also say that the proposed amendment to be offered apparently by the Senator from New Mexico to be cosponsored by the Senator from Rhode Island which is an amendment that I think will cause much more mischief than is currently realized because under that amendment it gives vast additional powers to the Budget Committee above which that committee now has which would necessarily take it away from the authorizing committees.

In addition, that amendment the Senator described in conjunction with the Senator from New Mexico would also be very mischievous because it would require reauthorizing committees to go back and at least go to conference with the House every year on the highway bill, which would be the cause of all kinds of disruption.

I urge Senators to be very careful and not be taken in by the language of that amendment.

Again, the amendment we will provide will not mandate additional spending this year or any other year and will not take dollars from any other program that are important to people. It only says if there are savings next year beyond those provided for by the budget resolution, and if there is discretion of the Budget Committee and the Appropriations Committee that those committees want to spend on highway, that is their discretion. I think the Senators will find it is a very good amendment and it is good for the country.

Mr. CHAFEE. Mr. President, the point I was making is on October 9, Thursday, before we left here, we were promised that this amendment was imminent. As a matter of fact, I thought I would be handed a copy then. But now, 11 days have gone by and we still have not seen the amendment.

All I am saying to my colleagues is, just be cautious before leaping on as cosponsors of something that no one has seen yet. I don't know what the problem is, the hold up in this piece of legislation is, but all I know, it is not here yet, and while the prediction is it will be soon, all I can say is that is exactly what was said 11 days ago, and despite the time off that staffs and others had during the recess, nothing has emerged.

I ask my colleagues to just hold their fire and keep their ammunition dry and let's see what the different proposals are that are inside here, including the one which I wouldn't characterize in the same fashion as the Senator from Montana did, namely, the Domenici amendment, which I will be part of.

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

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

MORNING BUSINESS

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

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

CONGRATULATIONS TO IDA BAIRD, CELEBRATING HER 95TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Ida Baird of Overland Park, KS, who will celebrate her 95th birthday on October 27. Ida is a truly remarkable individual. She has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Ida's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 95 years.

Ida's celebration of 95 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join her many friends and relatives in wishing her health and happiness in the future.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT OF THE CANCELLATION OF DISCRETIONARY BUDGET AUTHORITY (97-42)—MESSAGE FROM THE PRESIDENT—PM 72

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to Public Law 93-344, to the Commmittee on Appropriations and to the Committee on the Budget.

THE WHITE HOUSE,
Washington, October 14, 1997.

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

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Department of Defense Appropriations Act, 1998" (Public Law 105-56; H.R. 2266). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitute a special message under section 1022 of the Congressional Budget and Compoundment Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

REPORT OF THE CANCELLATION OF DISCRETIONARY BUDGET AUTHORITY (97-56)—MESSAGE FROM THE PRESIDENT—PM 73

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to Public Law 93-344, to the Committee on Appropriations and to the Committee on the Budget.

THE WHITE HOUSE,
Washington, October 16, 1997.

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

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel the dollar amount of discretionary budget authority, as specified in the attached report, contained in the "Treasury and General Government Appropriations Act, 1998" (Public Law 105-61; H.R. 2378). I have determined that the cancellation of this amount will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachment, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

REPORT OF THE CANCELLATION OF DISCRETIONARY BUDGET AUTHORITY (97-57)—MESSAGE FROM THE PRESIDENT—PM 74

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to Public Law 93-344, to the Committee on Appropriations and to the Committee on the Budget.

THE WHITE HOUSE,
Washington, October 16, 1997.

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

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel the dollar amount of discretionary budget authority, as specified in the attached reports, contained in the "Energy and Water Development Appropriations Act, 1998" (H.R. 2203, approved October 13, 1997). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 15, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs. MORELLA) has signed the following enrolled bills:

H.R. 2158. An act 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.

H.R. 2169. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on October 15, 1997, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

Pursuant to the order of March 3, 1988, the following bill was referred to the Committee on Commerce, Science, and Transportation for a period not to exceed 30 days of session:

S. 1046. A bill to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 10, 1997, he had presented to the President of the United States, the following enrolled bill:

S. 1000. An act to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the "Robert J. Dole United States Courthouse."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3093. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Migratory Bird Hunting" (RIN1018-E14) received on September 24, 1997; to the Committee on Indian Affairs.

EC-3094. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, three rules including a rule entitled "Nonmineral Entries on Mineral Lands" (RIN1004-C65, AC92, AC98); to the Committee on Energy and Natural Resources.

EC-3095. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation to amend the Act which established the Frederick Law Olmsted National Historic Site; to the Committee on Energy and Natural Resources.

EC-3096. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation to amend the Act which established the Richmond National Battlefield Park; to the Committee on Energy and Natural Resources.

EC-3097. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "The Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program"; to the Committee on Energy and Natural Resources.

EC-3098. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, a rule entitled "Grants and Cooperative Agreements to State and Local Governments"; to the Committee on Energy and Natural Resources.

EC-3099. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Ohio Regulatory Program (VA106FOR) received on October 8, 1997; to the Committee on Energy and Natural Resources.

EC-3100. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule entitled "Delegation of Authority (RIN1004-AD09) received on September 18, 1997; to the Committee on Energy and Natural Resources.

EC-3101. A communication from the Secretary of Defense, transmitting, notices of a retirement; to the Committee on Armed Services.

EC-3102. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison relative to Kennel Management; to the Committee on Armed Services.

EC-3103. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison from the Chief of the U.S. Strategic Command; to the Committee on Armed Services.

EC-3104. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, a report relative to institutions of higher education; to the Committee on Armed Services.

EC-3105. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "The Modification of Requirement for Conversion of Military Positions to Civilian Positions"; to the Committee on Armed Services.

EC-3106. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of Defense Manpower Requirements; to the Committee on Armed Services.

EC-3107. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, a notice relative to the Strategic Plan for Arlington National Cemetery; to the Committee on Veterans' Affairs.

EC-3108. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, seven rules including a rule entitled "Survivors and Dependents Education" (RIN2900-AI45, AI21, AI50, AI92, AI65, AI72, AI70); to the Committee on Veterans' Affairs.

EC-3109. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report on veterans' employment in the Federal government for fiscal year 1996; to the Committee on Veterans' Affairs.

EC–3110. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Federally-Sponsored Research on Persian Gulf Veterans' Illnesses"; to the Committee on Veterans' Affairs.

EC–3111. A communication from the Secretary-Designate of Veterans' Affairs, transmitting, a draft of proposed legislation to redesignate the title of the National Cemetery System; to the Committee on Veterans' Affairs.

EC–3112. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar years 1992 through 1996; to the Committee on the Judiciary.

EC–3113. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, three rules including a rule entitled "Inmate Discipline and Good Conduct Time" (RIN1120–AA34, AA62, AA33) received on September 26, 1997; to the Committee on the Judiciary.

EC–3114. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report relative to capital habeas petitions and motions; to the Committee on the Judiciary.

EC–3115. A communication from the Attorney General, transmitting, pursuant to law, the report of the Department of Justice Strategic Plan for calendar years 1997 through 2002; to the Committee on the Judiciary.

EC–3116. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the operation of the premerger notification program; to the Committee on the Judiciary.

EC–3117. A communication from the Chairperson of the U.S. Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Equal Educational Opportunity and Nondiscrimination for Students with Disabilities: Federal Enforcement of Section 504"; to the Committee on the Judiciary.

EC–3118. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule entitled "Changes to Patent Practice and Procedure" (RIN0651–AA80) received on October 2, 1997; to the Committee on the Judiciary.

EC–3119. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, two rules including a rule entitled "Interim Designation of Acceptable Documents for Employment Verification" (RIN1115–AE94, AB93); to the Committee on the Judiciary.

EC–3120. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on the verifiability of the Comprehensive Nuclear Test Ban Treaty; to the Committee on Foreign Relations.

EC–3121. A communication from the Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, a report relative to Niger; to the Committee on Foreign Relations.

EC–3122. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Five Year Stategic Plan (1997–2002); to the Committee on Foreign Relations.

EC–3123. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report of Conventions, Recommendations and Protocol; to the Committee on Foreign Relations.

EC–3124. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3125. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3126. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Ireland; to the Committee on Foreign Relations.

EC–3127. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Visas" received on September 18, 1997; to the Committee on Foreign Relations.

EC–3128. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3129. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3130. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3131. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3132. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3133. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3134. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3135. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3136. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a rule entitled "The Indian Highway Safety Program Competitive Grant Selection Criteria" (RIN1076–AD82) received on October 17, 1997; to the Committee on Indian Affairs.

EC–3137. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Ballistic Missile Defense; to the Committee on Armed Services.

EC–3138. A communication from the Director of the Office of Insular Affairs, Department of the Interior, transmitting, a draft of proposed legislation entitled "The Northern Mariana Islands Covenant Implementation Act"; to the Committee on Energy and Natural Resources.

EC–3139. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, two rules including a rule entitled "Informed Consent for Patient Care" (RIN2900–AH72, AI16) received on October 14, 1997; to the Committee on Veterans' Affairs.

EC–3140. A communication from the Staff Director of the U.S. Commission On Civil Rights, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–3141. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Drug Abuse Treatment and Intensive Confinement Center Programs" (RIN1120–AA66) received on October 10, 1997; to the Committee on the Judiciary.

EC–3142. A communication from the General Counsel of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a rule entitled "Suspension of Deportation and Cancellation of Removal" (RIN1125–AA19) received on October 16, 1997; to the Committee on the Judiciary.

EC–3143. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled "Affidavits of Support on Behalf of Immigrants" (RIN1115–AE58) received on October 16, 1997; to the Committee on the Judiciary.

EC–3144. A communication from the National Commander of the American Ex-Prisoners of War, transmitting, pursuant to law, the report of the audit of the financial statements for the years ended August 31, 1996 and 1997; to the Committee on the Judiciary.

EC–3145. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the reports of notices of the proposed issuance of export licenses; to the Committee on Foreign Relations.

EC–3146. A communication from the Deputy Director of the Russia-NIS Program Office, U.S. and Foreign Commercial Service, Department of Commerce, transmitting, pursuant to law, a rule entitled "The Cooperative Agreement Program" received on September 18, 1997; to the Committee on Foreign Relations.

EC–3147. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the U.S. government voluntary contributions to international organizations for the period October 1, 1996 through March 31, 1997; to the Committee on Foreign Relations.

EC–3148. A communication from the Administrator of the U.S. Environmental Program Agency, transmitting, pursuant to law, a report relative to the Program Fraud Civil Remedies Act for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3149. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the report under the Inspector General Act for fiscal year

1997; to the Committee on Governmental Affairs.

EC–3150. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–3151. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997 and the report of the Office of Inspector General; to the Committee on Governmental Affairs.

EC–3152. A communication from the Co-Chair of the Franklin Delano Roosevelt Memorial Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997 and the report of the Office of Inspector General; to the Committee on Governmental Affairs.

EC–3153. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report of the Civil Service Retirement and Disability Fund for fiscal year 1996; to the Committee on Governmental Affairs.

EC–3154. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled "The Costs and Benefits of Federal Regulations"; to the Committee on Governmental Affairs.

EC–3155. A communication from the U.S. Office of Special Counsel, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Governmental Affairs.

EC–3156. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Governmental Affairs.

EC–3157. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1998 through 2002; to the Committee on Governmental Affairs.

EC–3158. A communication from the Archivist of the United States, transmitting, pursuant to law, the report of the strategic plan; to the Committee on Governmental Affairs.

EC–3159. A communication from the Acting Assistant Secretary of the Interior for Policy, Management and Budget, transmitting, pursuant to law, a rule entitled "Department of the Interior Acquisition Regulation System" (RIN1090–AA65) received on October 2, 1997; to the Committee on Governmental Affairs.

EC–3160. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–106 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC–3161. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–127 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC–3162. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "District's Purchase of Presidential Inaugural Tickets"; to the Committee on Governmental Affairs.

EC–3163. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Audit of the District of Columbia's Crime Victims Compensation Program For the Period October 1, 1993 through February 28, 1997"; to the Committee on Governmental Affairs.

EC–3164. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, additions to the procurement list received on September 29, 1997; to the Committee on Governmental Affairs.

EC–3165. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, a rule entitled "Grants and Cooperative Agreements" received on September 15, 1997; to the Committee on Governmental Affairs.

EC–3166. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, two rules including a rule entitled "Prevailing Rate Systems" (RIN3206–AI04, AI02); to the Committee on Governmental Affairs.

EC–3167. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a report for a notice and order received on October 14, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3168. A communication from the Chief of the Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "The Wildlife Habitat Incentives Program" (RIN0578–AA21) received on September 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3169. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, three rules including a rule entitled "Funding and Fiscal Affairs" (RIN3052–AB75, AB64, AB73); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3170. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3171. A communication from the Chief Financial Officer of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1998 through 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3172. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report of a rule received on September 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3173. A communication from the Administrator of Rural Development, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Settlement of Debt Owed by Electric Borrowers" (RIN0572–AB26) received on September 24, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3174. A communication from the Acting Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Food Distribution Programs" received on October 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3175. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Fees for Official Inspection" (RIN0580–AA56) received on September 19, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3176. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "The Tree Assistance Program" (RIN0560–AF17, AF04, AF23); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3177. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Deparmtent of Agriculture, transmitting, pursuant to law, seven rules including a rule entitled "Commuted Traveltime Periods"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3178. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, eleven rules including a rule entitled "Almonds Grown in California"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3179. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets in Single-Employer Plans" received on October 9, 1997; to the Committee on Labor and Human Resources.

EC–3180. A communication from the Director of Defense Procurement, Assistant Secretary of Labor for Veterans' Employment and Training, transmitting, pursuant to law, a report relative to Federal contractors; to the Committee on Labor and Human Resources.

EC–3181. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Federal Perkins Loan Program" (RIN1840–AC40) received on September 23, 1997; to the Committee on Labor and Human Resources.

EC–3182. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Comprehensive Community Mental Health Services for Children and Adolescents with Serious Emotional Disturbances and Their Families Program; to the Committee on Labor and Human Resources.

EC–3183. A communication from the Secretary of Education and the Secretary of Labor, transmitting jointly, pursuant to law, a report relative to the School-to-Work Opportunities Act; to the Committee on Labor and Human Resources.

EC–3184. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Labor and Human Resources.

EC–3185. A communication from the Director of the Institute of Museum and Library Services, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Labor and Human Resources.

EC–3186. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Labor and Human Resources.

EC–3187. A communication from the Chairman of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant

to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Labor and Human Resources.

EC–3188. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the report of the strategic plan; to the Committee on Labor and Human Resources.

EC–3189. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, a report relative to an Inspector General; to the Committee on Labor and Human Resources.

EC–3190. A communication from the Acting Administrator of the Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Grants for Residency Training and Advanced Education in the General Practice of Dentistry" received on October 2, 1997; to the Committee on Labor and Human Resources.

EC–3191. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, twelve rules entitled "Investigational Device Exemptions"; to the Committee on Labor and Human Resources.

EC–3192. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of the strategic plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–3193. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend section 1129 of the Bankruptcy Code; to the Committee on Banking, Housing, and Urban Affairs.

EC–3194. A communication from the Inspector General of the Department of Commerce, transmitting, pursuant to law, the report on improving export control mechanisms and on military assistance; to the Committee on Banking, Housing, and Urban Affairs.

EC–3195. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The Urban Empowerment Zones Partnership Act of 1997"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3196. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the reports entitled "The Impact of Recent Technological Advances on the Securities Markets" and "State Licensing Requirements for Associated Persons of Broker-Dealers"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3197. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC–3198. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, a rule entitled "Revision of Financing Corporation Operations Regulation" (RIN3069–AA57) received on September 26, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3199. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule entitled "Assessment of the Reasonable Revitalization Potential of Certain public Housing Required by Law" received on October 9, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3200. A communication from the Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, a rule entitled "Revision of Section 30.56(b)" (RIN0607–AA23) received on September 16, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3201. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, a rule entitled "Assessment of Fees" received on October 16, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3202. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on October 6, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3203. A communication from the Acting Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, two rules including a rule entitled "Satellite Fuel" (RIN0694–AB09, AB60); to the Committee on Banking, Housing, and Urban Affairs.

EC–3204. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a notice relative to Ginnie Mae; to the Committee on Banking, Housing, and Urban Affairs.

EC–3205. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, a rule entitled "Technical Amendment to the Community Support Requirement" (RIN3069–AA35) received on September 18, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3206. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule received on September 19, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3207. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3208. A communication from the President of the United States, transmitting, pursuant to law, a report relative to national emergencies; to the Committee on Banking, Housing, and Urban Affairs.

EC–3209. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report on the privatization of EDGAR; to the Committee on Banking, Housing, and Urban Affairs.

EC–3210. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report relative to shareholder proposals; to the Committee on Banking, Housing, and Urban Affairs.

EC–3211. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, four rules including a rule entitled "Transfer Agent's Obligations to Search for Lost Securityholders" (RIN3235–AG99, AG85, AG72); to the Committee on Banking, Housing, and Urban Affairs.

EC–3212. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report relative to trade; to the Committee on Finance.

EC–3213. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, a report entitled "Options for Enhancing the Social Security Card"; to the Committee on Finance.

EC–3214. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, a report relative to continuing disability reviews for fiscal year 1996; to the Committee on Finance.

EC–3215. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the strategic plan; to the Committee on Finance.

EC–3216. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report of the strategic plan; to the Committee on Finance.

EC–3217. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of two rules received on September 23, 1997; to the Committee on Finance.

EC–3218. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule received on September 25, 1997; to the Committee on Finance.

EC–3219. A communication from the Executive Secretary of the Foreign-Trade Zones Board, Department of Commerce, transmitting, pursuant to law, a rule entitled "Technical Amendments To Regulations of the Foreign-Trade Zones Board" (RIN0625–AA49) received on October 10, 1997; to the Committee on Finance.

EC–3220. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, two rules including a rule entitled "Import Restrictions Imposed On Archaeological Artifacts From Maili" (RIN1515–AC22, AC24); to the Committee on Finance.

EC–3221. A communication from the Chief, Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcements 97–103 and 97–107; to the Committee on Finance.

EC–3222. A communication from the Chief, Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notices 97–51, 97–54, 97–57; to the Committee on Finance.

EC–3223. A communication from the Chief, Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedures 97–44, 97–45, 97–46, 97–47, 97–48; to the Committee on Finance.

EC–3224. A communication from the Chief, Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Rulings: 97–38, 97–41, 97–42, 97–43; to the Committee on Finance.

EC–3225. A communication from the Chief, Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of four Treasury Regulations (RIN1545–AU92, AT60, AU88, AU79); to the Committee on Finance.

EC–3226. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Commerce, Science, and Transportation.

EC–3227. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report of the strategic plan for fiscal years

1997 through 2002; to the Committee on Commerce, Science, and Transportation.

EC–3228. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Commerce, Science, and Transportation.

EC–3229. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Commerce, Science, and Transportation.

EC–3230. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the strategic plan; to the Committee on Commerce, Science, and Transportation.

EC–3231. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the strategic plan; to the Committee on Commerce, Science, and Transportation.

EC–3232. A communication from the Chairman, Interagency Coordinating Committee on Oil Pollution Research, Department of Transportation, transmitting, pursuant to law, a report relative to oil pollution; to the Committee on Commerce, Science, and Transportation.

EC–3233. A communication from the Director of the Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report for 1997; to the Committee on Commerce, Science, and Transportation.

EC–3234. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a certification relative to Suriname; to the Committee on Commerce, Science, and Transportation.

EC–3235. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to voluntary consensus technical standards; to the Committee on Commerce, Science, and Transportation.

EC–3236. A communication from the Assistant Secretary of Commerce for Communications and Information, transmitting, pursuant to law, a report relative to the Telecommunications and Information Infrastructure Assistance Program grants for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–3237. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to quieter airplanes; to the Committee on Commerce, Science, and Transportation.

EC–3238. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report relative to spectrum auctions; to the Committee on Commerce, Science, and Transportation.

EC–3239. A communication from the Assistant Administrator of the Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, a rule concerning the Dean John A. Knauss Marine Policy Fellowship Program (RIN0648–ZA30) received on September 29, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3240. A communication from the Director of the Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning the Climate and Global Change Program received on October 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3241. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, four rules; to the Committee on Commerce, Science, and Transportation.

EC–3242. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on September 26, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3243. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, eight rules; to the Committee on Commerce, Science, and Transportation.

EC–3244. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twenty-eight rules; to the Committee on Commerce, Science, and Transportation.

EC–3245. A communication from the Acting Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, twelve rules; to the Committee on Commerce, Science, and Transportation.

EC–3246. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the clean water needs survey; to the Committee on Environment and Public Works.

EC–3247. A communication from the Inspector General of the Department of Defense, transmitting, pursuant to law, the report of the audit of Department of Defense Superfund financial transactions for fiscal year 1997; to the Committee on Environment and Public Works.

EC–3248. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Successful Telecommuting Programs in the Public and Private Sectors"; to the Committee on Environment and Public Works.

EC–3249. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Implementation of the National Intelligent Transportation System Program"; to the Committee on Environment and Public Works.

EC–3250. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 7, 1997; to the Committee on Environment and Public Works.

EC–3251. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Environment and Public Works.

EC–3252. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 14, 1997; to the Committee on Environment and Public Works.

EC–3253. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 14, 1997; to the Committee on Environment and Public Works.

EC–3254. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 15, 1997; to the Committee on Environment and Public Works.

EC–3255. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 15, 1997; to the Committee on Environment and Public Works.

EC–3256. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report on the benefits and costs of the Clean Air Act from 1970 to 1990; to the Committee on Environment and Public Works.

EC–3257. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on September 30, 1997; to the Committee on Environment and Public Works.

EC–3258. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on October 1, 1997; to the Committee on Environment and Public Works.

EC–3259. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on October 2, 1997; to the Committee on Environment and Public Works.

EC–3260. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on October 2, 1997; to the Committee on Environment and Public Works.

EC–3261. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules received on October 9, 1997; to the Committee on Environment and Public Works.

EC–3262. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, ten rules received on October 16, 1997; to the Committee on Environment and Public Works.

EC–3263. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a notice relative to the strategic plan; to the Committee on Environment and Public Works.

EC–3264. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a river bank erosion control and bluff stabilization project; to the Committee on Environment and Public Works.

EC–3265. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a storm damage reduction and shoreline protection project; to the Committee on Environment and Public Works.

EC–3266. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a storm damage reduction project; to the Committee on Environment and Public Works.

EC–3267. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction and agricultural water supply project; to the

Committee on Environment and Public Works.

EC-3268. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to navigation improvements for Boston Harbor, Massachusetts; to the Committee on Environment and Public Works.

EC-3269. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

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

POM-242. A resolution adopted by the Council of the City of South Dayton, Florida relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

POM-243. A resolution adopted by the Board of Commissioners of the Borough of Allenhurst, New Jersey relative to the proposed "Ocean Celebration Day"; to the Committee on Environment and Public Works.

POM-244. A resolution adopted by the Council of the City of Plantation, Florida relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

POM-245. A resolution adopted by the National Association of State Treasurers relative to the automated standard application for payments system; to the Committee on Governmental Affairs.

POM-246. A resolution adopted by the Junior Order United American Mechanics relative to illegal aliens; to the Committee on the Judiciary.

POM-247. A resolution adopted by the Junior Order United American Mechanics relative to the American Flag; to the Committee on the Judiciary.

POM-248. A resolution adopted by the Junior Order United American Mechanics relative to prayer and Bible in public schools; to the Committee on the Judiciary.

POM-249. A resolution adopted by the Junior Order United American Mechanics relative to American security and sovereignty; to the Committee on the Judiciary.

POM-250. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 5

Whereas, The debate surrounding the impacts of chemical weapon agents and the Gulf War Syndrome are both overdue and have not been far-reaching enough; and

Whereas, The White House, Congress, and the Department of Defense struggle to understand the enigmatic illnesses troubling our Gulf War veterans; and

Whereas, The basic question of whether the illnesses experienced by troops serving in the Gulf War were the result of some specific and unusual exposure related to that service has not been answered conclusively; and

Whereas, The Department of Defense has confirmed that American forces had been in the presence of Iraqi chemical munitions at Khamisiyah, a weapons storage site destroyed by American forces at the end of the war, and that exposure was possible; and

Whereas, The Department of Defense, in cooperation with the CIA and other agencies, are conducting extensive investigations, reaching out to more than 20,000 service personnel who may have been in the vicinity of Khamisiyah at the time of the possible release of chemical agents; and

Whereas, The Department of Defense has committed to continue efforts to investigate this incident, and any similar incidents that are identified, and spare no resource in this effort; and

Whereas, The Pentagon is seeking proposals on studies focusing on the impact of low-level exposure to chemical weapons and has earmarked $10 million for the study; and

Whereas, The Presidential Advisory Committee on Gulf War Veterans Illnesses established by President Clinton on May 26, 1995, has released its final report calling for continued and extensive investigation and study of this issue; and

Whereas, Nobel Prize winning geneticist, Dr. Joshua Lederberg, may revise the findings of his investigation into veterans' claims regarding Gulf War Syndrome, because of new information; and

Whereas, The Pentagon and Congress of the United States are attempting to limit research to approximately two years to identify problems in connection with Gulf War Syndrome; and

Whereas, The California Legislature finds this action unacceptable and therefore supports continued research to address this extremely serious problem: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress to continue efforts to ensure that veterans of the Gulf War are appropriately cared for, to do everything possible to understand and explain Gulf War illnesses, to put into place those military doctrines, personnel, and medical policies, procedures, and equipment that will minimize any future problems from exposure to biological or chemical agents or other environmental hazards, and to use all means necessary to ensure that Gulf War veterans who placed themselves in harms way on behalf of all Americans are provided the assistance, support, and care they deserve; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-251. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 13

Be it resolved by the House of Representatives of the State of Ohio (the Senate concurring):

Whereas, Self-employed and other recalled reservists, including many of our farmers, doctors, and small-business people, served with great distinction during Operation Desert Storm; and

Whereas, Those reservists contributed to the readiness, preparedness, and combat capability of the coalition forces that participated in Operation Desert Storm; and

Whereas, Often those reservists have found themselves in dire financial straits resulting from their absence from their businesses, professions, or occupations for this active duty service; and

Whereas, Some of those reservists' families and businesses suffered financial damage as serious as that caused by a hurricane or other natural disaster: Now, therefore be it

Resolved, That the General Assembly of the State of Ohio urges the Congress of the United States to identify existing sources of financial relief for the financially damaged families and businesses of self-employed and other recalled reservists; and be it further

Resolved, That the General Assembly urges Congress to pass legislation in accordance with other disaster loan critieria to provide long-term, low-interest loans to self-employed and other recalled reservists; and be it further

Resolved, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States, to the President Pro Tempore and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM-252. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Labor and Human Resources.

HOUSE JOINT RESOLUTION NO. 31

Be it resolved by the Legislature of the State of Alaska:

Whereas improving patient access to quality health care is paramount national goal; and

Whereas the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

Whereas minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of United States citizens; and

Whereas current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals, and patients and unfairly limit the right of free speech guaranteed by the First Amendment to the Constitution of the United States; and

Whereas the current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive: Be it

Resolved, That the Alaska State Legislature respectfully urges the Congress of the United States to address the important issues described above by enacting comprehensive legislation to amend the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301-395) to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness.

Copies of this resolution, property certified, shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice President of the United States and President of the U.S. Senate; to the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-253. A concurrent resolution adopted by the Legislature of the State of Louisiana;

to the Committee on Labor and Human Resources.

SENATE CONCURRENT RESOLUTION NO. 158

Whereas, a settlement agreement based on a law suit originally filed by six states, including Louisiana, has been reached which would provide three hundred fifty-eight billion dollars over the next twenty-five years payable to all the fifty states and which would provide for stringent regulations by the United States Food and Drug Administration to regulate the tobacco industry has been reached; and

Whereas, Louisiana, as one of the leaders in the litigation and among one of the first to join with other states to aggressively pursue litigation against the tobacco industry, unfortunately also has one of the highest incidence of deaths attributable to smoking and the use of tobacco products in the nation, thus an expeditious approval of the agreement and disbursement of much needed moneys to the state is respectfully requested: Therefore, be it,

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to act promptly and approve this historic settlement agreement with the tobacco industry and enact legislation to authorize the United States Food and Drug Administration to promulgate necessary regulations to protect children from tobacco marketing and access; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation.

POM-254. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 30

Be it Resolved by the Legislature of the State of Alaska:

Whereas the State of Alaska is within the jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

Whereas the Court of Appeals for the Ninth Circuit consists of the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington and the federal territories, possessions, and protectorates in the Pacific; and

Whereas United States Senators Stevens and Murkowski of Alaska, Senators Craig and Kempthorne of Idaho, Senator Smith of Oregon, Senator Burns of Montana, and Senator Gorton of Washington have introduced S. 431, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the "Ninth Circuit Court of Appeals Reorganization Act of 1997"; and

Whereas S. 431 proposes to remove the states of Alaska, Idaho, Montana, Oregon, and Washington from the Court of Appeals for the Ninth Circuit and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in Portland, Oregon and Seattle, Washington; and

Whereas S. 431 would make each circuit judge of the Court of Appeals for the Ninth Circuit whose duty station is in Alaska, Idaho, Montana, Oregon, or Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

Whereas the membership of the Court of Appeals for the Ninth Circuit is heavily weighted toward the State of California and the court seems to concern itself predominately with issues arising out of California and the southwestern United States; and

Whereas the Court of Appeals for the Ninth Circuit's case filings in 1995 were greater than any other federal circuit and in 1996 were the second greatest; and

Whereas the Court of Appeals for the Ninth Circuit serves a population of more than 45,000,000 people, well over one-third more than any other federal circuit; and

Whereas members of the Court of Appeals for the Ninth Circuit have shown a surprising lack of understanding of Alaska's people and geography that has resulted in decisions that have often caused the people of Alaska unnecessary hardship; and

Whereas, in the so-called "Katie John" subsistence case, which is of tremendous importance to the people of the State of Alaska, even though the Court of Appeals for the Ninth circuit granted expedited consideration of that case, the court did not issue its decision for over 13 months; and

Whereas Attorney General Bruce Botelho estimates that there are more than 200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

Whereas the Attorneys General of the States of Idaho, Montana, Oregon, and Washington have also found previously that similar issues of unnecessary delay concerning, lack of understanding of, and lack of consideration for cases and issues by the Court of Appeals for the Ninth circuit exist in regard to those states; and

Whereas the Attorneys General of the States of Alaska, Idaho, Montana, Oregon, and Washington endorsed S. 965, introduced in the previous Congress to create a new Twelfth Circuit Court of appeals and the forerunner to S. 431; and

Whereas the creation of a new Court of Appeals for the Twelfth Circuit encompassing the States of Alaska, Idaho, Montana, Oregon, and Washington by S. 431 would benefit these similar states by providing speedier and more consistent rulings by jurists who have a greater familiarity with the social, geographical, political, and economic life of the region: Be it

Resolved, That the Alaska State Legislature supports creation of a new Court of Appeals for the Twelfth Circuit for the States of Alaska, Idaho, Montana, Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the United States Congress to act in an expeditious manner.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Dick Armey, Majority Leader of the U.S. House of Representatives; the Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Richard A. Gephardt, Minority Leader of the U.S. House of Representatives; the Honorable Orrin G. Hatch, Chair of the U.S. Senate Committee on the Judiciary; the Honorable Henry J. Hyde, Chair of the U.S. House Committee on the Judiciary; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-255. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

ASSEMBLY CONCURRENT RESOLUTION NO. 36

Whereas, the American Medical Association has stated that a "woman is raped every 46 seconds in the United States" and that sexual assault is a "silent epidemic"; and

Whereas, women, children, and men are all victims of sexual assault and it is estimated that one in three women, one in four girls, one in six boys, and one in 11 men will be victims at least once in their lifetimes; and

Whereas, women, children, and men suffer multiple types of sexual violence, including, but not limited to, stranger rape, date rape, spousal rape, gang rape, serial rape, trafficking and prostitution, pornography, ritual abuse, sexual harassment, incest, child sexual molestation, and stalking; and

Whereas, women, children, and men should be free from sexual violence in their homes, in the streets, in their workplaces, and in their recreational activities; and

Whereas, the Federal Bureau of Investigation estimates that only one in nine women who are sexually assaulted report the crime; and

Whereas, rape and sexual assault affect women, children, and men of all racial, cultural, and economic backgrounds; and

Whereas, it is not uncommon for women to experience multiple forms of sexual violence in the course of their lifetimes; and

Whereas, emotional and physical scars resulting from sexual violence are often severe and longlasting; and

Whereas, a coalition of rape crisis centers, known as the California Coalition Against Sexual Assault, has emerged to directly confront this crisis with the cooperation of law enforcement agencies, churches, health care providers, and other helping professionals from California's diverse communities; and

Whereas, it is important to recognize the compassion and dedication of the individuals involved in this effort, applaud their commitment, and increase public understanding of this significant problem; and

Whereas, it is important to recognize the strength, courage, and challenges of the victims and survivors of sexual assault and their family and friends as they struggle to cope with the reality of sexual assault; and

Whereas, it is important to recognize that not all victims of sexual assault survive, either at the time of the assault or later, due to the horrific long-term trauma that sexual assault often inflicts upon victims; and

Whereas, there are rape prevention and education efforts underway throughout California to challenge the societal myths and behaviors that perpetuate rape and to engage communities in a common goal of ending sexual assault; and

Whereas, there is a Sexual Assault Awareness Week in October; and

Whereas, that one week has now grown to a full month of recognition and activities promoted by the National Coalition Against Sexual Assault to increase awareness of sexual assault and to create solutions: Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims that, henceforth, the month of April shall be designated as Sexual Assault Awareness Month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Governor, to the United States Director on Victims of Crime, and to each Senator and Representative from California in the Congress of the United States.

POM-256. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, the constitution of 1789 gave future generations liberty through the right of speech and assembly, the rights of women to vote, and economic interest protection by the government; and

Whereas, our constitution provides personal security and protection and is the heart of the American system, and seeks to ensure that each person is free from the threat of attack, free of actions by others that diminish life, liberty, health, or property or that prevent the "pursuit of happiness"; and

Whereas, the people of the nation are surrounded by attacks on their personal security, their health and the health of their families, and their rights to enjoy the air, water and resources of the nation; and

Whereas, the dangers of toxic pollutants and contaminants created by others that enter our bodies and homes, and natural environment with an increasing threat to the public health and the nation's natural resources is the challenge to our generation of the kind other generations faced and overcame: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt an amendment to the constitution providing that the right of each citizen to clean and healthful air and water and to the protection of other natural resources of our nation shall not be infringed upon by any person; and be it further

Resolved, That a copy of this Resolution be immediately transmitted to the President of the United States, to the secretary of the United States Senate, to the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM-257. A resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 120

Whereas, Article III, Section 1 of the Constitution of the United States, provides in part that ". . . The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, . . ."; and

Whereas, this clause has been interpreted to mean that ". . . (a) person appointed to office of United States district judge becomes entitled to draw salary of office so long as he continues to "hold office", and he "holds office" until he voluntarily relinquishes it or is ousted by impeachment or death." *Johnson* v. *U.S.*, 79 F. Supp. 208 (1948); and

Whereas, this clause has been further interpreted to mean ". . . Judges of federal "constitutional" courts which have been invested with the judicial power of the United States pursuant to this article are guaranteed life tenure during good behavior and compensation which may not be reduced during their term of office. . . ." *Montanez* v. *U.S., 226 F. Supp. 593(1964). affirmed 371 F.2d. 79;* and

Whereas, a common complaint that the public makes about federal district judges is that they are not accountable to the people because of this life tenure; and

Whereas, this public complaint continues that these judges, because of their insulation and isolation after a certain length of time in office, lose touch with the problems facing and feelings of the majority of the American people; and

Whereas, state district, appellate, and supreme court justices in Louisiana have specific limited terms of office, as do other inferior federal courts, such as bankruptcy judges whose term is fourteen years; and

Whereas, this constitutional amendment would not give the people the right to vote for a federal judge, but only the right to voice their opinion on whether the appointment of federal district judges should be for a limited term short of life tenure; and

Whereas, the system appears to still maintain an independent judiciary uninfluenced by undue public pressure in the inferior federal courts in which judges are not granted life tenure; and

Whereas, Article V of the Constitution of the United States provides that an amendment to the constitution may be proposed by congress which shall become part of the constitution when ratified by three-fourths of the several states. Therefore, bet it

Resovled, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to provide for election of members of the federal judiciary; and be it further

Resolved, That certified copies of this Resolution be transmitted by the secretary of state to the president and the secretary of the United States Senate, to the speaker and clerk of the United States House of Representatives, to each member of this states's delegation to the congress and to the presiding officer of each house of each state legislature in the United States.

POM-258. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Finance.

HOUSE JOINT RESOLUTION 2

Whereas, over 80,000 private individuals and corporations own 87 percent of New Hampshire's forestland; and

Whereas, forest-based business, both timber and recreation, have a profound impact on the economy of the state; and

Whereas, these forests serve as important sources of clean air, clean water, and wildlife habitat; and

Whereas, conservation of these multiple forest values requires long-term stewardship; and

Whereas, long-term forest stewardship is discouraged by federal estate taxes that force heirs to liquidate timber or sell forest land; and

Whereas, long-term forest stewardship is discouraged by federal income taxes that discourage long-term ownership and management: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened, That copies of this resolution be sent to the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over estate taxes and capital gains taxes, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

POM-259. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance.

RESOLUTION

Whereas, President William J. Clinton has asked Congress to pass a bill called "The Medicare and Medicaid Fraud and Abuse Prevention Act", which would help bar unscrupulous doctors and medical firms from the Government health care programs for the elderly and poor; and

Whereas, among other things, the legislation would let Medicare and Medicaid administrators deny anyone convicted of a felony the right to take part in the programs and require participants to furnish their Social Security numbers so that applicants could be checked for past fraudulent activity; and

Whereas, President Clinton's initiative reflected concern about the extent to which unlicensed doctors and others were bilking taxpayers: Therefore be it

Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to enact legislation called "The Medicare and Medicaid Fraud and Abuse Prevention Act"; and be it further

Resolved, That copies of these resolutions be forwarded by the clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress, and to the members thereof from this Commonwealth.

POM-260. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 160

Whereas, Sections 1814 and 1815 of the Social Security Act state: "With respect to the physician certification . . . for home health services furnished by the individual by a home health agency (other than an agency which is a governmental entity) and with respect to the establishment and review of a plan for such services, the Secretary shall prescribe regulations which shall become effective no later than July 1, 1981, and which prohibit a physician who has a significant ownership in, or a significant financial or contractual relationship with such home health agency from performing such certification and from establishing or reviewing such plan"; and

Whereas, federal regulation 42 CFR 424.22, prepared pursuant to said sections of the Social Security Act and entitled "Requirements for home health services" states: ". . . need for home health services to be provided by an HHA [Home Health Agency] may or may not be certified or recertified, and a plan of treatment may not be established and reviewed by any physician who has a significant ownership interest, or a significant financial or contractual relationship with the HHA"; and

Whereas, 42 CFR 424.22(d)(3) provides that "significant financial interest" means an individual either "receives any compensation as an officer or director of the HHA" or "has direct or indirect business transactions with the HHA that, in any fiscal year amount to more than $25,000 or 5 percent of the agency's total expenses, whichever is less. Business transactions means . . . salaried employment."; and

Whereas, a top official of the Health Care Financing Administration issued the "Hoyer letters" stating that hospitals which self-referred for profit to their own home health agencies were in violation of 42 CFR 424.22, but withdrew these letters (Federal Register, November 29, 1996, Vol. 61, No. 231); and

Whereas, it is imperative that a patient be allowed, without coercion or manipulation from hospital discharge staff, the freedom to choose his post-acute provider and that choice must be honored by a hospital and enforced by HCFA; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States

Congress to require the Health Care Financing Administration to enforce existing regulations prohibiting the improper downstreaming of hospital self-referrals from physicians they compensate and to instruct the Health Care Financing Administration to reinstitute the two "Hoyer letters" stating that hospitals are in violation of federal regulations on self-referral when referring to their own home health agencies for profit, and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-261. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 21

Whereas, the Lafourche Basin Levee District is a state agency created by the Louisiana Legislature in 1892; and

Whereas, the Lafourche Basin Levee District is the only levee board in the State of Louisiana that is not participating in the Louisiana State Employees' Retirement System; and

Whereas, the Lafourche Basin Levee District has previously requested that it be allowed to withdraw from participation in the Social Security System so that its employees could participate in the Louisiana State Employees' Retirement System; and

Whereas, the Lafourche Basin Levee District has certified that it will abide by all laws, rules, and regulations of the Louisiana State Employees' Retirement System, will deduct monthly employee contributions and pay employer contributions for all eligible members, and will submit same to the Louisiana State Employees' Retirement System in the prescribed manner: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to allow the employees of the Lafourche Basin Levee District to opt-out of the Social Security System and to join the Louisiana State Employees' Retirement System, effective January 1, 1998; be it further

Resolved, That the Lafourche Basin Levee District desires to retain the final option of acceptance of the Louisiana State Employees' Retirement System once all conditions and costs have been presented to the district; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM-262. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, at the current time federal statute prohibits the withholding of income tax by states on the wages due or accruing to a master or a seaman; and

Whereas, federal statute also prohibits the attachment of the wages due or accruing to a master seaman; and

Whereas, the state of Louisiana has thousands of dollars of income taxes annually that are due and not collectible each year as a result of federal statute; and

Whereas, federal statute does not allow for the withholding of income tax by states on the wages due or accruing to individuals in the service of the armed forces: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to allow states to withhold income tax on the wages due or accruing to a master seaman residing in that state; and to allow states to attach the wages due or accruing to a master or seaman residing in that state for the payment of taxes; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officer of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana Congressional delegation.

POM-263. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 170

Whereas, rural health care providers have neither the funds nor the staff to maintain a clinic providing care twenty-four hours a day, seven days a week; and

Whereas, emergencies, life-threatening and not, occur in rural areas twenty-four hours a day, seven days a week; and

Whereas, citizens in rural areas who experience medical emergencies which are not life-threatening outside of clinic hours or on weekends or holidays have no place to seek relief or treatment except in the hospital emergency room; and

Whereas, reimbursement claims for the emergency room treatment of medical emergencies which are not considered life-threatening are being denied by third party payors because the emergencies are not life-threatening; and

Whereas, rural hospitals are not equipped or staffed to handle complex medical situations, such as heart catheterization, cardiac bypass surgery, and organ transplants; and

Whereas, rural hospitals normally stabilize these patients and refer them to larger and more suitably equipped facilities; and

Whereas, expensive medication and procedures are often administered to the patient, frequency over an extensive period of time, before he or she can be stabilized and transferred; and

Whereas, when a Medicare acute care patient is referred to another hospital, reimbursement for the small, rural hospital is limited to the deductible and coinsurance while the larger hospital receives the DRG reimbursement; and

Whereas, this type of discrimination and payment inequity in reimbursing small, rural hospitals places additional financial burden on the smaller facilities: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation which would provide for consideration of geographical location and the availability of patient options in the reimbursement of claims for emergencies treated in rural hospital emergency rooms which are necessary but which are not life-threatening and to enact legislation which would correct the current inequity in reimbursing rural hospitals for costs of stabilizing patients who are to be referred to larger, more suitably equipped facilities; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-264. A resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE RESOLUTION NO. 97

Whereas, in 1987, the loan was retired, yet the temporary surcharge has remained; and

Whereas, the federal Fiscal Year 1998 budget contemplates continuance of the surcharge; and

Whereas, FUTA revenue may only be used for limited purposes, and, presently, the federal unemployment accounts have adequate funds for the foreseeable future: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress not to renew the temporary two-tenths percent unemployment insurance tax; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-265. A resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 99

Whereas, the citizens of parishes that border the Mississippi River are subject to an inordinate amount of noise and pollution, due to the volume of river traffic and commercial operations on and near the river; and

Whereas, this inordinate amount of noise and pollution poses health and safety hazards to the citizens of these parishes; and

Whereas, despite this potential exposure to such hazards, the citizens of these parishes have no authority, discretionary or otherwise, to control or abate the noise and pollution; and

Whereas, the residents of the parishes of St. John the Baptist and St. James and the other parishes bordering the Mississippi River have been plagued with noise and dust pollution arising from ship traffic, midstream transfer facilities, and barges on the Mississippi River; and

Whereas, the state and local governing entities should have some authority to control commercial operations on the river, in order to protect the citizens and to provide a safe and healthy work and living environment: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation to return control of the Mississippi River to state and local governing authorities; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States and to each member of the Louisiana congressional delegation.

POM-266. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 10

Whereas, the federal Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), Title III, P.L. 101-646, 1990, and P.L. 102-212, 1991, 16 U.S.C.A. 777c and 3951-3956, authorizes the granting of funds to coastal states to carry out coastal wetlands conservation projects; and

Whereas, the act is the nation's most extensive wetlands enhancement law and is of vital importance to Louisiana; and

Whereas, since Louisiana possesses approximately forty percent of the coastal wetlands of the lower forty-eight states, and has suffered as much as eighty percent of the nation's annual wetland losses, the state receives the "lion's share" of project funding under the act; and

Whereas, if the current loss rate of wetlands in Louisiana is not slowed, an additional 800,000 acres of wetlands could disappear by the year 2040 and the Louisiana shoreline could advance inland as much as thirty-three miles in some areas; and

Whereas, through CWPPRA and state funding, coastal restoration projects, including barrier island and shoreline restoration, have been undertaken in Louisiana to avert a potential catastrophe and economic and ecological loss to our state and the nation; and

Whereas, the CWPPRA project program is an example of a federal/state partnership that can work in a practical and effective manner to solve a national problem requiring local action, and should therefore be continued; and

Whereas, such continuation should include the dedication of at least twenty percent of total CWPPRA project funding to restoration of Louisiana's barrier shoreline, including but not limited to barrier islands and cheniers; and

Whereas, such continuation should further include the feasibility of streamlining the planning process to eliminate unnecessary duplication of effort and taxpayer expense, and establish a "block grant" program for CWPPRA project funding similar to other block grant programs recently revised or established by congress; and

Whereas, by law CWPPRA project funding is dependent upon the federal aid highway trust fund, as the portion of revenues from such fund attributed to fuel tax receipts from small engine power equipment usage are annually allocated to funding of CWPPRA projects; and

Whereas, the federal aid highway trust fund was last authorized by congress in 1991 in the Intermodal Surface Transportation Efficiency Act (ISTEA), P.L. 102-240; and

Whereas, such act expires in 1997, as does the authority to transfer fuel tax receipts from small engine power equipment usage, and must be reauthorized by congress; and

Whereas, if reauthorization does not occur, CWPPRA project funding will lose its revenue source; and

Whereas, in the reauthorization act, reauthorization is further needed for the gasoline tax, revenues from which go into the highway trust fund; therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to reauthorize laws providing for the federal highway trust fund and continuing funding for Coastal Wetlands Planning, Protection and Restoration Act projects; be it

Further resolved, That the Legislature of Louisiana does hereby request that congress amend the Coastal Wetlands Planning, Protection and Restoration Act or other law as necessary to dedicate at least twenty percent of overall CWPPRA project funding to restoration of Louisiana barrier shoreline, including but not limited to barrier islands and cheniers; be it

Further resolved, That congress undertake review, study and, if necessary, amendment of the Coastal Wetlands Planning, Protection and Restoration Act or other law in order to streamline the project planning process to eliminate unnecessary duplication of effort, save taxpayer expense, and ensure maximum efficient use of funds; be it

Further resolved, That such review, study and, if necessary, amendment by congress include the feasibility of creating a "block grant" program in the 1999 reauthorization act for CWPPRA funds similar to other block grant programs recently created or revised by congress; be it

Further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-267. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 77

Whereas, the highways of the state of Louisiana are necessary, not only to the economic development of the state and the quality of life to its people, but also to the national interest of the United States which is meant to be served by the distribution of federal highway funding; and

Whereas, Louisiana ranked twenty-third in the amount of money contributed to the federal Highway Trust Fund, but ranked only thirty-eighth in the amount of money received from the fund; and

Whereas, many states receive more funds from the trust fund than they contribute and some states receive over two dollars for each dollar contributed, but the state of Louisiana receives only eighty-three cents for each dollar it contributes; and

Whereas, the funding formula used to determine the distribution of federal highway funds, is not only antiquated, but unfair and discriminatory and must be replaced with a new formula that recognizes the vital role Louisiana's transportation system plays in the economic well-being of the nation: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States of America to revise the federal highway formulas to ensure that Louisiana gets its fair share of federal highway funds; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM-268. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

Whereas, prior to laws prohibiting its use, lead-based paint was used to coat bridges throughout the United States, including the Crescent City Connection in New Orleans; and

Whereas, since the prohibition of use of such paint, the Crescent City Connection has been painted by an encapsulation process which covered the original paint, thereby, preventing its exposure to the environment; and

Whereas, current regulations of the Environmental Protection Agency require the capture and disposal of lead-based paint residue during the repainting process; and

Whereas, these stringent requirements will increase the cost of painting the bridge from approximately ten million dollars to approximately forty million dollars; and

Whereas, the Crescent City Connection Bridge Authority and the Louisiana Department of Environmental Quality are effectively negotiating to address the excessive cost of the project without compromising the environmental quality for and the safety of the people of the state: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress to provide for the grant of an exemption relative to the painting of the Crescent City Connection which would limit the requirements for the removal and capture of residue from previous coatings during the painting procedure; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM-269. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 98

Whereas, the Highway Safety Act passed by Congress in 1973 created the section 130 program to provide funding to the states for rail-highway crossing safety; and

Whereas, the current distribution formula, based on ten percent of a state's surface transportation program fund, does not take into consideration such essential criteria as the total number of crossings, the amount of train traffic, and the number of accidents and fatalities; and

Whereas, based on the current formula, many of the states with the highest concentration of crossings, accidents, and fatalities receive less funding than those states which have less need; and

Whereas, it is imperative that improvement be made to the way the federal government targets existing resources to enhance safety along rail corridors in order to develop a more equitable and effective distribution of existing highway funds to states to enhance safety at dangerous highway rail grade crossings: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to examine formulas and to adjust the current flat percentage allocation by using risk factors in determining the distribution of section 130 federal highway dollars to the states for rail safety purposes; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and to the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM-270. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 194

Whereas, the federal Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), enacted by congress in 1990, provided for the development of a state coastal wetlands conservation plan by Louisiana; and

Whereas, the state of Louisiana, through the Department of Natural Resources, has prepared and will submit for federal approval the Louisiana Coastal Wetlands Conservation Plan (Plan); and

Whereas, the United States Army, United States Fish and Wildlife Service, and United

States Environmental Protection Agency are the federal agencies authorized under CWPPRA to approve the Plan; and

Whereas, as provided by CWPPRA, the goals and purposes of such Plan include:

(1) To achieve no net loss of wetlands in the coastal areas of Louisiana as a result of developmental activities initiated subsequent to approval of the Plan, exclusive of any wetlands gains achieved through implementation of certain restoration projects; and

(2) To provide a program for the review, evaluation, and identification of regulatory and nonregulatory options to be adopted by the state to encourage and assist private owners of wetlands to continue to maintain those lands as wetlands; and

(3) To provide a system for the state to implement that accounts for gains and losses of coastal wetlands within coastal areas, for purposes of evaluating the degree to which the goal of no net loss of wetlands as a result of development activities in such wetlands or other waters has been attained; and

(4) To provide a program to be carried out by the state for the purpose of educating the public concerning the necessity to conserve wetlands in Louisiana, which presently comprise approximately forty percent of the continental United States coastal wetlands but are currently disappearing at a rate of twenty-five to thirty-five square miles per year, and which are of local, state, national, and international significance as a resource for protection of coastal communities from storms, fishery resources, wildlife habitats, water quality management, and extensive sporting and tourism; and

(5) To provide a program to encourage the use of technology by persons engaged in development activities that will result in negligible impact on wetlands; and

Whereas, in addition to the above programs and benefits, approval of the Louisiana Coastal Wetlands Conservation Plan will have a direct financial benefit by reducing the state's cost share for CWPPRA projects from a current twenty-five percent match to ten percent for Priority Lists 5 (1996) and 6 (1997), and to fifteen percent on other Priority Lists for expenditures incurred subsequent to approval of the Plan; and

Whereas, such cost share reductions will allow for more or larger CWPPRA projects in Louisiana and an increased number of state-only funded projects to be implemented to sustain wetlands functions and values; and

Whereas, the Plan will also demonstrate the state's willingness to address the question of wetland loss, thus assisting in CWPPRA reauthorization set for congressional vote in 1998; and

Whereas, under the authority of R.S. 49:214.1 through 214.5, the Louisiana Department of Natural Resources is the state agency responsible for the conservation, restoration, and enhancement of the state's coastal wetlands resources, and the Plan will provide for the Department of Natural Resources to be the single state agency with responsibility for implementing and enforcing the Plan; and

Whereas, development of the Plan involved extensive public participation and input, including more than ten public hearings during 1996 and 1997, and also the opportunity to provide written comments; and

Whereas, the Plan should be approved by the appropriate federal agencies and should be implemented by the Department of Natural Resources in an expeditious manner: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and the appropriate federal agencies, consisting of the United States Army, United States Fish and Wildlife Service, and United States Environmental Protection Agency, to approve the Louisiana Coastal Wetlands Conservation Plan; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to each member of the Louisiana congressional delegation, and to the secretary of the United States Army, the director of the United States Fish and Wildlife Service, the administrator of the United States Environmental Protection Agency, and the secretary of the Louisiana Department of Natural Resources.

POM-271. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 253

Whereas, the citizens of parishes that border the Mississippi River are subject to an inordinate amount of noise and pollution, due to the volume of river traffic and commercial operations on and near the river; and

Whereas, this inordinate amount of noise and pollution poses health and safety hazards to the citizens of these parishes; and

Whereas, despite this potential exposure to such hazards, the citizens of these parishes have no authority, discretionary or otherwise, to control or abate the noise and pollution; and

Whereas, the residents of the parishes of St. John the Baptist and St. James and the other parishes bordering the Mississippi River have been plagued with noise and dust pollution arising from ship traffic, midstream transfer facilities, and barges on the Mississippi River; and

Whereas, the state and local governing entities should have some authority to control commercial operations on the river, in order to protect the citizens and to provide a safe and healthy work and living environment: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation to return control of the Mississippi River to state and local governing authorities; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States and to each member of the Louisiana congressional delegation.

POM-272. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, The unprecedented flooding across California has caused the loss of life, destruction of homes, and an unprecedented disruption in the web of neighbors, transportation, commerce, services, and communications that bind communities together; and

Whereas, Forth-eight counties in California have qualified for federal disaster relief because of damage caused by the recent flooding; and

Whereas, The State of California is entitled to $100 million in federal emergency relief funds for transportation infrastructure repair for this disaster; and

Whereas, California state agencies have already identified well over $300 million worth of flood-caused transportation damages that are eligible for state and federal funding for urgently needed repairs; and

Whereas, California has already requested the release of the $100 million in federal transportation disaster relief funds of which only $50 million have been received to date; and

Whereas, These moneys are ugently needed to rebuild the lands, lives, and livelihood of thousands of Californians; Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California strongly urges the Federal Highway Administrator to immediately release all of the requested transportation funds for which California is eligible, so that the flood-ravaged people of California may more speedily recover from their plight; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Federal Highway Administrator.

POM-273. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 13

Whereas, The point at which U.S. Route 93 crosses the Hoover Dam on the border of the states of Nevada and Arizona is the major commercial corridor between the states of Arizona and Utah and is on the North American Free Trade Agreement (NAFTA) "CANAMEX" route between Mexico and Canada; and

Whereas, Presently, this portion of the highway is one of the most congested sections of two-lane highway in the country with continual traffic each day of approximately 1,500 trucks and buses and 12,427 cars, and drivers often cross the double yellow line into oncoming traffic in an attempt to negotiate the serpentine curves; and

Whereas, Every time there is an accident, the lack of shoulders on the side of the highway interferes with the access of persons delivering emergency medical assistance and causes significant road closures; and

Whereas, This traffic situation poses a serious safety hazard to the more than 1 million visitors who tour Hoover Dam each year; and

Whereas, Other alternative commercial routes between Arizona and the states to the north are through California, an additional distance of more than 250 miles and the other northbound highways are also more unsuitable for this amount of traffic than the present U.S. Route 93; and

Whereas, The traffic congestion caused by the inadequacy of the highway across Hoover Dam imposes serious economic burdens on the states of Nevada, Arizona and Utah and interferes with commerce on the vital "CANAMEX" corridor; and

Whereas, The traffic on the existing highway has increased many times since it was opened 60 years ago and is expected to increased by 50 percent in the next 10 years; and

Whereas, Construction of a bridge with four traffic lanes with connecting roadways to the existing U.S. Route 93 will serve as a vital link between Interstate Highway No. 40 and Interstate Highway No. 15; and

Whereas, The states of Nevada and Arizona have an interest in the maintenance of their respective portions of U.S. Route 93; and

Whereas, Over $3,000,000 has been spent by the Federal Government and the states of Nevada and Arizona to study the possibility of a bypass of the present highway over Hoover Dam; and

Whereas, Presently the states of Nevada and Arizona are cooperating with the Federal Highway Administration, the U.S. Bureau of Reclamation and the National Park Service to complete and environmental impact statement for a bypass of the present highway over Hoover Dam; and

Whereas, The portion of U.S. Route 93 over Hoover Dam is owned and controlled by the Federal Government and is not maintained by either of the states of Nevada or Arizona; and

Whereas, The Federal Government has the sole responsibility to fund future costs associated with any upgrades on this portion of the highway; and

Whereas, U.S. Route 93 was designated a NAFTA corridor and identified as a "high priority corridor" in the National Highway System Designation Act of 1995; Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the members of the 69th session of the Nevada Legislature hereby urge Congress to approve legislation to include among the highway projects to be federally funded a bridge with four traffic lanes that would serve as a bypass to the existing highway over Hoover Dam and would connect existing highways to U.S. Route 93; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–274. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Work.

HOUSE CONCURRENT RESOLUTION NO. 137

Whereas, With the advent of the North American Free Trade Agreement (NAFTA), Texas roadways have borne the brunt of the 5,000 to 7,000 trucks that cross between Mexico and Texas daily, carrying 80 percent of all U.S. trade with Mexico; and

Whereas, With the total number of border crossings estimated at 1.8 million for Texas in 1994 alone, and expectations of an increase to eight million crossings by the year 2000, this ever-increasing free trade is imposing an unfair burden not only on Texas taxpayers, but on those in the border states of New Mexico, Arizona, and California; and

Whereas, Overland trade traffic has not been effectively limited to designated NAFTA corridors, and the illegal use of county, farm-to-market, and other peripheral roads by overweight trade vehicles has caused untold damage to roadways and created financial hardships for county and local governments; and

Whereas, The Texas Department of Transportation (TXDoT) estimates that damage to the Texas highway system from overweight trucks costs $450 million annually and a 1994 study by the Texas Transportation Institute found that a truck that weighs 4,000 pounds over the 80,000 pound limit could effectively shorten the 40-year lifespan of a highway to eight years; and

Whereas, Of the 4,800 Texas bridges on the NAFTA trade route, 28 percent currently fail to meet structural standards and if Canadian and Mexican weight limits are imposed on the United States, the percentage of structurally deficient bridges jumps to 64 percent; and

Whereas, A recent report by Shiner, Mosely, and Associates on infrastructure requirements in the Texas border region estimated the cost for all transportation infrastructure needed over the next decade to be approximately $3.25 billion; and

Whereas, The Intermodal Surface Transportation Efficiency Act (ISTEA), authorized by Congress in 1991, provides innovative financing options for the construction and improvement of highways, but the funds allocated to Texas since the Act's inception have only met 33 percent of the state's highway needs; Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby urge the United States Congress to crease a NAFTA Trade Impact Fund under the Intermodal Surface Transportation Efficiency Act to provide border states and communities with funding for transportation infrastructure for the facilitation of free trade and NAFTA-generated passenger and commercial traffic; and, be it further

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

POM–275. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 26

Whereas a new northern railroad route will provide majestic views of Mt. McKinley, the opportunity to enjoy a wilderness experience, and the chance to encounter wildlife in its natural habitat, and would connect to the Alaska Railroad corridor; and

Whereas a new northern railroad access would enhance the Mt. McKinley experience for visitors to Denali National Park and Preserve, promote tourism statewide through greater visitor satisfaction, and provide a foundation for year-round visitation; and

Whereas insufficient transportation access to premier viewing areas in Denali National Park and Preserve and the lack of facilities at these areas are major obstacles to enhancing the wilderness experience that the park offers; and

Whereas a new northern railroad transportation system and visitor facilities can be designed and constructed so as not to detract from the qualities that make Denali National Park and Preserve the state's premier visitor attraction; and

Whereas the Wonder Lake area, located on the north side of Denali National Park and Preserve, has a dry interior climate, long daylight hours, and splendid viewing opportunities, and offers the potential to promote both summer and winter activities; and

Whereas creating a new northern railroad access into Denali National Park and Preserve, taking advantage of a long-established and historic transportation route previously used by the mining industry, would offer an opportunity for the private sector to meet the increased demand for tourism facilities; and

Whereas, without making a substantial claim on the state's financial resources, the state is uniquely able to assist in this effort to develop a new northern railroad route by supporting the private sector efforts underway, by making available for use the state land adjacent to Denali National Park and Preserve for the creation of a railroad route corridor, and by monitoring negotiations that would encourage development opportunities involving the private sector: Be it

Resolved, That the Alaska State Legislature strongly supports the efforts of the federal and state governments and the private sector to complete the necessary studies and acquire the necessary permits that would identify and open a new northern railroad route to the vicinity of Wonder Lake and spur the appropriate development of visitor facilities in the Wonder Lake area; and be it further

Resolved, That the Alaska State Legislature respectfully urges the Governor and the state's executive branch agencies to be aggressive in their resolve to support the consensus of Alaska opinion in supporting the creation of a new northern railroad access into Denali National Park and Preserve, as represented by resolutions of endorsement from the city councils of North Pole, Fairbanks, Nenana, and Seward, the Assembly of the Municipality of Anchorage, and the Assemblies of the Denali, Fairbanks North Star, and Matanuska-Susitna Boroughs, to enhance the Mt. McKinley experience for visitors and the creation of a rail connection between the Wonder Lake area and the Alaska Railroad; and be it further

Resolved, That appropriate state agencies should work with the National Park and interested government officials and representatives of the private sector to investigate the potential of establishing a new northern railroad route into the Wonder Lake area of Denali National Park and Preserve, for the appropriate development of facilities in this area that would serve the needs of park visitors.

POM–276. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 75

Whereas, the municipalities of the state of Louisiana provide essential services to their citizens; and

Whereas, municipalities rely on their pool of citizens to find suitable employees to perform these essential functions; and

Whereas, a commercial driver's license is required even though the employees of small municipalities operate municipal vehicles solely on city streets while performing the functions of the municipality; and

Whereas, it is too onerous a demand to require employees of small municipalities who drive solely on city streets, as opposed to state and federal highways, to maintain a commercial driver's license; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to exempt from the commercial driver's license requirement employees of municipalities with a population of five thousand or less who operate municipal vehicles solely on city streets; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-277. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 80

Whereas, the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico three marine leagues from the coast; and

Whereas, three leagues is approximately 10.35 miles; and

Whereas, after much litigation, Texas holds title to a three-league gulfward boundary; and

Whereas, as a result of holding title to such three-league gulfward boundary, the Texas public school fund has received literally billions of dollars from leases, rentals, and royalties on such property, and numerous oil and gas wells have been discovered on such property; and

Whereas, Mississippi has also sought a similar gulfward boundary; and

Whereas, the gulfward boundary of the state of Louisiana should be at least equal to that of Texas and Mississippi, therefore, be it

Resolved That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to extend the coastal boundary in Louisiana to be at least equal to that of Texas and Mississippi, be it further

Resolved That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-278. A resolution adopted by the Judicial Conference of the United States relative to a cost-of-living salary adjustment; to the Committee on the Judiciary.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the Order of the Senate of October 9, 1997, the following reports of committees were submitted on October 15, 1997:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1186. A bill to provide for education and training, and for other purposes (Rept. No. 109).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, without amendment:

S. 1046. A bill to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes (Rept. No. 110).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 439. A bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for a portion of a hydroelectric project located in the State of New Mexico, and for other purposes (Rept. No. 111).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 846. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii (Rept. No. 112).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1092. A bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes (Rept. No. 113).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations: International Telecommunications Union Constitution and Convention (Exec. Rept. 105-3)

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Constitution and Convention of the International Telecommunication Union (ITU), with Annexes, signed at Geneva on December 22, 1992, and Amendments to the Constitution and Convention, signed at Kyoto on October 14, 1994, together with Declarations and Reservations by the United States contained in the Final Acts (Treaty Doc. 104-34), subject to declarations and reservations Nos. 68, 73 and 82 of the 1992 Final Acts; declarations and reservations Nos. 84, 92, 97, and 98 of the 1994 Final Acts; and the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following two understandings, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) BROADCASTS TO CUBA.—The United States of America, noting the Statement (No. 40) entered by the delegation of Cuba during the Plenipotentiary Conference of the International Telecommunication Union, in Kyoto Japan, affirms its rights to broadcast to Cuba on appropriate frequencies free of jamming or other wrongful interference and reserves its rights to address existing interference and any future interference, by Cuba with United States broadcasting. Furthermore, the United States of America notes that its presence in Guantanamo is by virtue of an international agreement presently in force; the United States of America reserves the right to meet its radio communication requirements there as heretofore.

(2) GEOSTATIONARY-SATELLITE ORBITS.—The United States understands that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) ASSESSED PAYMENTS TO THE UNITED NATIONS INTERNATIONAL TELECOMMUNICATION UNION.—Payments by the United States to the International Telecommunication Union shall be limited to assessed contributions, appropriated by Congress. This provision does not apply to United States payments voluntarily made for a specific purpose other than the payment of assessed contributions. The United States shall seek to amend Article 33(3) of the ITU Convention to eliminate the ITU's authority to impose interest payments on ITU members.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The Senate's resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1295. A bill to provide for dropout prevention; to the Committee on Labor and Human Resources.

By Mr. COCHRAN:

S. 1296. A bill to reform the laws relating to Postal Service finances, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 1297. A bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport"; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY:

S. 1298. A bill to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building"; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1295. A bill to provide for dropout prevention; to the Committee on Labor and Human Resources.

THE NATIONAL DROPOUT PREVENTION ACT OF 1997

Mr. BINGAMAN. Mr. President, today I am introducing the National Dropout Prevention Act. I will talk just a bit about the issue and talk about the problem that I am trying to address and that this act is intending to address. It is a problem, I think, all Senators should join me in trying to resolve and I believe will join me in trying to resolve.

We have a serious problem on our hands that is a threat to the youth of America. The problem is that far too many of our kids are dropping out of high school before they graduate. Some, even, are dropping out of middle school before they proceed on to high school.

Each fall, starting about a month ago, students begin dropping out of

school and they drop out in very, very large numbers. Nationwide, nearly half a million kids leave school each year. That is, leaving school not by graduating but leaving school early and deciding not to stay in school and graduate. That is 2,700 dropouts for each school day. Studies show that our children are dropping out at a younger and younger age.

Who are these kids who are dropping out of school? The charts that I have here make the case fairly well. They are largely from low-income and middle-income families, and as a percent they are largely minority. The numbers are disturbing across the board, but they are particularly alarming for Hispanic students.

First, on the income level. If you look at this chart, the top line shows the period from 1975 to 1995, a 20-year period. On the left-hand side we show the dropout rates for grades 10–12, ages 15–24, by family income. What this means is that among students from low-income families at times it has been as high as 17 percent that have dropped out in a particular year. In middle-income families, it is closer to 6 to 8 percent, and in high-income families it is substantially lower than that. When you break it down not just by income level but by ethnic background, you can see that the problem is concentrated and particularly alarming for Hispanic students who are dropping out at a rate more than double that of non-Hispanic students. Also, black students drop out at a rate about 50 percent higher than the rate for white students.

You can see from this chart the point I am making here, the top line, the red line, represents the percentage of Hispanic students dropping out. This is called status dropout rates for persons 16–24, and you can see somewhere between 30 and 35 percent of Spanish students nationwide drop out rather than compete high school. It is a very serious problem, particularly in that group, and of course that is a great concern in my State where a very large percent of the student population is Hispanic.

Why are they dropping out? With all the emphasis on self-reliance these days it is tempting to ask what is wrong with kids that so many of them are leaving school. When you actually sit down and talk to these young people, as I have done across New Mexico, you soon learn that it is not the kids that are failing the schools as much as it is the schools that are failing our young people. Ask groups of high school students why they and their friends are leaving school and you will hear the same answers again and again. Some of them are bored with the dumbed-down lessons that they don't see as having any relevance to their own lives. They are lost in giant school buildings with endless corridors and teachers who have very little time to give them or to use in encouraging them to succeed in their school work. They are trapped in an educational system that does not meet the individual needs of individual students.

With all the focus on education these days you would think this issue would be getting substantial attention but, in fact, it is not getting any real attention. It has been 8 years since President Bush and the Nation's Governors established as a national goal that we would graduate 90 percent of high school seniors by the year 2000. Obviously, we are much closer to the year 2000, but we are nowhere near the goal of graduating 90 percent of our students before they drop out of school.

Now, let's talk a little about the bill we are introducing, this National Dropout Prevention Act of 1997. This is the only comprehensive effort that we have seen, that we have come up with, or that we are aware of anyone coming up with, that will prevent students from dropping out of school and take this issue head on.

Let me outline the proposal very briefly. First, two basic points. The reasons that kids drop out of school cut across racial and ethnic lines. The solutions we are proposing are aimed at helping all at-risk students make it through high school. Second, the emphasis here is on preventing students from dropping out of school by reforming the schools that they are in rather than trying to help students later after they have made the decision to leave school.

But what I am proposing in this bill sets out to achieve four basic goals:

First, to focus greater national attention on the problem and to coordinate our Federal efforts to deal with the issue.

Second, to provide more resources to help communities to fight back at this problem.

Third, to enable school districts to try effective prevention strategies that have been shown to work.

Fourth, to enlist the States where most of the resources are and most of the policy is related to education in the effort to keep more kids in school.

The bill directs the President to appoint a "dropout czar" within the Department of Education who would coordinate efforts at the national level, would streamline programs, would recommend changes and, most importantly, could be held accountable for progress on dropout prevention. This czar would make sure that existing Federal programs such as the Upward Bound Program and vocational education do their level best to help at-risk kids to complete high school.

Second and third, this bill creates a new $100 million grant program to reach the 1,000 schools across the country with the highest dropout rates. With these funds, schools would be able to try proven strategies that have been shown to work—strategies like breaking larger schools down into smaller learning communities so that kids can have regular and closer contact with the adults in the school, particularly with their teachers, and can have challenging and relevant work to do.

Finally, because States are so much a part of our educational system, we would ask them to place a greater emphasis on dropout prevention as well. We have asked in this bill that instead of awarding education dollars based on how many students are enrolled in school 40 days into the year, as my State does and as many States do, the States change their laws so that they monitor enrollment levels throughout the school year. Because gathering accurate data is the first step toward fixing the problem, we also ask that States keep track of who is leaving school.

Let me show you a chart. This chart takes the 23 States that presently collect data on the number of students dropping out of school and it ranks them. It shows that, according to the statistics we have, as a percentage dropout rate, New Mexico —and this is on an annual basis—ranks third in the country. Each Senator can look at this list and determine very quickly, first, whether his or her State collects data on this subject and, second, where his or her State ranks in dealing with the problem.

In conclusion, Mr. President, let me just summarize what our bill does. It coordinates the Federal dropout prevention initiatives; it streamlines the unconnected and overlapping dropout prevention programs; it provides additional Federal resources for dropout prevention programs at the State level and local school district level; it targets and expands participation by at-risk students in the programs, and it calls on State and local agencies to coordinate and expand their own efforts.

Mr. President, this is a difficult problem. It is one that we are not going to solve by waving some magic wand. The effort will demand a concerted effort, a real commitment by State and local leaders, parents, educators and, of course, students. But if the issue is not placed on the national agenda and done so immediately, our chances of meeting this 90 percent graduation target any time in the near future will be greatly diminished. Clearly, it will be impossible to meet that by the year 2000. But, hopefully, we can meet it some time in the next decade if we get about the business of trying to do so.

This legislation is being introduced, Mr. President, with the hope that we can begin to educate others in the Congress about the seriousness of the problem, begin to educate others in the country about the seriousness of the problem. I hope we can get colleagues to cosponsor the legislation and that

we can move toward hearings on the bill some time in the Labor and Human Resources Committee early after we reconvene in the second session of this Congress.

By Mr. COCHRAN:

S. 1296. A bill to reform the laws relating to Postal Service finances, and for other purposes; to the Committee on Governmental Affairs.

THE POSTAL FINANCING REFORM ACT OF 1997

Mr. COCHRAN. Mr. President, today I am introducing the Postal Financing Reform Act of 1997. This bill gives the Postal Service the authority to deposit funds in private sector institutions, invest in the open market, and borrow from private credit markets.

The statutory restrictions of current law on postal finances, borrowing, and purchasing were designed for a Postal Service that required regular infusions of appropriated funds to maintain public service levels. For almost two decades now, the Postal Service has been a self-supporting system.

The maintenance of U.S. Treasury control over Postal Service banking, investing, and borrowing is no longer necessary or justified. Current law prevents the Service from obtaining the most favorable combination of prices and services and results in added operating costs of over $100,000,000 annually. Under this new approach, the Treasury Department would retain much of its current oversight, but it would no longer be the sole provider of certain financial services to the Postal Service. This bill makes the relationship between the Treasury and the Postal Service similar to the relationship other government sponsored enterprises such as Fannie Mae and Freddie Mac have with the Treasury.

The bill I am introducing includes four main sections—those being sections 2 through 5. Section 2 amends title 39 of the United States Code to authorize the Postal Service to deposit its revenues in the Postal Service Fund within the U.S. Treasury or any Federal Reserve banks or depositories for public funds. The requirement to obtain the Secretary of the Treasury's approval before any funds deposited elsewhere would be eliminated.

The third section terminates Treasury control of Postal Service investments. This will permit the Postal Service to invest any excess funds either in obligations of, or guaranteed by, the Government of the United States, or in such other obligations or securities as it deems advisable, provided that such investment is determined to be closely related to Postal Service operations by the Postal Board of Governors. By providing the Postal Service with an opportunity to invest in U.S. Government obligations or other obligations on its own accord without unnecessary constraints, this section of the bill would permit the Postal Service to take advantage of favorable market conditions, and give it the ability to make equity investments which fit its business strategies.

Section 4 removes the control of the Secretary of the Treasury over the Postal Service's financial borrowing decisions. The Postal Service would still be required to consult with the Secretary of the Treasury regarding the terms and conditions of the sale of any obligations issued by the Postal Service under section 2006(a) of title 39, and the Secretary would still exercise a power of approval over the timing of a sale of obligations, in much the same manner as the Treasury acts as a traffic cop with regard to the timing of obligations issued by other government-sponsored enterprises.

Finally, this bill removes the requirement of the Secretary of the Treasury to purchase up to $2 billion in obligations of the Postal Service. This section would still permit the Secretary of the Treasury to purchase Postal Service obligations, but only upon mutual agreement between the Secretary and the Postal Service. Removing this put on the Treasury would be consistent with the purpose of directing the Postal Service borrowing to the private sector where it would be able to take advantage of a broader market. This section would also make Treasury purchases of Postal Service obligations exempt from the various borrowing limits in title 39 of the United States Code thus enabling the Postal Service and the Treasury by mutual agreement to address an unforeseen emergency situation. Such exempt purchases would themselves be capped at $2.5 billion of outstanding obligations at any one time.

I invite Senators to consider this proposal for reform and support this effort to ensure a more efficient and financially sound U.S. Postal Service.

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. 1296

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 "Postal Financing Reform Act of 1997".

SEC. 2. END OF TREASURY CONTROL OF POSTAL SERVICE BANKING.

(a) IN GENERAL.—Subsection (d) of section 2003 of title 39, United States Code, is amended to read as follows:

"(d) The Postal Service, in its sole discretion—

"(1) may provide that amounts which would otherwise be deposited in the revolving fund referred to in subsection (a) shall instead, to the extent considered appropriated by the Postal Service, be directly deposited in a Federal Reserve bank or a depository for public funds selected by the Postal Service; and

"(2) may provide for transfers of amounts under this subsection between or among—

"(A) Federal Reserve banks;

"(B) depositories for public funds; and

"(C) the revolving fund referred to in subsection (a).".

(b) SAVINGS PROVISION.—Until the authority under section 2003(d) of title 39, United States Code, as amended by subsection (a), becomes available, the provisions of such section 2003(d), as last in effect before being so amended, shall be treated as if still in effect.

(c) STATUS OF MONEYS UNCHANGED.—

(1) Any amounts invested under section 2003(c) of title 39, United States Code, as amended by this Act, shall be considered to be part of the Postal Service Fund, to the same extent as if such amounts had been invested under section 2003(c) of such title 39, as last in effect before the date of enactment of this Act.

(2) Any amounts deposited or transferred under section 2003(d) of title 39, United States Code, as amended by this Act, shall be considered to be part of the Postal Service Fund, to the same extent as if such amounts had been transferred under section 2003(d) of such title 39, as last in effect before the date of enactment of this Act.

SEC. 3. POSTAL SERVICE INVESTMENTS.

Section 2003(c) of title 39, United States Code, is amended by striking all after "it may" and inserting the following: "invest such amounts as it considers appropriate in—

"(1) obligations of, or obligations guaranteed by, the Government of the United States; and

"(2) such other obligations or securities as it deems appropriate, if such investment is closely related to Postal Service operations as determined by the Board of Governors.".

SEC. 4. ELIMINATION OF TREASURY PREEMPTION OF BORROWING BY THE POSTAL SERVICE.

Section 2006(a) of title 39, United States Code, is amended to read as follows:

"(a) Before selling any issue of obligations under section 2005 of this title, the Postal Service shall advise the Secretary of the Treasury of the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates or interest of the proposed issue in appropriate detail. The Postal Service shall consult with the Secretary of the Treasury, or the designee of the Secretary, under this subsection for a reasonable period of time as determined by the Postal Service. The sale and issue of obligations described under this subsection shall not be subject to approval by the Secretary of the Treasury.".

SEC. 5. ELIMINATION OF POSTAL SERVICE "PUT" ON TREASURY.

Section 2006(b) of title 39, United States Code, is amended to read as follows:

"(b)(1) Upon request of the Postal Service, the Secretary of the Treasury may purchase obligations of the Postal Service in such amount as the Secretary and the Postal Service, in their discretion, may agree.

"(2) The obligations purchased by the Secretary pursuant to paragraph (1) shall be exempt from the maximum amount limitations of section 2005(a), if—

"(A) the total outstanding amount of obligations exempt from section 2005(a) does not exceed $2,500,000 at any one time; and

"(B) the Secretary and the Postal Service jointly determine that such exemption is necessary to carry out the purposes of this chapter.".

SEC. 6. EFFECTIVE DATE.

The Act, and the amendments made by this Act, shall become effective 90 days after the date of enactment of this Act.

By Mr. SHELBY:

S. 1298. A bill to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building"; to the Committee on Environment and Public Works.

THE JUSTICE JOHN MCKINLEY FEDERAL BUILDING

Mr. SHELBY. Mr. President, I am pleased to rise today to introduce legislation to honor John McKinley. John McKinley was a statesman, an influential State legislator, one of the founding trustees of the University of Alabama, U.S. Senator, and the first U.S. Supreme Court Justice from the State of Alabama.

Born on May 1, 1780, in Culpepper County, VA, John McKinley began his career in Kentucky after learning the law on his own. In 1818, he moved to Alabama and shortly after his arrival, McKinley, along with Andrew Jackson and John Coffee, became a member of the Cypress Land Co. This company was the largest single purchaser of land in north Alabama in the land boom of 1818. In addition to pursuing his fortune, John McKinley almost immediately entered Alabama politics. In 1820, he was elected to the State legislature.

In 1826, McKinley was elected by the State legislature to the U.S. Senate where he served until 1831. In the Old Senate Chamber, just down the hall, he espoused a political theory that to many in Washington may seem quaint. He believed that the national government's sovereignty was limited solely to the powers granted by the Constitution unless expressly relinquished by the States. As chairman of the Committee on Public Lands, he promoted transferring Federal lands to the States for economic development. Defeated for a second term in the Senate, McKinley returned to the Alabama legislature.

In the legislature, McKinley gained considerable influence by denouncing the national bank and endorsing President Jackson s efforts to dismantle it. He also supported Martin Van Buren, Jackson's candidate for President in 1836. When the Jacksonian Democrats regained control of the State legislature, the new majority re-elected McKinley to the Senate. Shortly thereafter, as a reward for his loyalty to Jackson and endorsement of Van Buren, the newly elected President nominated McKinley for a seat on the Supreme Court. The Senate confirmed his nomination 1 week later on September 25, 1837, by voice vote.

Justice John McKinley was assigned to the ninth circuit, which encompassed Alabama, Arkansas, Louisiana, and Mississippi. While riding circuit in Mobile, AL, Justice McKinley heard the first of three cases collectively known as *Bank of Augusta* versus *Earle*. In this controversial decision, McKinley upheld an Alabama statute prohibiting out-of-State banks from making loans in Alabama. The case which was appealed to the Supreme Court was heard in 1839.

The Court overturned the McKinley decision, and only McKinley dissented. Chief Justice Roger Taney wrote the majority opinion which declared that there was a law of comity that applied among the States. Therefore, a bank had as much a legal right to offer interstate loans as they do in the charter State. In the lone dissent, however, McKinley made the interesting point that the Court's majority had applied the State sovereignty doctrine in the extreme and that the States ceased to be nations when they ratified the Constitution.

His most significant contribution to the Court was writing the majority opinion in *Pollard's Lesse* versus *Hagan* (1845). This opinion declared that the Federal Government held public lands in trust until a territory became a State. At the time a territory entered the Union, the public land was rightfully State property. This decision provided a legal basis for opening public lands and for furthering economic development.

In addition to Pollard, Justice McKinley wrote nine other opinions in 1845, his most prolific year on the Court. After 1845, his work became sporadic due to general poor health. He attended, however, the Court's sessions as regularly as possible and contributed as best he could. John McKinley remained a member of the Court until his death in the spring of 1852.

There is no Federal building to honor Justice McKinley, and the legislation that I am introducing will correct this oversight. The bill designates the Federal courthouse and U.S. Post Office complex in Florence, AL as the "Justice John McKinley Federal Building." The legislation has received the endorsement of the following: Mayor Frost and the Florence City Council, the Lauderdale County Commission, Tennessee Valley Historical Society, Florence Historical Board, Heritage Preservation, Inc., the Alabama State Bar Association, the Lauderdale County Bar Association, and the McKinley Young Lawyers of the Shoals.

I urge my colleagues to support this legislation and pay tribute to this Alabama statesman.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 263

At the request of Mr. MCCONNELL, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 375

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 567

At the request of Mr. SMITH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 567, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 813

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 813, a bill to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 852

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1096

At the request of Mr. CAMPBELL, his name was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1129

At the request of Mr. WELLSTONE, the name of the Senator from California

[Mrs. BOXER] was added as a cosponsor of S. 1129, a bill to provide grants to States for supervised visitation centers.

S. 1135

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 1135, a bill to provide certain immunities from civil liability for trade and professional associations, and for other purposes.

S. 1189

At the request of Mr. SMITH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 1189, a bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program.

S. 1195

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1195, a bill to promote the adoption of children in foster care, and for other purposes.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1222

At the request of Mr. CHAFEE, the names of the Senator from Mississippi [Mr. LOTT], the Senator from New Hampshire [Mr. GREGG], the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1222, a bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1256

At the request of Mr. HATCH, the names of the Senator from Virginia [Mr. WARNER], the Senator from Texas [Mrs. HUTCHISON] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1256, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the U.S. district courts and the Court of Federal Claims; to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes.

S. 1285

At the request of Mr. MACK, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1285, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day."

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, October 21, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is S. 1124, Workplace Religious Freedom Act. For further information, please call the committee, 202 / 224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a executive session of the Senate Committee on Labor and Human Resources will be held on Wednesday, October 22, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The following are on the agenda to be considered: S. 1294, Emergency Student Loan Consolidation Act of 1997; S. 1237, Safety Advancement for Employees Act of 1997; and Presidential nominations.

For further information, please call the committee, 202 / 224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, October 23, 1997, 10 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is S. 869, Employment Non-Discrimination Act of 1997. For further information, please call the committee, 202 / 224-5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an addition has been made to the hearing scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources on Thursday, October 23, 1997, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

In addition to its consideration of S. 633, the subcommittee will also receive testimony on S. 1132, a bill to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies to their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Monday, October 27, 1997, 2 p.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Youth and Tobacco: Breaking the Cycle." For further information, please call the committee, 202 / 224-5375.

ADDITIONAL STATEMENTS

UPON DAVE WRIGHT'S RETIREMENT FROM WSCQ, "SUNNY 100" RADIO

• Mr. HOLLINGS. Mr. President, it is my pleasure to thank Dave Wright for

his many years of service to the listeners of Columbia, South Carolina's "Sunny 100" radio and to congratulate him on a job well done. His tenure of nearly 40 years is a tribute to his tenacity, acumen, and energy. His dedication to his craft is an inspiration to aspiring broadcasters everywhere.

Dave Wright's friends and colleagues will agree with me that his retirement is a bittersweet occasion. We wish him the best as he embarks on a new chapter in his life, yet we do not want to see him leave the airwaves. I always have considered Dave Wright to be the voice of Columbia and shall miss hearing him during my travels through the city. With Gene McKay and Bill Benton, he combined local news reporting with humor, music, and listener interaction to make the "Good Morning Columbia" radio show one of the best in the Southeast.

Over the span of five decades, Dave Wright has provided the people of Columbia with humorous commentary on community news. It is no secret why they look forward to tuning in to Sunny 100 in the morning. Of course, his long record of service extends beyond Columbia; we all are proud of his service in the Air Force during the Korean war.

Fortunately for us, Dave Wright is not completely retiring from the news business. South Carolinians look forward to his future coverage of golf tournaments around the country, as they have since 1962. And we all are hoping to see him devote more time to one of his greatest loves: stand-up comedy.

Today I join the people of Columbia in thanking Dave Wright for brightening our lives and our airwaves for almost 40 years.•

TRIBUTE TO RYE, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the Town of Rye, NH, for receiving the 1997 Walter B. Jones Memorial and National Oceanic Atmospheric Administration Excellence Awards for Coastal and Ocean Resource Management. The town of Rye received the awards for the category of excellence in local government, which recognizes local communities that show exemplary leadership, innovation and accomplishment in coastal resource protection and management.

Due to the gradual cut-off from the daily tidal water around the town of Rye, a number of wildlife habitats and marsh lands have steadily decreased. By thier own initative, The town of Rye's Conservation Commission took immediate action and undertook an innovate project to restore a majority of its historic salt marsh areas.

Since 1993, Rye has undertaken numerous salt marsh restoration projects and is well on its way to restoring the majority of its historic slat marsh areas. Rye has also worked cooperatively with U.S. Fish and Wildlife, splitting costs with the town to replace culverts and restore the tidal flow to approximately 18 acres of salt marsh.

To date, the town of Rye has jointly funded four restoration projects affecting 240 acres of salt marsh. Utilizing such agencies as the U.S. Fish and Wildlife, the Environmental Protection Agency, the New Hampshire Estuaries Project, as well as private businesses, the town of Rye continues to improve and enhance the salt marsh areas.

Mr. President, as a member of the Environmental Public Works Committee, I am very concerned with every aspect of our environment. The salt marshes in Rye, NH, are a very important part to the overall habitat of the area and I am very pleased to know many other citizens of the Granite State share my concerns for the environment. But more importantly, I commend the action taken by the town of Rye for making the necessary changes to improve the salt marshes. It is this type of initiative that exemplifies how local government and its citizens can better and more efficiently manage their environment than the Federal Government. The town of Rye has shown dedication and is a model as well as inspiration to other towns in New Hampshire and the country. Congratulations and appreciation are in order to the many people who have selfishly worked to save the historic salt marshes. No town is more deserving to receive the Excellence in Local Government Award than Rye, NH.•

A POSITIVE EFFORT

• Mr. MOYNIHAN. Mr. President, on Sunday, October 5, I had the good fortune to speak at the Dedication of the new Jerome and Dawn Greene Medical Arts Pavilion at Montefiore Hospital in the Bronx. I speak of good fortune not because I was able to offer some remarks at the dedication of the splendid new pavilion, but because I was able to hear, Dr. Domenick P. Purpura, dean of the Albert Einstein College of Medicine, remind us all of the lasting significance of the American academic medical center.

With eloquence, humor and a New Yorker's flair, Dr. Purpura reaffirmed my belief that our core values demand our dedication to, and will provide for the future of, academic medical centers. He stated from the outset:

> We are here . . . to dispel the septic rumor oozing from some health policy think tanks to the effect that academic medical centers such as ours are dinosaurs doomed to extinction by the impact of the asteroid of managed care. Look skyward! On this day of noble purpose the sun shines brightly. No ashen clouds obscure the values that have made American medicine a crowning achievement of Western Civilization. And what are these core values? Simply stated: Faith in evidence-based medicine and trust that our superbly trained physicians will translate the basic science of medicine into the art and science of patient care. These values constitute the concrete foundation upon which the three pillars of our academic medical center rests so securely.

As the good Doctor said, these hospitals are not doomed to extinction by managed care, but rather destined for continued success due to our faith, and their proven achievement, thus far.

Thirty-two years ago, in the first article of the first issue of the Public Interest, I published some observations on the "Professionalization of Reform." The essay began with a passage from Wesley C. Mitchell, who had been for near quarter a century (1920–45) director of research at the National Bureau of Economic Research, then based at Columbia University.

> Our best hope for the future lies in the extension to social organization of the methods that we already employ in our most progressive fields of effort. In science and in industry . . . we cannot wait for catastrophe to force new ways upon us . . . We rely, and with success, upon quantitative analysis to point the way; and we advance because we are constantly improving and applying such analysis.

In the proven field of medicine, the burden of improving and applying analytical methods falls on the academic medical center. Indeed, we cannot forget their influence on the state of medicine today—what Dr. Purpura called, the crowning achievement of western civilization.

Dr. Purpora reformulated Albert Einstein's $e=mc^2$ to be "e, excellence [of the medical center] to be equal to m, motivation times c, commitment . . . and the square be the multiple rather than the addition of our joint commitment to excellence in patient care." Catastrophe will occur not because of "the asteroid of managed care," but rather due to a decline in either the motivation of Doctors like Dominick Purpura or society's commitment to institutions like the Albert Einstein College of Medicine.

I ask that the full text of Dr. Dominick P. Purpura's dedicatory remarks be printed in the RECORD.

The remarks follow:

JEROME AND DAWN GREENE MEDICAL ARTS PAVILION

(By Dominick P. Purpura, M.D.)

We are gathered here for several reasons. Most importantly to bear witness to the felicitous marriage of high-spirited philanthropy and good works, now consummated in this the Jerome and Dawn Greene Medical Arts Pavilion. We are here for another purpose as well. To dispel the septic rumor oozing from some health policy think tanks to the effect that academic medical centers such as ours are dinosaurs doomed to extinction by the impact of the asteroid of managed care. Look skyward! On this day of noble purpose the sun shines brightly. No ashen clouds obscure the values that have made American medicine a crowning achievement of Western Civilization. And

what are these core values? Simply stated: Faith in evidence-based medicine and trust that our superbly trained physicians will translate the basic science of medicine into the art and science of patient care. These values constitute the concrete foundation upon which the three pillars of our academic medical center rests so securely. One pillar is this great medical center committed to superb patient care; the second is the Albert Einstein College of medicine, dedicated to excellence in education and biomedical research. The third pillar is this community whose loyalty and support ensure our continuing vitality. I submit that neither the temblors of the healthquake nor the asteroid of managed care can shake or threaten the foundation of our AMC. Dinosaurs are we? Let us not forget that dinosaurs, as every child knows, dominated this planet for nearly 300 million years.

Besides who would have thought that the most vulnerable to extinction by the impact of managed care might be the giant insurance companies themselves? Asteroid impact sites are difficult to predict. For us, in this holy week of contemplation let us be comforted in the knowledge that good deeds and good works still have currency as effective challenges to potential economic catastrophes. Our species, Homo sapiens, is not only man of wisdom who makes tools; he is also man who plans and builds for the future. How we rejoice when on occasion a man arises from our species who redeems the time with a vision of what will be and has the courage and motivation to pursue it to its realization. Mr. Greene, I salute your uncommon wisdom in selecting parents who gave you good genes and taught the boy to be the mensch he is today. Yours and Mrs. Greene's benefaction strengthens the ties that bind the College of medicine and the Montefiore Medical Center by helping to provide a state-of-the-art medical arts pavilion for the faculty we share in common cause.

On behalf of the President of Yeshiva University and the Board of Overseers of the Albert Einstein College of Medicine, I congratulate the President and Trustees of the Montefiore Medical Center and especially Jerry and Dawn Greene for proving that our Academic Medical Center is not only alive and well but that the Sun will continue to shine upon us until it exhausts its thermonuclear energy. But not to worry since that is not likely to happen for another 3 billion years.

I conclude on a personal note of reinterpretation of Albert Einstein's most famous special relativity equation $E=mc^2$, the equivalence of mass and energy. Let us consider the E to be Excellence equal to m, motivation times c, commitment. Excellence=motivation × commitment. And let the square be the multiple rather than the addition of our joint commitment to excellence in patient care. Albert Einstein was troubled for the remainder of his life by the use to which his relativity equation was, of necessity, put in producing nuclear weapons of mass destruction in what became the Manhattan project. How pleased he might be to learn today that our interpretation of $e=mc^2$ defines the excellence of our academic medical center as the product of our collective motivation and commitment to the health of the community we serve, not a Manhattan project, but a Bronx project.●

TRIBUTE TO EDWARD VILLELLA, MIAMI CITY BALLET

● Mr. GRAHAM. Mr. President, I rise today to commend the meritorious efforts of Edward Villella, founder of the Miami City Ballet, in the global dance community.

Mr. Villella's interest in dance began when he joined the School of American Ballet, where he now serves on the board of directors, at the age of 10.

Early in his career, Edward Villella was the first American male to perform with the Royal Danish Ballet and was the only American asked to dance an encore at the Bolshoi Theater in Moscow.

Villella has honored America with his contributions to dance and his dedication to teaching dance to others. He danced for President John Kennedy's inaugural and in 1975 captured an Emmy for his television production of "Harlequin."

Recently, he was 1 of the 11 recipients of the National Medal of Arts and was inducted into the Florida Artists Hall of Fame this year, the most prestigious cultural honor that can be bestowed upon an individual in Florida.

Edward Villella has honored his State by being awarded a distinguished Kennedy Center Honor for lifetime achievement.

Mr. President, on behalf of Floridians everywhere, I applaud Edward Villella for his success. It is my earnest hope that his outstanding contributions to our State will continue to inspire us for years to come.●

WORLD FOOD DAY AND THE UNITED NATIONS WORLD FOOD PROGRAMME

● Mr. DURBIN. Mr. President, to mark the celebration of World Food Day on October 16, I rise today to recognize the work of the United Nations' World Food Programme. The U.N.'s World Food Program is the largest international food aid organization in the world. Last year alone it fed over 45.3 million people in 84 countries, transporting 2.2 million tons of food by ship, canoe, river barge, on the backs of donkeys and elephants, and by parachute drop in remote areas.

The World Food Programme distributes food at hospitals, clinics, and schools to fight malnutrition, which kills 11,000 children under the age of 5 every day and stunts the physical growth and intellectual development of those it does not kill.

When disaster strikes, the World Food Programme is there. When severe droughts threatened North Korea and Southern Africa, the World Food Programme helped prevent famine by feeding millions of people, especially children. The World Food Programme has also provided food to ensure the stability of the peace process in Mozambique and to assist refugees when war hit the Caucasus.

The World Food Programme helps people escape the poverty trap by promoting economic self-reliance. In exchange for food, workers repair dykes in Vietnam, install irrigation systems in India, replant forests in Ethiopia, and construct mountainside terraces in Peru which prevent topsoil erosion.

As an essential element of its strategy of combating hunger, the World Food Programme encourages the empowerment of women. In places like rural Pakistan, the World Food Programme promotes female literacy by giving vegetable oil to parents who send their daughters to school.

In war-torn countries like Afghanistan, Guatemala, Cambodia, Mozambique, Angola, and Bosnia, the World Food Programme trains local people to carry out demining operations which clear roads and land, allowing the delivery and production of food and the safe return of refugees.

Americans can take special pride in the accomplishments of the World Food Programme. Not only is the United States the program's single biggest donor, it also played a central role in its creation, when President Kennedy committed the resources and leadership necessary to make it a reality in 1963.

I urge you, my fellow colleagues, and all my fellow Americans to support the work of the World Food Programme.●

TRIBUTE TO JUDGE ADDELIAR "DEL" GUY

● Mr. REID. Mr. President, I rise today to pay tribute to an outstanding Nevadan, my friend, the late Judge Addeliar "Del" Guy III, who died last year. This extraordinary individual will receive a permanent honor in my State on February 5, 1998. A local school, to be named the Addeliar Guy Middle School, will serve as a lasting tribute to this remarkable man.

In addition to serving as Nevada's first African-American judge, Addeliar Guy's legacy includes his role as a devoted husband, father and grandfather, decorated soldier, concerned citizen, community leader, talented litigator, and until his retirement, as an elected judge for the Eighth District Court of Clark County, where he served for 20 years.

Judge Guy served in the Coast Guard in World War II, followed by active duty in the United States Army through the Korean war. While in the Army, Del had the chance to act as counsel for one of his fellow sergeants, sparking his interest in the exercise of justice. He later continued his military service in the Illinois and Nevada National Guard and the U.S. Army Reserve.

His extraordinary display of American patriotism has earned him another prominent memorial in our State. On July 2, my colleagues and I in the Nevada congressional delegation presided over the dedication of the new Las Vegas Ambulatory Care Center for

Veterans, which was named in his honor. The judge's many military credentials include the Purple Heart, Meritorious Award Medal, Korean Service Medal with two battle stars, and a Combat Infantryman's Badge.

Upon leaving the Army, Del looked for work in the private sector, and although he had a wide range of aspirations and his experience as an officer qualified him for many professional jobs, those opportunities were closed off to him because of race. Fortunately for Nevada, he decided to dedicate his life to the law and received his law degree from Chicago's Loyola University in 1957, where in his second year, he set his sights on achieving what would seem to many an impossible goal, earning a judgeship.

Although he once said that he would never leave Chicago, after attending a Young Democrats meeting in Las Vegas, he was persuaded to join the District Attorney's Office when he was denied a judgeship he was expecting in Illinois. Addeliar Guy became the first African-American licensed to practice law in my State, and, in 1967, was officially admitted to the Nevada bar. In his two decades on the State bench, he served as Alternate Justice of the Supreme Court and in 1975 was appointed by then Governor O'Callaghan to the newly created Eighth Judicial District.

He truly believed in the law. I counted on Judge Guy's trademark intelligence and honesty, as well as his ability to astutely assess the character and behavior of others. These qualities were invaluable as he assisted me in selecting young Nevadans as nominees for our Nation's military academies.

Much of my admiration for Judge Guy stems from his continued enduring commitment to people of the Silver State. Judge Guy's values are reflected not only in the way he lived his life, but in the many organizations he belonged to and served. Until his passing, he worked every day as a citizen-soldier, contributing to groups like the NAACP, the Bar Association, my Academy Board and local youth agencies. Judge Guy also served as a motivating force for Nevada's kids, promoting education through the A.D. Guy Scholarship Fund and the Nevada Spirit of Art Contest.

The Honorable Addeliar Guy's lifetime of achievement is truly an inspiration, and he serves as an incredible role model for judicial and legal acumen. I am confident that Nevadans will remember Judge Guy for his distinguished career, and I hope that the children passing through his namesake will be inspired by his phenomenal record of accomplishment and lifelong service to the State of Nevada.●

ORDERS FOR TUESDAY, OCTOBER 21, 1997

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Tuesday, October 21. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator HUTCHINSON, 10 minutes; Senator LIEBERMAN, 20 minutes; and Senator BOND, 5 minutes.

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

Mr. CHAFEE. I also ask unanimous consent that from the hour of 12:30 p.m. until 2:15 p.m., the Senate stand in recess for the weekly policy luncheons to meet.

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

PROGRAM

Mr. CHAFEE. Therefore, tomorrow the Senate will be in a period of morning business until 12:30 p.m., From 12:30 p.m. to 2:15 p.m., the Senate will recess for the weekly policy luncheons to meet. When the Senate reconvenes at 2:15 p.m., the Senate will resume consideration of the ISTEA legislation. As the managers of the bill indicated earlier today, Members are encouraged to make opening statements and discuss possible amendments to the legislation during tomorrow's session of the Senate. In addition, the Senate may turn to any appropriations conference reports that become available. Rollcall votes are, therefore, possible throughout the day.

ADJOURNMENT UNTIL TOMORROW

Mr. CHAFEE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:06 p.m., adjourned until Tuesday, October 21, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 20, 1997:

THE JUDICIARY

KERMIT LIPEZ, OF MAINE, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE CONRAD K. CYR, RETIRED.

A. HOWARD MATZ, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE HARRY L. HUPP, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. PAUL A. WEAVER, JR., x...

To be brigadier general

COL. CRAIG R. MCKINLEY, x...
COL. KENNETH J. STROMQUIST, JR., x...
COL. JAY W. VAN PELT, x...

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE U.S. OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. GLETCHER C. COKER, JR., x...

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATS CODE, SECTION 624:

To be rear admiral

REAR ADM. (LH) LOWELL E. JACOBY, x...

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, SECTION 2114:

To be captain

SHARE DAWN P. ANGEL, x...
MARK A. ANTONACCI, x...
ADRIENNE W. ASKEW, x...
EZELL ASKEW, JR., x...
CAROLYN V. AUBURN, x...
KERRI L. BADEN, x...
MICHAEL C. BARROWS, x...
ROBERT R. BATES, JR., x...
GREGORY H. BEAN, x...
BRIANA C. BEREZOVYTCH, x...
DARREN E. CAMPBELL, x...
THOMAS J. CANTILINA, x...
MICHAEL C. CASCIELLO, x...
PATRICK J. DANAHER, x...
DANIEL H. DUFFY, x...
CASEY E. DUNCAN, x...
SHANNON D. EMRY, x...
RONALD W. ENGLAND, x...
CHERYL L. FOLSON, x...
JUAN GARZA, x...
MARY L. GUYE, x...
MICHAEL J. HIGGINS, x...
SUSAN L. HILL, x...
DAVID C. INVES, x...
JON M. JOHNSON, x...
JOSEPH C. JOHNSONWALL, x...
BRENT P. LEEDLE, x...
MARK D. LOCKETT, x...
MIKELLE A. MADDOX, x...
CHARLES D. MOTSINGER, x...
ANDREW J. MYRTUE, x...
MARK A. NASSIR, x...
CHRISTINE A. NEFCY, x...
ANDREW O. OBAMWONYI, x...
TANDY G. OLSEN, x...
ANH T. PHAM, x...
CHARLES D. REILLY, x...
ERIC M. RITTER, x...
RECHELL G. RODRIGUEZ, x...
KAREN A. RYAN, x...
MARK W. SANKEY, x...
SUSAN A. SCHOONMAKER, x...
DALE M. SELBY, x...
MARK A. SELDES, x...
ANTHONY P. TVARYANAS, x...
LYNN G. VIX, x...
NICOLE C. WATTENDORF, x...
LINDY W. WINTER, x...
DUSTIN ZIEROLD, x...

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

DEBRA L. BOUDREAU, x...
ILA C. BRIDGES, x...
HOWARD G. COOLEY, x...
ALFRED L. FAUSTINO, x...
JAMES P. GERSTENLAUER, x...
MARK S. GRAHAM, x...
STEWART C. HUDSON, x...
ROBERT S. JOHNSON, JR., x...
PATRICK W. LISOWSKI, x...
JOHN L. LONG, x...
CHRISTOPHER M. MAHER, x...
DAVID L. POINTER, x...
JAMES P. POTTORFF, JR., x...
SAMUEL J. RPB, x...
DAN TRIMBLE, x...
CARL M. WAGNER, x...

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

LELON W. CARROLL, x...
ROBERT K. KNIGHT, x...
HOWARD W. WELLSPRING, II, x...

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVAL RESERVE UNDER TITLE 10, UNITED STATES CODE, SECTION 12203.

To be captain

ARVIN W. JOHNSEN, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

WILLIAM L. RICHARDS, x...
DAVID A. HAWKINS, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 618 AND 628:

To be commander

JAMES R. PIPKIN, x...